

2005 DRAFTING REQUEST

Bill

Received: 04/05/2005

Received By: **gmalaise**

Wanted: 04/22/2005

Identical to LRB:

For: **Legislative Council - JLC 7-9485**

By/Representing: **Anne Sappenfield**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - juvenile justice**

Extra Copies:

Submit via email: **YES**

Requester's email: **anne.sappenfield@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Recodification of Juvenile Justice Code

Instructions:

See Attached--draft up WLCS: 0081/3

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	gmalaise 04/21/2005	csicilia 04/24/2005		_____			S&L
/1			chaugen 04/25/2005	_____	lemery 04/25/2005	mbarman 05/25/2005	

FE Sent For:

<END>

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Per
for Assembly

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/?	gmalaise	↑ 4/24 05 gs	4/5 IC conversion patty CH/AS/PG 4/25	04/10/05 12/5/05 JL			
FE Sent For:				<END>			

1 **AN ACT** *to repeal* 48.396 (2) (f), 51.01 (14p), 301.01 (3p), 301.08 (1) (b) 4., 938.02
2 (15p), 938.18 (1) (b), 938.357 (4) (d), 938.396 (1m) (d) and 938.396 (6); *to*
3 *renumber* 938.263 (2) (title), 938.396 (1b), 938.396 (1d), 938.396 (1r), 938.396 (1t),
4 938.396 (1x), 938.396 (2) (ag), 938.396 (2) (am), 938.396 (2) (c), 938.396 (2) (d),
5 938.396 (2) (dm), 938.396 (2) (dr), 938.396 (2) (e), 938.396 (2) (fm), 938.396 (2)
6 (g), 938.396 (2) (gm), 938.396 (2) (h), 938.396 (2) (i), 938.396 (5) (a) 1. to 5.,
7 938.396 (5) (c) (intro.), 1 and 2. and 938.396 (5) (d) and (e); *to renumber and*
8 *amend* 16.99 (3r), 48.02 (16), 51.01 (14m), 165.85 (2) (e), 165.85 (2) (f), 301.01
9 (3m), 938.02 (15m), 938.02 (16), 938.06 (5), 938.17 (2) (d), 938.18 (1) (a) (intro.),
10 938.183 (2), 938.20 (8), 938.21 (7), 938.243 (1m), 938.245 (1), 938.273 (1), 938.275
11 (2) (a), 938.29 (1g), 938.295 (1), 938.295 (2) (b), 938.299 (1) (ar), 938.30 (4m),
12 938.30 (5) (e) 1., 938.315 (1) (a), 938.315 (1) (b), 938.315 (1) (c), 938.315 (1) (d),
13 938.315 (1) (dm), 938.315 (1) (e), 938.315 (1) (f), 938.315 (1) (fm), 938.315 (1) (h),
14 938.315 (1) (i), 938.32 (1) (b) 1., 938.32 (1) (c) 1., 938.335 (3g), 938.335 (3m) (a),
15 938.355 (6) (a), 938.396 (1), 938.396 (1g), 938.396 (1m) (a), 938.396 (1m) (am),
16 938.396 (1m) (ar), 938.396 (1m) (b), 938.396 (1m) (c), 938.396 (1p), 938.396 (2)
17 (a), 938.396 (2) (b), 938.396 (2) (em), 938.396 (2) (f), 938.396 (2) (j), 938.396 (2m)
18 (a), 938.396 (2m) (b), 938.396 (5) (a) (intro.), 938.396 (5) (b), 938.396 (5) (bm),
19 938.396 (5) (c) 3., 938.396 (7) (a), 938.396 (7) (am), 938.396 (7) (ar), 938.396 (7)
20 (b), 938.396 (7) (bm), 938.396 (7) (c), 938.396 (8), 938.396 (9) and 938.49 (2); *to*
21 *consolidate, renumber and amend* 938.50 (1) and (2); *to amend* 16.27 (7), 16.51
22 (7), 16.971 (13), 16.99 (2g), 16.997 (2) (b) and (f), 19.35 (1) (am) 2. c., 20.410 (3)

1 (c) and (jv), 20.505 (4) (tw) (title), 46.057 (1), 46.22 (1) (c) 1. b., 46.22 (1) (c) 1. c.,
2 48.067 (2), 48.208 (title) and (intro.), 48.209 (intro.), (1) (intro.) and (a) and (2),
3 48.23 (1m) (a), 48.236 (4) (a), 48.366 (1) (a) and (b), 48.366 (8), 48.38 (2) (intro.)
4 and (g) and (3), 48.396 (1), 48.66 (1) (b) and (c), 48.66 (2m) (am) 1. and (bm),
5 48.715 (6), 48.78 (2) (b), 48.981 (1) (b), 49.35 (1) (b), 50.39 (3), 51.01 (14k), 51.05
6 (2), 51.30 (4) (b) 9., 51.30 (5) (d), 51.35 (3) (a) and (c), 51.35 (3) (e) and (g), 59.24,
7 77.52 (2) (a) 10., 101.123 (1) (bg), 101.123 (1) (j), (2) (br), (3) (gg) and (4) (a) 2.,
8 115.31 (1) (b), 115.76 (10), 115.81 (1) (b), 118.125 (1) (a), 118.125 (2) (cg), 118.125
9 (2) (d), 118.125 (2) (e), 118.125 (2) (L), 118.125 (3), 118.125 (4), 118.125 (5) (b),
10 118.125 (7), 118.127 (1), 118.127 (2), 118.15 (1) (cm) 1., 118.15 (5) (b) 2., 146.82
11 (2) (a) 18m., 157.065 (2) (a) 4. c., 165.55 (15), 165.76 (1) (a) and (2) (b) 2., 165.76
12 (2) (b) 5., 165.85 (3) (d), 175.35 (1) (ag), 230.36 (1m) (b) 3., 230.36 (2m) (a) 20.,
13 252.15 (1) (ab) and (2) (a) 7. a., 252.15 (5) (a) 19., 301.01 (2) (b), 301.01 (3k),
14 301.01 (4), 301.027, 301.03 (10) (d), (e) and (f), 301.032 (1) (b), 301.08 (1) (b) 3.,
15 301.19 (1) (b), 301.205, 301.26 (2) (c), 301.26 (4) (cm) 1. and 2., 301.26 (4) (d) 2.
16 and 3., 301.26 (7) (b) 3., 301.263 (3), 301.36 (1), 301.37 (1), 301.37 (5), 301.45 (1g)
17 (b) and (bm), (3) (a) 2. and (5) (a) 2., 301.45 (6) (c) and (d), 302.11 (10), 302.18 (7),
18 302.255, 302.386 (1), (2) (intro.), (3) (a), (5) (c) and (d), 938.01 (2) (f), 938.01 (2)
19 (g), 938.02 (5), 938.02 (7), 938.02 (15d), 938.02 (15g), 938.02 (19), 938.02 (19r),
20 938.02 (20), 938.028, 938.03 (title), 938.03 (1), 938.03 (2), 938.06 (1) (a), 938.06
21 (1) (am) and (b), 938.06 (2) and (3), 938.067 (intro.), 938.067 (2) and (3), 938.067
22 (5), 938.067 (7), 938.067 (9), 938.069 (1) (intro.), (c), (dj) and (e), 938.07 (2) and
23 (3), 938.08 (1) and (2), 938.08 (3), 938.09 (1) to (6), 938.10, 938.12, 938.125 (intro.)
24 and (2), 938.13, 938.135, 938.15, 938.17 (1) (title), (intro.) and (c), 938.17 (2) (a) 2.

1 d. and 3., 938.17 (2) (b) to (cm), 938.17 (2) (h) 1. and 2., 938.17 (2) (i) 1., 2m. and
2 3g., 938.18 (2), 938.18 (3) (a), (b) and (c), 938.18 (4) (a) and (b), 938.18 (5) (a),
3 938.18 (5) (b), 938.18 (6), 938.183 (1) (a) and (am), 938.183 (1m) (intro.) and (c) 1.
4 and 2., 938.183 (3), 938.185 (2), 938.19 (1) (b) and (c), 938.19 (1) (d) 1., 6. and 7.,
5 938.19 (1m) and (2), 938.20 (2) (cm), (d) and (f) 2., 938.20 (3), 938.20 (5), 938.20
6 (7) (a) and (b), 938.20 (7) (c) 1., 1m. and 2., 938.205, 938.207 (1) (c), (cm) and (f)
7 and (2), 938.208 (1) (intro.) and (2), 938.208 (3), (4) and (5), 938.209 (1) (a) 5.,
8 938.209 (1) (b), 938.21 (1), 938.21 (2) (b), (c) and (d), 938.21 (3) (b), (d) and (e),
9 938.21 (4) (intro.), 938.21 (4) (a) and (4m), 938.21 (5) (b) 1. and 3., 938.21 (5) (c)
10 and (d) 1., 938.21 (6), 938.22 (title), 938.22 (1) (a), (b) and (c), 938.22 (2) (a) and
11 (b), 938.22 (3), 938.22 (7) (a) and (b), 938.222 (1), 938.222 (2) (a) 1. and 2., 938.223
12 (2) (a) 1. and 2., 938.223 (3), 938.224 (1), 938.23 (1g) and (1m) (a), (am) and (b) 2.,
13 938.23 (3), (4) and (5), 938.235 (3) (a) and (b) (intro.), 938.235 (7) and (8) (a) and
14 (b), 938.24 (1), 938.24 (2) and (2m), 938.24 (4) and (5), 938.24 (6) and (7), 938.243
15 (1) (intro.), (am), (c) and (h), 938.243 (3), 938.245 (1m), 938.245 (2) (a) 2., 3. and
16 4., 938.245 (2) (a) 5. a., am. and c., 938.245 (2) (a) 7., 938.245 (2) (a) 8. c., 938.245
17 (2g) to (4), 938.245 (6) to (9), 938.25 (1) to (2m), 938.25 (3), 938.255 (1) (intro.) (c)
18 and (cm), 938.255 (1) (e), 938.255 (3), 938.265, 938.27 (3) (a) 1., 938.27 (4m), (5)
19 and (6), 938.275 (1) (c), 938.275 (2) (b) and (c), 938.275 (2) (cg) 3., 938.28, 938.29
20 (1), 938.29 (1m), 938.293 (1), 938.293 (3), 938.295 (1c) (intro.), 938.295 (1g),
21 938.295 (2) (a), 938.295 (3), 938.296 (2m) (b), 938.2965 (2), 938.297 (2) to (4),
22 938.299 (1) (am), 938.299 (1) (b), 938.299 (4) (b) and (5), 938.299 (9) (a) and (b),
23 938.30 (2), 938.30 (4) (a), (bm) and (c), 938.30 (5) (a) 2., (c) (intro.) and (d) (intro.),
24 938.30 (6) (b) and (c) and (7), 938.30 (8) (b) and (9), 938.31 (7), 938.315 (1) (intro.),

1 938.32 (1) (a) and (am), 938.32 (1) (b) 1m., 938.32 (1) (b) 2., 938.32 (1) (c) 2.,
2 938.32 (1) (c) 3. and (d), 938.32 (1d), 938.32 (1g) (intro.) and (b), 938.32 (1m)
3 (intro.), (a) and (c), 938.32 (1r), 938.32 (1p), 938.32 (1t) (a) 1., 1m. and 3. and (b),
4 938.32 (1v) and (1x), 938.32 (2) (a), (3) and (4), 938.32 (5) (a) and (6), 938.33 (1)
5 (intro.), (b), (c) and (f), 938.33 (3) (intro.) and (a), 938.33 (3r), 938.33 (4m) (intro.),
6 938.335 (1), 938.335 (3m) (am), 938.335 (3m) (b), 938.34 (2) (a) and (b), 938.34
7 (2g) (intro.) and (a), 938.34 (2m) (a) and (c), 938.34 (3) (a), (b) and (e), 938.34 (4d),
8 938.34 (4h) (a) and (b), 938.34 (4m) (intro.), (a) and (b) (intro.), 938.34 (4n) (intro.)
9 and (b), 938.34 (5) (a), (am) and (c), 938.34 (5g) (b), 938.34 (6) (am) 1. and 2.,
10 938.34 (6r) (a) and (b) and (6s), 938.34 (7d) (a) 2., 3. and 4., 938.34 (8), 938.34 (8d)
11 (c) and (d), 938.34 (13r), (13t), (14d) and (14q), 938.34 (14r) (a), 938.34 (15) (b),
12 938.34 (16), 938.342 (1d) (intro.), 938.342 (1g) (intro.) and (b), 938.342 (1g) (f) 1.
13 and 2., 938.342 (1m), (1r) and (2), 938.343 (2), 938.343 (2m) (a), 938.343 (2m) (b),
14 938.343 (4), (5), (6) and (7), 938.343 (8), 938.343 (9), 938.344 (2) (a), (b) and (c),
15 938.344 (2b) (a), (b) and (c), 938.344 (2d) (a), (b) and (c), 938.344 (2e) (a) 1., 2. and
16 3. and (b) and (c), 938.344 (2g) (a) 1. and 4. a. and b. and (d), 938.345 (1) (intro.),
17 (a), (d), (e) and (g), 938.345 (2), 938.345 (3) (a) (intro.) and (c), 938.346 (1) (a),
18 938.346 (1) (b), 938.346 (1) (d) 2., 938.346 (1m) and (2), 938.35 (1m) and (2),
19 938.355 (1), 938.355 (2) (b) 1., 1m., 4m., 5., 6. and 6r., 938.355 (2c) (a) (intro.) and
20 (b), 938.355 (2d) (a) 1. and (b) 1., 2., 3. and 4., 938.355 (2d) (c) 1., 938.355 (2e) (b),
21 938.355 (2m), 938.355 (3) (a) and (b) 1. and 1m., 938.355 (3m) and (4), 938.355
22 (4m), 938.355 (6) (an), 938.355 (6) (b), 938.355 (6) (cm), 938.355 (6d) (a) 1. and 2.
23 and (b) 1. and 2., 938.355 (6d) (c) 1. and 2. and (d), 938.355 (6g) (a) and (b) (intro.),
24 938.355 (6m) (a) (intro.), (ag) and (am), 938.355 (6m) (cm), 938.355 (7), 938.357

