

1           \***-1261/5.975\*** \***-1261/P3.612\*** SECTION 3782. 938.22 (7) (b) of the statutes is  
2       amended to read:

3           938.22 (7) (b) Before the department of health and family services children and  
4       families may issue a license under s. 48.66 (1) (a) to operate a shelter care facility,  
5       the shelter care facility shall pay to that department a biennial fee of \$60.50, plus  
6       a biennial fee of \$18.15 per juvenile, based on the number of juveniles that the shelter  
7       care facility is licensed to serve. A shelter care facility that wishes to continue a  
8       license issued under s. 48.66 (1) (a) shall pay the fee by the continuation date of the  
9       license. A new shelter care facility shall pay the fee by no later than 30 days before  
10      the opening of the shelter care facility.

11          \***-0261/6.29\*** SECTION 3783. 938.235 (4) (b) of the statutes is amended to read:

12          938.235 (4) (b) The court shall order the agency identified under s. 938.355 (2)  
13      (b) ~~1.~~ 938.33 (1) (c) as primarily responsible for the provision of services to notify the  
14      guardian ad litem, if any, regarding actions to be taken under par. (a).

15          \***-0392/1.11\*** SECTION 3784. 938.237 (1) (intro.) of the statutes is amended to  
16      read:

17          938.237 (1) ~~CITATION FORM~~ CITATIONS. (intro.) The A citation forms under s.  
18      23.54, 66.0113, 778.25, 778.26, or 800.02 may be used to commence an action for a  
19      violation of civil laws and ordinances in the court.

20          \***-1261/5.976\*** \***-1267/P1.409\*** SECTION 3785. 938.30 (6) (b) of the statutes is  
21      amended to read:

22          938.30 (6) (b) If it appears to the court that disposition of the case may include  
23      placement of the juvenile outside the juvenile's home, the court shall order the  
24      juvenile's parent to provide a statement of the income, assets, debts, and living  
25      expenses of the juvenile and the juvenile's parent to the court or the designated

1 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
2 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
3 provide, without charge, to any parent ordered to provide that statement a document  
4 setting forth the percentage standard established by the department of workforce  
5 development children and families under s. 49.22 (9) and listing the factors that a  
6 court may consider under s. 301.12 (14) (c).

7 **\*-1261/5.977\* \*-1267/P1.410\* SECTION 3786.** 938.31 (7) (b) of the statutes is  
8 amended to read:

9 938.31 (7) (b) If it appears to the court that disposition of the case may include  
10 placement of the juvenile outside the juvenile's home, the court shall order the  
11 juvenile's parent to provide a statement of the income, assets, debts, and living  
12 expenses of the juvenile and the juvenile's parent, to the court or the designated  
13 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
14 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
15 provide, without charge, to any parent ordered to provide the statement a document  
16 setting forth the percentage standard established by the department of workforce  
17 development children and families under s. 49.22 (9) and listing the factors that a  
18 court may consider under s. 301.12 (14) (c).

19 **\*-0261/6.30\* SECTION 3787.** 938.315 (2m) (a) of the statutes is amended to  
20 read:

21 938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.  
22 or 1m., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made  
23 to prevent the removal of the juvenile from the home, while assuring that the  
24 juvenile's health and safety are the paramount concerns, or an initial finding under  
25 s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not

1 required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4.  
2 applies, more than 60 days after the date on which the juvenile was removed from  
3 the home.

4 **\*-0261/6.31\* SECTION 3788.** 938.32 (1)(c) 1. d. of the statutes is created to read:

5 938.32 (1) (c) 1. d. If the juvenile's placement or other living arrangement is  
6 under the supervision of the county department, an order ordering the juvenile into  
7 the placement and care responsibility of the county department as required under  
8 42 USC 672 (a) (2) and assigning the county department primary responsibility for  
9 providing services to the juvenile.

10 **\*-0011/3.147\* SECTION 3789.** 938.34 (8) of the statutes is amended to read:

11 938.34 (8) Impose a forfeiture based upon a determination that this disposition  
12 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum  
13 forfeiture that the court may impose under this subsection for a violation by a  
14 juvenile is the maximum amount of the fine that may be imposed on an adult for  
15 committing that violation or, if the violation is applicable only to a person under 18  
16 years of age, \$100. The order shall include a finding that the juvenile alone is  
17 financially able to pay the forfeiture and shall allow up to 12 months for payment.  
18 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
19 other alternatives under this section; or the court may suspend any license issued  
20 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's  
21 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court  
22 suspends any license under this subsection, the clerk of the court shall immediately  
23 take possession of the suspended license and forward it if issued under ch. 29 or, if  
24 the license is issued under ch. 343, the court may take possession of, and if possession  
25 is taken, shall destroy, the license. The court shall forward to the department which

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1 issued the license, ~~together with~~ a notice of suspension stating that the suspension  
2 is for failure to pay a forfeiture imposed by the court, together with any license issued  
3 under ch. 29 of which the court takes possession. If the forfeiture is paid during the  
4 period of suspension, the suspension shall be reduced to the time period which has  
5 already elapsed and the court shall immediately notify the department which shall  
6 then, if the license is issued under ch. 29, return the license to the juvenile. Any  
7 recovery under this subsection shall be reduced by the amount recovered as a  
8 forfeiture for the same act under s. 938.45 (1r) (b).

9 \***-0011/3.148\*** SECTION 3790. 938.34 (8d) (d) of the statutes is amended to read:

10 938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court  
11 may vacate the surcharge and order other alternatives under this section, in  
12 accordance with the conditions specified in this chapter; or the court may suspend  
13 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or  
14 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
15 than 30 days nor more than 5 years. If the court suspends any license under this  
16 subsection, the clerk of the court shall immediately take possession of the suspended  
17 license and forward it if issued under ch. 29 or, if the license is issued under ch. 343,  
18 the court may take possession of, and if possession is taken, shall destroy, the license.  
19 The court shall forward to the department which issued the license, ~~together with~~  
20 a notice of suspension stating that the suspension is for failure to pay a surcharge  
21 imposed by the court, together with any license issued under ch. 29 of which the court  
22 takes possession. If the surcharge is paid during the period of suspension, the  
23 suspension shall be reduced to the time period which has already elapsed and the  
24 court shall immediately notify the department which shall then, if the license is  
25 issued under ch. 29, return the license to the juvenile.

1           **\*-0011/3.149\* SECTION 3791.** 938.34 (14m) of the statutes is amended to read:

2           938.34 (14m) Restrict or suspend the operating privilege, as defined in s.  
3           340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law  
4           in which a motor vehicle is involved. If the court suspends a juvenile's operating  
5           privilege under this subsection, the court ~~shall immediately~~ may take possession of  
6           the suspended license and ~~forward it.~~ If the court takes possession of a license, it  
7           shall destroy the license. The court shall forward to the department of  
8           transportation ~~together with~~ a notice stating the reason for and duration of the  
9           suspension. If the court limits a juvenile's operating privilege under this subsection,  
10          the court shall immediately notify the department of transportation of that  
11          limitation.

12          **\*-0011/3.150\* SECTION 3792.** 938.34 (14r) (a) of the statutes is amended to  
13          read:

14          938.34 (14r) (a) In addition to any other dispositions imposed under this  
15          section, if the juvenile is found to have violated ch. 961, the court shall suspend the  
16          juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months  
17          nor more than 5 years. The court ~~shall immediately~~ may take possession of any  
18          suspended license and ~~forward it.~~ If the court takes possession of a license, it shall  
19          destroy the license. The court shall forward to the department of transportation  
20          ~~together with~~ the notice of suspension stating that the suspension or revocation is  
21          for a violation of ch. 961.

22          **\*-0011/3.151\* SECTION 3793.** 938.342 (1g) (a) of the statutes is amended to  
23          read:

24          938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.  
25          340.01 (40), for not less than 30 days nor more than one year. The court shall

1 immediately may take possession of the suspended license and forward it. If the  
2 court takes possession of a license, it shall destroy the license. The court shall  
3 forward to the department of transportation together with a notice stating the reason  
4 for and duration of the suspension.

