

1 **SECTION 560.** 938.396 (7) (bm) of the statutes is renumbered 938.396 (2g) (m) 5. and
2 amended to read:

3 938.396 (2g) (m) 5. ~~Notwithstanding sub. (2) (a), in~~ In addition to the disclosure made
4 under ~~par. (am) or (b) subd. 2. or 4.,~~ if a juvenile is adjudicated delinquent and as a result of
5 the dispositional order is enrolled in a different school district or private school from the school
6 district or private school in which the juvenile is enrolled at the time of the dispositional order,
7 the court clerk, within 5 days after the date on which the dispositional order is entered, shall
8 provide the school board of the juvenile's new school district, the governing body of the
9 juvenile's new private school, or the designee of the school board or governing body with the
10 information specified in ~~par. (am) or (b) subd. 2. or 4.,~~ whichever is applicable, and, in
11 addition, shall notify that school board, governing body, or designee of whether the juvenile
12 has been adjudicated delinquent previously by that court, the nature of any previous violations
13 committed by the juvenile, and the dispositions imposed on the juvenile under s. 938.34 as a
14 result of those previous violations.

15 **SECTION 561.** 938.396 (7) (c) of the statutes is renumbered 938.396 (2g) (m) 6. and
16 amended to read:

17 938.396 (2g) (m) 6. ~~No~~ Except as required under subds. 1. to 5. or by order of the court,
18 no information from the juvenile's court records, ~~other than information disclosed under par.~~
19 ~~(a), (am), (ar), (b), or (bm),~~ may be disclosed to the school board of the school district, or the
20 governing body of the private school, in which the juvenile is enrolled or the designee of the
21 school board or governing body ~~except by order of the court.~~ Any information from a
22 juvenile's court records provided ~~under this subsection~~ to the school board of the school
23 district, or the governing body of the private school, in which the juvenile is enrolled or the
24 designee of the school board or governing body shall be disclosed by the school board,

1 governing body, or designee to employees of the school district or private school who work
2 directly with the juvenile or who have been determined by the school board, governing body,
3 or designee to have legitimate educational interests, including safety interests, in the
4 information. A school district or private school employee to whom that information is
5 disclosed ~~under this paragraph~~ may not further disclose the information. A school board may
6 not use any information ~~provided under this subsection~~ from a juvenile's court records as the
7 sole basis for expelling or suspending a juvenile or as the sole basis for taking any other
8 disciplinary action, including action under the school district's athletic code, against the
9 juvenile. A member of a school board or of the governing body of a private school or an
10 employee of a school district or private school may not be held personally liable for any
11 damages caused by the nondisclosure of any information specified in this ~~paragraph~~
12 subdivision unless the member or employee acted with actual malice in failing to disclose the
13 information. A school district or private school may not be held liable for any damages caused
14 by the nondisclosure of any information specified in this ~~paragraph~~ subdivision unless the
15 school district, private school, or its agent acted with gross negligence or with reckless,
16 wanton, or intentional misconduct in failing to disclose the information.

17 **SECTION 562.** 938.396 (8) of the statutes is renumbered 938.396 (2g) (n) and amended
18 to read:

19 938.396 (2g) (n) Firearms restriction record search. ~~Notwithstanding sub. (2), if~~ If a
20 juvenile is adjudged delinquent for an act that would be a felony if committed by an adult, the
21 court clerk shall notify the department of justice of that fact. No other information from the
22 juvenile's court records may be disclosed to the department of justice except by order of the
23 court. The department of justice may disclose any information provided under this subsection
24 only as part of a firearms restrictions record search under s. 175.35 (2g) (c).

1 **SECTION 563.** 938.396 (9) of the statutes is renumbered 938.396 (2g) (o) and amended
2 to read:

3 938.396 (2g) (o) Criminal history record search. ~~Notwithstanding sub. (2) (a), if~~ If a
4 juvenile is adjudged delinquent for committing a serious crime, as defined in s. 48.685 (1) (c),
5 the court clerk shall notify the department of justice of that fact. No other information from
6 the juvenile's court records may be disclosed to the department of justice except by order of
7 the court. The department of justice may disclose any information provided under this
8 subsection only as part of a criminal history record search under s. 48.685 (2) (am) 1. or (b)
9 1. a.

10 **SECTION 564.** 938.44 of the statutes is amended to read:

11 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction over persons
12 17 years of age or ~~over as provided~~ older under ss. 938.355 (4) and 938.45 and as otherwise
13 specifically provided specified in this chapter.

14 **SECTION 565.** 938.45 (1) of the statutes is amended to read:

15 938.45 (1) ORDERS WHEN ADULT CONTRIBUTED TO CONDITION OF JUVENILE. (a) If in the
16 hearing of a case of a juvenile alleged to be delinquent under s. 938.12 or in need of protection
17 or services under s. 938.13 it appears that any person 17 years of age or ~~over~~ older has been
18 guilty of contributing to, encouraging, or tending to cause by any act or omission, such
19 condition of the juvenile, the court may make orders with respect to the conduct of ~~such~~ that
20 person in his or her relationship to the juvenile, including orders relating to determining the
21 ability of the person to provide for the maintenance or care of the juvenile and directing when,
22 how, and where funds for the maintenance or care shall be paid.

23 (b) An act or failure to act contributes to a condition of a juvenile as described in s.
24 938.12 or 938.13, ~~although~~ even if the juvenile is not ~~actually adjudicated~~ found to come

1 within ~~the provisions~~ of s. 938.12 or 938.13, if the natural and probable consequences of that
2 act or failure to act would be to cause the juvenile to come within the provisions of s. 938.12
3 or 938.13.

4 **SECTION 566.** 938.45 (1m) (title) of the statutes is created to read:

5 938.45 (1m) (title) ORDERS IMPOSING CONDITIONS ON JUVENILE'S PARENT, GUARDIAN, OR
6 LEGAL CUSTODIAN.

7 **SECTION 567.** 938.45 (1m) (a), (1r), (2) and (3) of the statutes are amended to read:

8 938.45 (1m) (a) In a proceeding in which a juvenile has been adjudicated delinquent
9 or has been found to be in need of protection or services under s. 938.13, the court may order
10 the juvenile's parent, guardian or legal custodian to comply with any conditions determined
11 by the court to be necessary for the juvenile's welfare. An order ~~under this paragraph~~ may
12 include ~~an order to participate~~ participation in mental health treatment, anger management,
13 individual or family counseling or parent training and education, and ~~to make~~ a requirement
14 for a reasonable contribution, based on ability to pay, toward the cost of those services.

15 **(1r) ORDER FOR PARENT TO PAY RESTITUTION OR FORFEITURE.** (a) In a proceeding in which
16 a juvenile ~~has been~~ is found to have committed a delinquent act or a civil law or ordinance
17 violation that has resulted in damage to the property of another, or in actual physical injury
18 to another excluding pain and suffering, the court may order a parent who has custody, as
19 defined in s. 895.035 (1), of the juvenile to make reasonable restitution for the damage or
20 injury. Except for recovery for retail theft under s. 943.51, the maximum amount of any
21 restitution ordered ~~under this paragraph~~ for damage or injury resulting from any one act of a
22 juvenile or from the same act committed by 2 or more juveniles in the custody of the same
23 parent may not exceed \$5,000. ~~Any~~ The order ~~under this paragraph~~ shall include a finding
24 that the parent who has custody of the juvenile is financially able to pay the amount ordered

1 and may allow up to the date of expiration of the order for the payment. Any recovery under
2 this paragraph shall be reduced by the amount recovered as restitution for the same act under
3 s. 938.34 (5) or 938.343 (4).

4 (b) In a proceeding in which the court has determined under s. 938.34 (8) or 938.343
5 (2) that the imposition of a forfeiture would be in the best interest of the juvenile and in aid
6 of rehabilitation, the court may order a parent who has custody, as defined in s. 895.035 (1),
7 of the juvenile to pay the forfeiture. The amount of any forfeiture ordered ~~under this paragraph~~
8 may not exceed \$5,000. ~~Any~~ The order under this paragraph shall include a finding that the
9 parent who has custody of the juvenile is financially able to pay the amount ordered and shall
10 allow up to 12 months after the date of the order for the payment. Any recovery under this
11 paragraph shall be reduced by the amount recovered as a forfeiture for the same act under s.
12 938.34 (8) or 938.343 (2).