1 (1) (am) 1. and 3., 938.357 (1) (c) and (2), 938.357 (2m) and (2r), 938.357 (2v) (a)
2 1., 2. and 3. and (b), 938.357 (2v) (c) 1., 938.357 (3), 938.357 (4) (a) and (b) 1., 2.
3 and 3., 938.357 (4) (c) 1., 2. and 3., 938.357 (4d) (a) and (am), 938.357 (4g) (a), (b),
4 (c) (intro.) and (d), 938.357 (5) (a), (c), (d), (e) and (f), 938.357 (5m) (a) and (b),
5 938.357 (6), 938.36 (1) (b), 938.36 (2), 938.361 (2) (a) 2., 938.361 (2) (am), (b) and
6 (c), 938.362 (3) and (4) (a), 938.363, 938.364, 938.365 (1) and (1m), 938.365 (2)
7 (intro.), 938.365 (2g) (b) 2. and (c), 938.365 (2m) (a), (ad) 1. and (ag), 938.365 (5)
8 and (6), 938.368 (2) (intro.), 938.371, 938.373 (1), 938.38 (2) (intro.), (3) (a) and (b),
9 (4) (ar) and (h) (intro.), 938.38 (5) (a), 938.39, 938.44, 938.45 (1), 938.45 (1m) (a),
10 (1r), (2) and (3), 938.48 (1), 938.48 (2), 938.48 (3) and (4), 938.48 (4m) (d), (5) and
11 (6), 938.48 (14) and (16), 938.49 (1), 938.505 (2), 938.51 (1) (intro.), 938.51 (1m),
12 938.51 (2), 938.51 (4) (intro.), 938.52 (1) (d), (2) and (4), 938.53, 938.533, 938.534
13 (1) (a) and (b) 1., 2., 3. and 4., 938.534 (1) (c) and (d) and (2), 938.535, 938.538 (3)
14 (a) 1., 1m., 1p. and 2., 938.538 (4), (5) (b) and (c), (6) and (6m) (b), 938.539,
15 938.539 (2) to (5), 938.57 (1) (b), (c), (cm), (d) and (2), 938.57 (4), 938.59 (1),
16 938.78 (2) (a), (ag) and (am), 938.78 (2) (b) 1. and (3), 938.795 (1) to (4), 938.992
17 (3), 940.225 (5) (ab), 946.42 (1) (a), 946.44 (2) (c) and (d), 946.45 (2) (c) and (d),
18 948.50 (4) (b), 968.255 (7) (b), 970.032 (1), 973.013 (3m), 976.08, 980.015 (2) (b),
19 980.02 (1) (b) 2., (2) (ag), (4) (am) and (b) and 980.04 (1); and *to create* 938.01 (1)
20 (title) and (2) (title), 938.067 (1) (title), 938.067 (4) (title), 938.067 (6) (title), (6g)
21 (title) and (6m) (title), 938.067 (8) (title) and (8m) (title), 938.069 (2) (title), (3)
22 (title) and (4) (title), 938.17 (2) (a) (title), 938.17 (2) (e) (title), (f) (title) and (g)
23 (title), 938.17 (2) (h) (title), 938.17 (2) (i) (title), 938.18 (2m) (title), 938.18 (3)
24 (title) and (intro.), 938.18 (5) (title), 938.18 (5) (am), 938.18 (7) (title), (8) (title) and

1 (9) (title), 938.183 (1) (title), 938.183 (4) (title), 938.185 (1) (title), 938.185 (3)
2 (title) and (4) (title), 938.19 (1) (title), 938.19 (3) (title), 938.20 (2) (title), 938.20 (4)
3 (title), 938.20 (6) (title) and (7) (title), 938.20 (8) (c), 938.207 (1) (title), 938.208 (6)
4 (title), 938.209 (1) (title), 938.209 (2m) (title) and (3) (title), 938.22 (1) (title),
5 938.22 (2) (title), 938.22 (3) (title), 938.22 (5) (title) and (7) (title), 938.222 (2)
6 (title), 938.223 (1) (title), 938.223 (2) (title), 938.224 (2) (title), (3) (title) and (4)
7 (title), 938.237 (1) (title), (2) (title) and (3) (title), 938.24 (1m) (title), 938.24 (2r)
8 (title), and (3) (title), 938.24 (5m) (title), 938.243 (4) (title), 938.245 (2) (title), (2)
9 (a) (title) and (2) (a) 1. (title), 938.245 (2) (a) 6. (title), 938.245 (2) (a) 8. (title),
10 938.245 (2) (a) 9m. (title), (b) (title) and (c) (title), 938.245 (5) (title), 938.25 (4)
11 (title), (5) (title) and (6) (title), 938.255 (2) (title), 938.255 (4) (title), 938.263 (1)
12 (title), 938.27 (1) (title), (2) (title) and (3) (title), 938.27 (4) (title), 938.27 (7) (title)
13 and (8) (title), 938.273 (2) (title) and (3) (title), 938.275 (1) (title) and (2) (title),
14 938.29 (2) (title), 938.293 (2) (title), 938.295 (4) (title), 938.296 (1) (title) and (2)
15 (title), 938.296 (2m) (title), 938.296 (3) (title), (4) (title), (5) (title) and (6) (title),
16 938.2965 (1) (title), 938.297 (1) (title), 938.297 (5) (title), (6) (title) and (7) (title),
17 938.299 (1) (title), 938.299 (4) (title), 938.299 (6) (title), (7) (title), (8) (title) and (9)
18 (title), 938.30 (1) (title), 938.30 (3) (title) and (4) (title), 938.30 (5) (title), 938.30 (6)
19 (title), 938.30 (8) (title), 938.30 (10) (title), 938.31 (1) (title), (2) (title) and (4)
20 (title), 938.315 (2) (title), (2m) (title) and (3) (title), 938.32 (1) (title), 938.32 (2)
21 (title), 938.32 (5) (title), 938.335 (3) (title), 938.335 (3m) (title), 938.335 (3r) (title),
22 (4) (title) and (5) (title), 938.343 (1) (title), 938.343 (2m) (title), 938.343 (3) (title)
23 and (3m) (title), 938.343 (10) (title), 938.344 (2) (title), 938.344 (2b) (title), 938.344
24 (2d) (title), 938.344 (2e) (title), 938.344 (2g) (title), 938.344 (2m) (title) and (3)

1 (title), 938.345 (3) (title), 938.346 (1) (title), 938.346 (3) (title), (4) (title) and (5)
2 (title), 938.35 (1) (title), 938.355 (6) (d) (title) and (e) (title), 938.355 (6m) (b) (title),
3 938.355 (6m) (c) (title), 938.356 (1) (title) and (2) (title), 938.357 (1) (title) and (a)
4 (title), 938.357 (1) (am) (title), 938.357 (2v) (title) and (a) (title), 938.357 (2v) (c)
5 (title), 938.357 (4m) (title) and (5) (title), 938.357 (5m) (title), 938.36 (1) (title),
6 938.36 (3) (title), 938.361 (1) (title) and (2) (title), 938.362 (1) (title) and (2) (title),
7 938.365 (2) (title) and (2g) (title), 938.365 (2m) (title), 938.365 (3) (title) and (4)
8 (title), 938.365 (7) (title), 938.368 (1) (title), 938.37 (1) (title) and (3) (title), 938.373
9 (2) (title), 938.396 (1) (title), 938.396 (1) (b) 5., 938.396 (1) (c) (intro.), 938.396 (1j)
10 (title), 938.396 (2g) (intro.), 938.396 (2g) (ag) (title), 938.396 (2g) (am) (title),
11 938.396 (2g) (c) (title), 938.396 (2g) (d) (title), 938.396 (2g) (dm) (title), 938.396
12 (2g) (dr) (title), 938.396 (2g) (e) (title), 938.396 (2g) (fm) (title), 938.396 (2g) (g)
13 (title), 938.396 (2g) (gm) (title), 938.396 (2g) (h) (title), 938.396 (2g) (i) (title),
14 938.396 (2g) (m) (title), 938.396 (3) (title), 938.396 (4) (title), 938.45 (1m) (title),
15 938.48 (4m) (title), 938.48 (13) (title), 938.505 (1) (title), 938.51 (1d) (title) and (1g)
16 (title), 938.51 (1r) (title), 938.51 (3) (title), 938.539 (6) (title), 938.549 (1) (title), (2)
17 (title) and (3) (title), 938.57 (1) (title), 938.57 (3) (title), 938.59 (2) (title) and 938.78
18 (1) (title) and (2) (title) of the statutes; **relating to:** general provisions; organization
19 of the court; jurisdiction; holding a juvenile in custody; procedure; disposition;
20 permanency planning; jurisdiction over persons 17 years of age or older; authority of
21 the department of corrections; county juvenile welfare services; general provisions
22 on juvenile records; community services; prohibition on transferring to an adult
23 prison a juvenile who has been adjudicated delinquent; and the confidentiality of
24 juvenile records.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on the recodification of ch. 938, the juvenile justice code.

The special committee is directed to recodify ch. 938, stats., relating to the juvenile justice code. The special committee is instructed that the recodification may include a study of the possible reorganization of certain parts of the chapter to fit in a logical manner with the rest of the chapter, renumbering and retitling of certain sections and subsections, consolidating related provisions, modernizing language, resolving ambiguities in language, codifying court decisions, and making minor substantive changes.

The draft:

1. Reorganizes individual sections, or portions of sections, in ch. 938 by combining them with other sections, dividing single sections into 2 or more sections, and internally reorganizing single sections.
2. Makes nonsubstantive editorial changes to modernize language and for consistency with current drafting style.
3. Revises section titles, where appropriate, and provides for subsection titles throughout the chapter.
4. Clarifies ambiguous language.
5. Makes substantive changes the special committee concluded are relatively noncontroversial.

The special committee explicitly intends that, unless expressly noted, the draft makes no substantive changes in the statutory provisions treated by the draft. Substantive changes in the draft are identified by notes to the provisions substantively affected. If a question arises about the effect of any modification made by this draft, the special committee intends that the revisions in the draft be construed to have the same effect as the prior statutes.

1 **SECTION 1.** 16.27 (7) of the statutes is amended to read:

2 16.27 (7) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES. No payment
3 under sub. (6) may be made to a prisoner who is imprisoned in a state prison under s. 302.01
4 or to a person placed at a ~~secured~~ juvenile correctional facility, as defined in s. 938.02 (~~15m~~)

1 (10p), or a secured ~~child caring institution~~ residential care center for children and youth, as
2 defined in s. 938.02 (15g), or a secured ~~group home~~, as defined in s. 938.02 (15p).

 NOTE: See the notes to s. 938.02 (15g), (15m) (renumbered to (10p))
 and (15p) in this draft.

3 **SECTION 2.** 16.51 (7) of the statutes is amended to read:

4 16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND JUVENILES IN
5 ~~SECURED~~ JUVENILE CORRECTIONAL FACILITIES. Receive, examine, determine, and audit claims,
6 duly certified and approved by the department of corrections, from the county clerk of any
7 county in behalf of the county, which are presented for payment to reimburse the county for
8 certain expenses incurred or paid by it in reference to all matters growing out of actions and
9 proceedings involving prisoners in state prisons, as defined in s. 302.01, or juveniles in
10 ~~secured~~ juvenile correctional facilities, as defined in s. 938.02 (~~15m~~) (10p), including
11 prisoners or juveniles transferred to a mental health institute for observation or treatment,
12 when the proceedings are commenced in counties in which the prisons or ~~secured~~ juvenile
13 correctional facilities are located by a district attorney or by the prisoner or juvenile as a
14 postconviction remedy or a matter involving the prisoner's status as a prisoner or the juvenile's
15 status as a resident of a ~~secured~~ juvenile correctional facility and for certain expenses incurred
16 or paid by it in reference to holding those juveniles in secure custody while those actions or
17 proceedings are pending. Expenses shall only include the amounts that were necessarily
18 incurred and actually paid and shall be no more than the legitimate cost would be to any other
19 county had the offense or crime occurred therein.

20 **SECTION 3.** 16.971 (13) of the statutes is amended to read:

1 16.971 (13) Provide ~~secured~~ juvenile correctional facilities, school districts, and
2 cooperative educational service agencies with telecommunications access under s. 16.997 and
3 contract with telecommunications providers to provide that access.

4 **SECTION 4.** 16.99 (2g) of the statutes is amended to read:

5 16.99 (2g) "Educational agency" means a school district, charter school sponsor,
6 ~~secured~~ juvenile correctional facility, private school, cooperative educational service agency,
7 technical college district, private college, public library system, public library board, public
8 museum, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin
9 Educational Services Program for the Deaf and Hard of Hearing.

10 **SECTION 5.** 16.99 (3r) of the statutes is renumbered 16.99 (3b) and amended to read:

11 16.99 (3b) "~~Secured~~ Juvenile correctional facility" means the Southern Oaks Girls
12 School, the Ethan Allen School, ~~the Youth Leadership Training Center~~, and the Lincoln Hills
13 School.

NOTE: Deletes reference to the youth leadership training center because
the center no longer exists.

14 **SECTION 6.** 16.997 (2) (b) and (f) of the statutes are amended to read:

15 16.997 (2) (b) Establish eligibility requirements for an educational agency to participate
16 in the program established under sub. (1), including a requirement that a charter school
17 sponsor use data lines and video links to benefit pupils attending the charter school and a
18 requirement that Internet access to material that is harmful to children, as defined in s. 948.11
19 (1) (b), is blocked on the computers of ~~secured~~ juvenile correctional facilities that are served
20 by data links and video links subsidized under this section.

21 (f) Ensure that ~~secured~~ juvenile correctional facilities that receive access under this
22 section to data lines and video links use them only for educational purposes.

1 **SECTION 7.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

2 19.35 (1) (am) 2. c. Endanger the security, including the security of the population or
3 staff, of any state prison under s. 302.01, jail, as defined in s. 165.85 (2) (bg), ~~secured juvenile~~
4 ~~correctional facility~~, as defined in s. 938.02 ~~(15m)~~ (10p), ~~secured child-caring institution~~
5 ~~residential care center for children and youth~~, as defined in s. 938.02 (15g), ~~secured group~~
6 ~~home~~, as defined in s. 938.02 ~~(15p)~~, mental health institute, as defined in s. 51.01 (12), center
7 for the developmentally disabled, as defined in s. 51.01 (3), or facility, specified under s.
8 980.065, for the institutional care of sexually violent persons.