5 \***-0011/3.152\*** SECTION 3794. 938.343 (2) of the statutes is amended to read:

6 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
7 forfeiture that may be imposed on an adult for committing that violation or, if the  
8 violation is only applicable to a person under 18 years of age, \$50. The order shall  
9 include a finding that the juvenile alone is financially able to pay and shall allow up  
10 to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
11 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,  
12 as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately  
13 take possession of the suspended license and forward it if issued under ch. 29 or, if  
14 the license is issued under ch. 343, the court may take possession of, and if possession  
15 is taken, shall destroy, of the license. The court shall forward to the department  
16 which issued the license, ~~together with~~ the notice of suspension stating that the  
17 suspension is for failure to pay a forfeiture imposed by the court, together with any  
18 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
19 paid during the period of suspension, the court shall immediately notify the  
20 department, which shall, if the license is issued under ch. 29, return the license to  
21 the person. Any recovery under this subsection shall be reduced by the amount  
22 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

23 \***-0011/3.153\*** SECTION 3795. 938.344 (2e) (b) of the statutes is amended to  
24 read:

1           938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege  
2           under this subsection, the court shall ~~immediately~~ may take possession of any  
3           suspended license and forward it. If the court takes possession of a license, it shall  
4           destroy the license. The court shall forward to the department of transportation,  
5           together with the notice of suspension stating that the suspension is for a violation  
6           under s. 961.573 (2), 961.574 (2) or 961.575 (2), or a local ordinance that strictly  
7           conforms to one of those statutes.

8           \***-1537/4.9\*** SECTION 3796. 938.346 (1) (h) 3. of the statutes is amended to read:

9           938.346 (1) (h) 3. The right to compensation, as provided under subch. I of ch.  
10          949.

11          \***-0261/6.32\*** SECTION 3797. 938.355 (2) (b) 1. of the statutes is amended to  
12          read:

13          938.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided  
14          to the juvenile and the juvenile's family, ~~the identity of the agencies that are~~  
15          ~~primarily responsible for the provision of the services,~~ the identity of the person or  
16          agency that will provide case management or coordination of services, if any, and, if  
17          custody is to be transferred to effect the treatment plan, the identity of the legal  
18          custodian.

19          \***-0261/6.33\*** SECTION 3798. 938.355 (2) (b) 6g. of the statutes is created to  
20          read:

21          938.355 (2) (b) 6g. If the juvenile is placed outside the home under the  
22          supervision of the county department, an order ordering the juvenile into the  
23          placement and care responsibility of the county department as required under 42  
24          USC 672 (a) (2) and assigning the county department primary responsibility for  
25          providing services to the juvenile.

1       \*-1261/5.978\* \*-1261/P3.613\* SECTION 3799. 938.355 (2b) of the statutes is  
2 amended to read:

3       938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county  
4 department or the agency primarily responsible for providing services to a juvenile  
5 under a court order may, at the same time as the county department or agency is  
6 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal  
7 of the juvenile from the home or to make it possible for the juvenile to return safely  
8 to his or her home, work with the department of health and family services children  
9 and families, a county department under s. 48.57 (1) (e) or (hm), or a child welfare  
10 agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile  
11 for adoption, with a guardian, with a fit and willing relative, or in some other  
12 alternative permanent placement.

13       \*-0261/6.34\* SECTION 3800. 938.355 (6) (d) 1. of the statutes is amended to  
14 read:

15       938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or  
16 juvenile portion of a county jail that meets the standards promulgated by the  
17 department by rule or in a place of nonsecure custody, for not more than 10 days and  
18 the provision of educational services consistent with his or her current course of  
19 study during the period of placement. The juvenile shall be given credit against the  
20 period of detention or nonsecure custody imposed under this subdivision for all time  
21 spent in secure detention in connection with the course of conduct for which the  
22 detention or nonsecure custody was imposed. If the court orders placement of the  
23 juvenile in a place of nonsecure custody under the supervision of the county  
24 department, the court shall order the juvenile into the placement and care  
25 responsibility of the county department as required under 42 USC 672 (a) (2) and

1 shall assign the county department primary responsibility for providing services to  
2 the juvenile.

3 **\*-0011/3.154\* SECTION 3801.** 938.355 (6) (d) 2. of the statutes is amended to  
4 read:

5 938.355 (6) (d) 2. Suspension of or limitation restriction on the use of the  
6 juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval  
7 issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold  
8 a valid operator's license under ch. 343, other than an instruction permit under s.  
9 343.07 or a restricted license under s. 343.08, on the date of the order issued under  
10 this subdivision, the court may order the suspension to begin on the date that the  
11 operator's license would otherwise be reinstated or issued after the juvenile applies  
12 and qualifies for issuance or 2 years after the date of the order issued under this  
13 subdivision, whichever occurs first. If the court suspends the juvenile's operating  
14 privileges or an approval issued under ch. 29, the court shall immediately take  
15 possession of the suspended license or approval and forward it may take possession  
16 of, and if possession is taken, shall destroy, the suspended license. The court shall  
17 forward to the department that issued it, together with the license or approval the  
18 notice of suspension, together with any approval of which the court takes possession.

19 **\*-0261/6.35\* SECTION 3802.** 938.355 (6m) (a) 1g. of the statutes is amended to  
20 read:

21 938.355 (6m) (a) 1g. Placement of the juvenile in a secure detention facility or  
22 juvenile portion of a county jail that meets the standards promulgated by the  
23 department by rule or in a place of nonsecure custody, for not more than 10 days and  
24 the provision of educational services consistent with his or her current course of  
25 study during the period of placement. The juvenile shall be given credit against the

1 period of detention or nonsecure custody imposed under this subdivision for all time  
2 spent in secure detention in connection with the course of conduct for which the  
3 detention or nonsecure custody was imposed. The use of placement in a secure  
4 detention facility or in a juvenile portion of a county jail as a sanction under this  
5 subdivision is subject to the adoption of a resolution by the county board of  
6 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.  
7 If the court orders placement of the juvenile in a place of nonsecure custody under  
8 the supervision of the county department, the court shall order the juvenile into the  
9 placement and care responsibility of the county department as required under 42  
10 USC 672 (a) (2) and shall assign the county department primary responsibility for  
11 providing services to the juvenile.

12 **\*-0011/3.155\* SECTION 3803.** 938.355 (6m) (a) 1m. of the statutes is amended  
13 to read:

14 938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's  
15 operating privilege, as defined under s. 340.01 (40), or of any approval issued under  
16 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's  
17 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted  
18 license under s. 343.08, on the date of the order issued under this subdivision, the  
19 court may order the suspension or limitation to begin on the date that the operator's  
20 license would otherwise be reinstated or issued after the juvenile applies and  
21 qualifies for issuance or 2 years after the date of the order issued under this  
22 subdivision, whichever occurs first. If the court suspends a juvenile's operating  
23 privilege or an approval issued under ch. 29, the court shall immediately take  
24 possession of the suspended license or approval and forward it may take possession  
25 of, and if possession is taken, shall destroy, the suspended license. The court shall

1 forward to the department that issued the license or approval with a notice stating  
2 the reason for and the duration of the suspension, together with any approval of  
3 which the court takes possession.

4 **\*-0261/6.36\* SECTION 3804.** 938.357 (1) (am) 3. of the statutes is amended to  
5 read:

6 938.357 (1) (am) 3. If the court changes the juvenile's placement from a  
7 placement outside the home to another placement outside the home, the change in  
8 placement order shall contain ~~one of the statements~~ the applicable order under sub.  
9 (2v) (a) 1m. and the applicable statement under sub. (2v) (a) 2.

10 **\*-0261/6.37\* SECTION 3805.** 938.357 (1) (c) 3. of the statutes is amended to  
11 read:

12 938.357 (1) (c) 3. If the court changes the juvenile's placement from a placement  
13 in the juvenile's home to a placement outside the juvenile's home, the change in  
14 placement order shall contain the findings under sub. (2v) (a) 1., ~~one of the~~  
15 ~~statements~~ the applicable order under sub. (2v) (a) 1m., the applicable statement  
16 under sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances  
17 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination  
18 under sub. (2v) (a) 3.