13 (2) RIGHT TO HEARING ON ORDERS. No order under sub. (1) (a), (1m) (a), or (1r) (a) or
14 (b) may be entered until the person who is the subject of the contemplated order is given an
15 opportunity to be heard on the contemplated order. The court shall cause notice of the time,
16 place, and purpose of the hearing to be served on the person personally at least 10 days before
17 the date of hearing. The procedure in these cases shall, as far as practicable, be the same as
18 in other cases in the court. At the hearing the person may be represented by counsel and may
19 produce and cross-examine witnesses. ~~Any~~ A person who fails to comply with ~~any~~ an order
20 issued by a court under sub. (1) (a), (1m) (a), or (1r) (a) or (b) may be proceeded against for
21 contempt of court. If the person's conduct involves a crime, the person may be proceeded
22 against under the criminal law.

23 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE. If it appears at
24 a court hearing that any person 17 years of age or older has violated s. 948.40, the court shall

1 refer the record to the district attorney for criminal proceedings as may be warranted in the
2 district attorney's judgment. This subsection does not prevent prohibit prosecution of
3 violations of s. 948.40 without the prior reference by the court to the district attorney, as in
4 other criminal cases.

5 **SECTION 568.** 938.48 (1) of the statutes is amended to read:

6 938.48 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws relating to
7 delinquent juveniles and juveniles in need of protection or services and take the initiative in
8 all matters involving the interests of such those juveniles ~~where~~ when adequate provision
9 ~~therefor~~ for those matters is not made. This duty shall be discharged in cooperation with the
10 courts, county departments and, licensed child welfare agencies and ~~with~~, parents, and other
11 individuals interested in the welfare of juveniles.

12 **SECTION 569.** 938.48 (2) of the statutes is amended to read:

13 938.48 (2) JUVENILE WELFARE SERVICES. Assist in extending and strengthening juvenile
14 welfare services with appropriate federal agencies and in conformity with the federal social
15 security act Social Security Act and in cooperation with parents, other individuals and other
16 agencies so that all juveniles needing such services are reached.

17 **SECTION 570.** 938.48 (3) and (4) of the statutes are amended to read:

18 938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over
19 juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357
20 (4), and provide special treatment or care to juveniles when directed by the court. Except as
21 ~~provided in~~ under s. 938.505 (2), a court may not direct the department to administer
22 psychotropic medications to juveniles who receive special treatment or care under this
23 subsection.

1 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles
2 under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4); including
3 serving those juveniles in their own homes, placing them in licensed foster homes or licensed
4 treatment foster homes in accordance with s. 48.63 or licensed group homes under s. 48.63,
5 contracting for their care by licensed child welfare agencies or replacing them in juvenile
6 correctional ~~institutions~~ facilities or secured ~~child-caring institutions~~ residential care centers
7 for children and youth in accordance with rules promulgated under ch. 227, ~~except that the,~~
8 The department may not purchase the educational component of private day treatment
9 programs for ~~juveniles~~ a juvenile in its custody unless the department, the school board, as
10 defined in s. 115.001 (7), and the state superintendent of public instruction all determine that
11 an appropriate public education program is not available for the juvenile. Disputes between
12 the department and the school district shall be resolved by the state superintendent of public
13 instruction.

14 **SECTION 571.** 938.48 (4m) (title) of the statutes is created to read:

15 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES OVER 17.

16 **SECTION 572.** 938.48 (4m) (d), (5) and (6) of the statutes are amended to read:

17 938.48 (4m) (d) Is determined by the department to be in need of care and services
18 designed to fit ~~such~~ the person for gainful employment and has requested and consented to
19 receive ~~such aid~~ the care and services.

20 (5) MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious training of a
21 juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4)
22 according to the religious ~~belief~~ beliefs of the juvenile or of the juvenile's parents.

23 (6) EMERGENCY SURGERY. Consent to emergency surgery under the direction of a
24 licensed physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34

1 (4h), (4m), or (4n), or 938.357 (4) upon notification by a licensed physician or surgeon of the
2 need for ~~such~~ the surgery and if reasonable effort, compatible with the nature and time
3 limitation of the emergency, has been made to secure the consent of the juvenile's parent or
4 guardian.

5 **SECTION 573.** 938.48 (13) (title) of the statutes is created to read:

6 938.48 (13) (title) ALLOWANCES AND CASH GRANTS.

7 **SECTION 574.** 938.48 (14) and (16) of the statutes are amended to read:

8 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay maintenance,
9 tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who,
10 when they ~~reached~~ attained 17 years of age, were students regularly attending a school,
11 college, or university or regularly attending a course of vocational or technical training
12 designed to ~~fit~~ prepare them for gainful employment, and who ~~when reaching~~ upon attaining
13 that age were under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or
14 (4n), or 938.357 (4) as a result of a judicial decision.

15 (16) STANDARDS FOR SERVICES. Establish and enforce standards for services ~~provided~~
16 under s. 938.183, 938.34, or 938.345.

17 **SECTION 575.** 938.49 (1) of the statutes is amended to read:

18 **938.49 (1) NOTICE TO DEPARTMENT OF PLACEMENT.** When ~~the~~ a court places a juvenile
19 in a ~~secured juvenile~~ juvenile correctional facility or ~~secured child-caring institution~~ residential care
20 center for children and youth under the supervision of the department, the court shall
21 immediately notify the department of that action. The court shall, in accordance with
22 procedures established by the department, provide transportation for the juvenile to a
23 receiving center designated by the department or deliver the juvenile to department personnel
24 ~~of the department~~.

1 **SECTION 576.** 938.49 (2) of the statutes is renumbered 938.49 (2) (intro.) and amended
2 to read:

3 **938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS.** When ~~the a~~ a court places a
4 juvenile in a secured juvenile correctional facility or a secured ~~child-caring institution~~
5 residential care center for children and youth under the supervision of the department, the
6 court and all other public agencies shall ~~also~~ immediately transfer do all of the following:

7 (a) Transfer to the department a copy of the report submitted to the court under s. 938.33
8 or, if the report was presented orally, a transcript of the report and all other pertinent data in
9 their possession and ~~shall immediately notify.~~

10 (b) Notify the juvenile's last school district in writing of its obligation under s. 118.125
11 (4).

12 **SECTION 577.** 938.50 (1) and (2) of the statutes are consolidated, renumbered 938.50
13 and amended to read:

14 **938.50 Examination of juveniles under supervision of department.**

15 **(1) EXAMINATION OF JUVENILES FOR BEST PLACEMENT.** The department shall examine every
16 juvenile who is placed under its supervision to determine the type of placement best suited to
17 the juvenile and to the protection of the public. ~~This~~ The examination shall include an
18 investigation of the personal and family history of the juvenile and his or her environment, any
19 physical or mental examinations ~~considered~~ necessary to determine the type of placement ~~that~~
20 ~~is necessary~~ appropriate for the juvenile, and ~~the~~ an evaluation under s. 938.533 (2) to
21 determine whether the juvenile is eligible for corrective sanctions supervision or serious
22 juvenile offender supervision. ~~A~~ The department shall screen a juvenile who is examined
23 ~~under this subsection shall be screened~~ section to determine whether the juvenile is in need
24 of special treatment or care because of alcohol or other drug abuse, mental illness, or severe

1 emotional disturbance. In making ~~this~~ the examination the department may use any facilities,
2 public or private, that offer aid to it assistance in the determination of determining the correct
3 placement for the juvenile.

4 **SECTION 578.** 938.505 (1) (title) of the statutes is created to read:

5 938.505 (1) (title) RIGHTS AND DUTIES OF DEPARTMENT OR COUNTY DEPARTMENT.