9 **SECTION 8.** 20.410 (3) (c) and (jv) of the statutes are amended to read:

10 20.410 (3) (c) *Reimbursement claims of counties containing ~~secured juvenile~~*
11 *correctional facilities.* The amounts in the schedule to pay all valid claims made by county
12 clerks of counties containing state juvenile correctional ~~institutions~~ facilities as provided in
13 s. 16.51 (7).

14 (jv) *Secure detention services.* All moneys received from counties under s. 938.224 (3)
15 (a) for holding juveniles in secure custody in ~~secured juvenile~~ correctional facilities under s.
16 938.224 (1).

17 **SECTION 9.** 20.505 (4) (tw) (title) of the statutes is amended to read:

18 20.505 (4) (tw) *Telecommunications access; ~~secured juvenile~~ correctional facilities.*

19 **SECTION 10.** 46.057 (1) of the statutes is amended to read:

20 46.057 (1) The department shall establish, maintain and operate the Mendota juvenile
21 treatment center on the grounds of the Mendota Mental Health Institute. The department may
22 designate staff at the Mendota Mental Health Institute as responsible for administering, and
23 providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the
24 department shall operate the Mendota juvenile treatment center as a ~~secured juvenile~~

1 correctional facility, as defined in s. 938.02 ~~(15m)~~ (10p). The center shall not be considered
2 a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state
3 treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19).
4 The center shall provide psychological and psychiatric evaluations and treatment for juveniles
5 whose behavior presents a serious problem to themselves or others in other secured juvenile
6 correctional facilities and whose mental health needs can be met at the center. With the
7 approval of the department of health and family services, the department of corrections may
8 transfer to the center any juvenile who has been placed in a secured juvenile correctional
9 facility under the supervision of the department of corrections under s. 938.183, 938.34 (4h)
10 or (4m), or 938.357 (4) or (5) (e) in the same manner that the department of corrections
11 transfers juveniles between other secured juvenile correctional facilities.

12 **SECTION 11.** 46.22 (1) (c) 1. b. of the statutes is amended to read:

13 46.22 (1) (c) 1. b. 'State institutions.' The Mendota Mental Health Institute, the
14 Winnebago Mental Health Institute, centers for the developmentally disabled, and Type 1
15 secured juvenile correctional facilities, as defined in s. 938.02 (19).

16 **SECTION 12.** 46.22 (1) (c) 1. c. of the statutes is amended to read:

17 46.22 (1) (c) 1. c. 'Other institution.' University of Wisconsin Hospitals and Clinics
18 and ~~secured child caring institutions~~ residential care centers for children and youth, as defined
19 in s. 938.02 (15g).

20 **SECTION 13.** 48.02 (16) of the statutes is renumbered 48.02 (10r) and amended to read:

21 48.02 (10r) "Secure Juvenile detention facility" means a locked facility approved by
22 the department of corrections under s. 301.36 for the secure, temporary holding in custody of
23 children.

24 **SECTION 14.** 48.067 (2) of the statutes is amended to read:

1 48.067 (2) Interview, unless impossible, any child or expectant mother of an unborn
2 child who is taken into physical custody and not released, and when appropriate interview
3 other available concerned parties. If the child cannot be interviewed, the intake worker shall
4 consult with the child's parent or a responsible adult. If an adult expectant mother of an unborn
5 child cannot be interviewed, the intake worker shall consult with an adult relative or friend
6 of the adult expectant mother. No child may be placed in a ~~secure~~ juvenile detention facility
7 unless the child has been interviewed in person by an intake worker, except that if the intake
8 worker is in a place which is distant from the place where the child is or the hour is
9 unreasonable, as defined by written court intake rules, and if the child meets the criteria under
10 s. 48.208, the intake worker, after consulting by telephone with the law enforcement officer
11 who took the child into custody, may authorize the secure holding of the child while the intake
12 worker is en route to the in-person interview or until 8 a.m. of the morning after the night on
13 which the child was taken into custody.

14 **SECTION 15.** 48.208 (title) and (intro.) of the statutes are amended to read:

15 **48.208 Criteria for holding a child in a ~~secure~~ juvenile detention facility.** (intro.)

16 A child may be held in a ~~secure~~ juvenile detention facility if the intake worker determines that
17 one of the following conditions applies:

18 **SECTION 16.** 48.209 (intro.), (1) (intro.) and (a) and (2) of the statutes are amended to
19 read:

20 **48.209 Criteria for holding a child in a county jail.** (intro.) Subject to the provisions
21 of s. 48.208, a county jail may be used as a ~~secure~~ juvenile detention facility if the criteria under
22 either sub. (1) or (2) are met:

23 **(1)** (intro.) There is no other ~~secure~~ juvenile detention facility approved by the
24 department of corrections or a county which is available and:

1 (a) The jail meets the standards for ~~secure~~ juvenile detention facilities established by
2 the department of corrections;

3 (2) The child presents a substantial risk of physical harm to other persons in the ~~secure~~
4 juvenile detention facility, as evidenced by previous acts or attempts, which can only be
5 avoided by transfer to the jail. The ~~provisions~~ conditions of sub. (1) (a) to (e) shall be met.
6 The child shall be given a hearing and transferred only upon order of the judge.

7 **SECTION 17.** 48.23 (1m) (a) of the statutes is amended to read:

8 48.23 (1m) (a) Any child held in a ~~secure~~ juvenile detention facility shall be represented
9 by counsel at all stages of the proceedings, but a child 15 years of age or older may waive
10 counsel if the court is satisfied that the waiver is knowingly and voluntarily made and the court
11 accepts the waiver.

12 **SECTION 18.** 48.236 (4) (a) of the statutes is amended to read:

13 48.236 (4) (a) Inspect any reports and records relating to the child who is the subject
14 of the proceeding, the child's family, and any other person residing in the same home as the
15 child that are relevant to the subject matter of the proceeding, including records discoverable
16 under s. 48.293, examination reports under s. 48.295 (2), law enforcement reports and records
17 under ss. 48.396 (1) and 938.396 (1) (a), court records under ss. 48.396 (2) (a) and 938.396
18 (2) (~~a~~), social welfare agency records under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse and
19 neglect reports and records under s. 48.981 (7) (a) 11r., and pupil records under s. 118.125 (2)
20 (L). The order shall also require the custodian of any report or record specified in this
21 paragraph to permit the court-appointed special advocate to inspect the report or record on
22 presentation by the court-appointed special advocate of a copy of the order. A
23 court-appointed special advocate that obtains access to a report or record described in this
24 paragraph shall keep the information contained in the report or record confidential and may

1 disclose that information only to the court. If a court-appointed special advocate discloses
2 any information to the court under this paragraph, the court-appointed special advocate shall
3 also disclose that information to all parties to the proceeding. If a court-appointed special
4 advocate discloses information in violation of the confidentiality requirement specified in this
5 paragraph, the court-appointed special advocate is liable to any person damaged as a result
6 of that disclosure for such damages as may be proved and, notwithstanding s. 814.04 (1), for
7 such costs and reasonable actual attorney fees as may be incurred by the person damaged.

8 **SECTION 19.** 48.366 (1) (a) and (b) of the statutes are amended to read:

9 48.366 (1) (a) Subject to par. (c), if the person committed any crime specified under s.
10 940.01, 940.02, 940.05, 940.21, 940.225 (1) (a) to (c), 948.03 or 948.04, is adjudged
11 delinquent on that basis and is placed in a secured juvenile correctional facility under s. 48.34
12 (4m), 1993 stats., the court shall enter an order extending its jurisdiction as follows:

13 (b) Subject to par. (c), if the person committed a crime specified in s. 940.20 (1) or
14 946.43 while placed in a secured juvenile correctional facility and is adjudged delinquent on
15 that basis following transfer of jurisdiction under s. 970.032, the court shall enter an order
16 extending its jurisdiction until the person reaches 21 years of age or until termination of the
17 order under sub. (6), whichever occurs earlier.

18 **SECTION 20.** 48.366 (8) of the statutes is amended to read:

19 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections may
20 transfer a person subject to an order between secured juvenile correctional facilities. After the
21 person attains the age of 17 years, the department of corrections may place the person in a state
22 prison named in s. 302.01, except that the department of corrections may not place any person
23 under the age of 18 years in the correctional institution authorized in s. 301.16 (1n). If the
24 person is 15 years of age or over, the department of corrections may transfer the person to the

1 ~~Racine youthful offender correctional facility named in s. 302.01 as provided in s. 938.357 (4)~~
2 (d). If the department of corrections places a person subject to an order under this section in
3 a state prison, that department shall provide services for that person from the appropriate
4 appropriation under s. 20.410 (1). The department of corrections may transfer a person placed
5 in a state prison under this subsection to or between state prisons named in s. 302.01 without
6 petitioning for revision of the order under sub. (5) (a), except that the department of
7 corrections may not transfer any person under the age of 18 years to the correctional institution
8 authorized in s. 301.16 (1n).

NOTE: See the note to s. 938.357 (4) (d) in this draft.

9 SECTION 21. 48.38 (2) (intro.) and (g) and (3) of the statutes are amended to read:

10 48.38 (2) (intro.) PERMANENCY PLAN REQUIRED. Except as provided in sub. (3), for each
11 child living in a foster home, treatment foster home, group home, residential care center for
12 children and youth, ~~secure~~ juvenile detention facility, or shelter care facility, the agency that
13 placed the child or arranged the placement or the agency assigned primary responsibility for
14 providing services to the child under s. 48.355 shall prepare a written permanency plan, if any
15 of the following conditions exists, and, for each child living in the home of a relative other than
16 a parent, that agency shall prepare a written permanency plan, if any of the conditions
17 specified in pars. (a) to (e) exists:

18 (g) The child's parent is placed in a foster home, treatment foster home, group home,
19 residential care center for children and youth, ~~secure~~ juvenile detention facility, or shelter care
20 facility and the child is residing with that parent.

21 (3) TIME. Subject to s. 48.355 (2d) (c) 1., the agency shall file the permanency plan with
22 the court within 60 days after the date on which the child was first removed from his or her
23 home, except that if the child is held for less than 60 days in a ~~secure~~ juvenile detention facility,

1 juvenile portion of a county jail, or a shelter care facility, no permanency plan is required if
2 the child is returned to his or her home within that period.

3 **SECTION 22.** 48.396 (1) of the statutes is amended to read:

4 48.396 (1) Law enforcement officers' records of children shall be kept separate from
5 records of adults. Law enforcement officers' records of the adult expectant mothers of unborn
6 children shall be kept separate from records of other adults. Law enforcement officers'
7 records of children and the adult expectant mothers of unborn children shall not be open to
8 inspection or their contents disclosed except under sub. (1b), (1d), or (5) or s. 48.293 or by
9 order of the court. This subsection does not apply to the representatives of newspapers or other
10 reporters of news who wish to obtain information for the purpose of reporting news without
11 revealing the identity of the child or adult expectant mother involved, to the confidential
12 exchange of information between the police and officials of the school attended by the child
13 or other law enforcement or social welfare agencies, or to children 10 years of age or older
14 who are subject to the jurisdiction of the court of criminal jurisdiction. A public school official
15 who obtains information under this subsection shall keep the information confidential as
16 required under s. 118.125 and a private school official who obtains information under this
17 subsection shall keep the information confidential in the same manner as is required of a public
18 school official under s. 118.125. A law enforcement agency that obtains information under
19 this subsection shall keep the information confidential as required under this subsection and
20 s. 938.396 (1) (a). A social welfare agency that obtains information under this subsection shall
21 keep the information confidential as required under ss. 48.78 and 938.78.

22 **SECTION 23.** 48.396 (2) (f) of the statutes is repealed.

NOTE: Repeals s. 48.396 (2) (f) and places the substance of that
provision into s. 938.396 (2) (em) because s. 48.396 (2) (f) is outmoded

with the advent of ch. 938 in that ch. 938 covers juveniles who are in need of protection or services based on a delinquent act.

1 **SECTION 24.** 48.66 (1) (b) and (c) of the statutes are amended to read:

2 48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections may
3 license a child welfare agency to operate a secured ~~child-caring institution~~ residential care
4 center for children and youth, as defined in s. 938.02 (15g), for holding in secure custody
5 juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s.
6 938.183 or 938.34 (4d), (4h), or (4m) and referred to the child welfare agency by the court or
7 the department of corrections and to provide supervision, care and maintenance for those
8 juveniles. ~~The department of corrections may also license not more than 5 county~~
9 ~~departments, as defined in s. 938.02 (2g), or not more than 5 consortia of county departments~~
10 ~~to operate not more than 5 group homes that have been licensed under par. (a) as secured group~~
11 ~~homes, as defined in s. 938.02 (15p), for holding in secure custody juveniles who have been~~
12 ~~convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4m) and~~
13 ~~referred to the county department by the court and to provide supervision, care and~~
14 ~~maintenance for those juveniles.~~

NOTE: Repeals the last sentence in s. 48.66 (1) (b) to reflect the deletion of references to secure group homes. See the note to s. 938.02 (15p) in this draft.

15 (c) A license issued under par. (a) or (b), other than a license to operate a foster home,
16 treatment foster home, or secured child-caring institution or secured group home residential
17 care center for children and youth, is valid until revoked or suspended. A license issued under
18 this subsection to operate a foster home, treatment foster home, or secured child-caring
19 ~~institution or secured group home~~ residential care center for children and youth may be for any

1 term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b)
2 is transferable.

3 **SECTION 25.** 48.66 (2m) (am) 1. and (bm) of the statutes are amended to read:

4 48.66 (2m) (am) 1. Except as provided in subd. 2., the department of corrections shall
5 require each applicant for a license under sub. (1) (b) to operate a secured ~~child-caring~~
6 institution residential care center for children and youth who is an individual to provide that
7 department with the applicant's social security number when initially applying for or applying
8 to renew the license.

9 (bm) If an applicant who is an individual fails to provide the applicant's social security
10 number to the department of corrections, that department may not issue or renew a license
11 under sub. (1) (b) to operate a secured ~~child-caring institution~~ residential care center for
12 children and youth to or for the applicant unless the applicant does not have a social security
13 number and the applicant submits a statement made or subscribed under oath or affirmation
14 as required under par. (am) 2.

