



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0803/12  
GMM:kg:ch

D-Note

ARC:.....Rindfleisch - Am # 54, County secured group homes

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 43, line 7: after that line insert:

3 **"SECTION 65d.** 16.385 (7) of the statutes is amended to read:

4 16.385 (7) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES. No  
5 payment under sub. (6) may be made to a prisoner who is imprisoned in a state prison  
6 under s. 302.01 or to a person placed at a secured correctional facility, as defined in  
7 s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g),  
8 or a secured group home, as defined in s. 938.02 (15p)."

9 **2.** Page 83, line 9: after that line insert:

10 **"SECTION 161d.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

1           19.35 (1) (am) 2. c. Endanger the security, including the security of the  
2 population or staff, of any state correctional institution, as defined in s. 301.01 (4)  
3 prison under s. 302.01, jail, as defined in s. 165.85 (2) (bg), secured correctional  
4 facility, as defined in s. 938.02 (15m), secured child caring institution, as defined in  
5 s. 938.02 (15g), secured group home, as defined in s. 938.02 (15p), mental health  
6 institute, as defined in s. 51.01 (12), or center for the developmentally disabled, as  
7 defined in s. 51.01 (3), or the population or staff of any of these institutions, facilities  
8 or jails.”.

9           **3.** Page 555, line 10: after that line insert:

10           “**SECTION 999d.** 46.036 (4) (a) of the statutes is amended to read:

11           46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double  
12 entry accounting system and a management information system which are  
13 compatible with cost accounting and control systems prescribed by the department.  
14 The department shall establish a simplified double entry bookkeeping system for use  
15 by family-operated group homes. Each purchaser shall determine whether a  
16 family-operated group home from which it purchases services shall use the double  
17 entry accounting system or the simplified system and shall include this  
18 determination in the purchase of service contract. In this paragraph,  
19 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for  
20 which the licensee is one or more individuals who operate not more than one group  
21 home.”.

22           **4.** Page 645, line 22: after that line insert:

23           “**SECTION 1131d.** 48.02 (17) of the statutes is amended to read:

1           48.02 (17) “Shelter care facility” means a nonsecure place of temporary care  
2 and physical custody for children, including a holdover room, licensed by the  
3 department under s. 48.66 (1) (a).”.

4           **5.** Page 647, line 21: after that line insert:

5           “**SECTION 1132d.** 48.48 (9) of the statutes is amended to read:

6           48.48 (9) To license foster homes or treatment foster homes as provided in s.  
7 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if  
8 requested to do so, for the use of county departments.

9           **SECTION 1133d.** 48.48 (9m) of the statutes is amended to read:

10          48.48 (9m) To license shelter care facilities as provided in s. 48.66 (1) (a).

11          **SECTION 1134d.** 48.48 (10) of the statutes is amended to read:

12          48.48 (10) To license child welfare agencies and day care centers as provided  
13 in s. 48.66 (1) (a).”.

14          **6.** Page 651, line 25: after that line insert:

15          “**SECTION 1153d.** 48.66 (1) of the statutes is renumbered 48.66 (1) (a) and  
16 amended to read:

17          48.66 (1) (a) Except as provided ~~under~~ in s. 48.715 (6) and (7), the department  
18 shall license and supervise child welfare agencies, as required by s. 48.60, group  
19 homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and  
20 day care centers, as required by s. 48.65. The department may license foster homes  
21 or treatment foster homes, as provided by s. 48.62, and may license and supervise  
22 county departments in accordance with the procedures specified in this section and  
23 in ss. 48.67 to 48.74.

- 4 not more than 5 consortia

1 (b) Except as provided ~~under in~~ s. 48.715 (6), the department of corrections may  
2 license a child welfare agency to operate a secured child caring institution, as defined  
3 in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted  
4 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h) or  
5 (4m) and referred to the child welfare agency by the court or the department of  
6 corrections and to provide supervision, care and maintenance for those juveniles.

7

~~The department of corrections may also license not more than one county~~  
~~department,~~ as defined in s. 938.02 (2g), ~~or one consortia~~ of not more than 5 county

8

9 departments to operate a group home that has been licensed under par. (a) as a  
10 secured group home, as defined in s. 938.02 (15p), for holding in secure custody  
11 juveniles who have been convicted under s. 938.183 or adjudicated delinquent under  
12 s. 938.183 or 938.34 (4m) and referred to the county department by the court and to  
13 provide supervision, care and maintenance for those juveniles.

14 (c) A license issued under ~~this subsection~~ par. (a) or (b), other than a license to  
15 operate a foster home, treatment foster home or, secured child caring institution or  
16 secured group home, is valid until revoked or suspended. A license issued under this  
17 subsection to operate a foster home, treatment foster home or, secured child caring  
18 institution or secured group home may be for any term not to exceed 2 years from the  
19 date of issuance. No license issued under ~~this subsection~~ par. (a) or (b) is  
20 transferable.

21 SECTION 1154d. 48.66 (2m) (a) of the statutes is amended to read:

22 48.66 (2m) (a) The department of health and family services shall require each  
23 applicant for a license under sub. (1) (a) to operate a child welfare agency, group  
24 home, shelter care facility or day care center who is an individual to provide that  
25 department with the applicant's social security number, and shall require each

1 applicant for a license under sub. (1) (a) to operate a child welfare agency, group  
2 home, shelter care facility or day care center who is not an individual to provide that  
3 department with the applicant's federal employer identification number, when  
4 initially applying for or applying to continue the license.

5 **SECTION 1155d.** 48.66 (2m) (am) of the statutes is amended to read:

6 48.66 (2m) (am) The department of corrections shall require each applicant for  
7 a license under sub. (1) (b) to operate a secured child caring institution who is an  
8 individual to provide that department with the applicant's social security number  
9 when initially applying for or applying to renew the license.

10 **SECTION 1156d.** 48.66 (2m) (b) of the statutes is amended to read:

11 48.66 (2m) (b) The department of health and family services may not issue or  
12 continue a license under sub. (1) (a) to operate a child welfare agency, group home,  
13 shelter care facility or day care center to or for an applicant who is an individual  
14 unless the applicant has provided the applicant's social security number to that  
15 department and may not issue or continue a license under sub. (1) (a) to operate a  
16 child welfare agency, group home, shelter care facility or day care center to or for an  
17 applicant who is not an individual unless the applicant has provided the applicant's  
18 federal employer identification number to that department.

19 **SECTION 1157d.** 48.66 (2m) (bm) of the statutes is amended to read:

20 48.66 (2m) (bm) The department of corrections may not issue or renew a license  
21 under sub. (1) (b) to operate a secured child caring institution to or for an applicant  
22 who is an individual unless the applicant has provided the applicant's social security  
23 number to that department.

24 **SECTION 1158d.** 48.68 (1) of the statutes is amended to read:

1           48.68 (1) After receipt of an application for a license, the department shall  
2 investigate to determine if the applicant meets the minimum requirements for a  
3 license adopted by the department under s. 48.67 and meets the requirements  
4 specified in s. 48.685, if applicable. In determining whether to issue or continue a  
5 license, the department may consider any action by the applicant, or by an employe  
6 of the applicant, that constitutes a substantial failure by the applicant or employe  
7 to protect and promote the health, safety and welfare of a child. Upon satisfactory  
8 completion of this investigation and payment of the fee required under s. 48.615 (1)  
9 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a  
10 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69  
11 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial  
12 licensure and license renewal, the department shall provide a foster home licensee  
13 with written information relating to the age-related monthly foster care rates and  
14 supplemental payments specified in s. 48.62 (4), including payment amounts,  
15 eligibility requirements for supplemental payments and the procedures for applying  
16 for supplemental payments.”

17           **7.** Page 652, line 24: after that line insert:

18           **“SECTION 1182d.** 48.69 of the statutes is amended to read:

19           **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),  
20 if any child welfare agency, shelter care facility, group home or day care center that  
21 has not been previously issued a license under s. 48.66 (1) (a) applies for a license,  
22 meets the minimum requirements for a license established under s. 48.67 and pays  
23 the applicable fee referred to in s. 48.68 (1), the department shall issue a  
24 probationary license to that child welfare agency, shelter care facility, group home

1 or day care center. A probationary license is valid for up to 6 months after the date  
2 of issuance unless renewed under this section or suspended or revoked under s.  
3 48.715. Before a probationary license expires, the department shall inspect the child  
4 welfare agency, shelter care facility, group home or day care center holding the  
5 probationary license and, except as provided under s. 48.715 (6) and (7), if the child  
6 welfare agency, shelter care facility, group home or day care center meets the  
7 minimum requirements for a license established under s. 48.67, the department  
8 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this  
9 section may be renewed for one 6-month period.

10 **SECTION 1183d.** 48.715 (1) of the statutes is amended to read:

11 48.715 (1) In this section, “licensee” means a person who holds a license under  
12 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare  
13 agency, shelter care facility, group home or day care center.

14 **SECTION 1184d.** 48.715 (2) (a) of the statutes is amended to read:

15 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care  
16 facility, group home or day care center if the child welfare agency, shelter care facility,  
17 group home or day care center is without a license in violation of s. 48.66 (1) (a) or  
18 a probationary license in violation of s. 48.69.

19 **SECTION 1185d.** 48.715 (2) (b) of the statutes is amended to read:

20 48.715 (2) (b) That a person who employs a person who has had a license under  
21 s. 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous  
22 5 years terminate the employment of that person within 30 days after the date of the  
23 order. This paragraph includes employment of a person in any capacity, whether as  
24 an officer, director, agent or employe.