6 **SECTION 579.** 938.505 (2) of the statutes is amended to read:

7 938.505 (2) PSYCHOTROPIC MEDICATION. (a) If a juvenile 14 years of age or ~~over who~~
8 older is under the supervision of the department or a county department as described in sub.
9 (1) ~~and who~~, is not residing in his or her home, and wishes to be administered psychotropic
10 medication but a parent with legal custody or the guardian refuses to consent to the
11 administration of psychotropic medication or cannot be found, or if there is no parent with
12 legal custody, the department or county department acting on the juvenile's behalf may
13 petition the court assigned to exercise jurisdiction under this chapter and ch. 48 in the county
14 in which the juvenile is located for permission to administer psychotropic medication to the
15 juvenile. A copy of the petition and a notice of hearing shall be served upon the parent or
16 guardian at his or her last-known address. If, after hearing, the court determines that all of
17 the following apply, the court shall grant permission for the department or county department
18 to administer psychotropic medication to the juvenile without the parent's or guardian's
19 consent:

20 1. ~~That the~~ The parent's or guardian's consent is unreasonably withheld ~~or that~~, the
21 parent or guardian cannot be found, or ~~that~~ there is no parent with legal custody, ~~except that~~
22 the. The court may not determine that a parent's or guardian's consent is unreasonably
23 withheld solely because the parent or guardian relies on treatment by spiritual means through
24 prayer for healing in accordance with his or her religious tradition.

1 2. ~~That the~~ The juvenile is 14 years of age or ~~over and~~ older, is competent to consent
2 to the administration of psychotropic medication, ~~and that the juvenile~~ voluntarily consents
3 to the administration of psychotropic medication.

4 3. ~~Based~~ The juvenile, based on the recommendation of a physician, ~~that the juvenile~~
5 is in need of psychotropic medication, ~~that~~ and psychotropic medication is appropriate for the
6 juvenile's needs and ~~that psychotropic medication~~ is the least restrictive treatment consistent
7 with ~~the juvenile's~~ those needs.

8 (b) The court may, at the request of the department or county department, temporarily
9 approve the administration of psychotropic medication, for not more than 10 days after the
10 date of the request, pending the hearing on the petition, ~~which.~~ The hearing shall be held
11 within ~~those 10 days~~ that 10-day period.

12 **SECTION 580.** 938.51 (1) (intro.) of the statutes is amended to read:

13 938.51 (1) RELEASE FROM SECURED FACILITY OR SUPERVISION. (intro.) At least 15 days
14 prior to the date of release from a secured juvenile correctional facility, or a secured child
15 ~~earing institution or a secured group home~~ residential care center for children and youth of a
16 juvenile who has been adjudicated delinquent and at least 15 days prior to the release from the
17 supervision of the department or a county department of a juvenile who has been adjudicated
18 delinquent, the department or county department having supervision over the juvenile shall
19 make a reasonable attempt to do all of the following:

20 **SECTION 581.** 938.51 (1d) (title) and (1g) (title) of the statutes are created to read:

21 938.51 (1d) (title) RELEASE FROM NONSECURED RESIDENTIAL CARE CENTER.

22 (1g) (title) RELEASE FROM INPATIENT FACILITY.

23 **SECTION 582.** 938.51 (1m) of the statutes is amended to read:

1 938.51 (1m) NOTIFICATION OF LOCAL AGENCIES. The department or county department
2 having supervision over a juvenile described in sub. (1) shall determine the local agencies that
3 it will notify under sub. (1) (a) based on the residence of the juvenile's parents or on the
4 juvenile's intended residence specified in the juvenile's aftercare supervision plan or, if those
5 methods do not indicate the community in which the juvenile will reside following release
6 from a ~~secured juvenile~~ correctional facility, or a secured child caring institution or a secured
7 ~~group home~~ residential care center for children and youth or from the supervision of the
8 department or county department, the community in which the juvenile states that he or she
9 intends to reside.

10 **SECTION 583.** 938.51 (1r) (title) of the statutes is created to read:

11 938.51 (1r) (title) CONTENTS OF NOTICE.

12 **SECTION 584.** 938.51 (2) of the statutes is amended to read:

13 938.51 (2) NOTIFICATION REQUEST CARDS. The department shall design and prepare
14 cards for any person specified in sub. (1) (b), (c), (cm), or (d) to send to the department or
15 county department having supervision over a juvenile described in sub. (1), (1d), or (1g). The
16 cards shall have space for ~~any such person to provide his or her~~ the person's name, telephone
17 number and mailing address, the name of the applicable juvenile, and any other information
18 that the department determines is necessary. The cards shall also advise a victim who is under
19 18 years of age that he or she may complete a card requesting notification under sub. (1) (b),
20 (1d), or (1g) if the notification occurs after the victim attains 18 years of age and advising the
21 parent or guardian of a victim who is under 18 years of age that the parent or guardian may
22 authorize on the card direct notification of the victim under sub. (1) (b), (1d), or (1g) if the
23 notification occurs after the victim attains 18 years of age. The department shall provide the
24 cards, without charge, to district attorneys. District attorneys shall provide the cards, without

1 charge, to persons specified in sub. (1) (b) to (d). These persons may send completed cards
2 to the department or county department having supervision over the juvenile. ~~All department~~
3 Department and county department records or portions of records that relate to telephone
4 numbers and mailing addresses of these persons are not subject to inspection or copying under
5 s. 19.35 (1).

6 **SECTION 585.** 938.51 (3) (title) of the statutes is created to read:

7 938.51 (3) (title) RELEASE NOT AFFECTED BY FAILURE TO NOTIFY.

8 **SECTION 586.** 938.51 (4) (intro.) of the statutes is amended to read:

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

21 **SECTION 587.** 938.52 (1) (d), (2) and (4) of the statutes are amended to read:

22 938.52 (1) (d) Institutions, facilities, and services, including ~~without limitation~~ forestry
23 or conservation camps, for the training and treatment of juveniles 10 years of age or older who
24 have been adjudged delinquent.

1 (2) USE OF OTHER FACILITIES. (a) In addition to ~~the~~ facilities and services ~~described in~~
2 under sub. (1), the department may use other facilities and services under its jurisdiction. The
3 department may also contract for and pay for the use of other public facilities or private
4 facilities for the care and treatment of juveniles in its care; ~~but placement.~~ Placement of
5 juveniles in private or public facilities not under ~~its~~ the department's jurisdiction does not
6 terminate ~~the~~ its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) of
7 ~~the~~ department. Placements in institutions for ~~the mentally ill or developmentally disabled~~
8 persons with a mental illness or development disability shall be made in accordance with ss.
9 48.14 (5), 48.63, and 938.34 (6) (am) and ch. 51.

10 (b) Public facilities ~~are required to~~ shall accept and care for persons placed with them
11 by the department in the same manner as they would be required to do had the legal custody
12 of these persons been transferred by a court of competent jurisdiction. Nothing in this
13 subsection ~~shall be construed to require~~ requires any public facility to serve the department
14 ~~inconsistently in a manner that is inconsistent~~ with ~~its~~ the facility's functions or with the laws
15 and regulations governing ~~their~~ its activities; or ~~to give~~ gives the department authority to use
16 any private facility without its consent.

17 (c) The department ~~shall have the right to~~ may inspect ~~all facilities~~ any facility it is using
18 and ~~to~~ examine and consult with persons under its supervision under s. 938.183, 938.34 (4h),
19 (4m), or (4n), or 938.357 (4) who have been placed in ~~that~~ the facility.

20 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department may ~~institute~~
21 establish and maintain coeducational programs and institutions under this chapter.