19 **\*-0261/6.38\* SECTION 3806.** 938.357 (2m) (c) of the statutes is amended to  
20 read:

21 938.357 (2m) (c) ~~In-home to out-of-home placement; findings~~ Findings  
22 required. If the court changes the juvenile's placement from a placement in the  
23 juvenile's home to a placement outside the juvenile's home, the change in placement  
24 order shall contain the findings under sub. (2v) (a) 1., ~~one of the statements~~ the  
25 applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a)

1 2., and, if in addition the court finds that any of the circumstances under s. 938.355  
2 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v)  
3 (a) 3. If the court changes the juvenile's placement from a placement outside the  
4 home to another placement outside the home, the change in placement order shall  
5 contain the applicable order under sub. (2v) (a) 1m. and the applicable statement  
6 under sub. (2v) (a) 2.

7 \***-0261/6.39\*** SECTION 3807. 938.357 (2v) (a) 1m. of the statutes is created to  
8 read:

9 938.357 (2v) (a) 1m. If the change in placement order changes the placement  
10 of a juvenile who is under the supervision of the county department to a placement  
11 outside the juvenile's home, whether from a placement in the home or from another  
12 placement outside the home, an order ordering the juvenile into, or to be continued  
13 in, the placement and care responsibility of the county department as required under  
14 42 USC 672 (a) (2) and assigning the county department primary responsibility, or  
15 continued primary responsibility, for providing services to the juvenile.

16 \***-1261/5.979\*** \***-1261/P3.614\*** SECTION 3808. 938.357 (4) (a) of the statutes  
17 is amended to read:

18 938.357 (4) (a) When the juvenile is placed with the department, the  
19 department may, after an examination under s. 938.50, place the juvenile in a  
20 juvenile correctional facility or a secured residential care center for children and  
21 youth or on aftercare supervision, either immediately or after a period of placement  
22 in a juvenile correctional facility or a secured residential care center for children and  
23 youth. The department shall send written notice of the change in placement to the  
24 parent, guardian, legal custodian, county department designated under s. 938.34  
25 (4n), if any, and committing court. If the department places a juvenile in a Type 2

1 juvenile correctional facility operated by a child welfare agency, the department shall  
2 reimburse the child welfare agency at the rate established under s. ~~46.037~~ 49.343  
3 that is applicable to the type of placement that the child welfare agency is providing  
4 for the juvenile. A juvenile who is placed in a Type 2 juvenile correctional facility or  
5 a secured residential care center for children and youth remains under the  
6 supervision of the department, remains subject to the rules and discipline of that  
7 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

8 \*~~1261/5.980~~\* \*~~1261/P3.615~~\* SECTION 3809. 938.357 (4) (b) 2. of the statutes  
9 is amended to read:

10 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential  
11 care center for children and youth under s. 938.34 (4d) violates a condition of his or  
12 her placement in the Type 2 residential care center for children and youth, the child  
13 welfare agency operating the Type 2 residential care center for children and youth  
14 shall notify the county department that has supervision over the juvenile and, if the  
15 county department agrees to a change in placement under this subdivision, the child  
16 welfare agency shall notify the department, and the department, after consulting  
17 with the child welfare agency, may place the juvenile in a Type 1 juvenile correctional  
18 facility under the supervision of the department, without a hearing under sub. (1)  
19 (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 juvenile  
20 correctional facility under this subdivision, the county department that has  
21 supervision over the juvenile shall reimburse the child welfare agency operating the  
22 Type 2 residential care center for children and youth in which the juvenile was  
23 placed at the rate established under s. ~~46.037~~ 49.343, and that child welfare agency  
24 shall reimburse the department at the rate specified in s. 301.26 (4) (d) 2. or 3.,

1       whichever is applicable, for the cost of the juvenile's care while placed in a Type 1  
2       juvenile correctional facility.

3       \*~~-1261/5.981~~\* \*~~-1261/P3.616~~\* **SECTION 3810.** 938.357 (4) (c) 1. of the statutes  
4       is amended to read:

5       938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility  
6       operated by a child welfare agency under par. (a) and it appears that a less restrictive  
7       placement would be appropriate for the juvenile, the department, after consulting  
8       with the child welfare agency that is operating the Type 2 juvenile correctional  
9       facility, may place the juvenile in a less restrictive placement, and may return the  
10      juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1)  
11      (am) 2. The child welfare agency shall establish a rate for each type of placement in  
12      the manner provided in s. ~~46.037~~ 49.343.

13      \*~~-1261/5.982~~\* \*~~-1261/P3.617~~\* **SECTION 3811.** 938.357 (4) (c) 2. of the statutes  
14      is amended to read:

15      938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for  
16      children and youth under s. 938.34 (4d) and it appears that a less restrictive  
17      placement would be appropriate for the juvenile, the child welfare agency operating  
18      the Type 2 residential care center for children and youth shall notify the county  
19      department that has supervision over the juvenile and, if the county department  
20      agrees to a change in placement under this subdivision, the child welfare agency may  
21      place the juvenile in a less restrictive placement. A child welfare agency may also,  
22      with the agreement of the county department that has supervision over a juvenile  
23      who is placed in a less restrictive placement under this subdivision, return the  
24      juvenile to the Type 2 residential care center for children and youth without a

1 hearing under sub. (1) (am) 2. The child welfare agency shall establish a rate for each  
2 type of placement in the manner provided in s. 46.037 49.343.

3 ~~\*-1261/5.983\* \*-1267/P1.411\* SECTION 3812.~~ 938.357 (5m) (a) of the statutes  
4 is amended to read:

5 938.357 (5m) (a) If a proposed change in placement would change a juvenile's  
6 placement from a placement in the juvenile's home to a placement outside the  
7 juvenile's home, the court shall order the juvenile's parent to provide a statement of  
8 the income, assets, debts, and living expenses of the juvenile and the juvenile's  
9 parent to the court or the person or agency primarily responsible for implementing  
10 the dispositional order by a date specified by the court. The clerk of court shall  
11 provide, without charge, to any parent ordered to provide that statement a document  
12 setting forth the percentage standard established by the department of workforce  
13 development children and families under s. 49.22 (9) and listing the factors under  
14 s. 301.12 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall  
15 determine the liability of the parent in the manner provided in s. 301.12 (14).

16 ~~\*-1261/5.984\* \*-1267/P1.412\* SECTION 3813.~~ 938.36 (1) (b) of the statutes is  
17 amended to read:

18 938.36 (1) (b) In determining the amount of support under par. (a), the court  
19 may consider all relevant financial information or other information relevant to the  
20 parent's earning capacity, including information reported under s. 49.22 (2m) to the  
21 department of ~~workforce development~~ children and families, or the county child  
22 support agency, under s. 59.53 (5). If the court has insufficient information with  
23 which to determine the amount of support, the court shall order the juvenile's parent  
24 to furnish a statement of the income, assets, debts, and living expenses of the juvenile  
25 and the juvenile's parent, if the parent has not already done so, to the court within

1 10 days after the court's order transferring custody or designating an alternative  
2 placement is entered or at such other time as ordered by the court.

3 **\*-1261/5.985\* \*-1267/P1.413\* SECTION 3814.** 938.363 (1) (c) of the statutes  
4 is amended to read:

5 938.363 (1) (c) If the proposed revision is for a change in the amount of child  
6 support to be paid by a parent, the court shall order the juvenile's parent to provide  
7 a statement of the income, assets, debts, and living expenses of the juvenile and the  
8 juvenile's parent to the court and the person or agency primarily responsible for  
9 implementing the dispositional order by a date specified by the court. The clerk of  
10 court shall provide, without charge, to any parent ordered to provide that statement  
11 a document setting forth the percentage standard established by the department of  
12 ~~workforce development~~ children and families under s. 49.22 (9) and listing the  
13 factors that a court may consider under s. 301.12 (14) (c).

14 **\*-0261/6.40\* SECTION 3815.** 938.38 (2) (intro.) of the statutes is amended to  
15 read:

16 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
17 for each juvenile living in a foster home, treatment foster home, group home,  
18 residential care center for children and youth, juvenile detention facility, or shelter  
19 care facility, the agency that placed the juvenile or arranged the placement or the  
20 agency assigned primary responsibility for providing services to the juvenile under  
21 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following  
22 conditions exists, and, for each juvenile living in the home of a relative other than  
23 a parent, that agency shall prepare a written permanency plan, if any of the  
24 conditions under pars. (a) to (e) exists:

1           \***-1261/5.986\*** \***-1261/P3.618\*** SECTION 3816. 938.396 (2g) (b) of the statutes  
2 is amended to read:

3           938.396 (2g) (b) *Federal program monitoring*. Upon request of the department  
4 of health and family services, the department of corrections children and families,  
5 or a federal agency to review court records for the purpose of monitoring and  
6 conducting periodic evaluations of activities as required by and implemented under  
7 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection by  
8 authorized representatives of that department or federal agency.