25 **SECTION 1186d.** 48.715 (4) (intro.) of the statutes is amended to read:

1           48.715 (4) (intro.) If the department provides written notice of revocation and  
2 the grounds for revocation as provided in sub. (4m) and an explanation of the process  
3 for appealing a revocation under this subsection, the department may revoke a  
4 license issued under s. 48.66 (1) (a) or a probationary license issued under s. 48.69  
5 for any of the following reasons:

6           **SECTION 1187d.** 48.715 (5) of the statutes is amended to read:

7           48.715 (5) The department may deny a license under s. 48.66 (1) (a) or a  
8 probationary license under s. 48.69 to any person who has had a license under s.  
9 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous 5  
10 years.

11           **SECTION 1188d.** 48.715 (6) of the statutes is amended to read:

12           48.715 (6) The department of health and family services shall deny, suspend,  
13 restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) (a) or a  
14 probationary license under s. 48.69 to operate a child welfare agency, group home,  
15 shelter care facility or day care center, and the department of corrections shall deny,  
16 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)  
17 (b) to operate a secured child caring institution, for failure of the applicant or licensee  
18 to pay court-ordered payments of child or family support, maintenance, birth  
19 expenses, medical expenses or other expenses related to the support of a child or  
20 former spouse or for failure of the applicant or licensee to comply, after appropriate  
21 notice, with a subpoena or warrant issued by the department of workforce  
22 development or a county child support agency under s. 59.53 (5) and related to  
23 paternity or child support proceedings, as provided in a memorandum of  
24 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action



1 taken under this subsection is subject to review only as provided in the memorandum  
2 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

3 **SECTION 1189d.** 48.715 (7) of the statutes is amended to read:

4 48.715 (7) The department shall deny an application for the issuance or  
5 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69  
6 to operate a child welfare agency, group home, shelter care facility or day care center,  
7 or revoke such a license already issued, if the department of revenue certifies under  
8 s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action  
9 taken under this subsection is subject to review only as provided under s. 73.0301 (5)  
10 and not as provided in s. 48.72.”.

11 **8.** Page 739, line 23: after that line insert:

12 “**SECTION 1488d.** 49.857 (1) (d) 3. of the statutes is amended to read:  
13 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).”.

14 **9.** Page 752, line 10: after that line insert:

15 “**SECTION 1532d.** 51.01 (14k) of the statutes is created to read:

16 51.01 (14k) “Secured child caring institution” has the meaning given in s.  
17 938.02 (15g).

18 **SECTION 1533d.** 51.01 (14m) of the statutes is created to read:

19 51.01 (14m) “Secured correctional facility” has the meaning given in s. 938.02  
20 (15m).

21 **SECTION 1534d.** 51.01 (14p) of the statutes is created to read:

22 51.01 (14p) “Secured group home” has the meaning given in s. 938.02 (15p).”.

23 **10.** Page 755, line 8: after that line insert:

24 “**SECTION 1539d.** 51.05 (2) of the statutes is amended to read:

1           51.05 (2) The department may not accept for admission to a mental health  
2 institute any resident person, except in an emergency, unless the county department  
3 under s. 51.42 in the county where the person has legal residency authorizes the care,  
4 as provided in s. 51.42 (3) (as). Patients who are committed to the department under  
5 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,  
6 admitted by the department under s. 975.17, 1977 stats., or are transferred from a  
7 juvenile secured correctional facility ~~or, a secured child caring institution, as defined~~  
8 ~~in s. 938.02 (15g), or a secured group home~~ to a state treatment facility under s. 51.35  
9 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not  
10 subject to this section.”.

11           **11.** Page 756, line 1: after that line insert:

12           “**SECTION 1555d.** 51.35 (3) (title) of the statutes is amended to read:

13           51.35 (3) (title) ~~TRANSFER OF CERTAIN JUVENILES FROM JUVENILE CORRECTIONAL~~  
14 ~~SECURED JUVENILE FACILITIES AND SECURED CHILD CARING INSTITUTIONS.~~

15           **SECTION 1556d.** 51.35 (3) (a) of the statutes is amended to read:

16           51.35 (3) (a) A licensed psychologist of a juvenile secured correctional facility  
17 or a secured child caring institution, ~~as defined in s. 938.02 (15g),~~ or a licensed  
18 physician of the department of corrections, who has reason to believe that any  
19 individual confined in the ~~facility or institution~~ secured correctional facility, secured  
20 child caring institution or secured group home is, in his or her opinion, in need of  
21 services for developmental disability, alcoholism or drug dependency or in need of  
22 psychiatric services, and who has obtained voluntary consent to make a transfer for  
23 treatment, shall make a report, in writing, to the superintendent of the ~~facility or~~  
24 ~~institution~~ secured correctional facility, secured child caring institution or secured

1 group home, stating the nature and basis of the belief and verifying the consent. In  
2 the case of a minor age 14 and over, the minor and the minor's parent or guardian  
3 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of  
4 a minor under the age of 14, only the minor's parent or guardian need consent. The  
5 superintendent shall inform, orally and in writing, the minor and the minor's parent  
6 or guardian, that transfer is being considered and shall inform them of the basis for  
7 the request and their rights as provided in s. 51.13 (3). If the department of  
8 corrections, upon review of a request for transfer, determines that transfer is  
9 appropriate, that department shall immediately notify the department of health and  
10 family services and, if the department of health and family services consents, the  
11 department of corrections may immediately transfer the individual. The  
12 department of ~~corrections~~ health and family services shall file a petition under s.  
13 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the  
14 county where the treatment facility is located.

15 **SECTION 1557d.** 51.35 (3) (c) of the statutes is amended to read:

16 51.35 (3) (c) A licensed psychologist of a ~~juvenile~~ secured correctional facility  
17 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed  
18 physician of the department of corrections, who has reason to believe that any  
19 individual confined in the ~~facility or institution~~ secured correctional facility, secured  
20 child caring institution or secured group home, in his or her opinion, is mentally ill,  
21 drug dependent or developmentally disabled and is dangerous as described in s.  
22 51.20 (1) (a) 2. a., b., c. or d., is mentally ill, is dangerous and satisfies the standard  
23 under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as described in s. 51.45  
24 (13) (a) 1. and 2., shall file a written report with the superintendent of the ~~facility or~~  
25 ~~institution~~ secured correctional facility, secured child caring institution or secured

1 group home, stating the nature and basis of the belief. If the superintendent, upon  
2 review of the allegations in the report, determines that transfer is appropriate, he  
3 or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to  
4 exercise jurisdiction under chs. 48 and 938 of the county where the secured  
5 correctional facility ~~or~~, secured child caring institution or secured group home is  
6 located. The court shall hold a hearing according to procedures provided in s. 51.20  
7 or 51.45 (13).

8 **SECTION 1558d.** 51.35 (3) (c) of the statutes, as affected by 1995 Wisconsin Act  
9 292, section 28, and 1999 Wisconsin Act .... (this act), is repealed and recreated to  
10 read:

11 51.35 (3) (c) A licensed psychologist of a secured correctional facility or a  
12 secured child caring institution or a licensed physician of the department of  
13 corrections, who has reason to believe that any individual confined in the secured  
14 correctional facility, secured child caring institution or secured group home, in his  
15 or her opinion, is mentally ill, drug dependent or developmentally disabled and is  
16 dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is dangerous as  
17 described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the  
18 superintendent of the secured correctional facility, secured child caring institution  
19 or secured group home, stating the nature and basis of the belief. If the  
20 superintendent, upon review of the allegations in the report, determines that  
21 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
22 in the court assigned to exercise jurisdiction under ch. 48 of the county where the  
23 secured correctional facility, secured child caring institution or secured group home  
24 is located. The court shall hold a hearing according to procedures provided in s. 51.20  
25 or 51.45 (13).

1           **SECTION 1559d.** 51.35 (3) (e) of the statutes is amended to read:

2           51.35 (3) (e) The department of corrections may authorize emergency transfer  
3 of an individual from a ~~juvenile~~ secured correctional facility ~~or~~, a secured child caring  
4 institution, ~~as defined in s. 938.02 (15g), or a secured group home~~ to a state treatment  
5 facility if there is cause to believe that the individual is mentally ill, drug dependent  
6 or developmentally disabled and exhibits conduct which constitutes a danger as  
7 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is  
8 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is  
9 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian  
10 of the sending ~~facility or institution~~ secured correctional facility, secured child caring  
11 institution or secured group home shall execute a statement of emergency detention  
12 or petition for emergency commitment for the individual and deliver it to the  
13 receiving state treatment facility. The department of health and family services  
14 shall file the statement or petition with the court within 24 hours after the subject  
15 individual is received for detention or commitment. The statement or petition shall  
16 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,  
17 the director of the receiving facility may file a petition for continued commitment  
18 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility or~~  
19 ~~institution~~ secured correctional facility, secured child caring institution or secured  
20 group home from which the transfer was made. As an alternative to this procedure,  
21 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no ~~prisoner~~  
22 individual may be released without the approval of the court which directed  
23 confinement in the secured correctional facility ~~or~~, secured child caring institution  
24 or secured group home.