22 **SECTION 588.** 938.53 of the statutes is amended to read:

23 **938.53 Duration of control of department over delinquents.** Except as provided
24 under ss. 48.366 and 938.183, ~~all juveniles~~ a juvenile adjudged delinquent who ~~have~~ has been

1 placed under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n),
2 or 938.357 (4) shall be discharged as soon as the department determines that there is a
3 reasonable probability that ~~it~~ departmental supervision is no longer necessary either for the
4 rehabilitation and treatment of the juvenile or for the protection of the public ~~that the~~
5 ~~department retain supervision.~~

6 **SECTION 589.** 938.533 of the statutes is amended to read:

7 **938.533 Corrective sanctions. (2) CORRECTIVE SANCTIONS PROGRAM.** From the
8 appropriation under s. 20.410 (3) (hr), the department shall provide a corrective sanctions
9 program to serve an average daily population of 136 juveniles, ~~or an average daily population~~
10 ~~of more than 136 juveniles if~~ unless the appropriation under s. 20.410 (3) (hr) is supplemented
11 under s. 13.101 or 16.515 and the positions for the program are increased under s. 13.101 or
12 16.505 (2) or ~~if~~ unless funding and positions to serve more than that average daily population
13 are otherwise available, in ~~not less than~~ at least 3 counties, including Milwaukee County. The
14 department's office of juvenile offender review ~~in the department~~ shall evaluate and select for
15 participation in the program juveniles who have been placed under the supervision of the
16 department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4). The department shall place
17 a program participant in the community, provide intensive surveillance of that participant, and
18 provide an average of not more than \$3,000 per year per slot to purchase community-based
19 treatment services for each participant. The department shall make the intensive surveillance
20 ~~required under this subsection~~ available 24 hours a day, 7 days a week, and may purchase or
21 provide electronic monitoring for the intensive surveillance of program participants. The
22 department shall provide a report center in Milwaukee County to provide on-site
23 programming after school and in the evening for juveniles from Milwaukee County who are
24 placed in the corrective sanctions program. A contact worker providing services under the

1 program shall have a case load of approximately 10 juveniles and, during the initial phase of
2 placement in the community under the program of a juvenile who is assigned to that contact
3 worker, shall have not less than one face-to-face contact per day with that juvenile. Case
4 management services under the program shall be provided by a corrective sanctions agent who
5 shall have a case load of approximately 15 juveniles. The department shall promulgate rules
6 to implement the program.

7 (3) INSTITUTIONAL STATUS. (a) A participant in the corrective sanctions program
8 ~~remains is~~ under the supervision of the department, ~~remains is~~ subject to the rules and
9 discipline of ~~that~~ the department, and is considered to be in custody, as defined in s. 946.42

10 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of ~~that~~
11 ~~juvenile's~~ his or her participation in the corrective sanctions program the department may,
12 without a hearing, take the juvenile into custody and place the juvenile in a secured juvenile
13 detention facility or return the juvenile to placement in a Type 1 secured juvenile correctional
14 facility or a secured child-caring institution residential care center for children and youth. This
15 paragraph does not preclude a juvenile who has violated a condition of the ~~juvenile's~~ his or
16 her participation in the corrective sanctions program from being taken into and held in custody
17 under ss. 938.19 to 938.21.

18 (b) The department shall operate the corrective sanctions program as a Type 2 secured
19 juvenile correctional facility. The secretary may allocate and reallocate existing and future
20 facilities as part of the Type 2 secured juvenile correctional facility. The Type 2 secured
21 juvenile correctional facility is subject to s. 301.02. Construction or establishment of a Type 2
22 secured juvenile correctional facility shall be in compliance with all state laws except s. 32.035
23 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or establishment
24 of a Type 2 secured juvenile correctional facility is not subject to the ordinances or regulations

1 relating to zoning, including zoning under ch. 91, of the county and city, village, or town in
2 which the construction or establishment takes place and is exempt from the investigations
3 permitted under s. 46.22 (1) (c) 1. b.

4 (3m) ESCAPE. If a juvenile runs away from the juvenile's his or her placement in the
5 community while participating in the corrective sanctions program, that the juvenile is
6 considered to have escaped in violation of s. 946.42 (3) (c).

7 SECTION 590. 938.534 (1) (a) and (b) 1., 2., 3. and 4. of the statutes are amended to read:

8 **938.534 Intensive supervision program. (1) PROGRAM REQUIREMENTS; VIOLATION**
9 **OF CONDITION OF PARTICIPATION.** (a) A county department may provide an intensive
10 supervision program for juveniles who have been adjudicated delinquent and ordered to
11 participate in an intensive supervision program under s. 938.34 (2r). A county department that
12 provides ~~an intensive supervision a~~ program shall purchase or provide intensive surveillance
13 and community-based treatment services for participants in ~~that~~ the program and may
14 purchase or provide electronic monitoring for the intensive surveillance of program
15 participants. A caseworker providing services under ~~an intensive supervision a~~ program may
16 have a case load of no more than 10 juveniles and shall have not less than one face-to-face
17 contact per day with each juvenile who is assigned to that caseworker, except that the
18 face-to-face contact requirement does not apply to a juvenile placed under par. (b) or (c).

NOTE: Clarifies, in the last sentence in s. 938.534 (1) (a), that the "one face-to-face contact per day" requirement does not apply: (1) under par. (b) when a youth is placed in shelter care or a secure facility for a violation of intensive supervision program rules for a 72-hour hold; or (2) under par. (c) when a youth is placed in non-secure custody for not more than 30 days as crisis intervention. Under current practice, assigned caseworkers do not have daily contact with youth when they are receiving a "service" such as being held in detention or in shelter care.

1 (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
2 adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the county board
3 relating to the taking into custody and placement of a juvenile under this subdivision, if a
4 juvenile violates a condition of the juvenile's his or her participation in the program, the
5 juvenile's caseworker or any other person authorized to provide or providing intake or
6 dispositional services for the court under s. 938.067 or 938.069 may, without a hearing, take
7 the juvenile into custody and place the juvenile in a secure juvenile detention facility or
8 juvenile portion of a county jail that meets the standards promulgated by the department by
9 rule or in a place of nonsecure custody designated by that person for not more than 72 hours
10 while the alleged violation and the appropriateness of a sanction under s. 938.355 (6) or a
11 change in the conditions of the juvenile's participation in the program are being investigated.
12 Short-term detention under this subdivision may be imposed only if at the dispositional
13 hearing the court explained those conditions to the juvenile and informed the juvenile of ~~the~~
14 ~~possibility of that~~ possible placement or if before the violation the juvenile has acknowledged
15 in writing that he or she has read, or has had read to him or her, those conditions and that
16 possible placement and that he or she understands those conditions and that possible
17 placement.

18 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
19 adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the county board
20 relating to the taking into custody and placement of a juvenile under this subdivision, if a
21 juvenile violates a condition of the juvenile's participation in the program, the juvenile's
22 caseworker or any other person authorized to provide or providing intake or dispositional
23 services for the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile
24 into custody and place the juvenile in a secure juvenile detention facility or juvenile portion

1 of a county jail that meets the standards promulgated by the department by rule or in a place
2 of nonsecure custody designated by that person for not more than 72 hours as a consequence
3 of that violation. Short-term detention under this subdivision may be imposed only if at the
4 dispositional hearing the court explained those conditions to the juvenile and informed the
5 juvenile of the ~~possibility of~~ that placement or if before the violation the juvenile has
6 acknowledged in writing that he or she has read, or has had read to him or her, those conditions
7 and that possible placement and that he or she understands those conditions and that possible
8 placement. A person who takes a juvenile into custody under this subdivision shall permit the
9 juvenile to make a written or oral statement concerning the possible placement of the juvenile
10 and the course of conduct for which the juvenile was taken into custody. A person designated
11 by the court or the county department who is employed in a supervisory position by a person
12 authorized to provide or providing intake or dispositional services under s. 938.067 or 938.069
13 shall review that statement and shall either approve or modify the placement or order the
14 juvenile to be released from custody.

NOTE: Specifies, in s. 938.534 (1) (b) 2., that when a youth is placed on a 72-hour hold in either a secure or non-secure facility for a violation of a condition of participation in an Intensive Supervision Program, a person authorized to review a youth's statement has the authority to modify the placement as well as approve the statement (current law). Under current practice, supervisors do modify the placement downward from 72 hours or suggest that the caseworkers do so if appropriate.

15 3. A juvenile may be taken into and held in custody under both subds. 1. and 2. in
16 connection with the same course of conduct, ~~except that no.~~ No juvenile may be held in
17 custody for more than a total of 72 hours under subds. 1. and 2. in connection with the same
18 course of conduct unless the juvenile receives a hearing under par. (d).

