

2019 Assembly Bill 188 (LRB -1117)

An Act to repeal 46.22 (1) (b) 5m. d., 46.22 (2g) (d) 4., 46.23 (5) (n) 3. and 301.031; to amend 13.94 (1) (v), 46.011 (1p), 46.21 (2) (j), 46.215 (3), 46.23 (5) (c) 3., 46.23 (5m) (c), 48.023 (4), 48.527, 48.66 (1) (b), 49.11 (1c), 49.45 (25) (bj), 101.123 (1) (ac) 2., 301.01 (1n), 301.027, 301.373, 938.02 (4), 938.02 (15g), 938.22 (1) (a), 938.22 (2) (d) 2., 938.33 (1) (c), 938.33 (3r), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.355 (2) (b) 1., 938.355 (2) (b) 2., 938.355 (2) (b) 6m., 938.357 (3) (b) (intro.) and (c), 938.357 (4g) (a), 938.48 (3), 938.48 (4), 938.48 (4m) (b), 938.48 (5), 938.48 (6), 938.48 (14), 938.505 (1), 938.52 (2) (a) and (c), 938.53, 938.533 (2) (intro.), 938.54, 938.57 (4) and 938.78 (3); to repeal and recreate 938.34 (4m) (intro.); to create 46.057 (1m), 938.33 (6), 938.355 (2) (b) 2m., 938.355 (2) (b) 6n., 938.357 (3) (e) and (f) and 938.357 (4) (as) of the statutes; and to affect 2017 Wisconsin Act 185, section 38, 2017 Wisconsin Act 185, section 70, 2017 Wisconsin Act 185, section 110 (1) (a), 2017 Wisconsin Act 185, section 110 (2) (a), 2017 Wisconsin Act 185, section 110 (3) (c), 2017 Wisconsin Act 185, section 110 (4) (a) 1. c., 2017 Wisconsin Act 185, section 110 (4) (d), 2017 Wisconsin Act 185, section 110 (4) (e), 2017 Wisconsin Act 185, section 110 (4) (f), 2017 Wisconsin Act 185, section 110 (6) (e), 2017 Wisconsin Act 185, section 110 (7), 2017 Wisconsin Act 185, section 110 (7m) (b), 2017 Wisconsin Act 185, section 111 (3) and 2017 Wisconsin Act 185, section 112 (1); relating to: facilities for holding juveniles in secure custody. (FE)

2019

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ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19 S 00661, 1

Amendments: None or Listed below.

Corrections: None or Listed by date below.

6/27/19

Topic: Same as relating clause or Indicated below.

6/27/19

Date

Enrolling Drafter



State of Wisconsin
2019-2020 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 188**

Prepared by the Legislative Reference Bureau
(June 27, 2019)

In enrolling, the following corrections were made:

1. Page 21, line 14: delete “, or (4n)” and substitute “or (4n).”
2. Page 23, line 25: delete “January,” and substitute “January”.

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0066/1
EAW:all

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 188**

June 19, 2019 - Offered by Representative SCHRAA.

1 **AN ACT to repeal** 46.22 (1) (b) 5m. d., 46.22 (2g) (d) 4., 46.23 (5) (n) 3. and 301.031;
2 **to amend** 13.94 (1) (v), 46.011 (1p), 46.21 (2) (j), 46.215 (3), 46.23 (5) (c) 3., 46.23
3 (5m) (c), 48.023 (4), 48.527, 48.66 (1) (b), 49.11 (1c), 49.45 (25) (bj), 101.123 (1)
4 (ac) 2., 301.01 (1n), 301.027, 301.19 (title), 301.37 (1m), 301.373, 938.02 (4),
5 938.02 (15g), 938.22 (1) (a), 938.22 (2) (d) 2., 938.33 (1) (c), 938.33 (3r), 938.34
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9 938.52 (2) (a) and (c), 938.53, 938.533 (2) (intro.), 938.54, 938.57 (4) and 938.78
10 (3); **to repeal and recreate** 938.34 (4m) (intro.); **to create** 46.057 (1m), 301.19
11 (4), 301.36 (9), 938.33 (6), 938.355 (2) (b) 2m., 938.355 (2) (b) 6n., 938.357 (3) (e)
12 and 938.357 (4) (as) of the statutes; and **to affect** 2017 Wisconsin Act 185,
13 section 38, 2017 Wisconsin Act 185, section 70, 2017 Wisconsin Act 185, section

1 110 (1) (a), 2017 Wisconsin Act 185, section 110 (2) (a), 2017 Wisconsin Act 185,
2 section 110 (3) (c), 2017 Wisconsin Act 185, section 110 (4) (a) 1. c., 2017
3 Wisconsin Act 185, section 110 (4) (d), 2017 Wisconsin Act 185, section 110 (4)
4 (e), 2017 Wisconsin Act 185, section 110 (4) (f), 2017 Wisconsin Act 185, section
5 110 (6) (e), 2017 Wisconsin Act 185, section 110 (7), 2017 Wisconsin Act 185,
6 section 110 (7m) (b), 2017 Wisconsin Act 185, section 111 (3) and 2017 Wisconsin
7 Act 185, section 112 (1); **relating to:** facilities for holding juveniles in secure
8 custody.