15 **SECTION 26.** 48.715 (6) of the statutes is amended to read:

16 48.715 (6) The department of health and family services shall deny, suspend, restrict,
17 refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a probationary license
18 under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or day care
19 center, and the department of corrections shall deny, suspend, restrict, refuse to renew, or
20 otherwise withhold a license under s. 48.66 (1) (b) to operate a secured ~~child-caring institution~~
21 residential care center for children and youth, for failure of the applicant or licensee to pay
22 court-ordered payments of child or family support, maintenance, birth expenses, medical
23 expenses, or other expenses related to the support of a child or former spouse or for failure of
24 the applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued

1 by the department of workforce development or a county child support agency under s. 59.53
2 (5) and related to paternity or child support proceedings, as provided in a memorandum of
3 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action taken under
4 this subsection is subject to review only as provided in the memorandum of understanding
5 entered into under s. 49.857 and not as provided in s. 48.72.

6 **SECTION 27.** 48.78 (2) (b) of the statutes is amended to read:

7 48.78 (2) (b) Paragraph (a) does not apply to the confidential exchange of information
8 between an agency and another social welfare agency, a law enforcement agency, a public
9 school, or a private school regarding an individual in the care or legal custody of the agency.

10 A social welfare agency that obtains information under this paragraph shall keep the
11 information confidential as required under this section and s. 938.78. A law enforcement
12 agency that obtains information under this paragraph shall keep the information confidential
13 as required under ss. 48.396 (1) and 938.396 (1) (a). A public school that obtains information
14 under this paragraph shall keep the information confidential as required under s. 118.125, and
15 a private school that obtains information under this paragraph shall keep the information
16 confidential in the same manner as is required of a public school under s. 118.125.

17 **SECTION 28.** 48.981 (1) (b) of the statutes is amended to read:

18 48.981 (1) (b) "Community placement" means probation; extended supervision;
19 parole; aftercare; conditional transfer into the community under s. 51.35 (1); conditional
20 transfer or discharge under s. 51.37 (9); placement in a Type 2 ~~child caring institution~~
21 residential care center for children and youth or a Type 2 secured juvenile correctional facility
22 authorized under s. 938.539 (5); conditional release under s. 971.17; supervised release under
23 s. 980.06 or 980.08; participation in the community residential confinement program under
24 s. 301.046, the halfway house program under s. 301.0465, the intensive sanctions program

1 under s. 301.048, the corrective sanctions program under s. 938.533, the intensive supervision
2 program under s. 938.534, or the serious juvenile offender program under s. 938.538; or any
3 other placement of an adult or juvenile offender in the community under the custody or
4 supervision of the department of corrections, the department of health and family services, a
5 county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 or any other person under
6 contract with the department of corrections, the department of health and family services, or
7 a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or
8 supervision over the offender.

9 **SECTION 29.** 49.35 (1) (b) of the statutes is amended to read:

10 49.35 (1) (b) All records of the department and all county records relating to programs
11 under this subchapter and aid under s. 49.18, 1971 stats., s. 49.20, 1971 stats., and s. 49.61,
12 1971 stats., as affected by chapter 90, laws of 1973, shall be open to inspection at all reasonable
13 hours by authorized representatives of the federal government. Notwithstanding ~~s. ss.~~ 48.396
14 (2) and 938.396 (2), all county records relating to the administration of the services and public
15 assistance specified in this paragraph shall be open to inspection at all reasonable hours by
16 authorized representatives of the department.

17 **SECTION 30.** 50.39 (3) of the statutes is amended to read:

18 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09, and
19 252.10, ~~secured~~ juvenile correctional facilities as defined in s. 938.02 ~~(15m)~~ (10p),
20 correctional institutions governed by the department of corrections under s. 301.02, and the
21 offices and clinics of persons licensed to treat the sick under chs. 446, 447, and 448 are exempt
22 from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical
23 examining board, physical therapists affiliated credentialing board, podiatrists affiliated
24 credentialing board, dentistry examining board, pharmacy examining board, chiropractic

1 examining board, and board of nursing in carrying out their statutory duties and
2 responsibilities.

3 **SECTION 31.** 51.01 (14k) of the statutes is amended to read:

4 51.01 (14k) "~~Secured child caring institution~~ residential care center for children and
5 youth" has the meaning given in s. 938.02 (15g).

6 **SECTION 32.** 51.01 (14m) of the statutes is renumbered 51.01 (10m) and amended to
7 read:

8 51.01 (10m) "~~Secured Juvenile~~ correctional facility" has the meaning given in s. 938.02
9 (~~15m~~) (10p).

10 **SECTION 33.** 51.01 (14p) of the statutes is repealed.

NOTE: Deletes the definition of "secured group home" in s. 51.01 (14p).
See the note to s. 938.02 (15p) in this draft.

11 **SECTION 34.** 51.05 (2) of the statutes is amended to read:

12 51.05 (2) ADMISSIONS AUTHORIZED BY COUNTIES. The department may not accept for
13 admission to a mental health institute any resident person, except in an emergency, unless the
14 county department under s. 51.42 in the county where the person has legal residency
15 authorizes the care, ~~as provided in~~ under s. 51.42 (3) (as). Patients who are committed to the
16 department under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06,
17 or 980.06, admitted by the department under s. 975.17, 1977 stats., or are transferred from a
18 ~~secured juvenile~~ correctional facility, ~~or a secured child caring institution or a secured group~~
19 ~~home~~ residential care center for children and youth to a state treatment facility under s. 51.35
20 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not subject to this
21 section.

22 **SECTION 35.** 51.30 (4) (b) 9. of the statutes is amended to read:

1 51.30 (4) (b) 9. To a facility which is to receive an individual who is involuntarily
2 committed under this chapter, ch. 48 938, 971, or 975 upon transfer of the individual from one
3 treatment facility to another. Release of records under this subdivision shall be limited to such
4 treatment records as are required by law, a record or summary of all somatic treatments, and
5 a discharge summary. The discharge summary may include a statement of the patient's
6 problem, the treatment goals, the type of treatment which has been provided, and
7 recommendation for future treatment, but it may not include the patient's complete treatment
8 record. The department shall promulgate rules to implement this subdivision.

9 **SECTION 36.** 51.30 (5) (d) of the statutes is amended to read:

10 51.30 (5) (d) *Other juvenile records.* ~~Section 48.78 does~~ Sections 48.78 and 938.78 do
11 not apply to records covered by this section.

12 **SECTION 37.** 51.35 (3) (a) and (c) of the statutes are amended to read:

13 51.35 (3) (a) A licensed psychologist of a ~~secured~~ juvenile correctional facility, ~~or a~~
14 ~~secured child-caring institution, or a secured group home~~ residential care center for children
15 and youth, or a licensed physician of the department of corrections, who has reason to believe
16 that any individual confined in the ~~secured~~ juvenile correctional facility, ~~or secured child~~
17 ~~caring institution, or secured group home~~ residential care center for children and youth is, in
18 his or her opinion, in need of services for developmental disability, alcoholism, or drug
19 dependency or in need of psychiatric services, and who has obtained voluntary consent to
20 make a transfer for treatment, shall make a report, in writing, to the superintendent of the
21 ~~secured~~ juvenile correctional facility, ~~or secured child-caring institution, or secured group~~
22 ~~home~~ residential care center for children and youth, stating the nature and basis of the belief
23 and verifying the consent. In the case of a minor age 14 or older who is in need of services
24 for developmental disability or who is in need of psychiatric services, the minor and the

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

15 (c) A licensed psychologist of a ~~secured juvenile~~ juvenile correctional facility, ~~or a secured child~~
16 ~~earing institution, or a secured group home, residential care center for children and youth~~ or
17 a licensed physician of the department of corrections, who has reason to believe that any
18 individual confined in the ~~secured juvenile~~ juvenile correctional facility, ~~or secured child-earing~~
19 ~~institution, or secured group home residential care center for children and youth~~, in his or her
20 opinion, ~~is mentally ill, drug dependent, or developmentally disabled~~ has a mental illness, drug
21 dependency, or developmental disability and is dangerous as described in s. 51.20 (1) (a) 2.,
22 or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written
23 report with the superintendent of the ~~secured juvenile~~ juvenile correctional facility, ~~or secured child~~
24 ~~earing institution, or secured group home residential care center for children and youth~~, stating

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

7 **SECTION 38.** 51.35 (3) (e) and (g) of the statutes are amended to read:

8 51.35 (3) (e) The department of corrections may authorize emergency transfer of an
9 individual from a ~~secured juvenile~~ correctional facility, or a secured child-caring institution,
10 ~~or a secured group home~~ residential care center for children and youth to a state treatment
11 facility if there is cause to believe that the individual is mentally ill, drug dependent, or
12 developmentally disabled and exhibits conduct which constitutes a danger as described under
13 s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is mentally ill, is dangerous, and
14 satisfies the standard under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as provided
15 in s. 51.45 (13) (a) 1. and 2. The custodian of the sending ~~secured juvenile~~ correctional facility,
16 or secured child-caring institution or secured group home residential care center for children
17 and youth shall execute a statement of emergency detention or petition for emergency
18 commitment for the individual and deliver it to the receiving state treatment facility. The
19 department of health and family services shall file the statement or petition with the court
20 within 24 hours after the subject individual is received for detention or commitment. The
21 statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency
22 transfer is made, the director of the receiving facility may file a petition for continued
23 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~secured~~
24 juvenile correctional facility, or secured child-caring institution or secured group home

1 residential care center for children and youth from which the transfer was made. As an
2 alternative to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used,
3 except that no individual may be released without the approval of the court which directed
4 confinement in the secured juvenile correctional facility, or secured ~~child caring institution or~~
5 ~~secured group home~~ residential care center for children and youth.

6 (g) A minor 14 years of age or older who is transferred to a treatment facility under par.
7 (a) for the purpose of receiving services for developmental disability or psychiatric services
8 may request in writing a return to the secured juvenile correctional facility, or secured ~~child~~
9 ~~caring institution, or secured group home~~ residential care center for children and youth. In the
10 case of a minor 14 years of age or older who is transferred to a treatment facility under par.
11 (a) for the purpose of receiving services for alcoholism or drug dependency or a minor under
12 14 years of age, who is transferred to a treatment facility under par. (a) for the purpose of
13 receiving services for developmental disability, alcoholism, or drug dependency, or
14 psychiatric services, the parent or guardian may make the request. Upon receipt of a request
15 for return from a minor 14 years of age or older, the director shall immediately notify the
16 minor's parent or guardian. The minor shall be returned to the secured juvenile correctional
17 facility, or secured ~~child caring institution, or secured group home~~ residential care center for
18 children and youth within 48 hours after submission of the request unless a petition or
19 statement is filed for emergency detention, emergency commitment, involuntary
20 commitment, or protective placement.

21 **SECTION 39.** 59.24 of the statutes is amended to read:

22 **59.24 Clerks of counties containing state institutions to make claims in certain**
23 **cases.** The clerk of any county which is entitled to reimbursement under s. 16.51 (7) shall
24 make a certified claim against the state, without direction from the board, in all cases where

1 the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of
2 administration. The forms shall contain information required by the clerk and shall be filed
3 annually with the department of corrections on or before June 1. If the claims are approved
4 by the department of corrections, they shall be certified to the department of administration
5 and paid from the appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement
6 of expenses involving a prisoner in a state prison named in s. 302.01, or from the appropriation
7 under s. 20.410 (3) (c), if the claim is for reimbursement of expenses involving a juvenile in
8 a ~~secured~~ juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~ (10p).

9 **SECTION 40.** 77.52 (2) (a) 10. of the statutes is amended to read:

10 77.52 (2) (a) 10. Except for installing or applying tangible personal property which,
11 when installed or applied, will constitute an addition or capital improvement of real property,
12 the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, and
13 maintenance of all items of tangible personal property unless, at the time of such repair,
14 service, alteration, fitting, cleaning, painting, coating, towing, inspection, or maintenance, a
15 sale in this state of the type of property repaired, serviced, altered, fitted, cleaned, painted,
16 coated, towed, inspected, or maintained would have been exempt to the customer from sales
17 taxation under this subchapter, other than the exempt sale of a motor vehicle or truck body to
18 a nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51 (14r). For
19 purposes of this paragraph, the following items shall be considered to have retained their
20 character as tangible personal property, regardless of the extent to which any such item is
21 fastened to, connected with, or built into real property: furnaces, boilers, stoves, ovens,
22 including associated hoods and exhaust systems, heaters, air conditioners, humidifiers,
23 dehumidifiers, refrigerators, coolers, freezers, water pumps, water heaters, water conditioners
24 and softeners, clothes washers, clothes dryers, dishwashers, garbage disposal units, radios and

1 radio antennas, incinerators, television receivers and antennas, record players, tape players,
2 jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs, bathroom fixtures,
3 sinks, awnings, blinds, gas and electric logs, heat lamps, electronic dust collectors, grills and
4 rotisseries, bar equipment, intercoms, recreational, sporting, gymnasium and athletic goods
5 and equipment including by way of illustration but not of limitation bowling alleys, golf
6 practice equipment, pool tables, punching bags, ski tows, and swimming pools; equipment in
7 offices, business facilities, schools, and hospitals but not in residential facilities including
8 personal residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em),
9 state institutions, as defined under s. 101.123 (1) (i), Type 1 ~~secured~~ juvenile correctional
10 facilities, as defined in s. 938.02 (19), or similar facilities including, by way of illustration but
11 not of limitation, lamps, chandeliers, and fans, venetian blinds, canvas awnings, office and
12 business machines, ice and milk dispensers, beverage-making equipment, vending machines,
13 soda fountains, steam warmers and tables, compressors, condensing units and evaporative
14 condensers, pneumatic conveying systems; laundry, dry cleaning, and pressing machines,
15 power tools, burglar alarm and fire alarm fixtures, electric clocks and electric signs. "Service"
16 does not include services performed by veterinarians. The tax imposed under this subsection
17 applies to the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection,
18 or maintenance of items listed in this subdivision, regardless of whether the installation or
19 application of tangible personal property related to the items is an addition to or a capital
20 improvement of real property, except that the tax imposed under this subsection does not apply
21 to the original installation or the complete replacement of an item listed in this subdivision,
22 if such installation or replacement is a real property construction activity under s. 77.51 (2).