9           \***-0011/3.156\*** SECTION 3817. 938.396 (4) of the statutes is amended to read:

10          938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise  
11 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction  
12 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege  
13 under this chapter, the department of transportation may not disclose information  
14 concerning or relating to the revocation, suspension, or restriction to any person  
15 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a  
16 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county  
17 corporation counsel, or city, village, or town attorney, a law enforcement agency, a  
18 driver licensing agency of another jurisdiction, the juvenile whose operating  
19 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.  
20 Persons entitled to receive this information may not disclose the information to other  
21 persons or agencies.

22          \***-1261/5.987\*** \***-1261/P3.619\*** SECTION 3818. 938.538 (6) of the statutes is  
23 amended to read:

24          938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract  
25 with the department of health and family services, the department of children and

1 families, a county department, or any public or private agency for the purchase of  
2 goods, care, and services for participants in the program under this section. The  
3 department of corrections shall reimburse a person from whom it purchases goods,  
4 care, or services under this subsection from the appropriation under s. 20.410 (3) (cg).

5 \*~~1261/5.988~~\* \*~~1261/P3.620~~\* SECTION 3819. 938.547 (2) of the statutes is  
6 amended to read:

7 938.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding  
8 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the pilot program, the  
9 department of ~~health and family services~~ children and families shall select counties  
10 to participate in the pilot program. Unless a county department of human services  
11 has been established under s. 46.23 in the county that is seeking to implement a pilot  
12 program, the application submitted to the department of ~~health and family services~~  
13 children and families shall be a joint application by the county department that  
14 provides social services and the county department established under s. 51.42 or  
15 51.437. The department of ~~health and family services~~ children and families shall  
16 select counties in accordance with the request-for-proposal procedures established  
17 by that department. The department of ~~health and family services~~ children and  
18 families shall give a preference to county applications that include a plan for case  
19 management.

20 \*~~1261/5.989~~\* \*~~1261/P3.621~~\* SECTION 3820. 938.548 of the statutes is  
21 amended to read:

22 938.548 Multidisciplinary screen and assessment criteria. The  
23 department of ~~health and family services~~ children and families shall make the  
24 multidisciplinary screen developed under s. 938.547 (3) and the assessment criteria  
25 developed under s. 938.547 (4) available to all counties.

1       \***-1261/5.990\*** \***-1261/P3.622\*** SECTION 3821. 938.57 (3) (a) (intro.) of the  
2 statutes is amended to read:

3       938.57 (3) (a) (intro.) From the reimbursement received under s. 46.495 48.569  
4 (1) (d), counties may provide funding for the maintenance of any juvenile who meets  
5 all of the following qualifications:

6       \***-1261/5.991\*** \***-1261/P3.623\*** SECTION 3822. 938.57 (3) (a) 3. of the statutes  
7 is amended to read:

8       938.57 (3) (a) 3. Received funding under s. 46.495 48.569 (1) (d) immediately  
9 prior to his or her 17th birthday.

10       \***-1261/5.992\*** \***-1261/P3.624\*** SECTION 3823. 938.57 (3) (b) of the statutes is  
11 amended to read:

12       938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.  
13 (a) shall be in an amount equal to that to which the juvenile would receive under s.  
14 46.495 48.569 (1) (d) if the juvenile were 16 years of age.

15       \***-1261/5.993\*** \***-1261/P3.625\*** SECTION 3824. 938.78 (2) (h) of the statutes is  
16 amended to read:

17       938.78 (2) (h) Paragraph (a) does not prohibit the department of ~~health and~~  
18 ~~family services~~ children and families, a county department, or a licensed child  
19 welfare agency from entering the content of any record kept or information received  
20 by that department, county department, or licensed child welfare agency into the  
21 statewide automated child welfare information system established under s. 46.03  
22 48.47 (7g).

23       \***-1261/5.994\*** \***-1267/P1.414\*** SECTION 3825. 948.22 (4) (b) of the statutes is  
24 amended to read:

1 948.22 (4) (b) For a person not subject to a court order requiring child,  
2 grandchild or spousal support payments, when the person knows or reasonably  
3 should have known that he or she has a dependent, failure to provide support equal  
4 to at least the amount established by rule by the department of workforce  
5 development children and families under s. 49.22 (9) or causing a spouse, grandchild  
6 or child to become a dependent person, or continue to be a dependent person, as  
7 defined in s. 49.01 (2).

8 **\*-1261/5.995\* \*-1261/P3.626\* SECTION 3826.** 948.31 (1) (a) 2. of the statutes  
9 is amended to read:

10 948.31 (1) (a) 2. The department of ~~health and family services~~ children and  
11 families or the department of corrections or any person, county department under  
12 s. 46.215, 46.22, or 46.23, or licensed child welfare agency, if custody or supervision  
13 of the child has been transferred under ch. 48 or 938 to that department, person, or  
14 agency.

15 **\*-1537/4.10\* SECTION 3827.** Subchapter I (title) of chapter 949 [precedes  
16 949.001] of the statutes is created to read:

17 **CHAPTER 949**

18 **SUBCHAPTER I**

19 **CRIME VICTIM COMPENSATION**

20 **\*-1537/4.11\* SECTION 3828.** 949.01 (intro.) of the statutes is amended to read:

21 **949.01 Definitions.** (intro.) In this chapter subchapter:

22 **\*-1537/4.12\* SECTION 3829.** 949.02 of the statutes is amended to read:

23 **949.02 Administration.** The department shall administer this chapter  
24 subchapter. The department shall appoint a program director to assist in  
25 administering this chapter subchapter. The department shall promulgate rules for

1 the implementation and operation of this chapter subchapter. The rules shall  
2 include procedures to ensure that any limitation of an award is calculated in a fair  
3 and equitable manner.

4 **\*-1537/4.13\* SECTION 3830.** 949.035 (1) of the statutes is amended to read:

5 949.035 (1) If a Wisconsin resident suffers injury or death in a situation  
6 described in s. 949.03 except that the act occurred outside this state, the resident has  
7 the same rights under this chapter subchapter as if the act had occurred in this state  
8 upon a showing that the state, territory, country or political subdivision of a country  
9 in which the act occurred does not have a compensation of victims of crimes law which  
10 covers the injury or death suffered by the person.

11 **\*-1537/4.14\* SECTION 3831.** 949.04 (1) (intro.) of the statutes is amended to  
12 read:

13 949.04 (1) ELIGIBILITY. (intro.) Any person may apply for an award under this  
14 chapter subchapter.

15 **\*-1537/4.15\* SECTION 3832.** 949.04 (2) of the statutes is amended to read:

16 949.04 (2) FORMS. The department shall prescribe application forms for awards  
17 under this chapter subchapter and shall furnish law enforcement agencies with the  
18 forms. The law enforcement agency investigating a crime shall provide forms to each  
19 person who may be eligible to file a claim under this subchapter.

20 **\*-1537/4.16\* SECTION 3833.** 949.06 (1) (intro.) of the statutes is amended to  
21 read:

22 949.06 (1) (intro.) In accordance with this chapter subchapter, the department  
23 shall make awards, as appropriate, for any of the following economic losses incurred  
24 as a direct result of an injury:

25 **\*-1537/4.17\* SECTION 3834.** 949.06 (1m) (b) of the statutes is amended to read:

1       949.06 (1m) (b) In accordance with this ~~chapter~~ subchapter, the department  
2 shall make awards, as appropriate, to persons who, immediately prior to the crime,  
3 lived in the same household with and to family members of a victim of s. 940.01,  
4 940.02, 940.05, 940.06, 940.07, 940.08 or 940.09 for any of the economic losses  
5 specified in sub. (1) as a result of the person's or family member's reaction to the  
6 death. A dependent may recover both under sub. (1) and this subsection, subject to  
7 the limitation under sub. (2).