1           **SECTION 1560d.** 51.35 (3) (e) of the statutes, as affected by 1995 Wisconsin Act  
2 292, section 28, and 1999 Wisconsin Act .... (this act), is repealed and recreated to  
3 read:

4           51.35 (3) (e) The department of corrections may authorize emergency transfer  
5 of an individual from a secured correctional facility, a secured child caring institution  
6 or a secured group home to a state treatment facility if there is cause to believe that  
7 the individual is mentally ill, drug dependent or developmentally disabled and  
8 exhibits conduct which constitutes a danger as described under s. 51.20 (1) (a) 2. to  
9 the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45  
10 (13) (a) 1. and 2. The custodian of the sending secured correctional facility, secured  
11 child caring institution or secured group home shall execute a statement of  
12 emergency detention or petition for emergency commitment for the individual and  
13 deliver it to the receiving state treatment facility. The department of health and  
14 family services shall file the statement or petition with the court within 24 hours  
15 after the subject individual is received for detention or commitment. The statement  
16 or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency  
17 transfer is made, the director of the receiving facility may file a petition for continued  
18 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the  
19 secured correctional facility, secured child caring institution or secured group home  
20 from which the transfer was made. As an alternative to this procedure, the  
21 procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual  
22 may be released without the approval of the court which directed confinement in the  
23 secured correctional facility, secured child caring institution or secured group home.

24           **SECTION 1561d.** 51.35 (3) (g) of the statutes is amended to read:

1           51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
2 facility under par. (a) may request in writing a return to the juvenile secured  
3 correctional facility or, secured child caring institution, as defined in s. 938.02 (15g)  
4 or secured group home. In the case of a minor under 14 years of age, the parent or  
5 guardian may make the request. Upon receipt of a request for return from a minor  
6 14 years of age or over, the director shall immediately notify the minor's parent or  
7 guardian. The minor shall be returned to the juvenile secured correctional facility  
8 or, secured child caring institution or secured group home within 48 hours after  
9 submission of the request unless a petition or statement is filed for emergency  
10 detention, emergency commitment, involuntary commitment or protective  
11 placement.”.

12           **12.** Page 950, line 21: after that line insert:

13           “**SECTION 1800d.** 73.0301 (1) (d) 2. of the statutes is amended to read:

14           73.0301 (1) (d) 2. A license issued by the department of health and family  
15 services under s. 48.66 (1) (a) to a child welfare agency, group home, shelter care  
16 facility or day care center, as required by s. 48.60, 48.625, 48.65 or 938.22 (7).”.

17           **13.** Page 1102, line 25: after that line insert:

18           “**SECTION 2067d.** 118.125 (4) of the statutes is amended to read:

19           118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall  
20 transfer to another school or school district all pupil records relating to a specific  
21 pupil if the transferring school district has received written notice from the pupil if  
22 he or she is an adult or his or her parent or guardian if the pupil is a minor that the  
23 pupil intends to enroll in the other school or school district or written notice from the  
24 other school or school district that the pupil has enrolled or from a court that the pupil

1 has been placed in a juvenile secured correctional facility ~~or, as defined in s. 938.02~~  
2 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured  
3 group home, as defined in s. 938.02 (15p). In this subsection, “school” and “school  
4 district” include any juvenile secured correctional facility, secured child caring  
5 institution ~~as defined in s. 938.02 (15g)~~, secured group home, adult correctional  
6 institution, mental health institute or center for the developmentally disabled, that  
7 provides an educational program for its residents instead of or in addition to that  
8 which is provided by public and private schools.”.

9 **14.** Page 1174, line 14: after that line insert:

10 “**SECTION 2288g.** 165.76 (1) (a) of the statutes, as affected by 1999 Wisconsin  
11 Act .... (this act), is amended to read:

12 165.76 (1) (a) Is in a secured correctional facility, as defined in s. 938.02 (15m),  
13 or a secured child caring institution, as defined in s. 938.02 (15g), or a secured group  
14 home, as defined in s. 938.02 (15p), or on probation, extended supervision, parole,  
15 supervision or aftercare supervision on or after August 12, 1993, for any violation of  
16 s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.”.

17 **15.** Page 1175, line 9: after that line insert:

18 “**SECTION 2289d.** 165.76 (2) (b) 2. of the statutes is amended to read:

19 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured  
20 correctional facility ~~or, a secured child caring institution~~ or a secured group home,  
21 he or she shall provide the specimen under par. (a) at the office of a county sheriff as  
22 soon as practicable after release on parole, extended supervision or aftercare  
23 supervision, as directed by his or her probation, extended supervision and parole  
24 agent or aftercare agent, except that the department of corrections or the county



1 department under s. 46.215, 46.22 or 46.23 operating the secured group home in  
2 which the person is placed may require the person to provide the specimen while he  
3 or she is in prison or in a the secured correctional facility ~~or a~~, secured child caring  
4 institution or secured group home.”.

5 **16.** Page 1215, line 4: after that line insert:

6 **“SECTION 2434d.** 252.15 (1) (ab) of the statutes is amended to read:

7 252.15 (1) (ab) “Affected person” means an emergency medical technician, first  
8 responder, fire fighter, peace officer, correctional officer, person who is employed at  
9 a secured correctional facility, as defined in s. 938.02 (15m), ~~or at~~ a secured child  
10 caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined  
11 in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated  
12 with custodial authority by the jailer or keeper, health care provider, employe of a  
13 health care provider or staff member of a state crime laboratory.

14 **SECTION 2435d.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

15 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an  
16 emergency medical technician, first responder, fire fighter, peace officer, correctional  
17 officer, person who is employed at a secured correctional facility, as defined in s.  
18 938.02 (15m), ~~or at~~ a secured child caring institution, as defined in s. 938.02 (15g),  
19 or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or  
20 keeper of a jail or person designated with custodial authority by the jailer or keeper  
21 who, during the course of providing care or services to an individual; or a peace  
22 officer, correctional officer, state patrol officer, jailer or keeper of a jail or person  
23 designated with custodial authority by the jailer or keeper who, while searching or  
24 arresting an individual or while controlling or transferring an individual in custody;

1 or a health care provider or an employe of a health care provider who, during the  
2 course of providing care or treatment to an individual or handling or processing  
3 specimens of body fluids or tissues of an individual; or a staff member of a state crime  
4 laboratory who, during the course of handling or processing specimens of body fluids  
5 or tissues of an individual; is significantly exposed to the individual may subject the  
6 individual's blood to a test or a series of tests for the presence of HIV, antigen or  
7 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of  
8 the results.”.

9 **17.** Page 1314, line 14: after that line insert:

10 “**SECTION 2683d.** 301.01 (2) (b) of the statutes is amended to read:

11 301.01 (2) (b) Any resident of a secured correctional facility, ~~as defined in s.~~  
12 ~~938.02 (15m), or of a secured child caring institution, as defined in s. 938.02 (15g) or~~  
13 a secured group home.

14 **SECTION 2684d.** 301.01 (3k) of the statutes is created to read:

15 301.01 (3k) “Secured child caring institution” has the meaning given in s.  
16 938.02 (15g).

17 **SECTION 2685d.** 301.01 (3m) of the statutes is created to read:

18 301.01 (3m) “Secured correctional facility” has the meaning given in s. 938.02  
19 (15m).

20 **SECTION 2686d.** 301.01 (3p) of the statutes is created to read:

21 301.01 (3p) “Secured group home” has the meaning given in s. 938.02 (15p).

22 **SECTION 2687d.** 301.01 (4) of the statutes is amended to read:

1           301.01 (4) “State correctional institution” means a state prison under s. 302.01  
2 or a secured correctional facility, ~~as defined in s. 938.02 (15m), other than the~~  
3 ~~Mendota Juvenile Treatment Center operated by the department.~~

4           **SECTION 2688d.** 301.027 of the statutes is amended to read:

5           **301.027 Treatment program at one or more juvenile secured**  
6 **correctional institutions facilities.** The department shall maintain a  
7 cottage-based intensive alcohol and other drug abuse program at one or more  
8 juvenile secured correctional ~~institutions~~ facilities.”

9           **18.** Page 1315, line 8: after that line insert:

10           **“SECTION 2690d.** 301.03 (10) (d) of the statutes is amended to read:

11           301.03 (10) (d) Administer the office of juvenile offender review in the division  
12 of juvenile corrections in the department. The office shall be responsible for decisions  
13 regarding case planning, the release of juvenile offenders from ~~juvenile~~ secured  
14 correctional institutions facilities, secured child caring institutions or secured group  
15 homes to aftercare placements and the transfer of juveniles to the Racine youthful  
16 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).

17           **SECTION 2691d.** 301.03 (10) (e) of the statutes is amended to read:

18           301.03 (10) (e) Provide educational programs in all secured correctional  
19 facilities, ~~as defined in s. 938.02 (15m), other than the Mendota Juvenile Treatment~~  
20 ~~Center operated by the department.~~

21           **SECTION 2692d.** 301.03 (10) (f) of the statutes is amended to read:

22           301.03 (10) (f) Provide health services and psychiatric services for residents of  
23 all secured correctional facilities, ~~as defined in s. 938.02 (15m), other than the~~  
24 ~~Mendota Juvenile Treatment Center operated by the department.~~”

1           **19.** Page 1316, line 18: after that line insert:

2           “**SECTION 2693d.** 301.08 (1) (b) 3. of the statutes is amended to read:

3           301.08 (1) (b) 3. Contract with public, private or voluntary agencies for the  
4 supervision, maintenance and operation of secured correctional facilities, as defined  
5 in s. 938.02 (15m), child caring institutions, as defined in s. 938.02 (2c), and secured  
6 child caring institutions, as defined in s. 938.02 (15g), for the placement of juveniles  
7 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183  
8 or 938.34 (4d), (4h) or (4m). The department may designate a secured correctional  
9 facility, child caring institution or a secured child caring institution contracted for  
10 under this subdivision as a Type 2 secured correctional facility, as defined in s. 938.02  
11 (20), and may designate a child caring institution or secured child caring institution  
12 contracted for under this subdivision as a Type 2 child caring institution, as defined  
13 in s. 938.02 (19r).

