



State of Wisconsin
2017 - 2018 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 807**

March 14, 2018 - Offered by COMMITTEE ON JUDICIARY AND PUBLIC SAFETY.

1 **AN ACT to repeal** 301.20; and **to amend** 16.99 (3b) and 20.866 (2) (v) of the
2 statutes; **relating to:** the closure of Lincoln Hills School and Copper Lake
3 School, expansion of the Mendota Juvenile Treatment Center, a juvenile
4 corrections study committee, and granting bonding authority.

Analysis by the Legislative Reference Bureau

This substitute amendment requires the state to close the Lincoln Hills School and the Copper Lake School by January 1, 2021, requires the Department of Health Services to expand the Mendota Juvenile Treatment Center (MJTC), and creates a committee to study and develop legislation regarding potential new facilities for juvenile corrections.

Under current law, a juvenile who is adjudicated delinquent and placed in the Serious Juvenile Offender Program or placed with the Department of Corrections under a correctional placement may be held in a Type 1 juvenile correctional facility. Currently, DOC operates the Lincoln Hills School and the Copper Lake School, both located in the town of Birch, Lincoln County, as Type 1 juvenile correctional facilities. This substitute amendment requires DOC to permanently close both the Lincoln Hills School and the Copper Lake School no later than January 1, 2021.

Under current law, MJTC is a Type 1 juvenile correctional facility that is operated by DHS. Under current law, DOC can transfer juveniles to MJTC from

other Type 1 juvenile correctional facilities with the approval of DHS. By January 1, 2021, the substitute amendment requires DHS to expand MJTC to accommodate no fewer than 29 additional juveniles. The substitute amendment amends the 2017-19 Authorized State Building Program to add this project, financed with \$15,000,000 in general fund supported borrowing.

The substitute amendment creates in DOC the Juvenile Corrections Study Committee, which is required to research and develop recommendations on all of the following:

1. The construction or establishment of one or more new Type 1 juvenile correctional facilities prior to closure of Lincoln Hills School and Copper Lake School, including optimal locations, the availability and feasibility of using existing facilities for this purpose, and the source and amount of funding for new or renovated facilities.

2. The feasibility of establishing multiple regional, county-based facilities for the placement of juveniles who would otherwise be placed in a Type 1 juvenile correctional facility, including the source and amount of funding for such facilities, the procedure for allocating funding, the dispositions under which a juvenile adjudicated delinquent could be placed in such a facility, whether DOC or a county department of human or social services should supervise the juveniles placed in such a facility, and what the procedures should be for changing a juvenile's placement between such a facility and a Type 1 juvenile correctional facility.

3. Evidence-based services and programming that should be provided to juveniles held in secure custody.

4. Whether youth aids, which are various state and federal moneys the Department of Children and Families is required under current law to allocate to counties for juvenile correctional services and community-based juvenile delinquency-related services, should be modified to facilitate any of the committee's recommended changes relating to new facilities.

The Juvenile Corrections Study Committee is required under the substitute amendment to consult with one or more organizations that focus on developing best practices for holding juveniles in secure custody to aid the committee's research and development of recommendations. No later than February 1, 2019, the committee must develop draft legislation that incorporates its recommendations. Under the substitute amendment, the committee terminates on March 1, 2019.

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

1 **SECTION 1.** 16.99 (3b) of the statutes is amended to read:

2 16.99 (3b) "Juvenile correctional facility" means ~~the Copper Lake School and~~
3 ~~the Lincoln Hills School~~ a Type 1 juvenile correctional facility, as defined in s. 938.02
4 (19), but does not include the Mendota juvenile treatment center under s. 46.057.

1 **SECTION 2.** 20.866 (2) (v) of the statutes, as affected by 2017 Wisconsin Act 59,
2 is amended to read:

3 20.866 (2) (v) *Health services; mental health and secure treatment facilities.*
4 From the capital improvement fund, a sum sufficient for the department of health
5 services to acquire, construct, develop, enlarge, or extend mental health and secure
6 treatment facilities. The state may contract public debt in an amount not to exceed
7 ~~\$208,646,200~~ \$223,646,200 for this purpose.

8 **SECTION 3.** 301.20 of the statutes is repealed.

9 **SECTION 4. Nonstatutory provisions.**

10 (1) CLOSURE OF FACILITIES.

11 (a) No later than January 1, 2021, the department of corrections shall
12 permanently close the Type 1 juvenile correctional facilities housed at the Lincoln
13 Hills School and Copper Lake School in the town of Birch, Lincoln County.

14 (b) The department of corrections shall send a notice to the legislative reference
15 bureau for publication in the Wisconsin Administrative Register that states the date
16 on which the facilities under paragraph (a) are closed.