23 **SECTION 41.** 101.123 (1) (bg) of the statutes is amended to read:

1 101.123 (1) (bg) "Jail" means a county jail, rehabilitation facility established by s. 59.53
2 (8), county house of correction under s. 303.16 or ~~secure~~ juvenile detention facility, as defined
3 in s. 48.02 ~~(16)~~ (10m).

4 **SECTION 42.** 101.123 (1) (j), (2) (br), (3) (gg) and (4) (a) 2. of the statutes are amended
5 to read:

6 101.123 (1) (j) "Type 1 ~~secured~~ juvenile correctional facility" has the meaning given
7 in s. 938.02 (19).

8 (2) (br) Notwithstanding par. (a) and sub. (3), no person may smoke in any enclosed,
9 indoor area of a Type 1 ~~secured~~ juvenile correctional facility or on the grounds of a Type 1
10 ~~secured~~ juvenile correctional facility.

11 (3) (gg) A Type 2 ~~secured~~ juvenile correctional facility, as defined in s. 938.02 (20).

12 (4) (a) 2. A person in charge or his or her agent may not designate an entire building
13 as a smoking area or designate any smoking areas in the state capitol building, in the immediate
14 vicinity of the state capitol, in a Type 1 ~~secured~~ juvenile correctional facility, on the grounds
15 of a Type 1 ~~secured~~ juvenile correctional facility, in a motor bus, hospital, or physician's office
16 or on the premises, indoors or outdoors, of a day care center when children who are receiving
17 day care services are present, in a residence hall or dormitory that is owned or operated by the
18 Board of Regents of the University of Wisconsin System, or in any location that is 25 feet or
19 less from such a residence hall or dormitory, except that in a hospital or a unit of a hospital that
20 has as its primary purpose the care and treatment of mental illness, alcoholism, or drug abuse
21 a person in charge or his or her agent may designate one or more enclosed rooms with outside
22 ventilation as smoking areas for the use of adult patients who have the written permission of
23 a physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or her agent
24 may not designate an entire room as a smoking area.

1 **SECTION 43.** 115.31 (1) (b) of the statutes is amended to read:

2 115.31 (1) (b) "Educational agency" means a school district, cooperative educational
3 service agency, state correctional institution under s. 302.01, ~~secured juvenile~~ correctional
4 facility, as defined in s. 938.02 (15m) (10p), ~~secured child-caring institution~~ residential care
5 center for children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind
6 and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard
7 of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a
8 state center for the developmentally disabled, a private school, or a private, nonprofit,
9 nonsectarian agency under contract with a school board under s. 118.153 (3) (c).

10 **SECTION 44.** 115.76 (10) of the statutes is amended to read:

11 115.76 (10) "Local educational agency", except as otherwise provided, means the
12 school district in which the child with a disability resides, the department of health and family
13 services if the child with a disability resides in an institution or facility operated by the
14 department of health and family services, or the department of corrections if the child with a
15 disability resides in a Type 1 ~~secured juvenile~~ correctional facility, as defined in s. 938.02 (19),
16 or a Type 1 prison, as defined in s. 301.01 (5).

17 **SECTION 45.** 115.81 (1) (b) of the statutes is amended to read:

18 115.81 (1) (b) "Responsible local educational agency" means the local educational
19 agency that was responsible for providing a free, appropriate public education to the child
20 before the placement of the child in a residential care center for children and youth except that
21 if the child resided in an institution or facility operated by the department of health and family
22 services, a Type 1 ~~secured juvenile~~ correctional facility, as defined in s. 938.02 (19), or a
23 Type 1 prison, as defined in s. 301.01 (5), before the placement of the child in a residential care

1 center for children and youth, "responsible local educational agency" means the school district
2 in which the residential care center for children and youth is located.

3 **SECTION 46.** 118.125 (1) (a) of the statutes is amended to read:

4 118.125 (1) (a) "Behavioral records" means those pupil records which include
5 psychological tests, personality evaluations, records of conversations, any written statement
6 relating specifically to an individual pupil's behavior, tests relating specifically to
7 achievement or measurement of ability, the pupil's physical health records other than his or
8 her immunization records or any lead screening records required under s. 254.162, law
9 enforcement officers' records obtained under s. 48.396 (1) or 938.396 (1) ~~or (1m) (b) 2. or (c)~~
10 3. and any other pupil records that are not progress records.

11 **SECTION 47.** 118.125 (2) (cg) of the statutes is amended to read:

12 118.125 (2) (cg) The school district clerk or his or her designee shall provide a law
13 enforcement agency with a copy of a pupil's attendance record if the law enforcement agency
14 certifies in writing that the pupil is under investigation for truancy or for allegedly committing
15 a criminal or delinquent act and that the law enforcement agency will not further disclose the
16 pupil's attendance record except as permitted under s. 938.396 (1) ~~to (1x) (a)~~. A school district
17 clerk or designee who discloses a copy of a pupil's attendance record to a law enforcement
18 agency for purposes of a truancy investigation shall notify the pupil's parent or guardian of
19 that disclosure as soon as practicable after that disclosure.

20 **SECTION 48.** 118.125 (2) (d) of the statutes is amended to read:

21 118.125 (2) (d) Pupil records shall be made available to persons employed by the school
22 district which the pupil attends who are required by the department under s. 115.28 (7) to hold
23 a license and other school district officials who have been determined by the school board to
24 have legitimate educational interests, including safety interests, in the pupil records. Law

1 enforcement officers' records obtained under s. 938.396 ~~(1m)~~ (1) (c) 3, shall be made available
2 as provided in s. 118.127 (2). A school board member or an employee of a school district may
3 not be held personally liable for any damages caused by the nondisclosure of any information
4 specified in this paragraph unless the member or employee acted with actual malice in failing
5 to disclose the information. A school district may not be held liable for any damages caused
6 by the nondisclosure of any information specified in this paragraph unless the school district
7 or its agent acted with gross negligence or with reckless, wanton, or intentional misconduct
8 in failing to disclose the information.

9 **SECTION 49.** 118.125 (2) (e) of the statutes is amended to read:

10 118.125 (2) (e) Upon the written permission of an adult pupil, or the parent or guardian
11 of a minor pupil, the school shall make available to the person named in the permission the
12 pupil's progress records or such portions of the pupil's behavioral records as determined by
13 the person authorizing the release. Law enforcement officers' records obtained under s.
14 48.396 (1) or 938.396 (1) ~~or (1m)~~ (b) 2. or (c) 3, may not be made available under this
15 paragraph unless specifically identified by the adult pupil or by the parent or guardian of a
16 minor pupil in the written permission.

17 **SECTION 50.** 118.125 (2) (L) of the statutes is amended to read:

18 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in compliance
19 with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b), 938.396 ~~(1m)~~ (e)
20 ~~or (1) (d)~~, or 938.78 (2) (b) 2. after making a reasonable effort to notify the pupil's parent or
21 legal guardian.

22 **SECTION 51.** 118.125 (3) of the statutes is amended to read:

23 118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in writing
24 specifying the content of pupil records and the time during which pupil records shall be

1 maintained. No behavioral records may be maintained for more than one year after the pupil
2 ceases to be enrolled in the school, unless the pupil specifies in writing that his or her
3 behavioral records may be maintained for a longer period. A pupil's progress records shall
4 be maintained for at least 5 years after the pupil ceases to be enrolled in the school. A school
5 board may maintain the records on microfilm, on an optical disk, or in electronic format if
6 authorized under s. 19.21 (4) (c), or in such other form as the school board deems appropriate.
7 A school board shall maintain law enforcement officers' records obtained under s. 48.396 (1)
8 or 938.396 (1) ~~or (1m) (b) 2. or (c) 3.~~ separately from a pupil's other pupil records. Rules
9 adopted under this subsection shall be published by the school board as a class 1 notice under
10 ch. 985.

11 **SECTION 52.** 118.125 (4) of the statutes is amended to read:

12 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
13 transfer to another school or school district all pupil records relating to a specific pupil if the
14 transferring school district has received written notice from the pupil if he or she is an adult
15 or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other
16 school or school district or written notice from the other school or school district that the pupil
17 has enrolled or from a court that the pupil has been placed in a secured juvenile correctional
18 facility, as defined in s. 938.02 ~~(15m), (10p)~~ or a secured child-caring institution residential
19 care center for children and youth, as defined in s. 938.02 (15g), ~~or a secured group home, as~~
20 ~~defined in s. 938.02 (15p)~~. In this subsection, "school" and "school district" include any
21 secured juvenile correctional facility, secured child-caring institution, secured group home
22 residential care center for children and youth, adult correctional institution, mental health
23 institute, or center for the developmentally disabled, that provides an educational program for
24 its residents instead of or in addition to that which is provided by public and private schools.

1 **SECTION 53.** 118.125 (5) (b) of the statutes is amended to read:

2 118.125 (5) (b) Law enforcement officers' records obtained under s. 48.396 (1) or
3 938.396 (1) ~~or (1m)~~, (b) 2. or (c) 3. and records of the court assigned to exercise jurisdiction
4 under chs. 48 and 938 ~~obtained under s. 938.396 (7) (a), (am), (ar), (b), or (bm), and records~~
5 or of a municipal court obtained under s. 938.396 (7) ~~(ar)~~ (2g) (m) may not be used by a school
6 district as the sole basis for expelling or suspending a pupil or as the sole basis for taking any
7 other disciplinary action, including action under the school district's athletic code, against a
8 pupil.

9 **SECTION 54.** 118.125 (7) of the statutes is amended to read:

10 118.125 (7) DISCLOSURE OF LAW ENFORCEMENT UNIT RECORDS. A school board shall treat
11 law enforcement unit records of juveniles in the same manner as a law enforcement agency
12 is required to treat law enforcement officers' records of juveniles under s. 938.396 (1) ~~to (1x)~~
13 and ~~(5) (a)~~.

14 **SECTION 55.** 118.127 (1) of the statutes is amended to read:

15 118.127 (1) Upon receipt of information from a law enforcement agency under s.
16 48.396 (1) or 938.396 (1) ~~or (1m)~~ (b) 2. or (c) 3., the school district administrator or private
17 school administrator who receives the information shall notify any pupil named in the
18 information, and the parent or guardian of any minor pupil named in the information, of the
19 information.

20 **SECTION 56.** 118.127 (2) of the statutes is amended to read:

21 118.127 (2) A school district or private school may disclose information from law
22 enforcement officers' records obtained under s. 938.396 ~~(1m)~~ (1) (c) 3. only to persons
23 employed by the school district who are required by the department under s. 115.28 (7) to hold
24 a license, to persons employed by the private school as teachers, and to other school district

1 or private school officials who have been determined by the school board or governing body
2 of the private school to have legitimate educational interests, including safety interests, in that
3 information. In addition, if that information relates to a pupil of the school district or private
4 school, the school district or private school may also disclose that information to those
5 employees of the school district or private school who have been designated by the school
6 board or governing body of the private school to receive that information for the purpose of
7 providing treatment programs for pupils enrolled in the school district or private school. A
8 school district may not use law enforcement officers' records obtained under s. 938.396 ~~(1m)~~
9 (1)(c) 3. as the sole basis for expelling or suspending a pupil or as the sole basis for taking
10 any other disciplinary action, including action under the school district's athletic code, against
11 a pupil.

12 **SECTION 57.** 118.15 (1) (cm) 1. of the statutes is amended to read:

13 118.15 **(1)** (cm) 1. Upon the child's request and with the approval of the child's parent
14 or guardian, any child who is 17 years of age or over shall be excused by the school board from
15 regular school attendance if the child began a program leading to a high school equivalency
16 diploma in a ~~secured juvenile~~ residential care center for children and youth, as defined in s. 938.02 ~~(15m)~~ (10p), a
17 ~~secured child-caring institution~~ residential care center for children and youth, as defined in s.
18 938.02 (15g), a ~~secure juvenile~~ detention facility, as defined in s. 938.02 ~~(16)~~ (10r), or a
19 juvenile portion of a county jail, and the child and his or her parent or guardian agree under
20 subd. 2. that the child will continue to participate in such a program. For purposes of this
21 subdivision, a child is considered to have begun a program leading to a high school
22 equivalency diploma if the child has received a passing score on a minimum of one of the 5
23 content area tests given under the general educational development test or has demonstrated
24 under a course of study meeting the standards established under s. 115.29 (4) for the granting

1 of a declaration of equivalency to high school graduation a level of proficiency in a minimum
2 of one of the 5 content areas specified in s. 118.33 (1) (a) 1. that is equivalent to the level of
3 proficiency that he or she would have attained if he or she had satisfied the requirements under
4 s. 118.33 (1) (a) 1.

5 **SECTION 58.** 118.15 (5) (b) 2. of the statutes is amended to read:

6 118.15 (5) (b) 2. In a prosecution under par. (a), if the defendant proves that he or she
7 is unable to comply with the law because of the disobedience of the child, the action shall be
8 dismissed and the child shall be referred to the court assigned to exercise jurisdiction under
9 ~~ch. 48~~ chs. 48 and 938.

NOTE: Amends s. 118.15 (5) (b) 2., stats., to add a necessary
cross-reference to the juvenile court under ch. 938, the juvenile justice
code.

10 **SECTION 59.** 146.82 (2) (a) 18m. of the statutes is amended to read:

11 146.82 (2) (a) 18m. If the subject of the patient health care records is a child or juvenile
12 who has been placed in a foster home, treatment foster home, group home, residential care
13 center for children and youth, ~~or a secured juvenile~~ juvenile correctional facility, including a placement
14 under s. 48.205, 48.21, 938.205, or 938.21 or for whom placement in a foster home, treatment
15 foster home, group home, residential care center for children and youth, or ~~secured juvenile~~ juvenile
16 correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or
17 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),
18 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible
19 for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or
20 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e),
21 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38
22 regarding the child or juvenile, or to an agency that placed the child or juvenile or arranged

1 for the placement of the child or juvenile in any of those placements and, by any of those
2 agencies, to any other of those agencies and, by the agency that placed the child or juvenile
3 or arranged for the placement of the child or juvenile in any of those placements, to the foster
4 parent or treatment foster parent of the child or juvenile or the operator of the group home,
5 residential care center for children and youth, or secured juvenile correctional facility in which
6 the child or juvenile is placed, as provided in s. 48.371 or 938.371.

7 **SECTION 60.** 157.065 (2) (a) 4. c. of the statutes is amended to read:

8 157.065 (2) (a) 4. c. A Type 1 secured juvenile correctional facility, as defined in s.
9 938.02 (19);

10 **SECTION 61.** 165.55 (15) of the statutes is amended to read:

11 165.55 (15) The state fire marshal, any deputy fire marshal, any fire chief, or his or her
12 designee may obtain information relating to a juvenile from a law enforcement agency, a court
13 assigned to exercise jurisdiction under chs. 48 and 938 or an agency, as defined in s. 938.78
14 (1), as provided in ss. 938.396 ~~(1x)~~ and ~~(2) (1) (c) 8. and (2g) (j)~~ and 938.78 (2) (b) 1. and may
15 obtain information relating to a pupil from a public school as provided in ss. 118.125 (2) (ch)
16 and (L) and 938.396 ~~(1m)~~ (1) (d).

17 **SECTION 62.** 165.76 (1) (a) and (2) (b) 2. of the statutes are amended to read:

18 165.76 (1) (a) Is in a ~~secured~~ juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~
19 ~~(10p)~~, or a secured ~~child-caring institution~~ residential care center for children and youth, as
20 defined in s. 938.02 (15g), or a ~~secured group home~~, as defined in s. 938.02 ~~(15p)~~, or on
21 probation, extended supervision, parole, supervision, or aftercare supervision on or after
22 August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2), or 948.025.

23 (2) (b) 2. If the person has been sentenced to prison or placed in a ~~secured~~ juvenile
24 correctional facility, or a ~~secured child-caring institution or a secured group home~~ residential

1 care center for children and youth, he or she shall provide the specimen under par. (a) at the
2 office of a county sheriff as soon as practicable after release on parole, extended supervision,
3 or aftercare supervision, as directed by his or her probation, extended supervision, and parole
4 agent or aftercare agent, except that the department of corrections ~~or the county department~~
5 ~~under s. 46.215, 46.22 or 46.23 operating the secured group home in which the person is placed~~
6 may require the person to provide the specimen while he or she is in prison or in the ~~secured~~
7 juvenile correctional facility; ~~or secured child-caring institution or secured group home~~
8 residential care center for children and youth.

9 **SECTION 63.** 165.76 (2) (b) 5. of the statutes is amended to read:

10 165.76 (2) (b) 5. Notwithstanding subds. 1. to 3., for persons who are subject to sub.
11 (1) and who are in prison, a ~~secured juvenile~~ juvenile correctional facility or a secured ~~child-caring~~
12 ~~institution~~ residential care center for children and youth or on probation, extended
13 supervision, parole, supervision, or aftercare supervision on August 12, 1993, the
14 departments of justice, corrections, and health and family services shall cooperate to have
15 these persons provide specimens under par. (a) before July 1, 1998.

16 **SECTION 64.** 165.85 (2) (e) of the statutes is renumbered 165.85 (2) (br) and amended
17 to read:

18 165.85 (2) (br) "~~Secure~~ Juvenile detention facility" has the meaning given in s. 48.02
19 ~~(16)~~ (10r).

20 **SECTION 65.** 165.85 (2) (f) of the statutes is renumbered 165.85 (2) (bt) and amended
21 to read:

22 165.85 (2) (bt) "~~Secure~~ Juvenile detention officer" means any person employed by any
23 political subdivision of the state or by any private entity contracting under s. 938.222 to
24 supervise, control, or maintain a ~~secure~~ juvenile detention facility or the persons confined in

1 a ~~secure~~ juvenile detention facility. “~~Secure~~ Juvenile detention officer” includes officers
2 regardless of whether they have been sworn regarding their duties or whether they serve on
3 a full-time basis.

4 **SECTION 66.** 165.85 (3) (d) of the statutes is amended to read:

5 165.85 (3) (d) Establish minimum curriculum requirements for preparatory courses and
6 programs, and recommend minimum curriculum requirements for recertification and
7 advanced courses and programs, in schools operated by or for this state or any political
8 subdivision of the state for the specific purpose of training law enforcement recruits, law
9 enforcement officers, tribal law enforcement recruits, tribal law enforcement officers, jail
10 officer recruits, jail officers, ~~secure~~ juvenile detention officer recruits, or ~~secure~~ juvenile
11 detention officers in areas of knowledge and ability necessary to the attainment of effective
12 performance as an officer, and ranging from traditional subjects such as first aid, patrolling,
13 statutory authority, techniques of arrest, and firearms to subjects designed to provide a better
14 understanding of ever-increasing complex problems in law enforcement such as human
15 relations, civil rights, constitutional law, and supervision, control, and maintenance of a jail
16 or ~~secure~~ juvenile detention facility. The board shall appoint a 13-member advisory
17 curriculum committee consisting of 6 chiefs of police and 6 sheriffs to be appointed on a
18 geographic basis of not more than one chief of police and one sheriff from any one of the 8
19 state administrative districts together with the director of training of the Wisconsin state patrol.
20 This committee shall advise the board in the establishment of the curriculum requirements.

21 **SECTION 67.** 175.35 (1) (ag) of the statutes is amended to read:

22 175.35 (1) (ag) “Criminal history record” includes information reported to the
23 department under s. 938.396 (8) (2g) (n) that indicates a person was adjudicated delinquent
24 for an act that if committed by an adult in this state would be a felony.

1 **SECTION 68.** 230.36 (1m) (b) 3. of the statutes is amended to read:

2 230.36 **(1m)** (b) 3. A guard, institution aide, or other employee at the University of
3 Wisconsin Hospitals and Clinics or at a state penal or mental institution, including a ~~secured~~
4 juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~ (10p), and a state probation,
5 extended supervision, and parole officer, at all times while:

6 **SECTION 69.** 230.36 (2m) (a) 20. of the statutes is amended to read:

7 230.36 **(2m)** (a) 20. A guard or institutional aide or a state probation, extended
8 supervision and parole officer or any other employee whose duties include supervision and
9 discipline of inmates or wards of the state at a state penal institution, including a ~~secured~~
10 juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~ (10p), or while on parole
11 supervision or extended supervision outside of the confines of the institutions, or supervision
12 of persons placed on probation by a court of record, or supervision and care of patients at a
13 state mental institution, and the University of Wisconsin Hospitals and Clinics.

14 **SECTION 70.** 252.15 (1) (ab) and (2) (a) 7. a. of the statutes are amended to read:

15 252.15 **(1)** (ab) "Affected person" means an emergency medical technician; first
16 responder; fire fighter; peace officer; correctional officer; person who is employed at a ~~secured~~
17 juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~ (10p), or a secured child-caring
18 ~~institution~~ residential care center for children and youth, as defined in s. 938.02 (15g), ~~or a~~
19 ~~secured group home, as defined in s. 938.02 (15p);~~ state patrol officer; jailer, keeper of a jail,
20 or person designated with custodial authority by the jailer or keeper; health care provider;
21 employee of a health care provider; staff member of a state crime laboratory; social worker;
22 or employee of a school district, cooperative educational service agency, charter school,
23 private school, the Wisconsin Educational Services Program for the Deaf and Hard of
24 Hearing, or the Wisconsin Center for the Blind and Visually Impaired.

1 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an emergency medical
2 technician; first responder; fire fighter; peace officer; correctional officer; person who is
3 employed at a ~~secured~~ juvenile correctional facility, as defined in s. 938.02 (~~15m~~), (10p), or
4 a ~~secured child-caring institution~~ residential care center for children and youth, as defined in
5 s. 938.02 (15g), or a ~~secured group home~~, as defined in s. 938.02 (~~15p~~); state patrol officer;
6 jailer, keeper of a jail, or person designated with custodial authority by the jailer or keeper,
7 during the course of providing care or services to an individual; a peace officer, correctional
8 officer, state patrol officer, jailer, or keeper of a jail, or person designated with custodial
9 authority by the jailer or keeper, while searching or arresting an individual or while controlling
10 or transferring an individual in custody; a health care provider or an employee of a health care
11 provider, during the course of providing care or treatment to an individual or handling or
12 processing specimens of body fluids or tissues of an individual; a staff member of a state crime
13 laboratory, during the course of handling or processing specimens of body fluids or tissues of
14 an individual; social worker; or an employee of a school district, cooperative educational
15 service agency, charter school, private school, the Wisconsin Educational Services Program
16 for the Deaf and Hard of Hearing, or the Wisconsin Center for the Blind and Visually Impaired,
17 while performing employment duties involving an individual; who is significantly exposed
18 to the individual may subject the individual's blood to a test or a series of tests for the presence
19 of HIV, antigen or nonantigenic products of HIV or an antibody to HIV and may receive
20 disclosure of the results.

21 **SECTION 71.** 252.15 (5) (a) 19. of the statutes is amended to read:

22 252.15 (5) (a) 19. If the test was administered to a child who has been placed in a foster
23 home, treatment foster home, group home, residential care center for children and youth, or
24 ~~secured~~ juvenile correctional facility, as defined in s. 938.02 (~~15m~~) (10p), including a

1 placement under s. 48.205, 48.21, 938.205, or 938.21 or for whom placement in a foster home,
2 treatment foster home, group home, residential care center for children and youth, or secured
3 juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c),
4 or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33
5 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency
6 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837
7 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s.
8 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e),
9 or 938.38 regarding the child, or to an agency that placed the child or arranged for the
10 placement of the child in any of those placements and, by any of those agencies, to any other
11 of those agencies and, by the agency that placed the child or arranged for the placement of the
12 child in any of those placements, to the child's foster parent or treatment foster parent or the
13 operator of the group home, residential care center for children and youth, or secured juvenile
14 correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

15 **SECTION 72.** 301.01 (2) (b) of the statutes is amended to read:

16 301.01 (2) (b) Any resident of a secured juvenile correctional facility, or a secured child
17 caring institution or a secured group home residential care center for children and youth.

18 **SECTION 73.** 301.01 (3k) of the statutes is amended to read:

19 301.01 (3k) "Secured ~~child caring institution~~ residential care center for children and
20 youth" has the meaning given in s. 938.02 (15g).

21 **SECTION 74.** 301.01 (3m) of the statutes is renumbered 301.01 (1m) and amended to
22 read:

23 301.01 (1m) "Secured Juvenile correctional facility" has the meaning given in s. 938.02
24 (15m) (10p).

1 **SECTION 75.** 301.01 (4) of the statutes is amended to read:

2 301.01 (4) "State correctional institution" means a state prison under s. 302.01 or a
3 ~~secured~~ juvenile correctional facility operated by the department.

4 **SECTION 76.** 301.01 (3p) of the statutes is repealed.

NOTE: Deletes the definition of "secured group home" in s. 301.01 (3p).
 See the note to s. 938.02 (15p) in this draft.

5 **SECTION 77.** 301.027 of the statutes is amended to read:

6 **301.027 Treatment program at one or more juvenile-secured correctional facilities.**

7 The department shall maintain a cottage-based intensive alcohol and other drug abuse
8 program at one or more juvenile ~~secured~~ correctional facilities.

9 **SECTION 78.** 301.03 (10) (d), (e) and (f) of the statutes are amended to read:

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

NOTE: Repeals language in s. 301.03 (10) (d) relating to the authority of
 DOC to place a juvenile who has been adjudged delinquent in a state
 prison. See the note to s. 938.357 (4) (d) in this draft.

16 (e) Provide educational programs in all ~~secured~~ juvenile correctional facilities operated
17 by the department.

18 (f) Provide health services and psychiatric services for residents of all ~~secured~~ juvenile
19 correctional facilities operated by the department.

20 **SECTION 79.** 301.032 (1) (b) of the statutes is amended to read:

1 301.032 (1) (b) All records of the department and all county records relating to juvenile
2 delinquency-related services shall be open to inspection at all reasonable hours by authorized
3 representatives of the federal government. Notwithstanding s. ss. 48.396 (2) and 938.396 (2),
4 all county records relating to the administration of such those services shall be open to
5 inspection at all reasonable hours by authorized representatives of the department.

6 **SECTION 80.** 301.08 (1) (b) 3. of the statutes is amended to read:

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

19 **SECTION 81.** 301.08 (1) (b) 4. of the statutes is repealed.

NOTE: Deletes s. 301.08 (1) (b) 4., stats., relating to contracts for
secured group homes. The concept of "secured group home" is deleted
in this draft. See the note to s. 938.02 (15p) in this draft.

20 **SECTION 82.** 301.19 (1) (b) of the statutes is amended to read:

21 301.19 (1) (b) "Correctional facility" means an institution or facility, or a portion of an
22 institution or facility, that is used to confine juveniles alleged or found to be delinquent or a

1 prison, jail, house of correction, or lockup facility ~~but does not include a secured group home,~~
2 ~~as defined in s. 938.02 (15p).~~

NOTE: See the note to s. 938.02 (15p) in this draft.

3 SECTION 83. 301.205 of the statutes is amended to read:

4 **301.205 Reimbursement to visiting families.** The department may reimburse
5 families visiting girls at a ~~secured~~ juvenile correctional facility. If the department decides to
6 provide the reimbursement, the department shall establish criteria for the level of
7 reimbursement, which shall include family income and size and other relevant factors.

8 SECTION 84. 301.26 (2) (c) of the statutes is amended to read:

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

17 SECTION 85. 301.26 (4) (cm) 1. and 2. of the statutes are amended to read:

18 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b), and (bm), the department shall
19 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations under s.
20 20.410 (3) (hm), (ho), and (hr) for the purpose of reimbursing ~~secured~~ juvenile correctional
21 facilities, ~~secured child-caring institutions~~ residential care center for children and youth,
22 alternate care providers, aftercare supervision providers, and corrective sanctions supervision
23 providers for costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years

1 of age or over who has been placed in a secured juvenile correctional facility based on a
2 delinquent act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats.,
3 or s. 948.36, 1999 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1),
4 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1),
5 948.025 (1), or 948.30 (2) or attempting a violation of s. 938.32 (2) and for the care of any
6 juvenile 10 years of age or over who has been placed in a secured juvenile correctional facility
7 or secured child caring institution residential care center for children and youth for attempting
8 or committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

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

18 **SECTION 86.** 301.26 (4) (d) 2. and 3. of the statutes are amended to read:

19 301.26 (4) (d) 2. Beginning on July 1, 2003, and ending on June 30, 2004, the per person
20 daily cost assessment to counties shall be \$183 for care in a Type 1 secured juvenile
21 correctional facility, as defined in s. 938.02 (19), \$183 for care for juveniles transferred from
22 a juvenile correctional institution under s. 51.35 (3), \$225 for care in a residential care center
23 for children and youth, \$142 for care in a group home for children, \$47 for care in a foster

1 home, \$88 for care in a treatment foster home, \$86 for departmental corrective sanctions
2 services, and \$25 for departmental aftercare services.