8       \*-1537/4.18\* SECTION 3835. 949.06 (3) (f) of the statutes is created to read:

9       949.06 (3) (f) From an award under s. 949.26.

10       \*-1537/4.19\* SECTION 3836. 949.06 (4) (b) of the statutes is amended to read:

11       949.06 (4) (b) The department may suspend proceedings under this ~~chapter~~  
12 subchapter for a period it deems appropriate on the grounds that a prosecution for  
13 an offense arising out of the act or omission has been commenced or is imminent.

14       \*-1537/4.20\* SECTION 3837. 949.09 of the statutes is amended to read:

15       **949.09 Effect of conviction.** If any person has been convicted of any offense  
16 with respect to an act or omission on which a claim under this ~~chapter~~ subchapter  
17 is based, proof of that conviction shall be taken as conclusive evidence that the  
18 offense has been committed, unless an appeal or any proceeding with regard thereto  
19 is pending.

20       \*-1537/4.21\* SECTION 3838. 949.11 (1) of the statutes is amended to read:

21       949.11 (1) The procedure of ch. 227 for contested cases applies to hearings  
22 under this ~~chapter~~ subchapter except as otherwise provided in this section and ss.  
23 949.12 and 949.14.

24       \*-1537/4.22\* SECTION 3839. 949.11 (2) of the statutes is amended to read:

1           949.11 (2) The division of hearings and appeals in the department of  
2 administration shall appoint hearing examiners to make findings and orders under  
3 s. 227.46 and this chapter subchapter.

4           \*-1537/4.23\* SECTION 3840. 949.115 of the statutes is amended to read:

5           **949.115 Subpoenas.** The department or any of its authorized agents may  
6 issue subpoenas for persons or records for any investigation or hearing conducted  
7 under this chapter subchapter and may enforce compliance with such subpoenas as  
8 provided in s. 885.12.

9           \*-1537/4.24\* SECTION 3841. 949.12 of the statutes is amended to read:

10          **949.12 Condition of claimant.** There is no privilege, except privileges  
11 arising from the attorney-client relationship, as to communications or records  
12 relevant to an issue of the physical, mental or emotional condition of the claimant  
13 or victim in a proceeding under this chapter subchapter in which that condition is  
14 an element.

15          \*-1537/4.25\* SECTION 3842. 949.13 of the statutes is amended to read:

16          **949.13 Agency cooperation.** Upon request by the department, any state or  
17 local agency, including a district attorney or law enforcement agency, shall make  
18 available all reports, files and other appropriate information which the department  
19 requests in order to make a determination that a person is eligible for an award  
20 under this chapter subchapter.

21          \*-1537/4.26\* SECTION 3843. 949.15 (1) of the statutes is amended to read:

22          949.15 (1) Whenever the department orders the payment of an award under  
23 this chapter subchapter as a result of the occurrence of an event that creates a cause  
24 of action on the part of a claimant against any person, the department is subrogated  
25 to the rights of the claimant and may bring an action against the person for the

1 amount of the damages sustained by the claimant. If an amount greater than that  
2 paid under the award order is recovered and collected in any such action, the  
3 department shall pay the balance to the claimant. If the person responsible for the  
4 injury or death has previously made restitution payments to the general fund under  
5 s. 973.20, any judgment obtained by the department under this section shall be  
6 reduced by the amount of the restitution payments to the general fund.

7 **\*-1537/4.27\* SECTION 3844.** 949.16 of the statutes is amended to read:

8 **949.16 Confidentiality of records.** The record of a proceeding before an  
9 examiner or the department under this chapter subchapter is a public record. Any  
10 record or report obtained by an examiner or the department, the confidentiality of  
11 which is protected by any other law or rule, shall remain confidential.

12 **\*-1537/4.28\* SECTION 3845.** 949.165 (12) of the statutes is amended to read:

13 **949.165 (12) PAYMENT IS NOT AN AWARD.** Any payment from an escrow account  
14 under this section shall not be considered as an award by the department under this  
15 chapter subchapter.

16 **\*-1537/4.29\* SECTION 3846.** 949.18 (intro.) of the statutes is amended to read:

17 **949.18 Report by the department.** (intro.) The department's biennial  
18 report under s. 15.04 (1) (d) shall include a report of its activities under this chapter  
19 subchapter including:

20 **\*-1537/4.30\* SECTION 3847.** 949.18 (1) of the statutes is amended to read:

21 **949.18 (1)** An explanation of the procedures for filing and processing claims  
22 under this chapter subchapter.

23 **\*-1537/4.31\* SECTION 3848.** 949.18 (4) of the statutes is amended to read:

24 **949.18 (4)** A copy of the forms utilized under this chapter subchapter.



1 (4) "Guardian of the victim" means one of the following:

2 1. If the victim is under 18 years of age, the parent, guardian, or legal custodian  
3 of the victim.

4 2. If the victim has been determined to be incompetent under ch. 54, the  
5 guardian of the victim.

6 (5) "Health care provider" means any person providing health care services.

7 (6) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

8 (7) "Sex offense" means an act committed in the state that, if committed by a  
9 competent adult, would be a violation, or an attempted violation, of s. 940.225,  
10 948.02, 948.025, 948.05, 948.06, 948.08, or 948.09.

11 (8) "Sexually transmitted disease" has the meaning given in s. 252.11 (1).

12 (9) "Victim" means a person against whom a sex offense has been committed.

13 **949.22 Administration.** The department shall administer this subchapter.

14 The department shall appoint a program director to assist in administering this  
15 subchapter. The department shall promulgate rules for the implementation and  
16 operation of this subchapter. The rules shall include procedures to ensure that any  
17 limitation of an award is calculated in a fair and equitable manner.

18 **949.24 Application for award. (1) ELIGIBILITY.** Any health care provider who  
19 conducts an examination to gather evidence regarding a sex offense may apply for  
20 an award under this subchapter.

21 (2) **FORMS.** The department shall prescribe application forms for awards under  
22 this subchapter and shall furnish health care providers with the forms.

23 (3) **MEDICAL RECORDS.** An applicant shall submit to the department reports  
24 from any physician, physician's assistant, or nurse who treated or examined the  
25 victim to gather evidence regarding a sex offense, performed any procedure during

1 that treatment or examination that tests for or prevents a sexually transmitted  
2 disease, or provided or prescribed any medication to prevent or treat a sexually  
3 transmitted disease. The applicant may not submit to the department any other  
4 records than those pertaining to the examination, treatment, procedure, or  
5 medication for which the applicant is seeking an award.

6 **949.26 Computation of awards.** (1) Except as provided in sub. (1m), the  
7 department shall make an award under this section to a health care provider who  
8 conducts an examination to gather evidence regarding a sex offense to reimburse the  
9 health care provider only for the examination costs, as follows:

10 (a) If, under sub. (2) (b), the health care provider is not authorized to seek  
11 payment from insurance or another available source of payment, the award shall be  
12 the examination costs, regardless of whether the victim, or any guardian of the  
13 victim, cooperates with a law enforcement agency regarding the sex offense.

14 (b) If, under sub. (2) (b), the health care provider is authorized to seek payment  
15 from insurance or another available source of payment and the victim, or any  
16 guardian of the victim, does not cooperate with a law enforcement agency regarding  
17 the sex offense, the award shall be the examination costs, reduced by any payment  
18 to be received as a result of the authorization under sub. (2) (b).

19 **(1m)** The department may not make an award under this section if, under sub.  
20 (2) (b), the health care provider is authorized to seek payment and the victim, or any  
21 guardian of the victim, cooperates with a law enforcement agency.

22 **(2) (a)** A health care provider seeking an award under this section may not seek  
23 payment for any examination costs from the victim or any guardian of the victim.

24 (b) A health care provider seeking an award under this section may not seek  
25 payment for any examination costs from insurance or another available source of

1 payment unless the victim or any guardian of the victim authorizes the health care  
2 provider to seek payment.

3 (3) The department may not refuse to make an award under this section  
4 because the victim or the guardian of the victim does not cooperate with a law  
5 enforcement agency regarding the sex offense, or due to lack of an investigation or  
6 prosecution of the sex offense.

7 **949.28 Limitations on awards.** (1) No order for the payment of an award  
8 under this subchapter may be made unless the application was made within one year  
9 after the date of the examination. The department may waive the one-year  
10 requirement under this subsection in the interest of justice.