19 4. The use of placement in a secure juvenile detention facility or in a juvenile portion
20 of a county jail as a place of short-term detention under subd. 1. or 2. is subject to the adoption

1 of a resolution by the county board of supervisors under s. 938.06 (5) authorizing the use of
2 those placements as places of short-term detention under subd. 1. or 2.

3 **SECTION 591.** 938.534 (1) (c) and (d) and (2) of the statutes are amended to read:

4 938.534 (1) (c) Notwithstanding ss. 938.19 to 938.21, but subject to any general written
5 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by the
6 county board relating to the taking into custody and placement of a juvenile under this
7 paragraph, if the juvenile is in need of crisis intervention the juvenile's caseworker may also,
8 without a hearing, take the juvenile into custody and place the juvenile in a place of nonsecure
9 custody for not more than 30 days ~~as crisis intervention, if the juvenile is in need of crisis~~
10 ~~intervention and, if.~~ This placement may be made only if at the dispositional hearing the court
11 informed the juvenile of ~~the possibility of that possible~~ placement or if before the violation
12 the juvenile has acknowledged in writing that he or she has read, or has had read to him or her,
13 those conditions and that possible placement and that he or she understands those conditions
14 and that possible placement.

15 (d) If the juvenile is held under par. (b) 1. or 2. in a ~~secure~~ juvenile detention facility,
16 juvenile portion of a county jail, or place of nonsecure custody for longer than 72 hours, the
17 juvenile is entitled to a hearing under s. 938.21. The hearing shall be conducted in the manner
18 provided in s. 938.21, except that the hearing shall be conducted within 72 hours, rather than
19 24 hours, after the end of the day that the decision to hold the juvenile was made and a written
20 statement of the reasons for continuing to hold the juvenile in custody may be filed rather than
21 a petition under s. 938.25.

22 (2) RULES FOR INTENSIVE SUPERVISION PROGRAM. The department shall promulgate rules
23 specifying the requirements for an intensive supervision program under this section. The rules
24 shall include ~~rules that govern~~ provisions governing the use of placement in a secure juvenile

1 detention facility, juvenile portion of a county jail, or place of nonsecure custody for not more
2 than 72 hours under sub. (1) (b) and the use of placement in a place of nonsecure custody for
3 not more than 30 days under sub. (1) (c).

4 **SECTION 592.** 938.535 of the statutes is amended to read:

5 **938.535 Early release and intensive supervision program; limits.** The department
6 may establish a program for the early release and intensive supervision of juveniles who have
7 been placed in a secured juvenile correctional facility or a secured ~~child-caring institution~~
8 residential care center for children and youth under s. 938.183 or 938.34 (4m). The program
9 may not include any juveniles who have been placed in a secured juvenile correctional
10 facility or a secured ~~child-caring institution~~ residential care center for children and youth as
11 a result of a delinquent act involving the commission of a violent crime as defined in s.
12 969.035, but not including the crime specified in s. 948.02 (1).

13 **SECTION 593.** 938.538 (3) (a) 1., 1m., 1p. and 2. of the statutes are amended to read:

14 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured juvenile
15 correctional facility, or a secured ~~child-caring institution~~ or, if the participant is 17 years of age
16 or over or 15 years of age or over and transferred under s. 938.357 (4) (d), a Type 1 prison,
17 as defined in s. 301.01 (5), residential care center for children and youth for a period of not
18 more than 3 years.

19 1m. If the participant has been adjudicated delinquent for committing an act that would
20 be a Class A felony if committed by an adult, placement in a Type 1 secured juvenile
21 correctional facility, or a secured ~~child-caring institution~~ or, if the participant is 17 years of age
22 or over or 15 years of age or over and transferred under s. 938.357 (4) (d), a Type 1 prison,
23 as defined in s. 301.01 (5), residential care center for children and youth until the participant

1 reaches 25 years of age, unless the participant is released sooner, subject to a mandatory
2 minimum period of confinement of not less than one year.

3 1p. Alternate care, including placement in a foster home, treatment foster home, group
4 home, residential care center for children and youth, or ~~secured child-caring institution~~
5 residential care center for children and youth.

6 2. Intensive or other field supervision, including corrective sanctions supervision under
7 s. 938.533, ~~or aftercare supervision or, if the participant is 17 years of age or over, intensive~~
8 ~~sanctions supervision under s. 301.048.~~

9 **SECTION 594.** 938.538 (4), (5) (b) and (c), (6) and (6m) (b) of the statutes are amended
10 to read:

11 938.538 (4) INSTITUTIONAL STATUS. (a) A participant in the ~~serious juvenile offender~~
12 program under this section is under the supervision and control of the department, is subject
13 to the rules and discipline of the department, and is considered to be in custody, as defined in
14 s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition
15 of his or her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
16 ~~secured juvenile~~ correctional facility the department may, without a hearing, take the
17 participant into custody and return him or her to placement in a Type 1 ~~secured juvenile~~
18 correctional facility; ~~or a secured child-caring institution or, if the participant is 17 years of age~~
19 ~~or over, a Type 1 prison, as defined in s. 301.01 (5)~~ residential care center for children and
20 youth. Any intentional failure of a participant to remain within the extended limits of his or
21 her placement while participating in the serious juvenile offender program or to return within
22 the time prescribed by the administrator of the division of intensive sanctions in the
23 department is considered an escape under s. 946.42 (3) (c). This paragraph does not preclude

1 a juvenile who has violated a condition of the juvenile's participation in the program under
2 sub. (3) (a) 2. to 9. from being taken into and held in custody under ss. 938.19 to 938.21.

3 (b) The department shall operate the component phases of the program specified in sub.
4 (3) (a) 2. to 9. as a Type 2 secured juvenile correctional facility. The secretary of corrections
5 may allocate and reallocate existing and future facilities as part of the Type 2 secured juvenile
6 correctional facility. The Type 2 secured juvenile correctional facility is subject to s. 301.02.
7 Construction or establishment of a Type 2 secured juvenile correctional facility shall be in
8 compliance with all state laws except s. 32.035 and ch. 91. In addition to the exemptions under
9 s. 13.48 (13), construction or establishment of a Type 2 secured juvenile correctional facility
10 is not subject to the ordinances or regulations relating to zoning, including zoning under ch.
11 91, of the county and city, village, or town in which the construction or establishment takes
12 place and is exempt from inspections required under s. 301.36.

13 (5) (b) The department may discharge a participant from participation in the serious
14 juvenile offender program and from departmental supervision and control at any time after the
15 ~~participant~~ he or she has completed 3 years of ~~participation~~ in the serious juvenile offender
16 program.

17 (c) Sections 938.357 and 938.363 do not apply to changes of placement and revisions
18 of orders for a juvenile who is a participant in the serious juvenile offender program, ~~except~~
19 ~~that s. 938.357 (4) (d) applies to the transfer of a participant to the Racine youthful offender~~
20 ~~correctional facility named in s. 302.01.~~

21 (6) PURCHASE OF SERVICES. The department of corrections may contract with the
22 department of health and family services, a county department, or any public or private agency
23 for the purchase of goods, care, and services for participants in the serious juvenile offender
24 program under this section. The department of corrections shall reimburse a person from

1 whom it purchases goods, care, or services under this subsection from the appropriation under
2 s. 20.410 (3) (cg) ~~or, if the person for whom the goods, care or services are purchased is placed~~
3 ~~in a Type 1 prison, as defined s. 301.01 (5), or is under intensive sanctions supervision under~~
4 ~~s. 301.048, from the appropriate appropriation under s. 20.410 (1).~~

NOTE: Deletes references to placement of juveniles in state prison from s. 938.538 because the draft repeals the authority of DOC to place juveniles who have been adjudicated delinquent in state prison or under intensive sanctions supervision. See the note to s. 938.537 (4) (d) in this draft.

5 (6m) (b) In the selection of classified service employees for a secured juvenile
6 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a), the
7 appointing authority shall make every effort to use the expanded certification program under
8 s. 230.25 (1n) or rules of the administrator of the division of merit recruitment and selection
9 in the office of state employment relations to ensure that the percentage of employees who are
10 minority group members approximates the percentage of the juveniles placed at that secured
11 juvenile correctional facility who are minority group members. The administrator of the
12 division of merit recruitment and selection in the office of state employment relations shall
13 provide guidelines for the administration of ~~this~~ the selection procedure.

14 SECTION 595. 938.539 of the statutes is amended to read:

15 938.539 Type 2 status. (1) TYPE 2 RESIDENTIAL CARE CENTER; COUNTY DEPARTMENT
16 CONTROL. A juvenile who is placed in a Type 2 ~~child-caring institution~~ residential care center
17 for children and youth under s. 938.34 (4d) or who, having been so placed, is replaced in a less
18 restrictive placement under s. 938.357 (4) (c) is under the supervision and control of the county
19 department, is subject to the rules and discipline of the county department and is considered
20 to be in custody, as defined in s. 946.42 (1) (a).

21 SECTION 596. 938.539 (2) to (5) of the statutes are amended to read:

1 938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT CONTROL. A juvenile
2 who is placed in a Type 2 ~~secured~~ juvenile correctional facility under s. 938.357 (4) (a) or who,
3 having been so placed, is replaced in a less restrictive placement under s. 938.357 (4) (c) is
4 under the supervision and control of the department, is subject to the rules and discipline of
5 the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

6 (3) VIOLATION OF CONDITION OF PLACEMENT. Notwithstanding ss. 938.19 to 938.21, if
7 a juvenile placed in a Type 2 ~~child-caring institution~~ residential care center for children and
8 youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 ~~secured~~ juvenile correctional
9 facility under s. 938.357 (4) (a) or (c) violates a condition of his or her placement in the ~~Type 2~~
10 ~~child-caring institution~~ center or ~~Type 2-secured correctional~~ facility, the juvenile may be
11 placed in a Type 1 ~~secured~~ juvenile correctional facility as provided in s. 938.357 (4) (b). This
12 subsection does not preclude a juvenile who has violated a condition of the juvenile's
13 placement in a Type 2 ~~secured~~ juvenile correctional facility or a Type 2 ~~child-caring institution~~
14 residential care center for children and youth from being taken into and held in custody under
15 ss. 938.19 to 938.21.

16 (4) ESCAPE OR ABSENCE. ~~Any intentional failure of a~~ A juvenile placed in a Type 2 ~~child~~
17 ~~caring institution~~ residential care center for children and youth under s. 938.34 (4d) or 938.357
18 (4) (c) or in a Type 2 ~~secured~~ juvenile correctional facility under s. 938.357 (4) (a) or (c) who
19 intentionally fails to remain within the extended limits of his or her placement or to return
20 within the time prescribed by the administrator of the ~~Type 2 child-caring institution~~ center
21 or ~~Type 2-secured correctional~~ facility is considered an escape under s. 946.42 (3) (c).

22 (5) OPERATION AS TYPE 2 PLACEMENT. With respect to a juvenile who is placed in a
23 secured residential care center for children and youth ~~or a secured child-caring institution~~
24 under s. 938.34 (4d) or 938.357 (4) (a) or in a less restrictive placement under s. 938.357 (4)

1 (c), the child welfare agency operating the ~~residential care center for children and youth or~~
2 ~~secured child caring institution~~ in which the juvenile is placed, and the person operating any
3 less restrictive placement in which the juvenile is placed, shall operate that ~~residential care~~
4 ~~center for children and youth, secured child caring institution,~~ or less restrictive placement as
5 a Type 2 ~~child caring institution~~ residential care center for children and youth or a Type 2
6 ~~secured juvenile~~ correctional facility. This subsection does not preclude a child welfare
7 agency or other person from placing in a residential care center for children and youth, ~~secured~~
8 ~~child caring institution,~~ or less restrictive placement in which a juvenile is placed under s.
9 938.34 (4d) or 938.357 (4) (a) or (c) a juvenile who is not placed under s. 938.34 (4d) or
10 938.357 (4) (a) or (c).

11 **SECTION 597.** 938.539 (6) (title) of the statutes is created to read:

12 938.539 (6) (title) **RULE-MAKING.**

13 **SECTION 598.** 938.549 (1) (title), (2) (title) and (3) (title) of the statutes are created to
14 read:

15 938.549 (1) (title) **CLASSIFICATION SYSTEM; CONTENT.**

16 (2) (title) **USES OF CLASSIFICATION SYSTEM.**

17 (3) (title) **TRAINING IN USE OF SYSTEM.**

18 **SECTION 599.** 938.57 (1) (title) of the statutes is created to read:

19 938.57 (1) (title) **COUNTY DEPARTMENT DUTIES; POWERS.**

20 **SECTION 600.** 938.57 (1) (b), (c), (cm), (d) and (2) of the statutes are amended to read:

21 938.57 (1) (b). Accept legal custody or supervision of juveniles transferred to it by the
22 court under s. 938.355 and provide special treatment or care if ordered by the court. Except
23 as provided in under s. 938.505 (2), a court may not order a county department to administer

1 psychotropic medications to juveniles who receive special treatment or care ~~under this~~
2 paragraph.

3 (c) Provide appropriate protection and services for juveniles in its care, including
4 providing services for juveniles and their families in their own homes, placing the juveniles
5 in licensed foster homes, licensed treatment foster homes or licensed group homes in this state
6 or another state within a reasonable proximity to the agency with legal custody ~~or~~, contracting
7 for services for them by licensed child welfare agencies, or replacing them in ~~secured juvenile~~
8 ~~correctional facilities, or secured child caring institutions or secured group homes~~ residential
9 care centers for children and youth in accordance with rules promulgated under ch. 227, ~~except~~
10 ~~that the.~~ A county department may not purchase the educational component of private day
11 treatment programs unless the county department, the school board, as defined in s. 115.001
12 (7) and the state superintendent of public instruction ~~all~~ determine that an appropriate public
13 education program is not available. Disputes between the county department and the school
14 district shall be resolved by the state superintendent of public instruction.

15 (cm) Provide appropriate services for juveniles who are referred to the county
16 department by a municipal court, ~~except that if.~~ If the funding, staffing, or other resources of
17 the county department for juvenile welfare services are insufficient to meet the needs of all
18 juveniles who are eligible to receive services from the county department, the county
19 department shall give first priority to juveniles who are referred to ~~the county department~~ it
20 by the court assigned to exercise jurisdiction under this chapter and ch. 48.

21 (d) Provide for the moral and religious training of juveniles in its care according to the
22 religious ~~belief~~ beliefs of the juvenile or of his or her parents.

23 (2) ASSISTANCE FROM PRIVATE INDIVIDUALS AND ORGANIZATIONS. In performing the
24 functions ~~specified in~~ under sub. (1), the county department may avail itself of the cooperation

1 accept the assistance of ~~any an~~ individual or private agency or organization interested in the
2 social welfare of juveniles in the county.

3 **SECTION 601.** 938.57 (3) (title) of the statutes is created to read:

4 938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES OVER 17.

5 **SECTION 602.** 938.57 (4) of the statutes is amended to read:

6 938.57 (4) AFTERCARE SUPERVISION. A county department may provide aftercare
7 supervision under s. 938.34 (4n) for juveniles who are released from ~~secured juvenile~~
8 ~~correctional facilities, or secured child caring institutions or secured group homes~~ residential
9 care centers for children and youth. If a county department intends to change its policy
10 regarding whether the county department or the department shall provide aftercare
11 supervision for juveniles released from ~~secured juvenile~~ correctional facilities, ~~or secured~~
12 ~~child caring institutions or secured group homes,~~ residential care centers for children and
13 youth the county executive or county administrator, or, if the county has no county executive
14 or county administrator, the chairperson of the county board of supervisors, or, for
15 multicounty departments, the chairpersons of the county boards of supervisors jointly, shall
16 submit a letter to the department stating that intent before July 1 of the year preceding the year
17 in which the policy change will take effect.