3 3. Beginning on July 1, 2004, and ending on June 30, 2005, the per person daily cost
4 assessment to counties shall be \$187 for care in a Type 1 secured juvenile correctional facility,
5 as defined in s. 938.02 (19), \$187 for care for juveniles transferred from a juvenile correctional
6 institution under s. 51.35 (3), \$239 for care in a residential care center for children and youth,
7 \$149 for care in a group home for children, \$49 for care in a foster home, \$92 for care in a
8 treatment foster home, \$87 for departmental corrective sanctions services, and \$26 for
9 departmental aftercare services.

10 **SECTION 87.** 301.26 (7) (b) 3. of the statutes is amended to read:

11 301.26 (7) (b) 3. Each county's proportion of the number of juveniles statewide who
12 are placed in a secured juvenile correctional facility, or a secured child caring institution ~~or~~
13 ~~a secured group home~~ residential care center for children and youth during the most recent
14 3-year period for which that information is available.

15 **SECTION 88.** 301.263 (3) of the statutes is amended to read:

16 301.263 (3) The department shall distribute 33% of the amounts distributed under sub.
17 (1) based on each county's proportion of the violent Part I juvenile arrests reported statewide
18 under the uniform crime reporting system of the office of justice assistance in the department
19 of administration, during the most recent 2-year period for which that information is
20 available. The department shall distribute 33% of the amounts distributed under sub. (1) based
21 on each county's proportion of the number of juveniles statewide who are placed in a secured
22 juvenile correctional facility, or a secured child caring institution ~~or a secured group home~~
23 residential care center for children and youth during the most recent 2-year period for which
24 that information is available. The department shall distribute 34% of the amounts distributed

1 under sub. (1) based on each county's proportion of the total Part I juvenile arrests reported
2 statewide under the uniform crime reporting system of the office of justice assistance, during
3 the most recent 2-year period for which that information is available.

4 **SECTION 89.** 301.36 (1) of the statutes is amended to read:

5 301.36 (1) GENERAL AUTHORITY. The department shall investigate and supervise all of
6 the state prisons under s. 302.01, all ~~secured~~ juvenile correctional facilities, all ~~secured child~~
7 ~~earing institutions,~~ all ~~secured group homes~~ residential care centers for children and youth, and
8 all ~~secure~~ juvenile detention facilities and familiarize itself with all of the circumstances
9 affecting their management and usefulness.

10 **SECTION 90.** 301.37 (1) of the statutes is amended to read:

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

19 **SECTION 91.** 301.37 (5) of the statutes is amended to read:

20 301.37 (5) The department's standards and regulations under sub. (1) for ~~secure~~
21 juvenile detention facilities apply to private ~~secure~~ juvenile detention facilities used under s.
22 938.222. At least annually, the department shall inspect each such private ~~secure~~ juvenile
23 detention facility with respect to safety, sanitation, adequacy, and fitness, report to the county
24 board and the private entity operating the private ~~secure~~ juvenile detention facility regarding

1 any deficiency found and order the necessary work to correct it. If within 6 months thereafter
2 the work is not commenced, or not completed within a reasonable period thereafter to the
3 satisfaction of the department, the department shall prohibit the use of the private ~~secure~~
4 juvenile detention facility for purposes of s. 938.222 until the order is complied with.

5 **SECTION 92.** 301.45 (1g) (b) and (bm), (3) (a) 2. and (5) (a) 2. of the statutes are amended
6 to read:

7 301.45 (1g) (b) Is in prison, a ~~secured juvenile~~ correctional facility, or a secured child
8 ~~earing institution or a secured group home~~ residential care center for children and youth or is
9 on probation, extended supervision, parole, supervision, or aftercare supervision on or after
10 December 25, 1993, for a sex offense.

11 (bm) Is in prison, a ~~secured juvenile~~ correctional facility, or a secured child
12 ~~earing institution or a secured group home~~ residential care center for children and youth or is on
13 probation, extended supervision, parole, supervision, or aftercare supervision on or after
14 December 25, 1993, for a violation, or for the solicitation, conspiracy, or attempt to commit
15 a violation, of a law of this state that is comparable to a sex offense.

16 (3) (a) 2. If the person has been sentenced to prison or placed in a ~~secured juvenile~~
17 ~~correctional facility, or a secured child~~ juvenile
18 ~~earing institution or a secured group home~~ residential
19 care center for children and youth, he or she is subject to this subsection upon being released
20 on parole, extended supervision, or aftercare supervision.

21 (5) (a) 2. If the person has been sentenced to prison for a sex offense or placed in a
22 ~~secured juvenile~~ correctional facility, or a secured child
23 ~~earing institution or a secured group~~ home residential care center for children and youth for a sex offense, 15 years after discharge
24 from parole, extended supervision, or aftercare supervision for the sex offense.

SECTION 93. 301.45 (6) (c) and (d) of the statutes are amended to read:

1 301.45 (6) (c) Notwithstanding par. (a), a person who first became subject to subs. (2)
2 to (4) under 1995 Wisconsin Act 440 and who was in prison ~~or~~, a secured juvenile correctional
3 facility, or a secured ~~child-caring institution~~ residential care center for children and youth, in
4 institutional care, or on probation, parole, supervision, aftercare supervision, corrective
5 sanctions supervision, conditional transfer, or conditional release during the period beginning
6 on December 25, 1993, and ending on May 31, 1997, shall be allowed until January 1, 1998,
7 to comply with the requirements under subs. (2) to (4).

8 (d) Notwithstanding par. (a), a person who first became subject to subs. (2) to (4) under
9 1999 Wisconsin Act 89 and who was in prison ~~or~~, a secured juvenile correctional facility or
10 a secured ~~child-caring institution~~ residential care center for children and youth, in institutional
11 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
12 supervision, conditional transfer, or conditional release during the period beginning on
13 December 25, 1993, and ending on May 31, 2000, shall be allowed until January 1, 2001, to
14 comply with the requirements under subs. (2) to (4).

15 **SECTION 94.** 302.11 (10) of the statutes is amended to read:

16 302.11 (10) An inmate subject to an order under s. 48.366 ~~or~~ 938.34 (4h) is not entitled
17 to mandatory release and may be released or discharged only as provided under s. 48.366 ~~or~~
18 938.538.

NOTE: Repeals in s. 302.11 (10), the reference to s. 938.34 (4h) to reflect that this draft repeals the authority of the department of corrections (DOC) to place a juvenile who has been adjudicated delinquent in a state prison. See the note to s. 938.357 (4) (d) in this draft.

19 **SECTION 95.** 302.18 (7) of the statutes is amended to read:

20 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep a person
21 under 15 years of age who has been sentenced to the Wisconsin state prisons in a secured

1 juvenile correctional facility or a secured ~~child-caring institution~~ residential care center for
2 children and youth, but the department may transfer that person to an adult correctional
3 institution after the person attains 15 years of age. The department may not transfer any person
4 under 18 years of age to the correctional institution authorized in s. 301.16 (1n).

5 **SECTION 96.** 302.255 of the statutes is amended to read:

6 **302.255 Interstate corrections compact; additional applicability.** "Inmate", as
7 defined under s. 302.25 (2) (a), includes persons subject to an order under s. 48.366 who are
8 confined to a state prison under s. 302.01 ~~and persons subject to an order under s. 938.34 (4h)~~
9 ~~who are 17 years of age or older.~~

NOTE: Repeals language in s. 302.255, relating to the authority of DOC
to place a juvenile who has been adjudicated delinquent in a state prison.
See the note to s. 938.357 (4) (d) in this draft.

10 **SECTION 97.** 302.386 (1), (2) (intro.), (3) (a), (5) (c) and (d) of the statutes are amended
11 to read:

12 302.386 (1) Except as provided in sub. (5), liability for medical and dental services
13 furnished to residents housed in prisons identified in s. 302.01 ~~or~~, in a secured juvenile
14 correctional facility as defined in s. 938.02 (15m), or in a secured ~~child-caring institution, as~~
15 ~~defined in s. 938.02 (15g)~~ residential care center for children and youth, or to forensic patients
16 in state institutions for those services which are not provided by employees of the department
17 shall be limited to the amounts payable under ss. 49.43 to 49.47, except s. 49.468, for similar
18 services. The department may waive any such limit if it determines that needed services
19 cannot be obtained for the applicable amount. No provider of services may bill the resident
20 or patient for the cost of services exceeding the amount of the liability under this subsection.

21 (2) (intro.) The liability of the state for medical and dental services under sub. (1) does
22 not extend to that part of the medical or dental services of a resident housed in a prison

1 identified in s. 302.01, a secured juvenile correctional facility ~~as defined in s. 938.02 (15m),~~
2 or a ~~secured child-caring institution, as defined in s. 938.02 (15g)~~ residential care center for
3 children and youth, for which any of the following applies:

4 (3) (a) Except as provided in par. (b), the department may require a resident housed in
5 a prison identified in s. 302.01 ~~or in a secured correctional facility, as defined in s. 938.02~~
6 ~~(15m)~~, who receives medical or dental services to pay a deductible, coinsurance, copayment,
7 or similar charge upon the medical or dental service that he or she receives. The department
8 shall collect the allowable deductible, coinsurance, copayment, or similar charge.

9 (5) (c) Any participant in the corrective sanctions program under s. 938.533 unless he
10 or she is placed in a Type 1 secured juvenile correctional facility, as defined in s. 938.02 (19).

11 (d) Any participant in the serious juvenile offender program under s. 938.538 unless
12 ~~he or she~~ the participant is placed in a Type 1 secured juvenile correctional facility, as defined
13 in s. 938.02 (19), ~~or in a Type 1 prison other than the institution authorized under s. 301.046~~
14 ~~(1)~~.

NOTE: Repeals language in s. 302.386 (5) (d), relating to the authority of
DOC to place a juvenile who has been adjudicated delinquent in a state
prison. See the note to s. 938.357 (4) (d) in this draft.

15 **SECTION 98.** 938.01 (1) (title) and (2) (title) of the statutes are created to read:

16 938.01 (1) (title) TITLE.

17 (2) (title) LEGISLATIVE INTENT.

18 **SECTION 99.** 938.01 (2) (f) of the statutes is amended to read:

19 938.01 (2) (f) To respond to a juvenile offender's needs for care and treatment,
20 consistent with the prevention of delinquency, each juvenile's best interest and protection of
21 the public, by allowing the judge court to utilize the most effective dispositional option.

22 **SECTION 100.** 938.01 (2) (g) of the statutes is amended to read:

1 938.01 (2) (g) To ensure that victims and witnesses of acts committed by juveniles that
2 result in proceedings under this chapter are, consistent with the provisions of this chapter and
3 the Wisconsin constitution, afforded the same rights as victims and witnesses of crimes
4 committed by adults, and are treated with dignity, respect, courtesy, and sensitivity throughout
5 such those proceedings.

6 **SECTION 101.** 938.02 (5) of the statutes is amended to read:

7 938.02 (5) "~~Developmentally disabled~~" means having a developmental disability, as
8 defined in "Developmental disability" has the meaning given in s. 51.01 (5).

9 **SECTION 102.** 938.02 (7) of the statutes is amended to read:

10 938.02 (7) "Group home" means any facility operated by a person required to be
11 licensed by the department of health and family services under s. 48.625 for the care and
12 maintenance of 5 to 8 juveniles.

NOTE: Clarifies that the department referred to in s. 938.02 (7) is the
department of health and family services (DHFS), not DOC.

13 **SECTION 103.** 938.02 (15d) of the statutes is amended to read:

14 938.02 (15d) "Residential care center for children and youth" means a facility operated
15 by a child welfare agency licensed under s. 48.60 for the care ~~and~~ , maintenance, and treatment
16 of persons residing in that facility.

NOTE: Adds "treatment" to the list of services in the definition of
"residential care center for children and youth" in s. 938.02 (15d), stats.,
since these centers provide treatment as well as "care and maintenance".

17 **SECTION 104.** 938.02 (15g) of the statutes is amended to read:

18 938.02 (15g) "~~Secured child-caring institution~~ residential care center for children and
19 youth" means a residential care center for children and youth operated by a child welfare

1 agency that is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged
2 delinquent.

NOTE: Changes the term “secure child caring institution” to “secured” residential care center for children and youth” in s. 938.02 (15g). The subcommittee determined that “secured residential care center for children and youth” is a more appropriate term for these facilities.

3 **SECTION 105.** 938.02 (15m) of the statutes is renumbered 938.02 (10p) and amended
4 to read:

5 938.02 (10p) “Secured Juvenile correctional facility” means a correctional institution
6 operated or contracted for by the department of corrections or operated by the department of
7 health and family services for holding in secure custody persons adjudged delinquent.
8 “Secured Juvenile correctional facility” includes the Mendota juvenile treatment center under
9 s. 46.057 and a facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5).

NOTE: Changes the term “secured correctional facility” to “juvenile correctional facility” in s. 938.02 (15m) (renumbered (10p) in the draft). There does not appear to be any reason to use “secured correctional facility” instead of “juvenile correctional facility” in ch. 938. “Juvenile correctional facility” is a more descriptive term for a facility that deals solely with juvenile offenders. “Secured correctional facility” does not indicate that the correctional facility is for juvenile offenders. The same comment applies to other facilities defined in this section, including “secure detention facility” in current s. 938.02 (16), the “Type 1 secured correctional facility” in current s. 938.02 (19), and “Type 2 secured correctional facility” in current s. 938.02 (20). These definitions are also revised to use “juvenile” instead of “secure” or “secured”.

10 **SECTION 106.** 938.02 (15p) of the statutes is repealed.

NOTE: Repeals the definition of “secured group home” in s. 938.02 (15p). The subcommittee determined that no secured group homes have been established since the concept was first recognized in the statutes and that the concept is unnecessary and unworkable.

11 **SECTION 107.** 938.02 (16) of the statutes is renumbered 938.02 (10r) and amended to
12 read:

1 938.02 (10r) “Secure Juvenile detention facility” means a locked facility approved by
2 the department under s. 301.36 for the secure, temporary holding in custody of juveniles.

 NOTE: See the note to s. 938.02 (15m) (renumbered to (10p)) in this
draft.

3 **SECTION 108.** 938.02 (19) of the statutes is amended to read:

4 938.02 (19) “Type 1 secured juvenile correctional facility” means a secured juvenile
5 correctional facility, but excludes any correctional institution that meets the criteria under sub.
6 (~~15m~~) (10p) solely because of its status under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539
7 (5).

 NOTE: See the note to s. 938.02 (15m) (renumbered (10p)) in this draft.

8 **SECTION 109.** 938.02 (19r) of the statutes is amended to read:

9 938.02 (19r) “Type 2 ~~child caring institution~~ residential care center for children and
10 youth” means a residential care center for children and youth that is designated by the
11 department to provide care and maintenance for juveniles who have been placed in the
12 residential care center for children and youth under the supervision of a county department
13 under s. 938.34 (4d).

 NOTE: See the note to s. 938.02 (15g) in this draft.

14 **SECTION 110.** 938.02 (20) of the statutes is amended to read:

15 938.02 (20) “Type 2 secured juvenile correctional facility” means a secured juvenile
16 correctional facility that meets the criteria under sub. (~~15m~~) (10p) solely because of its status
17 under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5).

 NOTE: See the note to s. 938.02 (15m) (renumbered (10p)) in this draft.

18 **SECTION 111.** 938.028 of the statutes is amended to read:

1 **938.028 Custody of Indian children.** The Indian child welfare act Child Welfare Act,
2 25 USC 1911 to 1963, supersedes ~~the provisions of~~ this chapter in any child custody
3 proceeding governed by that act.

4 **SECTION 112.** 938.03 (title) of the statutes is amended to read:

5 **938.03 (title) Time and place of court; absence or disability of judge; court of**
6 **record.**

7 **SECTION 113.** 938.03 (1) of the statutes is amended to read:

8 938.03 (1) TIME AND PLACE OF COURT. The judge court shall set apart a time and place
9 to hold court on juvenile matters.

10 **SECTION 114.** 938.03 (2) of the statutes is amended to read:

11 938.03 (2) ABSENCE OR DISABILITY OF JUDGE. In the case of the absence or disability of
12 the judge of a court assigned to exercise jurisdiction under this chapter and ch. 48, another
13 judge shall be assigned under s. 751.03 to act temporarily in the judge's place. If the judge
14 assigned temporarily is from a circuit other than the one for which elected, the judge shall
15 receive expenses as ~~provided~~ under s. 753.073.

16 **SECTION 115.** 938.06 (1) (a) of the statutes is amended to read:

17 **938.06 (1) (a) 1.** In counties with a population of 500,000 or more, the county board
18 of supervisors shall provide the court with the services necessary for investigating and
19 supervising cases under this chapter by operating a children's court center under the
20 supervision of a director who is appointed as ~~provided in~~ under s. 46.21 (1m) (a). ~~The~~ Except
21 as otherwise provided in this subsection, the director is the chief administrative officer of the
22 center and of the intake and probation sections and secure juvenile detention facilities of the
23 center ~~except as otherwise provided in this subsection.~~ The director is ~~charged with~~
24 ~~administration of~~ responsible for managing the personnel of, and administering the services

1 of, the sections and of the secure juvenile detention facilities, and is ~~responsible~~ for
2 supervising ~~both the~~ operation of the physical plant and the maintenance and improvement of
3 the buildings and grounds of the center.

4 1m. The center under subd. 1. shall include investigative services, provided by the
5 county department, for all juveniles alleged to be in need of protection or services ~~to be~~
6 ~~provided by the county department.~~ The center shall also include ~~the,~~ and the services of an
7 assistant district attorney or assistant corporation counsel, or both, who shall be assigned to
8 the center to provide investigative ~~as well as~~ and legal work in the cases under this chapter and
9 ch. 48.

10 2. The chief judge of the judicial administrative district shall ~~formulate~~ establish written
11 judicial ~~policy~~ policies governing intake and court services for juvenile matters under this
12 chapter and the director of the center shall ~~be charged with executing the judicial policy~~
13 execute the policies. The chief judge shall direct and supervise the work of all personnel of
14 the court, except the work of the district attorney or corporation counsel assigned to the court.
15 ~~The chief judge,~~ and may delegate his or her supervisory functions.

16 3. The county board of supervisors shall ~~develop~~ establish policies and ~~establish~~
17 ~~necessary~~ rules for the management and administration of the nonjudicial operations of the
18 children's court center. The director of the center shall report to, and is responsible to, the
19 director of the county department ~~for the execution of all nonjudicial operational~~ relating to
20 the center director's duty to execute the policies and rules governing the center, including
21 activities of probation officers whenever they are not performing services for the court. The
22 director of the center is also responsible for ~~the preparation and submission~~ preparing and
23 submitting to the county board of supervisors of the annual budget for the center except for
24 the judicial functions or responsibilities which are delegated by law to the ~~judge or judges~~

1 ~~court~~ and clerk of circuit court. The county board of supervisors ~~shall make provision in the~~
2 ~~organization of~~, in organizing the office of director, shall provide for the devolution of the
3 director's authority in the case of temporary absence, illness, disability to act, or a vacancy in
4 position and shall establish the general qualifications for the position. The county board of
5 supervisors also has the authority to investigate, arbitrate, and resolve any conflict in the
6 administration of the center as between judicial and nonjudicial operational policy and rules.
7 The county board of supervisors does not have authority over, and may not assert jurisdiction
8 over, the disposition of any case or juvenile after a written order is made under s. 938.21 or
9 if a petition is filed under s. 938.25.

10 4. All personnel of the intake and probation sections and of the ~~secure juvenile~~ detention
11 facilities shall be appointed under civil service by the director, except that existing court
12 service personnel having permanent civil service status may be reassigned to any of the
13 respective sections within the center specified in this paragraph subdivision.

14 **SECTION 116.** 938.06 (1) (am) and (b) of the statutes are amended to read:

15 938.06 (1) (am) 1. All intake workers providing services under this chapter who begin
16 employment after May 15, 1980, shall have the qualifications required to perform entry level
17 ~~social case~~ work in a county department and shall have successfully completed 30 hours of
18 intake training, approved or provided by the department, prior to the completion of the first
19 6 months of employment in the position. The department shall monitor compliance with this
20 subdivision according to rules promulgated by the department.

NOTE: Replaces "social work" with "case work" in s. 938.06 (1) (am) 1., relating to intake worker qualifications. The subcommittee found that this provision is sometimes interpreted to mean there is a necessity to have a degree and license as a social worker, but that many staff who perform social work are not social workers, but: (1) have degrees from 4 year accredited colleges in other human service related fields such as

criminal justice, sociology, and psychology; and (2) are trained upon hire to perform in accordance with state law and practice standards.

1 2. The department shall make training programs available annually that permit intake
2 workers providing services under this chapter to satisfy the requirements ~~specified~~ under subd.
3 1.

4 (b) Notwithstanding par. (a), the county board of supervisors may ~~institute~~ make
5 changes in the administration of services to the children's court center in order to qualify for
6 the maximum amount of federal and state aid as ~~provided in~~ under sub. (4) and s. 46.495.

7 **SECTION 117.** 938.06 (2) and (3) of the statutes are amended to read:

8 938.06 (2) COUNTIES WITH A POPULATION UNDER 500,000. (a) In counties having less than
9 500,000 population, the county board of supervisors shall authorize the county department or
10 the court, or both, to provide intake services ~~required by~~ under s. 938.067 and the staff needed
11 ~~to carry out the objectives and provisions of this chapter to provide dispositional services~~
12 ~~under s. 938.069. Intake services under this chapter shall be provided by employees of the~~
13 ~~court or~~ the county department and may not be subcontracted to other individuals or agencies,
14 ~~except as provided in~~ under par. (am). Intake workers shall be governed in their intake work,
15 including their responsibilities for ~~recommending~~ requesting the filing of a petition and
16 entering into a deferred prosecution agreement, by general written policies ~~which shall be~~
17 ~~formulated~~ established by the circuit judges for the county, subject to the approval of the chief
18 judge of the judicial administrative district.

NOTE: Changes, in the last sentence in s. 938.06 (2) (a),
"recommending" to "requesting" in order to conform with language in
current ss. 938.067 (6) and 938.24 (3) and (5), stats.

1 (am) 1. ~~Notwithstanding par. (a), any~~ A county which that had intake services under
2 this chapter subcontracted from the county sheriff's department on April 1, 1980, may
3 continue to subcontract those intake services from the county sheriff's department.

4 2. ~~Notwithstanding par. (a), any~~ A county in which the county sheriff's department
5 operates a secure juvenile detention facility may subcontract intake services under this chapter
6 from the county sheriff's department as provided in this subdivision. If a county subcontracts
7 intake services under this chapter ~~from the county sheriff's department~~ subdivision,
8 employees of the county sheriff's department who staff the secure juvenile detention facility
9 may make secure custody determinations under s. 938.208 between the hours of 6 p.m. and
10 6 a.m. ~~and any determination under s. 938.208 made by an employee of the county sheriff's~~
11 ~~department~~ Such a determination shall be reviewed by an intake worker employed by the
12 court or county department within 24 hours after ~~that determination~~ it is made.

13 (b) 1. All intake workers providing services under this chapter who begin employment
14 after May 15, 1980, excluding county sheriff's department employees who provide intake
15 services under par. (am) 2., shall have the qualifications required to perform entry level ~~social~~
16 case work in a county department. All intake workers providing services under this chapter
17 who begin employment after May 15, 1980, including county sheriff's department employees
18 who provide intake services under par. (am) 2., shall have successfully completed 30 hours
19 of intake training approved or provided by the department prior to the completion of the first
20 6 months of employment in the position. The department shall monitor compliance with this
21 subdivision according to rules promulgated by the department.

NOTE: See the note to s. 938.06 (1) (am) 1. The same comments apply
to s. 938.06 (2) (b) 1.

1 2. The department shall make training programs available annually that permit intake
2 workers providing services under this chapter to satisfy the requirements ~~specified~~ under subd.
3 1.

4 (3) INTAKE SERVICES. The court or county department responsible for providing intake
5 services under s. 938.067 shall specify one or more persons to provide intake services. If there
6 is more than one ~~such worker person~~, one of the ~~workers persons~~ shall be designated as chief
7 ~~worker~~ and shall supervise the other workers persons.

8 **SECTION 118.** 938.06 (5) of the statutes is renumbered 938.06 (5) (a) (intro.) and
9 amended to read:

10 938.06 (5) SHORT-TERM DETENTION AS A DISPOSITION OR SANCTION OR FOR VIOLATION OF
11 ORDER. (a) (intro.) The county board of supervisors of any county may, by resolution,
12 authorize the court to use do any of the following:

13 1. Use placement in a ~~secure~~ juvenile detention facility or juvenile portion of the county
14 jail as a disposition under s. 938.34 (3) (f), as a sanction under s. 938.355 (6m) (a) 1g., or as
15 a place of short-term detention under s. 938.355 (6d) (a) 1. or 2. or (b) 1. or 2. or 938.534 (1)
16 (b) 1. or 2. ~~or to use~~

17 2. Use commitment to a county department under s. 51.42 or 51.437 for special
18 treatment or care in an inpatient facility, as defined in s. 51.01 (10), as a disposition under s.
19 938.34 (6) (am).

20 (b) The use by the court of a disposition under s. 938.34 (3) (f) or (6) (am), a sanction
21 under s. 938.355 (6m) (a) 1g., or short-term detention under s. 938.355 (6d) (a) 1. or 2. or (b)
22 1. or 2. or 938.534 (1) (b) 1. or 2. is subject to any resolution adopted under ~~this subsection~~
23 par. (a).

24 **SECTION 119.** 938.067 (intro.) of the statutes is amended to read:

1 **938.067** (intro.) To carry out the objectives ~~and provisions~~ of this chapter ~~but subject~~
2 ~~to its limitations~~, intake workers shall do all of the following:

3 **SECTION 120.** 938.067 (1) (title) of the statutes is created to read:

4 938.067 (1) (title) SCREENING.

5 **SECTION 121.** 938.067 (2) and (3) of the statutes are amended to read:

6 938.067 (2) INTERVIEWING. Interview, ~~unless impossible~~ if possible, any juvenile who
7 is taken into physical custody and not released, and ~~where, if appropriate,~~ interview other
8 available concerned parties. If the juvenile cannot be interviewed, the intake worker shall
9 consult with the juvenile's parent or a responsible adult. No juvenile may be placed in a ~~secure~~
10 juvenile detention facility unless the juvenile has been interviewed in person by an intake
11 worker, except that if the intake worker is in a place which is distant from the place where the
12 juvenile is or the hour is unreasonable, as defined by written court intake rules, and if the
13 juvenile meets the criteria under s. 938.208, the intake worker, after consulting by telephone
14 with the law enforcement officer who took the juvenile into custody, may authorize the secure
15 holding of the juvenile while the intake worker is en route to the in-person interview or until
16 8 a.m. of the morning after the night on which the juvenile was taken into custody.

17 **(3) WHETHER JUVENILE SHOULD BE HELD.** Determine whether the juvenile shall be held
18 under s. 938.205 and ~~such policies as the judge shall promulgate~~ promulgated under s. 938.06
19 (1) or (2).

20 **SECTION 122.** 938.067 (4) (title) of the statutes is created to read:

21 938.067 (4) (title) WHERE JUVENILE SHOULD BE HELD.

22 **SECTION 123.** 938.067 (5) of the statutes is amended to read:

23 938.067 (5) CRISIS COUNSELING. Provide any necessary crisis counseling during the
24 intake process ~~when such counseling appears to be necessary.~~