11 (2) The department may not make an award under this subchapter that  
12 exceeds the examination costs of the victim.

13 (3) The department may not make an award under this subchapter for any part  
14 of the examination costs of the victim for which the health care provider seeking the  
15 award has received compensation from any other source.

16 (4) The department may not make an award under this subchapter if the total  
17 dollar amount awarded under this section in that year is greater than \$50,000.

18 **949.31 Hearings.** (1) The procedure of ch. 227 for contested cases applies to  
19 hearings under this subchapter except as otherwise provided in this section and s.

20 **949.32.**

21 (2) The division of hearings and appeals in the department of administration  
22 shall appoint hearing examiners to make findings and orders under s. 227.46 and  
23 this subchapter.

24 (3) All hearings shall be open to the public unless in a particular case the  
25 examiner determines that the hearing, or a portion of the hearing, shall be held in

1 private having regard to the fact that the offender has not been convicted or to the  
2 interest of the victim.

3 **949.315 Subpoenas.** The department or any of its authorized agents may  
4 issue subpoenas for persons or records for any investigation or hearing conducted  
5 under this subchapter and may enforce compliance with such subpoenas as provided  
6 in s. 885.12.

7 **949.32 Condition of victim.** There is no privilege, except privileges arising  
8 from the attorney-client relationship, as to communications or records relevant to  
9 an issue of the physical condition of the victim in a proceeding under this subchapter  
10 in which that condition is an element.

11 **949.33 Agency cooperation.** Upon request by the department, any state or  
12 local agency, including a district attorney or law enforcement agency, shall make  
13 available all reports, files, and other appropriate information which the department  
14 requests in order to make a determination that a health care provider is eligible for  
15 an award under this subchapter.

16 **949.36 Confidentiality.** If a health care provider seeks an award under this  
17 subchapter, any personally identifiable information, as defined in s. 19.62 (5), of the  
18 victim who received the examination shall remain confidential unless written  
19 consent for the release of any personally identifiable information is provided by one  
20 of the following:

21 (1) Except as provided under sub. (2), the victim.

22 (2) If there is a guardian of the victim, the guardian of the victim.

23 **949.37 Offenses. (1) PROHIBITION.** In connection with an award under this  
24 subchapter, no person may do any of the following:

25 (a) Submit a fraudulent application or claim for an award.

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1 (b) Intentionally make or cause to be made any false statement or  
2 representation of a material fact.

3 (c) Intentionally conceal or fail to disclose information affecting the amount of  
4 or the initial or continued right to any such award when reasonably requested to  
5 provide such information by the department.

6 (2) PENALTIES. Any person who violates this section shall be fined not more than  
7 \$500 or imprisoned not more than 6 months or both. The person shall forfeit any  
8 benefit received and shall reimburse the state for payments received.

9 (3) DAMAGES. The state has a civil cause of action for relief against any person  
10 who violates this section for the amount of damages that the state sustained by  
11 reason of the violation and, in addition, for punitive damages not more than double  
12 the amount of damages that the state may have sustained, together with interest,  
13 and the cost of the suit.

14 (4) ACTION. The attorney general may bring any action and has such powers  
15 as may be necessary to enforce this section.

16 **949.38 Report by the department.** The department's biennial report under  
17 s. 15.04 (1) (d) shall include a report of its activities under this subchapter including  
18 all of the following:

19 (1) An explanation of the procedures for filing and processing claims under this  
20 subchapter.

21 (2) A description of the programs and policies instituted to promote awareness  
22 about the awards under this subchapter.

23 (3) An analysis of future needs and suggested program improvements.

24 (4) A copy of the forms used under this subchapter.

1 (5) A complete statistical analysis of the cases handled under this subchapter,  
2 including all of the following:

3 (a) The number of claims filed.

4 (b) The number of claims approved and the amount of each award.

5 (c) The number of claims denied and the reasons for rejection.

6 (d) A breakdown of claims by geographic area and month.

7 **\*-1403/2.47\* SECTION 3852.** 950.04 (1v) (f) of the statutes is amended to read:

8 950.04 (1v) (f) To have the parole earned release review commission make a  
9 reasonable attempt to notify the victim of applications for parole, release to extended  
10 supervision, or termination of extended supervision, as provided under s. 304.06 (1).

11 **\*-1537/4.35\* SECTION 3853.** 950.04 (1v) (rm) of the statutes is amended to  
12 read:

13 950.04 (1v) (rm) To compensation, as provided under subch. I of ch. 949.

14 **\*-1537/4.36\* SECTION 3854.** 950.08 (2g) (b) of the statutes is amended to read:

15 950.08 (2g) (b) The availability of compensation under subch. I of ch. 949 and  
16 the address and telephone number at which to contact the department for  
17 information concerning compensation under subch. I of ch. 949.

18 **\*-1537/4.37\* SECTION 3855.** 950.08 (2r) (d) of the statutes is amended to read:

19 950.08 (2r) (d) The availability of compensation under subch. I of ch. 949,  
20 including information concerning eligibility for compensation and the procedure for  
21 applying for compensation.

22 **\*-1122/1.1\* SECTION 3856.** 961.41 (5) (c) of the statutes, as affected by 2005  
23 Wisconsin Act 25, is amended to read:

1       961.41 (5) (c) 1. ~~Two-thirds~~ The first \$850,000 plus two-thirds of all moneys  
2 in excess of \$1,275,000 collected in each fiscal year from drug surcharges under this  
3 subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

4       2. ~~One-third of all~~ All moneys in excess of \$850,000 and up to \$1,275,000 plus  
5 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug  
6 surcharges under this subsection shall be credited to the appropriation account  
7 under s. 20.505 (6) (ku).

8       \*~~0011/3.157~~\* SECTION 3857. 961.50 (1) (intro.) of the statutes is amended to  
9 read:

10       961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the  
11 court shall, in addition to any other penalties that may apply to the crime, suspend  
12 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6  
13 months nor more than 5 years. ~~The court shall immediately~~ may take possession of  
14 any suspended license and forward it. If the court takes possession of a license, it  
15 shall destroy the license. The court shall forward to the department of  
16 transportation ~~together with~~ the record of conviction and notice of the suspension.  
17 The person is eligible for an occupational license under s. 343.10 as follows:

18       \*~~0011/3.158~~\* SECTION 3858. 961.50 (2) of the statutes is amended to read:

19       961.50 (2) For purposes of counting the number of convictions under sub. (1),  
20 convictions under the law of a federally recognized American Indian tribe or band in  
21 this state, federal law or the law of another jurisdiction, as defined in s. ~~343.32 (1m)~~  
22 (a) 340.01 (41m), for any offense therein which, if the person had committed the  
23 offense in this state and been convicted of the offense under the laws of this state,  
24 would have required suspension or revocation of such person's operating privilege  
25 under this section, shall be counted and given the effect specified under sub. (1). The

1 5-year period under this section shall be measured from the dates of the violations  
2 which resulted in the convictions.

3 **\*-0459/2.27\* SECTION 3859.** 967.06 of the statutes is renumbered 967.06 (1)  
4 and amended to read:

5 **967.06 (1)** As soon as practicable after a person has been detained or arrested  
6 in connection with any offense which that is punishable by incarceration, or in  
7 connection with any civil commitment proceeding, or in any other situation in which  
8 a person is entitled to counsel regardless of ability to pay under the constitution or  
9 laws of the United States or this state, the person shall be informed of his or her right  
10 to counsel. Persons

11 (2) (a) Except as provided in par. (b), a person entitled to counsel under sub.  
12 (1) who indicate indicates at any time that they wish he or she wants to be  
13 represented by a lawyer, and who claim that they are claims that he or she is not able  
14 to pay in full for a lawyer's services, shall immediately be permitted to contact the  
15 authority for indigency determinations specified under s. 977.07 (1). The authority  
16 for indigency determination in each county shall have daily telephone access to the  
17 county jail in order to identify all persons who are being held in the jail. The jail  
18 personnel shall provide by phone information requested by the authority.