17 (2) JUVENILE CORRECTIONS STUDY COMMITTEE.

18 (a) *Committee; members.* There is created in the department of corrections a
19 juvenile corrections study committee consisting of all of the following members:

20 1. The secretary of corrections, or his or her designee, who shall serve as
21 cochairperson.

22 2. The secretary of children and families, or his or her designee, who shall serve
23 as cochairperson.

24 3. The secretary of health services, or his or her designee.

25 4. The superintendent of public instruction, or his or her designee.

1 5. The state public defender, or his or her designee.

2 6. Three representatives to the assembly appointed by the speaker of the
3 assembly or the appointed representative's designee.

4 7. Three senators appointed by the senate majority leader or the appointed
5 senator's designee.

6 8. Two circuit court judges, appointed by the governor.

7 9. Two district attorneys, appointed by the governor.

8 10. Two representatives of law enforcement agencies in this state, appointed
9 by the governor.

10 10m. One sheriff, or his or her designee, appointed by the governor.

11 11. One representative of a national organization that focuses on eliminating
12 race-based discrimination, appointed by the governor.

13 12. One representative of a nonprofit organization that focuses on issues
14 relating to juvenile justice, appointed by the governor.

15 12m. One representative of a nonprofit organization that focuses on best
16 practices for holding juveniles in secure custody, appointed by the governor.

17 13. One representative of the county department of social services or human
18 services in the county with the highest percentage of juveniles under the supervision
19 of either the department of corrections or a county department under chapter 938 of
20 the statutes, appointed by the governor.

21 14. One representative of a county department of social services or human
22 services of a county that operates a regional juvenile detention facility operated by
23 a county board of supervisors that has adopted a resolution under section 938.34 (3)
24 (f) 3. of the statutes, prior to January 1, 2018, authorizing placement of a juvenile at

1 the juvenile detention facility under section 938.34 (3) (f) of the statutes for more
2 than 30 consecutive days, appointed by the governor.

3 15. One representative of a county department of social services or human
4 services of a county not described in subdivision 13. or 14., appointed by the governor.

5 16. One resident of the state who either has been under the supervision of the
6 department of corrections under chapter 938 of the statutes or has had a close family
7 member who has been under the supervision of the department of corrections under
8 chapter 938 of the statutes, appointed by the governor.

9 (b) *Staff.* The state agencies with membership on the committee shall provide
10 adequate staff to conduct the functions of the committee.

11 (c) *Research.* The juvenile corrections study committee shall research and
12 develop recommendations on all of the following:

13 1. The construction or establishment of one or more new Type 1 juvenile
14 correctional facilities prior to the closure of Lincoln Hills School and Copper Lake
15 School under subsection (1), including the optimal locations, the availability and
16 feasibility of using existing facilities for this purpose, and the source and amount of
17 funding for new or renovated facilities.

18 2. The feasibility of establishing multiple regional, county-based facilities for
19 the placement of juveniles who would otherwise be placed in a Type 1 juvenile
20 correctional facility, including the source and amount of funding for such facilities,
21 the procedure for allocating funding, the dispositions in section 938.34 of the statutes
22 under which a juvenile could be placed in such a facility, whether the department of
23 corrections or a county department of human or social services should supervise the
24 juveniles placed in such a facility, and what the procedures should be for changing

1 a juvenile's placement between such a facility and a Type 1 juvenile correctional
2 facility.

3 3. Evidence-based services and programming that should be provided to
4 juveniles held in secure custody.

5 4. Whether community youth and family aids under section 48.526 of the
6 statutes should be modified to facilitate any recommendations under subdivision 1.
7 or 2.

8 (d) *Legislation.* No later than February 1, 2019, the juvenile corrections study
9 committee shall develop draft legislation that incorporates the committee's
10 recommendations under paragraph (c).

11 (e) *Consultation.* The juvenile corrections study committee shall consult with
12 one or more organizations that focus on developing best practices for holding
13 juveniles in secure custody to aid the committee's research and development of
14 recommendations under paragraph (c).

15 (f) *Termination.* The juvenile corrections study committee terminates on
16 March 1, 2019.

17 (3) MENDOTA JUVENILE TREATMENT CENTER. The department of health services
18 shall construct an expansion of the Mendota juvenile treatment center to
19 accommodate no fewer than 29 additional juveniles.

20 (4) 2017-19 AUTHORIZED STATE BUILDING PROGRAM ADDITION. In 2017 Wisconsin
21 Act 59, SECTION 9104 (1), the following project is added to the 2017-19 Authorized
22 State Building Program and the appropriate totals are increased by the amounts
23 shown:

24 (a) In paragraph (d) 1., under projects financed by general fund supported
25 borrowing:

