

2009 DRAFTING REQUEST

Bill

Received: 01/11/2010

Received By: gmalaise

Wanted: Soon

Identical to LRB:

For: Jim Holperin (608) 266-2509

By/Representing: Elizabeth Novak

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Children - juvenile justice
Children - out-of-home placement

Extra Copies:

Submit via email: YES

Requester's email: Sen.Holperin@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Unusual or unexpected high-cost out-of-home placements of Indian juveniles

Instructions:

Amend ss. 20.410 (3) (kp) and 938.48 (8p), as created by Act 28, to limit use of appropriation to placements made by tribal courts.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 01/12/2010	bkraft 01/13/2010		_____			S&L
/1			jfrantze 01/13/2010	_____	cduerst 01/13/2010	cduerst 01/19/2010	

FE Sent For:

<END>

↳ At Intro.

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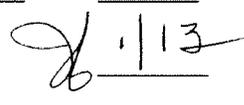
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FE Sent For:

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4102

GMM.....

bjk

IN 11/12
son

LPS - Please fix request sheet.

SA x-ref

gen.

Indian

- ① AN ACT ...; relating to: reimbursement of counties and tribes for unexpected or
- 2 unusually high-cost out-of-home care placements of Indian juveniles who
- 3 have been adjudicated delinquent by tribal courts and making an
- 4 appropriation.

Analysis by the Legislative Reference Bureau

> Under current law, \$75,000 in Indian gaming receipts is appropriated to the Department of Corrections in each of fiscal years 2009-10 and 2010-11 to reimburse tribes and county departments of human services or social services (county departments) for unexpected or unusually high-cost out-of-home care placements of Indian juveniles who have been adjudicated delinquent. Currently, an Indian juvenile may be adjudicated delinquent by either a tribal court or by a court assigned to exercise jurisdiction under the Juvenile Justice Code (commonly referred to as a "juvenile court"). This bill limits the use of those moneys to reimbursement of tribes and county departments for unexpected or unusually high-cost out-of-home care placements of Indian juveniles who have been adjudicated delinquent by *tribal courts*.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.410 (3) (kp) of the statutes, as created by 2009 Wisconsin Act 28,
2 is amended to read:

3 **20.410 (3) (kp) *Indian juvenile placements.*** The amounts in the schedule to be
4 used for unexpected or unusually high-cost out-of-home care placements of Indian
5 juveniles who have been adjudicated delinquent by tribal courts. All moneys
6 transferred from the appropriation account under s. 20.505 (8) (hm) 21d. shall be
7 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
8 unencumbered balance on June 30 of each year shall revert to the appropriation
9 account under s. 20.505 (8) (hm).

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97; 2009 a. 28, 71, 100.

10 **SECTION 2.** 938.48 (8p) of the statutes, as created by 2009 Wisconsin Act 28, is
11 amended to read:

12 **938.48 (8p) INDIAN JUVENILE PLACEMENTS.** Reimburse Indian tribes and county
13 departments, from the appropriation under s. 20.410 (1) (kp), for unexpected or
14 unusually high-cost out-of-home care placements of Indian juveniles who have
15 been adjudicated delinquent by tribal courts. In this subsection, “unusually
16 high-cost out-of-home care placements” means the amount by which the cost to a
17 an Indian tribe or to a county department of out-of-home care placements of Indian
18 juveniles who have been adjudicated delinquent by tribal courts exceeds \$50,000 in
19 a fiscal year.

History: 1995 a. 77; 1997 a. 27; 2001 a. 38; 2005 a. 344; 2009 a. 28.

20 (END)

Duerst, Christina

From: Meinholz, Susan
Sent: Tuesday, January 19, 2010 11:08 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4102/1 Topic: Unusual or unexpected high-cost out-of-home placements of Indian juveniles

Please Jacket LRB 09-4102/1 for the SENATE.