18 **SECTION 603.** 938.59 (1) of the statutes is amended to read:

19 938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall investigate
20 the personal and family history and environment of any juvenile transferred to its legal custody
21 or placed under its supervision under s. 938.34 (4d) or (4n) and make any physical or mental
22 examinations of the juvenile considered necessary to determine the type of care necessary for
23 the juvenile. The county department shall screen a juvenile who is examined ~~under this~~
24 ~~subsection~~ to determine whether the juvenile is in need of special treatment or care because

1 of alcohol or other drug abuse, mental illness, or severe emotional disturbance. The county
2 department shall keep a complete record of the information received from the court, the date
3 of reception, all available data on the personal and family history of the juvenile, the results
4 of all tests and examinations given the juvenile, and a complete history of all placements of
5 the juvenile while in the legal custody or under the supervision of the county department.

6 **SECTION 604.** 938.59 (2) (title) of the statutes is created to read:

7 938.59 (2) (title) REPORT TO THE DEPARTMENT.

8 **SECTION 605.** 938.78 (1) (title) and (2) (title) of the statutes are created to read:

9 938.78 (1) (title) DEFINITION.

10 (2) (title) CONFIDENTIALITY; EXCEPTIONS.

11 **SECTION 606.** 938.78 (2) (a), (ag) and (am) of the statutes are amended to read:

12 938.78 (2) (a) No agency may make available for inspection or disclose the contents
13 of any record kept or information received about an individual who is or was in its care or legal
14 custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d) or (5m) (d), or
15 938.51 or by order of the court.

NOTE: Clarifies that, with specified exceptions, s. 938.78 (2) (a) applies to the contents of any record kept or information received about an individual **who is or was** (i.e., currently or in the past) in the agency's care or legal custody.

16 (ag) Paragraph (a) does not prohibit an agency from making available for inspection
17 or disclosing the contents of a record, upon the request of the parent, guardian, or legal
18 custodian of the juvenile who is the subject of the record or upon the request of the juvenile,
19 if 14 years of age or ~~over~~ older, to the parent, guardian, legal custodian, or juvenile, unless the
20 agency finds that inspection of the record by the juvenile, parent, guardian, or legal custodian
21 would result in imminent danger to anyone.

1 (am) Paragraph (a) does not prohibit an agency from making available for inspection
2 or disclosing the contents of a record, upon the written permission of the parent, guardian, or
3 legal custodian of the juvenile who is the subject of the record or upon the written permission
4 of the juvenile, if 14 years of age or ~~over~~ older, to the person named in the permission if the
5 parent, guardian, legal custodian, or juvenile specifically identifies the record in the written
6 permission, unless the agency determines that inspection of the record by the person named
7 in the permission would result in imminent danger to anyone.

8 **SECTION 607.** 938.78 (2) (b) 1. and (3) of the statutes are amended to read:

9 938.78 (2) (b) 1. Paragraph (a) does not apply to the confidential exchange of
10 information between an agency and another social welfare agency, a law enforcement agency,
11 the victim-witness coordinator, a fire investigator under s. 165.55 (15), a public school district
12 or a private school regarding an individual in the care or legal custody of the agency. A social
13 welfare agency that obtains information under this paragraph shall keep the information
14 confidential as required under this section and s. 48.78. A law enforcement agency that
15 obtains information under this paragraph shall keep the information confidential as required
16 under ss. 48.396 (1) and 938.396 (1) (a). A public school that obtains information under this
17 paragraph shall keep the information confidential as required under s. 118.125 and a private
18 school that obtains information under this paragraph shall keep the information confidential
19 in the same manner as is required of a public school under s. 118.125.

20 **(3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE: RULES.** If a juvenile adjudged
21 delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or
22 services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14)
23 on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20,
24 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31,

1 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02,
2 948.025, 948.03, 948.05, 948.055, 948.60, 948.605, or 948.61 or any crime specified in ch.
3 940 has escaped from a ~~secured~~ juvenile correctional facility, residential care center for
4 children and youth, ~~secured group home~~, inpatient facility, as defined in s. 51.01 (10), ~~secure~~
5 juvenile detention facility, or juvenile portion of a county jail, or from the custody of a peace
6 officer or a guard of such a facility, center, or jail, or has been allowed to leave a ~~secured~~
7 juvenile correctional facility, residential care center for children and youth, ~~secured group~~
8 ~~home~~, inpatient facility, ~~secure~~ juvenile detention facility, or juvenile portion of a county jail
9 for a specified time period and is absent from the facility, center, home, or jail for more than
10 12 hours after the expiration of the specified period, the department or county department
11 having supervision over the juvenile may release the juvenile's name and any information
12 about the juvenile that is necessary for the protection of the public or to secure the juvenile's
13 return to the facility, center, home, or jail. The department of ~~corrections~~ shall promulgate
14 rules establishing guidelines for the release of the juvenile's name or information about the
15 juvenile to the public.

16 **SECTION 608.** 938.795 (1) to (4) of the statutes are amended to read:

17 938.795 (1) COLLECT STATISTICS AND INFORMATION. Collect and collaborate with other
18 agencies in collecting statistics and information useful in determining the cause and amount
19 of delinquency and crime in this state or in carrying out the powers and duties of the
20 department relating to delinquency and crime.

21 (2) ASSIST COMMUNITIES. Assist communities in their efforts to combat delinquency and
22 social breakdown likely to cause delinquency and crime and assist them in setting up programs
23 for coordinating the a total community program relating to delinquency and crime, including
24 the improvement of law enforcement.

1 (3) ASSIST SCHOOLS. Assist schools in extending their particular contribution in ~~locating~~
2 identifying and helping juveniles vulnerable to delinquency and crime and in improving their
3 school services ~~to~~ for all youth.

4 (4) ENLIGHTEN PUBLIC OPINION. Develop and maintain an enlightened public opinion in
5 support of a any program to control delinquency and crime.

6 **SECTION 609.** 938.992 (3) of the statutes is amended to read:

7 938.992 (3) Notwithstanding s. 938.991 (3) (b), “delinquent juvenile” does not include
8 a person subject to an order under s. 48.366 who is confined to a state prison under s. 302.01
9 or a person subject to an order under s. 938.34 (4h) who is ~~17 years of age or over.~~

 NOTE: Deletes reference in s. 938.992 (3) to placement of 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 610.** 940.225 (5) (ab) of the statutes is amended to read:

11 940.225 (5) (ab) “Correctional institution” means a jail or correctional facility, as
12 defined in s. 961.01 (12m), a ~~secured juvenile~~ secured juvenile correctional facility, as defined in s. 938.02
13 (15m) (10p), or a ~~secure juvenile~~ secure juvenile detention facility, as defined in s. 938.02 (16) (10r).

14 **SECTION 611.** 946.42 (1) (a) of the statutes is amended to read:

15 946.42 (1) (a) “Custody” includes without limitation actual custody of an institution,
16 including a ~~secured juvenile~~ secured juvenile correctional facility, 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 ~~secured group home~~, as defined in s. 938.02 (15p), a ~~secure juvenile~~ secure juvenile detention
19 facility, as defined in s. 938.02 (16) (10r), a Type 2 ~~child-caring institution~~ residential care
20 center for children and youth, as defined in s. 938.02 (19r), or a juvenile portion of a county
21 jail, or of a peace officer or institution guard and constructive custody of prisoners and
22 juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h), or (4m), or 938.357

1 (4) or (5) (e) temporarily outside the institution whether for the purpose of work, school,
2 medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a
3 juvenile, or otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of
4 the county to which the prisoner was transferred after conviction. It does not include the
5 custody of a probationer, parolee, or person on extended supervision by the department of
6 corrections or a probation, extended supervision, or parole officer or the custody of a person
7 who has been released to aftercare supervision under ch. 938 unless the person is in actual
8 custody or is subject to a confinement order under s. 973.09 (4).

9 **SECTION 612.** 946.44 (2) (c) and (d) of the statutes are amended to read:

10 946.44 (2) (c) "Institution" includes a secured juvenile correctional facility, as defined
11 in s. 938.02 (15m) (10p), a secured ~~child-caring institution~~ residential care center for children
12 and youth, as defined in s. 938.02 (15g), a secured ~~group home~~, as defined in s. 938.02 (15p),
13 and a Type 2 ~~child-caring institution~~ residential care center for children and youth as defined
14 in s. 938.02 (19r).

15 (d) "Prisoner" includes a person who is under the supervision of the department of
16 corrections under s. 938.34 (4h), who is placed in a secured juvenile correctional facility, or
17 a secured ~~child-caring institution or a secured group home~~ residential care center for children
18 and youth under s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e), who is placed in a Type 2
19 ~~child-caring institution~~ residential care center for children and youth under s. 938.34 (4d) or
20 who is subject to an order under s. 48.366.

21 **SECTION 613.** 946.45 (2) (c) and (d) of the statutes are amended to read:

22 946.45 (2) (c) "Institution" includes a secured juvenile correctional facility, as defined
23 in s. 938.02 (15m) (10p), a secured ~~child-caring institution~~ residential care center for children
24 and youth, as defined in s. 938.02 (15g), a secured ~~group home~~, as defined in s. 938.02 (15p),

1 and a Type 2 ~~child-caring institution~~ residential care center for children and youth, as defined
2 in s. 938.02 (19r).

3 (d) "Prisoner" includes a person who is under the supervision of the department of
4 corrections under s. 938.34 (4h), who is placed in a secured juvenile correctional facility, a
5 secured ~~child-caring institution or a secured group home~~ residential care center for children
6 and youth under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e), who is placed in a Type 2
7 ~~child-caring institution~~ residential care center for children and youth under s. 938.34 (4d) or
8 who is subject to an order under s. 48.366.

9 **SECTION 614.** 948.50 (4) (b) of the statutes is amended to read:

10 948.50 (4) (b) Is placed in or transferred to a secured juvenile correctional facility, as
11 defined in s. 938.02 ~~(15m)~~ (10p), or a secured ~~child-caring institution~~ residential care center
12 for children and youth, as defined in s. 938.02 (15g).

13 **SECTION 615.** 968.255 (7) (b) of the statutes is amended to read:

14 968.255 (7) (b) Is placed in or transferred to a secured juvenile correctional facility, as
15 defined in s. 938.02 ~~(15m)~~ (10p), or a secured ~~child-caring institution~~ residential care center
16 for children and youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in~~
17 ~~s. 938.02 (15p).~~

18 **SECTION 616.** 970.032 (1) of the statutes is amended to read:

19 970.032 (1) Notwithstanding s. 970.03, if a preliminary examination is held regarding
20 a juvenile who is subject to the original jurisdiction of the court of criminal jurisdiction under
21 s. 938.183 (1) ~~or (2)~~, the court shall first determine whether there is probable cause to believe
22 that the juvenile has committed the violation of which he or she is accused under the
23 circumstances specified in s. 938.183 (1) (a), (am), (ar), (b)₂ or (c)₂ or (2), whichever is

1 applicable. If the court does not make that finding, the court shall order that the juvenile be
2 discharged but proceedings may be brought regarding the juvenile under ch. 938.

3 **SECTION 617.** 973.013 (3m) of the statutes is amended to read:

4 973.013 (3m) If a person who has not attained the age of 16 years is sentenced to the
5 Wisconsin state prisons, the department shall place the person at a secured juvenile
6 correctional facility or a secured ~~child caring institution~~ residential care center for children and
7 youth, unless the department determines that placement in an institution under s. 302.01 is
8 appropriate based on the person's prior record of adjustment in a correctional setting, if any;
9 the person's present and potential vocational and educational needs, interests and abilities; the
10 adequacy and suitability of available facilities; the services and procedures available for
11 treatment of the person within the various institutions; the protection of the public; and any
12 other considerations promulgated by the department by rule. The department may not place
13 any person under the age of 18 years in the correctional institution authorized in s. 301.16 (1n).
14 This subsection does not preclude the department from designating an adult correctional
15 institution, other than the correctional institution authorized in s. 301.16 (1n), as a reception
16 center for the person and subsequently transferring the person to a secured juvenile
17 correctional facility or a secured ~~child caring institution~~ residential care center for children and
18 youth. Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile
19 correctional facility or a secured ~~child caring institution~~ residential care center for children and
20 youth under this subsection.

21 **SECTION 618.** 976.08 of the statutes is amended to read:

22 **976.08 Additional applicability.** In this chapter, "prisoner" includes any person
23 subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin state prison ~~and~~
24 ~~any person subject to an order under s. 938.34 (4h) who is 17 years of age or older.~~

NOTE: Deletes reference in s. 976.08 to placement of a juvenile who has been adjudicated delinquent in a state prison. See the note to s. 938.357 (4) (d) in this draft.

1 **SECTION 619.** 980.015 (2) (b) of the statutes is amended to read:

2 980.015 (2) (b) The anticipated release from a secured juvenile correctional facility, as
3 defined in s. 938.02 ~~(15m)~~ (10p), or a secured ~~child-caring institution~~ residential care center
4 for children and youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in~~
5 ~~s. 938.02 (15p)~~, of a person adjudicated delinquent under s. 938.183 or 938.34 on the basis
6 of a sexually violent offense.

7 **SECTION 620.** 980.02 (1) (b) 2., (2) (ag), (4) (am) and (b) of the statutes are amended
8 to read:

9 980.02 (1) (b) 2. The county in which the person will reside or be placed upon his or
10 her discharge from a sentence, release on parole or extended supervision, or release from
11 imprisonment, from a secured juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~
12 ~~(10p)~~, from a secured ~~child-caring institution~~ residential care center for children and youth,
13 as defined in s. 938.02 (15g), ~~from a secured group home, as defined in s. 938.02 (15p)~~, or from
14 a commitment order.

15 (2) (ag) The person is within 90 days of discharge or release, on parole, extended
16 supervision or otherwise, from a sentence that was imposed for a conviction for a sexually
17 violent offense, from a secured juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~,
18 ~~(10p)~~ or from a secured ~~child-caring institution~~ residential care center for children and youth,
19 as defined in s. 938.02 (15g), ~~or from a secured group home, as defined in s. 938.02 (15p)~~, if
20 the person was placed in the facility for being adjudicated delinquent under s. 938.183 or
21 938.34 on the basis of a sexually violent offense or from a commitment order that was entered
22 as a result of a sexually violent offense.

1 (4) (am) The circuit court for the county in which the person will reside or be placed
2 upon his or her discharge from a sentence, release on parole or extended supervision, or release
3 from imprisonment, from a ~~secured juvenile~~ correctional facility, as defined in s. 938.02 (15m)
4 (10p), from a ~~secured child-caring institution~~ residential care center for children and youth,
5 as defined in s. 938.02 (15g), from a ~~secured group home~~, as defined in s. 938.02 (15p), or from
6 a commitment order.

7 (b) The circuit court for the county in which the person is in custody under a sentence,
8 a placement to a ~~secured juvenile~~ correctional facility, as defined in s. 938.02 (15m) (10p), a
9 ~~secured child-caring institution~~ residential care center for children and youth, as defined in s.
10 938.02 (15g), or a ~~secured group home~~, as defined in s. 938.02 (15p), or a commitment order.

11 **SECTION 621.** 980.04 (1) of the statutes is amended to read:

12 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review the
13 petition to determine whether to issue an order for detention of the person who is the subject
14 of the petition. The person shall be detained only if there is cause to believe that the person
15 is eligible for commitment under s. 980.05 (5). A person detained under this subsection shall
16 be held in a facility approved by the department. If the person is serving a sentence of
17 imprisonment, is in a ~~secured juvenile~~ correctional facility, as defined in s. 938.02 (15m),
18 (10p) or, a ~~secured child-caring institution~~ residential care center for children and youth, as
19 defined in s. 938.02 (15g), or a ~~secured group home~~, as defined in s. 938.02 (15p), or is
20 committed to institutional care, and the court orders detention under this subsection, the court
21 shall order that the person be transferred to a detention facility approved by the department.
22 A detention order under this subsection remains in effect until the person is discharged after
23 a trial under s. 980.05 or until the effective date of a commitment order under s. 980.06,
24 whichever is applicable.