19 (3) In any case in which the state public defender provides representation to  
20 an indigent person, the public defender may request that the applicable court  
21 reporter or clerk of circuit court prepare and transmit any transcript or court record.  
22 The request shall be complied with. The state public defender shall, from the  
23 appropriation under s. 20.550 (1) (f), compensate the court reporter or clerk of circuit  
24 court for the cost of preparing, handling, duplicating, and mailing the documents.

25 **\*-0459/2.28\* SECTION 3860.** 967.06 (2) (b) of the statutes is created to read:

1           967.06 (2) (b) If the person indicating that he or she wants to be represented  
2 by a lawyer is detained under ch. 48, 51, 55, or 938, the person shall be referred for  
3 appointment of counsel as provided under s. 48.23 (4), 51.60, 55.105, or 938.23 (4),  
4 whichever is applicable.

5           \*-1067/1.2\* SECTION 3861. 971.14 (3) (d) of the statutes is amended to read:

6           971.14 (3) (d) If the examiner reports that the defendant lacks competency, the  
7 examiner's opinion regarding the likelihood that the defendant, if provided  
8 treatment, may be restored to competency within the time period permitted under  
9 sub. (5) (a). The examiner shall provide an opinion as to whether the individual's  
10 treatment should occur in an inpatient facility designated by the department of  
11 health and family services, or should be conducted in a jail or locked unit of a facility,  
12 as a condition of bail or bond.

13           \*-1067/1.3\* SECTION 3862. 971.14 (5) (a) of the statutes is amended to read:

14           971.14 (5) (a) If the court determines that the defendant is not competent but  
15 is likely to become competent within the period specified in this paragraph if  
16 provided with appropriate treatment, the court shall suspend the proceedings and  
17 commit the defendant to the custody of the department of health and family services  
18 for placement in an appropriate institution. The department of health and family  
19 services shall determine whether treatment shall occur in an institution, or in a  
20 community-based treatment conducted in a jail or a locked unit of a facility, as a  
21 condition of bail or bond, and the defendant shall be placed as appropriate for a  
22 period of time not to exceed 12 months, or the maximum sentence specified for the  
23 most serious offense with which the defendant is charged, whichever is less. Days  
24 spent in commitment under this paragraph are considered days spent in custody  
25 under s. 973.155.

1           \*-1067/1.4\* SECTION 3863. 971.14 (5) (b) of the statutes is amended to read:

2           971.14 (5) (b) The defendant shall be periodically reexamined by the treatment  
3           facility department of health and family services examiners. Written reports of  
4           examination shall be furnished to the court 3 months after commitment, 6 months  
5           after commitment, 9 months after commitment and within 30 days prior to the  
6           expiration of commitment. Each report shall indicate either that the defendant has  
7           become competent, that the defendant remains incompetent but that attainment of  
8           competency is likely within the remaining commitment period, or that the defendant  
9           has not made such progress that attainment of competency is likely within the  
10          remaining commitment period. Any report indicating such a lack of sufficient  
11          progress shall include the examiner's opinion regarding whether the defendant is  
12          mentally ill, alcoholic, drug dependent, developmentally disabled or infirm because  
13          of aging or other like incapacities.

14          \*-1067/1.5\* SECTION 3864. 971.14 (5) (c) of the statutes is amended to read:

15          971.14 (5) (c) Upon receiving a report under par. (b), indicating the defendant  
16          has regained competency or is not competent and unlikely to become competent in  
17          the remaining commitment period, the court shall hold a hearing within 14 days of  
18          receipt of the report and the court shall proceed under sub. (4). If the court  
19          determines that the defendant has become competent, the defendant shall be  
20          discharged from commitment and the criminal proceeding shall be resumed. If the  
21          court determines that the defendant is making sufficient progress toward becoming  
22          competent, the commitment shall continue.

23          \*-0293/2.1\* SECTION 3865. 971.17 (3) (e) of the statutes is amended to read:

24          971.17 (3) (e) An order for conditional release places the person in the custody  
25          and control of the department of health and family services. A conditionally released

1 person is subject to the conditions set by the court and to the rules of the department  
2 of health and family services. Before a person is conditionally released by the court  
3 under this subsection, the court shall so notify the municipal police department and  
4 county sheriff for the area where the person will be residing. The notification  
5 requirement under this paragraph does not apply if a municipal department or  
6 county sheriff submits to the court a written statement waiving the right to be  
7 notified. If the department of health and family services alleges that a released  
8 person has violated any condition or rule, or that the safety of the person or others  
9 requires that conditional release be revoked, he or she may be taken into custody  
10 under the rules of the department. The department of health and family services  
11 shall submit a statement showing probable cause of the detention and a petition to  
12 revoke the order for conditional release to the committing court and the regional  
13 office of the state public defender responsible for handling cases in the county where  
14 the committing court is located within 48 72 hours after the detention, excluding  
15 Saturdays, Sundays, and legal holidays. The court shall hear the petition within 30  
16 days, unless the hearing or time deadline is waived by the detained person. Pending  
17 the revocation hearing, the department of health and family services may detain the  
18 person in a jail or in a hospital, center or facility specified by s. 51.15 (2). The state  
19 has the burden of proving by clear and convincing evidence that any rule or condition  
20 of release has been violated, or that the safety of the person or others requires that  
21 conditional release be revoked. If the court determines after hearing that any rule  
22 or condition of release has been violated, or that the safety of the person or others  
23 requires that conditional release be revoked, it may revoke the order for conditional  
24 release and order that the released person be placed in an appropriate institution

1 under s. 51.37 (3) until the expiration of the commitment or until again conditionally  
2 released under this section.

3 **\*-1326/1.1\* SECTION 3866.** 971.23 (10) of the statutes is amended to read:

4 971.23 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT  
5 DEFENDANTS. When the state public defender or a private attorney appointed under  
6 s. 977.08 requests photocopies copies, in any format, of any item that is discoverable  
7 under this section, the state public defender shall pay any fee charged for the  
8 photocopies copies from the appropriation under s. 20.550 (1) (f). If the person  
9 providing photocopies copies under this section charges the state public defender a  
10 fee for the photocopies copies, the fee may not exceed the actual, necessary, and direct  
11 cost of photocopying providing the copies.

12 **\*-1403/2.48\* SECTION 3867.** 973.01 (4) of the statutes is amended to read:

13 973.01 (4) NO GOOD TIME, EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A  
14 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of  
15 confinement in prison portion of the sentence without reduction for good behavior.  
16 The term of confinement in prison portion is subject to extension under s. 302.113 (3)  
17 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),  
18 304.06 (1) (b), or 973.195 (1r).

19 **\*-1403/2.49\* SECTION 3868.** 973.01 (7) of the statutes is amended to read:

20 973.01 (7) NO DISCHARGE. The department of corrections may not discharge a  
21 person who is serving a bifurcated sentence from custody, control and supervision  
22 until the person has served the entire bifurcated sentence, except as provided in s.  
23 304.06 (1) (b).

24 **\*-1633/P9.5\* SECTION 3869.** 973.017 (2) (a) and (10) of the statutes are  
25 amended to read:

1 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted  
2 submitted in the report by the sentencing commission truth-in-sentencing phase II  
3 council under s. 973.30 16.015 or, if the sentencing commission truth-in-sentencing  
4 phase II council has not adopted submitted a guideline for the offense, any applicable  
5 temporary sentencing guideline adopted by the sentencing commission created  
6 under 2001 Wisconsin Act 109, or if the sentencing commission did not adopt a  
7 guideline for the offense, any applicable temporary sentencing guideline adopted by  
8 the criminal penalties study committee created under 1997 Wisconsin Act 283.

\*\*\*\*NOTE: This is reconciled s. 973.017 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: -1416/5 and -1633/P6

9 (10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The requirement  
10 under sub. (2) (a) that a court consider sentencing guidelines submitted in the report  
11 by the truth-in-sentencing phase II council or adopted by the sentencing  
12 commission or the criminal penalties study committee does not require a court to  
13 make a sentencing decision that is within any range or consistent with a  
14 recommendation specified in the guidelines, and there is no right to appeal a court's  
15 sentencing decision based on the court's decision to depart in any way from any  
16 guideline.

17 \*-0435/1.3\* SECTION 3870. 973.045 (1) (intro.) of the statutes is amended to  
18 read:

19 973.045 (1) (intro.) ~~Except as provided in sub. (1m), if~~ If a court imposes a  
20 sentence or places a person on probation, the court shall impose a crime victim and  
21 witness assistance surcharge calculated as follows:

22 \*-0435/1.4\* SECTION 3871. 973.045 (1m) of the statutes is repealed and  
23 recreated to read:

1 973.045 (1m) (a) In this subsection, "civil offense" means an offense punishable  
2 by a forfeiture.

3 (b) If all of the following apply, the court shall impose a crime victim and witness  
4 assistance surcharge in addition to any forfeiture that it imposes:

5 1. The person is charged with one or more crimes in a complaint.

6 2. As a result of the complaint being amended, the person is charged with a civil  
7 offense in lieu of one of those crimes.

8 3. The court finds that the person committed that civil offense on or after the  
9 effective date of this subdivision .... [revisor inserts date].

10 (c) The amount of the surcharge imposed under par. (b) shall be the amount  
11 specified in sub. (1) (a) or (b), depending on whether the crime that was the subject  
12 of the amendment under par. (b) 2. was a misdemeanor or a felony.

13 \*-0435/1.5\* SECTION 3872. 973.045 (1r) (b) of the statutes is created to read:

14 973.045 (1r) (b) The entire amount of any surcharge imposed under sub. (1m)  
15 shall be allocated to part A.

16 \*-0435/1.6\* SECTION 3873. 973.045 (2m) of the statutes is created to read:

17 973.045 (2m) The secretary of administration shall credit part A of the crime  
18 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and  
19 part B to the appropriation account under s. 20.455 (5) (gc).

20 \*-0435/1.7\* SECTION 3874. 973.045 (3) (a) of the statutes is renumbered

21 973.045 (1r) (a), and 973.045 (1r) (a) (intro.), as renumbered, is amended to read:

22 973.045 (1r) (a) (intro.) The clerk shall record the any crime victim and witness  
23 surcharge imposed under sub. (1) in 2 parts. ~~Part A is the portion that the secretary~~  
24 ~~of administration shall credit to the appropriation account under s. 20.455 (5) (g) and~~

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here. Please remove it or redo the  
action phrase from scratch. gs

1 ~~part B is the portion that the secretary of administration shall credit to the~~  
2 ~~appropriation account under s. 20.455 (5) (ge), as follows:~~

3 ~~\*-1261/5.996\* \*-1261/P3.627\* SECTION 3875. 973.05 (2m) (r) of the statutes~~  
4 ~~is amended to read:~~

5 ~~973.05 (2m) (r) To payment of the enforcement surcharge under s. 253.06 49.17~~  
6 ~~(4) (c) until paid in full.~~

7 ~~\*-1261/5.997\* \*-1261/P3.628\* SECTION 3876. 973.055 (3) of the statutes is~~  
8 ~~amended to read:~~

9 ~~973.055 (3) All moneys collected from domestic abuse surcharges shall be~~  
10 ~~deposited by the secretary of administration in s. 20.435 (3) 20.437 (1) (hh) and~~  
11 ~~utilized in accordance with s. 46.95 49.165.~~

12 ~~\*-1537/4.38\* SECTION 3877. 973.09 (1) (b) of the statutes is amended to read:~~  
13 ~~973.09 (1) (b) If the court places the person on probation, the court shall order~~

14 ~~the person to pay restitution under s. 973.20, unless the court finds there is~~  
15 ~~substantial reason not to order restitution as a condition of probation. If the court~~  
16 ~~does not require restitution to be paid to a victim, the court shall state its reason on~~  
17 ~~the record. If the court does require restitution, it shall notify the department of~~  
18 ~~justice of its decision if the victim may be eligible for compensation under subch. I~~  
19 ~~of ch. 949.~~

20 ~~\*-1403/2.50\* SECTION 3878. 973.195 (1g) of the statutes is repealed.~~

21 ~~\*-1403/2.51\* SECTION 3879. 973.195 (1r) (a) of the statutes is amended to read:~~  
22 ~~973.195 (1r) (a) An inmate who is serving a sentence imposed under s. 973.01~~

23 ~~for a crime other than a Class B Class C to Class E felony may petition the sentencing~~  
24 ~~court to adjust the sentence if the inmate has served at least the applicable~~  
25 ~~percentage 85 percent of the term of confinement in prison portion of the sentence.~~

1 If an inmate is subject to more than one sentence imposed under this section, the  
2 sentences shall be treated individually for purposes of sentence adjustment under  
3 this subsection.

4 **\*-1403/2.52\* SECTION 3880.** 973.195 (1r) (d) of the statutes is amended to read:

5 973.195 (1r) (d) If the sentence for which the inmate seeks adjustment is for  
6 an offense under s. 940.225 (2) ~~or (3)~~, 948.02 (2), 948.08, or 948.085, and the district  
7 attorney does not object to the petition within 10 days of receiving notice under par.  
8 (c), the district attorney shall notify the victim, as defined under s. 950.02 (4), of the  
9 inmate's petition. The notice to the victim shall include information on the sentence  
10 adjustment petition process under this subsection, including information on how to  
11 object to the inmate's petition. If the victim objects to adjustment of the inmate's  
12 sentence within 45 days of the date on which the district attorney received notice  
13 under par. (c), the court shall deny the inmate's petition.

14 **\*-1537/4.39\* SECTION 3881.** 973.20 (9) (a) of the statutes is amended to read:

15 973.20 (9) (a) If a crime victim is paid an award under subch. I of ch. 949 for  
16 any loss arising out of a criminal act, the state is subrogated to the rights of the victim  
17 to any restitution required by the court. The rights of the state are subordinate to  
18 the claims of victims who have suffered a loss arising out of the offenses or any  
19 transaction which is part of the same continuous scheme of criminal activity.

20 **\*-0434/5.2\* SECTION 3882.** 973.20 (9) (b) of the statutes is amended to read:

21 973.20 (9) (b) When restitution is ordered, the court shall inquire to see if an  
22 award has been made under subch. I of ch. 949 and if the department of justice is  
23 subrogated to the cause of action under s. 949.15. If the restitution ordered is less  
24 than or equal to the award under subch. I of ch. 949, the restitution shall be paid only  
25 to the general fund credited to the appropriation account under s. 20.455 (5) (hh).

1 If the restitution ordered is greater than the award under subch. I of ch. 949, the  
2 ~~general fund shall receive an amount equal to the award under subch. I of ch. 949~~  
3 shall be credited to the appropriation account under s. 20.455 (5) (hh) and the balance  
4 shall be paid to the victim.

\*\*\*\*NOTE: This is reconciled s. 973.20 (9) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0434 and LRB-1537.

5 **\*-1416/6.16\* SECTION 3883.** 973.30 (title) of the statutes is repealed.

6 **\*-1416/6.17\* SECTION 3884.** 973.30 (1) (intro.) of the statutes is repealed.

7 **\*-1416/6.18\* SECTION 3885.** 973.30 (1) (a) of the statutes is repealed.

8 **\*-1416/6.19\* SECTION 3886.** 973.30 (1) (b) of the statutes is renumbered 16.964

9 (13) (a) 2.

10 **\*-1416/6.20\* SECTION 3887.** 973.30 (1) (c) of the statutes is repealed.

11 **\*-1416/6.21\* SECTION 3888.** 973.30 (1) (d) of the statutes is renumbered 16.964

12 (13) (a) 3.

13 **\*-1416/6.22\* SECTION 3889.** 973.30 (1) (e) of the statutes is repealed.

14 **\*-1416/6.23\* SECTION 3890.** 973.30 (1) (f) of the statutes is repealed.

15 **\*-1416/6.24\* SECTION 3891.** 973.30 (1) (g) of the statutes is renumbered 16.964

16 (13) (a) 4.

17 **\*-1416/6.25\* SECTION 3892.** 973.30 (1) (h) of the statutes is renumbered 16.964

18 (13) (a) 5.

19 **\*-1416/6.26\* SECTION 3893.** 973.30 (1) (i) of the statutes is renumbered 16.964

20 (13) (a) 6.

21 **\*-1416/6.27\* SECTION 3894.** 973.30 (1) (j) of the statutes is renumbered 16.964

22 (13) (a) 7.

23 **\*-1416/6.28\* SECTION 3895.** 973.30 (2) of the statutes is repealed.