14           **SECTION 2694d.** 301.08 (1) (b) 4. of the statutes is created to read:

15           301.08 (1) (b) 4. Contract with not more than ~~one county~~ or with a ~~consortium~~  
16 of not more than 5 counties for the operation of not more than one secured group  
17 home for the placement of juveniles who have been convicted under s. 938.183 or  
18 adjudicated delinquent under s. 938.183 or 938.34 (4m). The contract shall specify  
19 that the county or counties operating the secured group home must comply with all  
20 rules of the department that are applicable to the treatment of juveniles who are  
21 placed in a secured correctional facility.”

22           **20.** Page 1318, line 9: after that line insert:

23           “**SECTION 2699d.** 301.205 of the statutes is amended to read:

5 counties

not more than 5  
consortia

1           **301.205 Reimbursement to visiting families.** The department may  
2 reimburse families visiting girls at a secured correctional facility, ~~as defined in s.~~  
3 ~~938.02 (15m)~~. If the department decides to provide the reimbursement, ~~it~~ the  
4 department shall establish criteria for the level of reimbursement, which shall  
5 include family income and size and other relevant factors.”.

6           **21.** Page 1318, line 13: after that line insert:

7           “**SECTION 2699t.** 301.26 (2) (c) of the statutes is amended to read:

8           301.26 (2) (c) All funds to counties under this section shall be used to purchase  
9 or provide juvenile delinquency-related services under ch. 938, except that no funds  
10 to counties under this section may be used for purposes of land purchase, building  
11 construction or maintenance of buildings under s. 46.17, 46.175 or 301.37, for  
12 reimbursement of costs under s. 938.209, for city lockups ~~or~~ for reimbursement of  
13 care costs in temporary shelter care under s. 938.22 or for reimbursement of care  
14 costs in a secured group home. Funds to counties under this section may be used for  
15 reimbursement of costs of program services, other than basic care and supervision  
16 costs, in juvenile secure detention facilities.”.

17           **22.** Page 1318, line 20: after that line insert:

18           “**SECTION 2701d.** 301.26 (4) (cm) 1. of the statutes is amended to read:

19           301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall  
20 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
21 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured  
22 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~  
23 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective  
24 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the

1 care of any juvenile 14 years of age or over who has been placed in a juvenile secured  
2 correctional facility based on a delinquent act that is a violation of s. 939.31, 939.32  
3 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10  
4 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30 (2), 948.35 (1) (b)  
5 or 948.36 and for the care of any juvenile 10 years of age or over who has been placed  
6 in a juvenile secured correctional ~~institution or a facility~~ or secured child caring  
7 institution for attempting or committing a violation of s. 940.01 or for committing a  
8 violation of s. 940.02 or 940.05.

9 **SECTION 2702d.** 301.26 (4) (cm) 2. of the statutes is amended to read:

10 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall  
11 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
12 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured  
13 ~~correctional institutions facilities~~, secured child caring institutions, ~~as defined in s.~~  
14 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective  
15 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the  
16 care of any juvenile 14 years of age or over and under 18 years of age who has been  
17 placed in a juvenile secured correctional facility under s. 48.366 based on a  
18 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).”.

19 **23.** Page 1319, line 25: after that line insert:

20 “**SECTION 2706d.** 301.26 (4) (dt) of the statutes is amended to read:

21 301.26 (4) (dt) ~~For~~ Except as provided in pars. (e) to (g), for serious juvenile  
22 offender services, all uniform fee collections under s. 301.03 (18) shall be credited to  
23 the appropriation account under s. 20.410 (3) (hm).”.

24 **24.** Page 1321, line 9: after that line insert:

1           **“SECTION 2709L.** 301.26 (7) (a) 3. of the statutes, as created by 1999 Wisconsin  
2 Act .... (this act), is amended to read:

3           301.26 (7) (a) 3. Each county’s proportion of the number of juveniles statewide  
4 who are placed in a ~~juvenile correctional institution or~~ secured correctional facility,  
5 a secured child caring institution, ~~as defined in s. 938.02 (15g),~~ or a secured group  
6 home during the most recent 3–year period for which that information is available.”.

7           **25.** Page 1322, line 12: after that line insert:

8           **“SECTION 2710d.** 301.263 (3) of the statutes is amended to read:

9           301.263 (3) The department shall distribute 33% of the amounts distributed  
10 under sub. (1) based on each county’s proportion of the violent Part I juvenile arrests  
11 reported statewide under the uniform crime reporting system of the office of justice  
12 assistance in the department of administration, during the most recent 2–year  
13 period for which that information is available. The department shall distribute 33%  
14 of the amounts distributed under sub. (1) based on each county’s proportion of the  
15 number of juveniles statewide who are placed in a ~~juvenile~~ secured correctional  
16 ~~institution or facility,~~ a secured child caring institution, ~~as defined in s. 938.02 (15g),~~  
17 or a secured group home during the most recent 2–year period for which that  
18 information is available. The department shall distribute 34% of the amounts  
19 distributed under sub. (1) based on each county’s proportion of the total Part I  
20 juvenile arrests reported statewide under the uniform crime reporting system of the  
21 office of justice assistance, during the most recent 2–year period for which that  
22 information is available.”.

23           **26.** Page 1323, line 13: after that line insert:

24           **“SECTION 2712d.** 301.36 (1) of the statutes is amended to read:

1           301.36 (1) GENERAL AUTHORITY. The department shall investigate and  
2 supervise all of the state ~~correctional institutions~~ prisons under s. 302.01, all secured  
3 correctional facilities, all secured child caring institutions, all secured group homes  
4 and all secure detention facilities and familiarize itself with all of the circumstances  
5 affecting their management and usefulness.

6           **SECTION 2713d.** 301.37 (1) of the statutes is amended to read:

7           301.37 (1) The department shall fix reasonable standards and regulations for  
8 the design, construction, repair and maintenance of all houses of correction,  
9 reforestation camps maintained under s. 303.07, jails as defined in s. 302.30,  
10 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),  
11 lockup facilities as defined in s. 302.30, work camps under s. 303.10, Huber facilities  
12 under s. 303.09 and, after consulting with the department of health and family  
13 services, all secured group homes and secure detention facilities, with respect to  
14 their adequacy and fitness for the needs which they are to serve.

15           **SECTION 2714d.** 301.45 (1) (b) of the statutes is amended to read:

16           301.45 (1) (b) Is in prison, a secured correctional facility, ~~as defined in s. 938.02~~  
17 ~~(15m), or a secured child caring institution, as defined in s. 938.02 (15g), or a secured~~  
18 group home or is on probation, extended supervision, parole, supervision or aftercare  
19 supervision on or after December 25, 1993, for any violation, or for the solicitation,  
20 conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),  
21 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or  
22 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the  
23 victim's parent.

24           **SECTION 2715d.** 301.45 (1) (bm) of the statutes is amended to read:



1           301.45 (1) (bm) Is in prison, a secured correctional facility, ~~as defined in s.~~  
2 ~~938.02 (15m),~~ or a secured child caring institution, ~~as defined in s. 938.02 (15g),~~ or  
3 a secured group home or is on probation, extended supervision, parole, supervision  
4 or aftercare supervision on or after December 25, 1993, for a violation, or for the  
5 solicitation, conspiracy or attempt to commit a violation, of a law of this state that  
6 is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,  
7 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a  
8 violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the  
9 victim's parent.

10           **SECTION 2716d.** 301.45 (3) (a) 2. of the statutes is amended to read:

11           301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured  
12 correctional facility ~~or~~, a secured child caring institution or a secured group home,  
13 he or she is subject to this subsection upon being released on parole, extended  
14 supervision or aftercare supervision.”.

15           **27.** Page 1323, line 18: after that line insert:

16           **“SECTION 2717m.** 301.45 (5) (a) 2. of the statutes is amended to read:

17           301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured  
18 correctional facility ~~or~~, a secured child caring institution or a secured group home,  
19 15 years after discharge from parole or aftercare supervision.”.

20           **28.** Page 1431, line 22: after that line insert:

21           **“SECTION 3117d.** 938.02 (15g) of the statutes is amended to read:

22           938.02 (15g) “Secured child caring institution” means a child caring institution  
23 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in  
24 secure custody persons adjudged delinquent.

1           **SECTION 3118d.** 938.02 (15m) of the statutes is amended to read:

2           **938.02 (15m)** “Secured correctional facility” means a correctional institution  
3 operated or contracted for by the department of corrections or operated by the  
4 department of health and family services for holding in secure custody persons  
5 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile  
6 treatment center under s. 46.057, the facility at which the juvenile boot camp  
7 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)  
8 (b), 938.538 (4) (b) or 938.539 (5).

9           **SECTION 3119d.** 938.02 (15p) of the statutes is created to read:

10           **938.02 (15p)** “Secured group home” means a group home that is licensed under  
11 s. 48.66 (1) (b) to hold in secure custody persons who have been convicted under s.  
12 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4m).

13           **SECTION 3120d.** 938.02 (17) of the statutes is amended to read:

14           **938.02 (17)** “Shelter care facility” means a nonsecure place of temporary care  
15 and physical custody for juveniles, including a holdover room, licensed by the  
16 department of health and family services under s. 48.66 (1) (a).

17           **SECTION 3123d.** 938.069 (1) (dj) of the statutes is amended to read:

18           **938.069 (1) (dj)** Provide aftercare services for a juvenile who has been released  
19 from a secured correctional facility ~~or~~, a secured child caring institution or a secured  
20 group home.

21           **SECTION 3124d.** 938.08 (3) (a) (intro.) of the statutes is amended to read:

22           **938.08 (3) (a) (intro.)** In addition to the law enforcement authority specified in  
23 sub. (2), department personnel designated by the department ~~and~~, personnel of an  
24 agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between  
25 the agency and the department and personnel of a county contracted with under s.

1 301.08 (1) (b) 4. designated by agreement between the county and the department  
2 have the power of law enforcement authorities to take a juvenile into physical  
3 custody under the following conditions:

4 **SECTION 3125d.** 938.08 (3) (a) 1. of the statutes is amended to read:

5 938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away  
6 from a secured correctional facility ~~or~~ a child caring institution or a secured group  
7 home.

8 **SECTION 3126d.** 938.08 (3) (a) 2. of the statutes is amended to read:

9 938.08 (3) (a) 2. If the juvenile has failed to return to a secured correctional  
10 facility ~~or~~ a child caring institution or a secured group home after any authorized  
11 absence.

12 **SECTION 3127d.** 938.08 (3) (b) of the statutes is amended to read:

13 938.08 (3) (b) A juvenile who is taken into custody under par. (a) may be  
14 returned directly to the secured correctional facility ~~or~~ child caring institution or  
15 secured group home and shall have a hearing regarding placement in a disciplinary  
16 cottage or in disciplinary status in accordance with ch. 227.

17 **SECTION 3128d.** 938.17 (1) (c) of the statutes is amended to read:

18 938.17 (1) (c) If the court of civil or criminal jurisdiction orders the juvenile to  
19 serve a period of incarceration of 6 months or more, that court shall petition the court  
20 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more  
21 of the dispositions provided in s. 938.34, including placement of the juvenile in a  
22 secured correctional facility, a secured child caring institution or a secured group  
23 home under s. 938.34 (4m), if appropriate.

24 **SECTION 3130d.** 938.183 (1) (a) of the statutes is amended to read:

1           938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is  
2 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional  
3 facility, a secure detention facility ~~or~~, a secured child caring institution or a secured  
4 group home or who has been adjudicated delinquent and who is alleged to have  
5 committed a violation of s. 940.20 (2m).

6           **SECTION 3131d.** 938.208 (2) of the statutes is amended to read:

7           938.208 (2) Probable cause exists to believe that the juvenile is a fugitive from  
8 another state or has run away from a secured correctional facility, a secured child  
9 caring institution or a secured group home and there has been no reasonable  
10 opportunity to return the juvenile.

11           **SECTION 3132d.** 938.22 (title) of the statutes is amended to read:

12           **938.22 (title) Establishment of ~~secure detention facilities and shelter~~**  
13 **~~care county or private juvenile facilities.~~**

14           **SECTION 3133d.** 938.22 (1) (a) of the statutes is amended to read:

15           938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of any  
16 county may establish a secured group home or a secure detention facility in  
17 accordance with ss. 301.36 and 301.37, the county boards of supervisors for 2 or more  
18 counties may jointly establish a secure detention facility in accordance with ss. 46.20,  
19 301.36 and 301.37 or the county boards of supervisors for 2 or more, but not more  
20 than 5, counties may jointly establish a secured group home in accordance with ss.  
21 46.20, 301.36 and 301.37. The county board of supervisors of any county may  
22 establish a ~~secure detention facility or a shelter care facility or both~~ in accordance  
23 with ss. 46.16 and 46.17 or the county boards of supervisors for 2 or more counties  
24 may jointly establish a ~~secure detention facility or a shelter care facility or both~~ in  
25 accordance with ss. 46.16, 46.17 and 46.20 and ~~301.36~~. A private entity may

1 establish a secure detention facility in accordance with ss. 301.36 and 301.37 and  
2 contract with one or more county boards of supervisors under s. 938.222 for holding  
3 juveniles in the private secure detention facility.

4 **SECTION 3134d.** 938.22 (1) (b) of the statutes is amended to read:

5 938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less  
6 than 500,000, the nonjudicial operational policies of a public secured group home,  
7 secure detention facility or shelter care facility shall be determined by the county  
8 board of supervisors or, in the case of a public secured group home, secure detention  
9 facility or shelter care facility established by 2 or more counties, by the county boards  
10 of supervisors for the 2 or more counties jointly. Those policies shall be executed by  
11 the superintendent appointed under sub. (3) (a).

12 **SECTION 3135d.** 938.22 (1) (c) of the statutes is amended to read:

13 938.22 (1) (c) In counties having a population of 500,000 or more, the  
14 nonjudicial operational policies of a public secured group home, secure detention  
15 facility and the detention section of the children's court center shall be established  
16 by the county board of supervisors, and the execution thereof shall be the  
17 responsibility of the director of the children's court center.

18 **SECTION 3136d.** 938.22 (2) (a) of the statutes is amended to read:

19 938.22 (2) (a) Counties shall submit plans for the secured group home, secure  
20 detention facility or juvenile portion of the county jail to the department of  
21 corrections and submit plans for the shelter care facility to the department of health  
22 and family services. A private entity that proposes to establish a secure detention  
23 facility shall submit plans for the secure detention facility to the department of  
24 corrections. The applicable department shall review the submitted plans. A county  
25 or a private entity may not implement any such plan unless the applicable

1 department has approved the plan. The department of corrections shall promulgate  
2 rules establishing minimum requirements for the approval of the operation of  
3 secured group homes, secure detention facilities and the juvenile portion of county  
4 jails. The plans and rules shall be designed to protect the health, safety and welfare  
5 of the juveniles ~~in these~~ placed in those facilities.

6 **SECTION 3137d.** 938.22 (3) (a) of the statutes is amended to read:

7 938.22 (3) (a) In counties having a population of less than 500,000, public  
8 secured group homes, secure detention facilities and public shelter care facilities  
9 shall be in the charge of a superintendent. The county board of supervisors or, where  
10 2 or more counties operate joint public secured group homes, secure detention  
11 facilities or ~~public~~ shelter care facilities, the county boards of supervisors for the 2  
12 or more counties jointly shall appoint the superintendent and other necessary  
13 personnel for the care and education of the juveniles ~~in secure detention or shelter~~  
14 ~~care~~ placed in those facilities, subject to par. (am) and to civil service regulations in  
15 counties having civil service.

16 **SECTION 3138d.** 938.22 (3) (b) of the statutes is amended to read:

17 938.22 (3) (b) In counties having a population of 500,000 or more, the director  
18 of the children's court center shall be in charge of and responsible for public secured  
19 group homes, secure detention facilities, the secure detention section of the center  
20 and the personnel assigned to this section, including a detention supervisor or  
21 superintendent. The director of the children's court center may also serve as  
22 superintendent of detention if the county board of supervisors so determines.

23 **SECTION 3139d.** 938.22 (7) (a) of the statutes is amended to read:

24 938.22 (7) (a) No person may establish a shelter care facility without first  
25 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to

1 operate a shelter care facility, a person must meet the minimum requirements for a  
2 license established by the department of health and family services under s. 48.67,  
3 meet the requirements specified in s. 48.685 and pay the license fee under par. (b).  
4 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until  
5 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

6 **SECTION 3140d.** 938.22 (7) (b) of the statutes is amended to read:

7 938.22 (7) (b) Before the department of health and family services may issue  
8 a license under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility  
9 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15  
10 per juvenile, based on the number of juveniles that the shelter care facility is licensed  
11 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66  
12 (1) (a) shall pay the fee under this paragraph by the continuation date of the license.  
13 A new shelter care facility shall pay the fee under this paragraph by no later than  
14 30 days before the opening of the shelter care facility.

15 **SECTION 3141d.** 938.22 (7) (c) of the statutes is amended to read:

16 938.22 (7) (c) A shelter care facility that wishes to continue a license issued  
17 under s. 48.66 (1) (a) and that fails to pay the fee under par. (b) by the continuation  
18 date of the license or a new shelter care facility that fails to pay the fee under par.  
19 (b) by 30 days before the opening of the shelter care facility shall pay an additional  
20 fee of \$5 per day for every day after the deadline that the facility fails to pay the fee.

21 **SECTION 3142d.** 938.23 (1) (a) of the statutes is amended to read:

22 938.23 (1) (a) Any juvenile alleged to be delinquent under s. 938.12 or held in  
23 a secure detention facility shall be represented by counsel at all stages of the  
24 proceedings, but a juvenile 15 years of age or older may waive counsel if the court is  
25 satisfied that the waiver is knowingly and voluntarily made and the court accepts

1 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured  
2 correctional facility, a secured child caring institution or a secured group home,  
3 transfer supervision of the juvenile to the department for participation in the serious  
4 juvenile offender program or transfer jurisdiction over the juvenile to adult court.”.

5 **29.** Page 1435, line 2: after that line insert:

6 **“SECTION 3151d.** 938.33 (3) (intro.) of the statutes is amended to read:

7 938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending  
8 placement of a juvenile in a secured correctional facility ~~under the supervision of the~~  
9 ~~department or~~, a secured child caring institution or a secured group home shall be  
10 in writing, except that the report may be presented orally at the dispositional  
11 hearing if the juvenile and the juvenile’s counsel consent. A report that is presented  
12 orally shall be transcribed and made a part of the court record. In addition to the  
13 information specified under sub. (1) (a) to (d), the report shall include all of the  
14 following:

15 **SECTION 3152d.** 938.33 (3) (a) of the statutes is amended to read:

16 938.33 (3) (a) A description of any less restrictive alternatives that are  
17 available and that have been considered, and why they have been determined to be  
18 inappropriate. If the judge has found that any of the conditions specified in s. 938.34  
19 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative  
20 than placement in a secured correctional facility ~~or~~, a secured child caring institution  
21 or a secured group home is not appropriate.

22 **SECTION 3153d.** 938.33 (3r) of the statutes is amended to read:

23 938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been  
24 adjudicated delinquent for committing a violation for which the juvenile may be



1 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report  
2 shall be in writing and, in addition to the information specified in sub. (1) and in sub.  
3 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for  
4 placement in the serious juvenile offender program under s. 938.34 (4h) or in a  
5 secured correctional facility or a secured group home under s. 938.34 (4m), a  
6 placement specified in s. 938.34 (3) or placement in the juvenile's home with  
7 supervision and community-based programming and a recommendation as to the  
8 type of placement for which the juvenile is best suited."

9 **30.** Page 1435, line 3: after that line insert:

10 "SECTION 3155d. 938.34 (4m) (intro.) of the statutes is amended to read:

11 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured  
12 correctional facility or a secured child caring institution under the supervision of the  
13 department or in a secured group home under the supervision of a county  
14 department if the juvenile is 12 years of age or over or, if the juvenile is under 12 years  
15 of age, in a secured child caring institution under the supervision of the department  
16 or in a secured group home under the supervision of a county department, unless the  
17 department, after an examination under s. 938.50, determines that placement in a  
18 secured correctional facility is more appropriate, but only if all of the following apply:

19 SECTION 3156d. 938.34 (4n) (intro.) of the statutes is amended to read:

20 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any  
21 arrangement between the department and a county department regarding the  
22 provision of aftercare supervision for juveniles who have been released from a  
23 secured correctional facility ~~or~~ a secured child caring institution or a secured group  
24 home, designate one of the following to provide aftercare supervision for the juvenile

1 following the juvenile's release from the secured correctional facility ~~or~~, secured child  
2 caring institution or secured group home:

3 **SECTION 3157d.** 938.34 (4n) (b) of the statutes is amended to read:

4 938.34 (4n) (b) The county department of the county of the court that placed  
5 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or  
6 secured group home.”.

7 **31.** Page 1435, line 8: after that line insert:

8 **SECTION 3160d.** 938.34 (8d) (c) of the statutes is amended to read:

9 938.34 (8d) (c) If a juvenile placed in a secured correctional facility ~~or~~, a secured  
10 child caring institution or a secured group home fails to pay the surcharge under par.  
11 (a), the department shall assess and collect the amount owed from the juvenile's  
12 wages or other moneys. Any amount collected shall be transmitted to the state  
13 treasurer.

14 **SECTION 3162d.** 938.345 (1) (a) of the statutes is amended to read:

15 938.345 (1) (a) Place the juvenile in the serious juvenile offender program, a  
16 secured correctional facility ~~or~~, a secured child caring institution or a secured group  
17 home.

18 **SECTION 3163d.** 938.355 (1) of the statutes is amended to read:

19 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall  
20 decide on a placement and treatment finding based on evidence submitted to the  
21 court. The disposition shall employ those means necessary to promote the objectives  
22 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated  
23 delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall include a  
24 finding that the juvenile's current residence will not safeguard the welfare of the

1 juvenile or the community due to the serious nature of the act for which the juvenile  
2 was adjudicated delinquent. If the judge has determined that any of the conditions  
3 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima  
4 facie evidence that a less restrictive alternative than placement in a secured  
5 correctional facility ~~or~~, a secured child caring institution or a secured group home is  
6 not appropriate. If information under s. 938.331 has been provided in a court report  
7 under s. 938.33 (1), the court shall consider that information when deciding on a  
8 placement and treatment finding.

9 **SECTION 3164d.** 938.357 (3) of the statutes is amended to read:

10 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in  
11 placement would involve placing a juvenile in a secured correctional facility ~~or in~~, a  
12 secured child caring institution or a secured group home, notice shall be given as  
13 provided in sub. (1). A hearing shall be held, unless waived by the juvenile, parent,  
14 guardian and legal custodian, before the judge makes a decision on the request. The  
15 juvenile shall be entitled to counsel at the hearing, and any party opposing or  
16 favoring the proposed new placement may present relevant evidence and  
17 cross-examine witnesses. The proposed new placement may be approved only if the  
18 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been  
19 met.

20 **SECTION 3166d.** 938.357 (4g) (a) of the statutes is amended to read:

21 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile  
22 is placed in a secured correctional facility ~~or~~, a secured child caring institution or a  
23 secured group home, or within 30 days after the date on which the department  
24 requests the aftercare plan, whichever is earlier, the aftercare provider designated  
25 under s. 938.34 (4n) shall prepare an aftercare plan for the juvenile. If the aftercare

1 provider designated under s. 938.34 (4n) is a county department, that county  
2 department shall submit the aftercare plan to the department within the time limits  
3 specified in this paragraph, unless the department waives those time limits under  
4 par. (b).

5 **SECTION 3167d.** 938.357 (4g) (b) of the statutes is amended to read:

6 938.357 (4g) (b) The department may waive the time period within which an  
7 aftercare plan must be prepared and submitted under par. (a) if the department  
8 anticipates that the juvenile will remain in the secured correctional facility ~~or~~  
9 secured child caring institution or secured group home for a period exceeding 8  
10 months or if the juvenile is subject to s. 48.366 or 938.183. If the department waives  
11 that time period, the aftercare provider designated under s. 938.34 (4n) shall prepare  
12 the aftercare plan within 30 days after the date on which the department requests  
13 the aftercare plan.

14 **SECTION 3168d.** 938.357 (4g) (d) of the statutes is amended to read:

15 938.357 (4g) (d) A juvenile may be released from a secured correctional facility  
16 ~~or~~, a secured child caring institution or a secured group home whether or not an  
17 aftercare plan has been prepared under this subsection.

18 **SECTION 3169d.** 938.357 (5) (e) of the statutes is amended to read:

19 938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a  
20 condition of aftercare supervision, the hearing examiner shall determine whether  
21 confinement in a secured correctional facility ~~or~~, a secured child caring institution  
22 or a secured group home is necessary to protect the public, to provide for the juvenile's  
23 rehabilitation or to not depreciate the seriousness of the violation.

24 **SECTION 3170d.** 938.357 (5) (f) of the statutes is amended to read:

1           938.357 (5) (f) Review of a revocation decision shall be by certiorari to the court  
2 by whose order the juvenile was placed in a secured correctional facility ~~or~~, a secured  
3 child caring institution or a secured group home.

4           **SECTION 3171d.** 938.38 (3) (a) of the statutes is amended to read:

5           938.38 (3) (a) If the juvenile is alleged to be delinquent and is being held in a  
6 secure detention facility, juvenile portion of a county jail or shelter care facility, and  
7 the agency intends to recommend that the juvenile be placed in a secured  
8 correctional facility ~~or~~, a secured child caring institution or a secured group home,  
9 the agency is not required to submit the permanency plan unless the court does not  
10 accept the recommendation of the agency. If the court places the juvenile in any  
11 facility outside of the juvenile's home other than a secured correctional facility ~~or~~, a  
12 secured child caring institution or a secured group home, the agency shall file the  
13 permanency plan with the court within 60 days after the date of disposition.

14           **SECTION 3173d.** 938.51 (1) (intro.) of the statutes is amended to read:

15           938.51 (1) (intro.) At least 15 days prior to the date of release from a secured  
16 correctional facility ~~or~~, a secured child caring institution or a secured group home of  
17 a juvenile who has been adjudicated delinquent and at least 15 days prior to the  
18 release from the supervision of the department or a county department of a juvenile  
19 who has been adjudicated delinquent, the department or county department having  
20 supervision over the juvenile shall make a reasonable attempt to do all of the  
21 following:

22           **SECTION 3174d.** 938.51 (1m) of the statutes is amended to read:

23           938.51 (1m) The department or county department having supervision over a  
24 juvenile described in sub. (1) shall determine the local agencies that it will notify  
25 under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's

1 intended residence specified in the juvenile's aftercare supervision plan or, if those  
2 methods do not indicate the community in which the juvenile will reside following  
3 release from a secured correctional facility ~~or, from,~~ a secured child caring institution  
4 or a secured group home or from the supervision of the department or county  
5 department, the community in which the juvenile states that he or she intends to  
6 reside.

7 **SECTION 3175d.** 938.51 (4) (intro.) of the statutes is amended to read:

8 938.51 (4) (intro.) If a juvenile described in sub. (1), (1d) or (1g) escapes from  
9 a secured correctional facility, child caring institution, secured group home,  
10 inpatient facility, secure detention facility or juvenile portion of a county jail, or from  
11 the custody of a peace officer or a guard of such a facility, institution, home or jail,  
12 or has been allowed to leave a secured correctional facility, child caring institution,  
13 secured group home, inpatient facility, secure detention facility or juvenile portion  
14 of a county jail for a specified period of time and is absent from the facility, institution,  
15 home or jail for more than 12 hours after the expiration of the specified period, as  
16 soon as possible after the department or county department having supervision over  
17 the juvenile discovers that escape or absence, that department or county department  
18 shall make a reasonable attempt to notify by telephone all of the following persons:"

19 **32.** Page 1436, line 16: after that line insert:

20 **"SECTION 3183d.** 938.57 (1) (c) of the statutes is amended to read:

21 938.57 (1) (c) Provide appropriate protection and services for juveniles in its  
22 care, including providing services for juveniles and their families in their own homes,  
23 placing the juveniles in licensed foster homes, licensed treatment foster homes or  
24 licensed group homes in this state or another state within a reasonable proximity to

1 the agency with legal custody or contracting for services for them by licensed child  
2 welfare agencies or replacing them in juvenile secured correctional institutions or  
3 facilities, secured child caring institutions or secured group homes in accordance  
4 with rules promulgated under ch. 227, except that the county department may not  
5 purchase the educational component of private day treatment programs unless the  
6 county department, the school board as defined in s. 115.001 (7) and the state  
7 superintendent of public instruction all determine that an appropriate public  
8 education program is not available. Disputes between the county department and  
9 the school district shall be resolved by the state superintendent of public instruction.

10 **SECTION 3184d.** 938.57 (4) of the statutes is amended to read:

11 938.57 (4) A county department may provide aftercare supervision under s.  
12 938.34 (4n) for juveniles who are released from secured correctional facilities or,  
13 secured child caring institutions ~~operated by the department~~ or secured group  
14 homes. If a county department intends to change its policy regarding whether the  
15 county department or the department shall provide aftercare supervision for  
16 juveniles released from secured correctional facilities or, secured child caring  
17 institutions ~~operated by the department~~ or secured group homes, the county  
18 executive or county administrator, or, if the county has no county executive or county  
19 administrator, the chairperson of the county board of supervisors, or, for multicounty  
20 departments, the chairpersons of the county boards of supervisors jointly, shall  
21 submit a letter to the department stating that intent before July 1 of the year  
22 preceding the year in which the policy change will take effect.

23 **SECTION 3185d.** 938.59 (1) of the statutes is amended to read:

24 938.59 (1) The county department shall investigate the personal and family  
25 ~~history and environment of any juvenile transferred to its legal custody or placed~~

1 ~~under its supervision under s. 938.34 (4d) or (4n) and make any physical or mental~~  
2 ~~examinations of the juvenile considered necessary to determine the type of care~~  
3 ~~necessary for the juvenile or placement that is best suited to the juvenile and to the~~  
4 ~~protection of the public. The county department shall screen a juvenile who is~~  
5 ~~examined under this subsection to determine whether the juvenile is in need of~~  
6 ~~special treatment or care because of alcohol or other drug abuse, mental illness or~~  
7 ~~severe emotional disturbance. The county department shall keep a complete record~~  
8 ~~of the information received from the court, the date of reception, all available data~~  
9 ~~on the personal and family history of the juvenile, the results of all tests and~~  
10 ~~examinations given the juvenile and a complete history of all placements of the~~  
11 ~~juvenile while in the legal custody or under the supervision of the county~~  
12 ~~department.~~

13 **SECTION 3186d.** 938.78 (3) of the statutes is amended to read:

14 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.  
15 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,  
16 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.  
17 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,  
18 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)  
19 (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,  
20 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured  
21 correctional facility, child caring institution, secured group home, inpatient facility,  
22 as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail,  
23 or from the custody of a peace officer or a guard of such a facility, institution or jail,  
24 or has been allowed to leave a secured correctional facility, child caring institution,  
25 secured group home, inpatient facility, secure detention facility or juvenile portion



1 of a county jail for a specified time period and is absent from the facility, institution,  
2 home or jail for more than 12 hours after the expiration of the specified period, the  
3 department or county department having supervision over the juvenile may release  
4 the juvenile's name and any information about the juvenile that is necessary for the  
5 protection of the public or to secure the juvenile's return to the facility, institution,  
6 home or jail. The department of corrections shall promulgate rules establishing  
7 guidelines for the release of the juvenile's name or information about the juvenile to  
8 the public.

9 **SECTION 3188d.** 939.635 (1) of the statutes is amended to read:

10 939.635 (1) Except as provided in sub. (2), if a person who has been adjudicated  
11 delinquent is convicted of violating s. 940.20 (1) while placed in a secured correctional  
12 facility, as defined in s. 938.02 (15m), a secure detention facility, as defined in s.  
13 938.02 (16), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or a  
14 secured group home, as defined in s. 938.02 (15p), or is convicted of violating s. 940.20  
15 (2m), the court shall sentence the person to not less than 3 years of imprisonment.  
16 Except as provided in sub. (2); if a person is convicted of violating s. 946.43 while  
17 placed in a secured correctional facility, as defined in s. 938.02 (15m), a secure  
18 detention facility, as defined in s. 938.02 (16), ~~or~~ a secured child caring institution,  
19 as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p),  
20 the court shall sentence the person to not less than 5 years of imprisonment.

21 **SECTION 3189d.** 939.635 (2) (b) of the statutes is amended to read:

22 939.635 (2) (b) That imposing the applicable presumptive minimum sentence  
23 specified in sub. (1) is not necessary to deter the person or other persons from  
24 committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed  
25 in a secured correctional facility, as defined in s. 938.02 (15m), a secure detention

1 facility, as defined in s. 938.02 (16), or a secured child caring institution, as defined  
2 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or from  
3 committing violations of s. 940.20 (2m).<sup>n</sup> .

4 ~~SECTION 3190d. 940.20 (2m) (a) 1. of the statutes is amended to read:~~

5 940.20 (2m) (a) 1. "Aftercare agent" means any person authorized by the  
6 department of corrections or a county department under s. 46.215, 46.22 or 46.23 to  
7 exercise control over a juvenile on aftercare."

8 **33.** Page 1439, line 7: after that line insert:

9 "SECTION 3192d. 946.42 (1) (a) of the statutes is amended to read:

10 946.42 (1) (a) "Custody" includes without limitation actual custody of an  
11 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a  
12 secured child caring institution, as defined in s. 938.02 (15g), a secured group home,  
13 as defined in s. 938.02 (15p), a secure detention facility, as defined in s. 938.02 (16),  
14 a Type 2 child caring institution, as defined in s. 938.02 (19r), or a juvenile portion  
15 of a county jail, or of a peace officer or institution guard and constructive custody of  
16 prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h)  
17 or (4m) or 938.357 (4) or (5) (e) temporarily outside the institution whether for the  
18 purpose of work, school, medical care, a leave granted under s. 303.068, a temporary  
19 leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means,  
20 without limitation, that of the sheriff of the county to which the prisoner was  
21 transferred after conviction. It does not include the custody of a probationer, parolee  
22 or person on extended supervision by the department of corrections or a probation,  
23 extended supervision or parole officer or the custody of a person who has been

1 released to aftercare supervision under ch. 938 unless the person is in actual custody  
2 or is subject to a confinement order under s. 973.09 (4).

3 **SECTION 3193d.** 946.44 (2) (c) of the statutes is amended to read:

4 946.44 (2) (c) “Institution” includes a secured correctional facility, as defined  
5 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),  
6 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring  
7 institution, as defined in s. 938.02 (19r).

8 **SECTION 3194d.** 946.44 (2) (d) of the statutes is amended to read:

9 946.44 (2) (d) “Prisoner” includes a person who is under the supervision of the  
10 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured  
11 correctional facility ~~or, a~~ secured child caring institution or a secured group home  
12 under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2  
13 child caring institution under s. 938.34 (4d) or who is subject to an order under s.  
14 48.366.

15 **SECTION 3195d.** 946.45 (2) (c) of the statutes is amended to read:

16 946.45 (2) (c) “Institution” includes a secured correctional facility, as defined  
17 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),  
18 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring  
19 institution, as defined in s. 938.02 (19r).

20 **SECTION 3196d.** 946.45 (2) (d) of the statutes is amended to read:

21 946.45 (2) (d) “Prisoner” includes a person who is under the supervision of the  
22 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured  
23 correctional facility ~~or, a~~ secured child caring institution or a secured group home  
24 under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2

1 child caring institution under s. 938.34 (4d) or who is subject to an order under s.  
2 48.366.”.

3 **34.** Page 1440, line 15: after that line insert:

4 “SECTION 3201d. 968.255 (7) (b) of the statutes is amended to read:

5 968.255 (7) (b) Is placed in or transferred to a secured correctional facility, as  
6 defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02  
7 (15g), or a secured group home, as defined in s. 938.02 (15p).”.

8 **35.** Page 1453, line 4: after that line insert:

9 “SECTION 3216d. 980.015 (2) (b) of the statutes is amended to read:

10 980.015 (2) (b) The anticipated release from a secured correctional facility, as  
11 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02  
12 (15g), or a secured group home, as defined in s. 938.02 (15p), of a person adjudicated  
13 delinquent under s. 938.183 or 938.34 on the basis of a sexually violent offense.

14 **SECTION 3217d.** 980.02 (1) (b) 2. of the statutes is amended to read:

15 980.02 (1) (b) 2. The county in which the person will reside or be placed upon  
16 his or her discharge from a sentence, release on parole or extended supervision, or  
17 release from imprisonment, from a secured correctional facility, as defined in s.  
18 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),  
19 from a secured group home, as defined in s. 938.02 (15p), or from a commitment order.

20 **SECTION 3218d.** 980.02 (2) (ag) of the statutes is amended to read:

21 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,  
22 extended supervision or otherwise, from a sentence that was imposed for a conviction  
23 for a sexually violent offense, from a secured correctional facility, as defined in s.  
24 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),

1 or from a secured group home, as defined in s. 938.02 (15p), if the person was placed  
2 in the facility for being adjudicated delinquent under s. 938.183 or 938.34 on the  
3 basis of a sexually violent offense or from a commitment order that was entered as  
4 a result of a sexually violent offense.

5 **SECTION 3219d.** 980.02 (4) (am) of the statutes is amended to read:

6 980.02 (4) (am) The circuit court for the county in which the person will reside  
7 or be placed upon his or her discharge from a sentence, release on parole or extended  
8 supervision, or release from imprisonment, from a secured correctional facility, as  
9 defined in s. 938.02 (15m), ~~or~~ from a secured child caring institution, as defined in  
10 s. 938.02 (15g), from a secured group home, as defined in s. 938.02 (15p), or from a  
11 commitment order.

12 **SECTION 3220d.** 980.02 (4) (b) of the statutes is amended to read:

13 980.02 (4) (b) The circuit court for the county in which the person is in custody  
14 under a sentence, a placement to a secured correctional facility, as defined in s.  
15 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or  
16 a secured group home, as defined in s. 938.02 (15p), or a commitment order.”.

17 **36.** Page 1453, line 22: after that line insert:

18 **SECTION 3222d.** 980.04 (1) of the statutes is amended to read:

19 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review  
20 the petition to determine whether to issue an order for detention of the person who  
21 is the subject of the petition. The person shall be detained only if there is cause to  
22 believe that the person is eligible for commitment under s. 980.05 (5). A person  
23 detained under this subsection shall be held in a facility approved by the department.  
24 If the person is serving a sentence of imprisonment, is in a secured correctional

1 facility, as defined in s. 938.02 (15m), ~~or a secured child caring institution, as defined~~  
2 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or is  
3 committed to institutional care, and the court orders detention under this  
4 subsection, the court shall order that the person be transferred to a detention facility  
5 approved by the department. A detention order under this subsection remains in  
6 effect until the person is discharged after a trial under s. 980.05 or until the effective  
7 date of a commitment order under s. 980.06, whichever is applicable.”.

8 **37.** Page 1588, line 23: after that line insert:

9 “(5xt) SECURED GROUP HOMES. The renumbering and amendment of section  
10 48.66 (1) of the statutes, the amendment of sections 16.385 (7), 19.35 (1) (am) 2. c.,  
11 46.036 (4) (a), 48.02 (17), 48.48 (9), 48.48 (9m), 48.48 (10), 48.66 (2m) (a), 48.66 (2m)  
12 (am), 48.66 (2m) (b), 48.66 (2m) (bm), 48.68 (1), 48.69, 48.715 (1), 48.715 (2) (a),  
13 48.715 (2) (b), 48.715 (4) (intro.), 48.715 (5), 48.715 (6), 48.715 (7), 49.857 (1) (d) 3.,  
14 51.05 (2), 51.35 (3) (title), 51.35 (3) (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 73.0301  
15 (1) (d) 2., 118.125 (4), 165.76 (1) (a) (by SECTION 2288g), 165.76 (2) (b) 2., 252.15 (1)  
16 (ab), 252.15 (2) (a) 7. a., 301.01 (2) (b), 301.01 (4), 301.027, 301.03 (10) (d), 301.03 (10)  
17 (e), 301.03 (10) (f), 301.08 (1) (b) 3., 301.205, ~~301.26 (2) (a)~~ 301.26 (4) (cm) 1., 301.26  
18 (4) (cm) 2., 301.26 (4) (dt), 301.26 (7) (a) 3., 301.263 (3), 301.36 (1), 301.37 (1), 301.45  
19 (1) (b), 301.45 (1) (bm), 301.45 (3) (a) 2., 301.45 (5) (a) 2., 938.02 (15g), 938.02 (15m),  
20 938.02 (17), 938.069 (1) (dj), 938.08 (3) (a) (intro.), 938.08 (3) (a) 1., 938.08 (3) (a) 2.,  
21 938.08 (3) (b), 938.17 (1) (c), 938.183 (1) (a), 938.208 (2), 938.22 (title), 938.22 (1) (a),  
22 938.22 (1) (b), 938.22 (1) (c), 938.22 (2) (a), 938.22 (3) (a), 938.22 (3) (b), 938.22 (7) (a),  
23 938.22 (7) (b), 938.22 (7) (c), 938.23 (1) (a), 938.33 (3) (intro.), 938.33 (3) (a), 938.33  
24 (3r), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.34 (4n) (b), 938.34 (8d) (c), 938.345

1 (1) (a), 938.355 (1), 938.357 (3), 938.357 (4g) (a), 938.357 (4g) (b), 938.357 (4g) (d),  
 2 938.357 (5) (e), 938.357 (5) (f), 938.38 (3) (a), 938.51 (1) (intro.), 938.51 (1m), 938.51  
 3 (4) (intro.), 938.57 (1) (c), 938.57 (4), ~~938.59 (1)~~, 938.78 (3), 939.635 (1), 939.635 (2)  
 4 (b), ~~940.20 (2a) (a) 1.~~, 946.42 (1) (a), 946.44 (2) (c), 946.44 (2) (d), 946.45 (2) (c), 946.45  
 5 (2) (d), 968.255 (7) (b), 980.015 (2) (b), 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am),  
 6 980.02 (4) (b) and 980.04 (1) of the statutes and the creation of sections 51.01 (14k),  
 7 51.01 (14m), 51.01 (14p), 301.01 (3k), 301.01 (3m), 301.01 (3p), 301.08 (1) (b) 4. and  
 8 938.02 (15p) of the statutes first apply to delinquent acts committed on the effective  
 9 date of this subsection.”

10 **38.** Page 1608, line 8: after that line insert:

11 “(6xt) SECURED GROUP HOMES.

12 (a) The renumbering and amendment of section 48.66 (1) of the statutes, the  
 13 amendment of sections 16.385 (7), 19.35 (1) (am) 2. c., 46.036 (4) (a), 48.02 (17), 48.48  
 14 (9), 48.48 (9m), 48.48 (10), 48.66 (2m) (a), 48.66 (2m) (am), 48.66 (2m) (b), 48.66 (2m)  
 15 (bm), 48.68 (1), 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (2) (b), 48.715 (4) (intro.),  
 16 48.715 (5), 48.715 (6), 48.715 (7), 49.857 (1) (d) 3., 51.05 (2), 51.35 (3) (title), 51.35 (3)  
 17 (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 73.0301 (1) (d) 2., 118.125 (4), 165.76 (1)  
 18 (a) (by SECTION 2288g), 165.76 (2) (b) 2., 252.15 (1) (ab), 252.15 (2) (a) 7. a., 301.01 (2)  
 19 (b), 301.01 (4), 301.027, 301.03 (10) (d), 301.03 (10) (e), 301.03 (10) (f), 301.08 (1) (b)  
 20 3., 301.205, ~~301.26 (2) (a) 1.~~ 301.26 (4) (cm) 1., 301.26 (4) (cm) 2., 301.26 (4) (dt), 301.26  
 21 (7) (a) 3., 301.263 (3), 301.36 (1), 301.37 (1), 301.45 (1) (b), 301.45 (1) (bm), 301.45 (3)  
 22 (a) 2., 301.45 (5) (a) 2., 938.02 (15g), 938.02 (15m), 938.02 (17), 938.069 (1) (dj), 938.08  
 23 (3) (a) (intro.), 938.08 (3) (a) 1., 938.08 (3) (a) 2., 938.08 (3) (b), 938.17 (1) (c), 938.183  
 24 (1) (a), 938.208 (2), 938.22 (title), 938.22 (1) (a), 938.22 (1) (b), 938.22 (1) (c), 938.22

1 (2) (a), 938.22 (3) (a), 938.22 (3) (b), 938.22 (7) (a), 938.22 (7) (b), 938.22 (7) (c), 938.23  
 2 (1) (a), 938.33 (3) (intro.), 938.33 (3) (a), 938.33 (3r), 938.34 (4m) (intro.), 938.34 (4n)  
 3 (intro.), 938.34 (4n) (b), 938.34 (8d) (c), 938.345 (1) (a), 938.355 (1), 938.357 (3),  
 4 938.357 (4g) (a), 938.357 (4g) (b), 938.357 (4g) (d), 938.357 (5) (e), 938.357 (5) (f),  
 5 938.38 (3) (a), 938.51 (1) (intro.), 938.51 (1m), 938.51 (4) (intro.), 938.57 (1) (c), 938.57  
 6 (4), ~~938.59 (1)~~ 938.78 (3), 939.635 (1), 939.635 (2) (b), ~~940.20 (2m) (a)~~, 946.42 (1)  
 7 (a), 946.44 (2) (c), 946.44 (2) (d), 946.45 (2) (c), 946.45 (2) (d), 968.255 (7) (b), 980.015  
 8 (2) (b), 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am), 980.02 (4) (b) and 980.04 (1)  
 9 of the statutes and the creation of sections 51.01 (14k), 51.01 (14m), 51.01 (14p),  
 10 301.01 (3k), 301.01 (3m), 301.01 (3p), 301.08 (1) (b) 4. and 938.02 (15p) of the statutes  
 11 and SECTION 9311 (5xt) of this act take effect on January 1, 2000.

12 (b) The repeal and recreation of section 51.35 (3) (c) and (e) of the statutes takes  
 13 effect on December 1, 2001.”

14 (END)

*Note*

On the instructions of Art Zimmerman of the LFB,  
 this redraft permits DOC to license up to ~~5~~  
 not more than <sup>five</sup> ~~15~~, rather than not more than one,  
 secured group homes. The redraft also deletes the  
 treatments of ss. 938.59 (1) and 940.20 (2m) (a) <sup>a</sup> 1.  
 as those treatments are technical and remedial in  
 nature and not directly related to the issue of  
 secured group homes.

*GMM*



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0803/2dn  
GMM:kg:ksh

June 24, 1999

*not more than*

*10*

On the instructions of Art Zimmerman of the LFB, this redraft permits DOC to license not more than five, rather than one, secured group homes. The redraft also deletes the treatments of ss. 938.59 (1) and 940.20 (2m) (a) 1. as these treatments are technical and remedial in nature and are not directly related to the issue of secured group homes.

*le*

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: Gordon.Malaise@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0803/2dn  
GMM:kg:ksh

June 25, 1999

On the instructions of Art Zimmerman of the LFB, this redraft permits DOC to license not more than five, rather than not more than one, secured group homes. The redraft also deletes the treatments of ss. 938.59 (1) and 940.20 (2m) (a) 1. as those treatments are technical and remedial in nature and not directly related to the issue of secured group homes.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [Gordon.Malaise@legis.state.wi.us](mailto:Gordon.Malaise@legis.state.wi.us)