Analysis by the Legislative Reference Bureau

This bill does all of the following:

1. Makes certain changes to the grant program for the design and construction of new secured residential care centers for children and youth (SRCCCYs) under 2017 Wisconsin Act 185.
2. Changes the closure date for the Lincoln Hills and Copper Lake Schools.
3. Modifies how juveniles who are transferred between an SRCCCY or a Type 1 juvenile correctional facility and the Mendota Juvenile Treatment Center (MJTC) are supervised and released.
4. Changes the provisions for grandfathering current juvenile detention programs and allows the temporary transfer of juveniles from Lincoln Hills and Copper Lake Schools into certain juvenile detention centers without a change-in-placement order.
5. Requires the Department of Corrections to grant a variance to an SRCCCY in certain circumstances.
6. Requires DOC to hold local public meetings prior to constructing the Type 1 juvenile correctional facility pursuant to Act 185, and requires DOC to obtain prior approval by the city, village, or town before making future modifications to that facility.
7. Changes the requirements for the purchase of services between counties and DOC.
8. Makes other changes to clarify the intent of Act 185.

CHANGES TO THE JUVENILE CORRECTIONS GRANT PROGRAM

Act 185 created a grant program for counties to construct new SRCCCYs for the purpose of holding in secure custody juveniles who are adjudicated delinquent and given a correctional placement under the supervision of a county department of human services or social services (county department). Under Act 185, grant applications are due to the juvenile corrections grant committee by March 31, 2019, and the committee is responsible for submitting a plan to the Joint Committee on

Finance for which applications to fund no later than July 1, 2019. This bill provides a three-month extension to the timeline for submitting grant applications to the grant committee and for the grant committee to submit the plan for funding grant applications to JCF.

Under Act 185, a grant to construct a new SRCCCY covers 95 percent of the county's cost for design and construction, except that the grant covers 100 percent of the county's cost for design and construction for a girls-only facility. Act 185 also provided that DOC will reimburse a girls-only facility any net operating loss, as determined by the Legislative Audit Bureau. This bill changes the grant program so that 100 percent of the portion of any facility that is designed and constructed to hold female juveniles is paid for by the grant program, and that the net operating loss reimbursement applies to any portion of a facility that houses female juveniles or any portion of services provided to female juveniles at the facility.

CLOSURE OF LINCOLN HILLS AND COPPER LAKE SCHOOLS

Act 185 also requires the current juvenile correctional facility owned and operated by DOC (Lincoln Hills and Copper Lake Schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county-run SRCCCYs or a new state-run juvenile correctional facility, also funded by and required to be established by DOC under Act 185. This bill extends the timeline for closing Lincoln Hills and Copper Lake Schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility by six months, to July 1, 2021.

Act 185 also provides a youth aids bonus of 15 percent of the county's annual youth aids payment or \$750,000, whichever is less, to any county that agrees to operate a joint SRCCCY for two or more counties. This bill provides the youth aids bonus to any county that operates an SRCCCY that serves juveniles from more than one county.

TRANSFER AND SUPERVISION OF JUVENILES BETWEEN FACILITIES

This bill specifies that when a juvenile is placed at MJTC under a change-in-placement order, the Department of Health Services is responsible for determining the date of the transfer and is responsible for determining whether to release a juvenile who has been placed there back to the county. The bill specifies that a juvenile that is placed at MJTC under a change-in-placement order from an SRCCCY remains under the supervision of the county.

EXISTING JUVENILE DETENTION PROGRAMS

Under Act 185, existing programs to hold juveniles in a juvenile detention facility for up to one year will be grandfathered in and allowed to hold a number of juveniles equal to the facility's population on January 1, 2021. This bill changes the cap for the grandfathered juvenile detention programs under Act 185 to a number of juveniles equal to the three-year average daily population of the facility between July 1, 2018, and June 30, 2021. This bill also allows DOC to transfer juveniles from Lincoln Hills and Copper Lake Schools to the existing programs without a change-in-placement order. Under the bill, juveniles who are so transferred must be placed in an SRCCCY or Type 1 juvenile correctional facility by July 1, 2021.

COUNTY BUDGETS

This bill repeals the current law requirement for counties to submit an annual budget to DOC for the purchase of juvenile correctional services and the requirements for contracts between counties and DOC for the purchase of juvenile correctional services.

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

1 **SECTION 1.** 13.94 (1) (v) of the statutes is amended to read:

2 13.94 (1) (v) Conduct an audit, at the request of the department of corrections,
3 of a county's net operating costs for a secured residential care center for children and
4 youth that holds ~~only~~ female juveniles for the purpose of determining the amount,
5 if any, of a net operating loss to be reimbursed by the department of corrections to
6 a county under s. 301.373. The bureau shall report the result of the audit to the
7 department of corrections as soon as practicable.

8 **SECTION 2.** 46.011 (1p) of the statutes, as affected by 2017 Wisconsin Act 185,
9 section 13, is amended to read:

10 46.011 (1p) "Juvenile correctional services" means services provided for a
11 juvenile who is under the supervision of the department of corrections under s.
12 938.183, 938.34 (4h), ~~(4n)~~, or (7g), or 938.357 (3) or (4).

13 **SECTION 3.** 46.057 (1m) of the statutes is created to read:

14 46.057 (1m) The director of the Mendota Mental Health Institute, or his or her
15 designee, shall be responsible for decisions regarding admissions, treatment, and the
16 release and return of juvenile offenders from the Mendota juvenile treatment center
17 to county supervision.

18 **SECTION 4.** 46.21 (2) (j) of the statutes is amended to read:

1 46.21 (2) (j) May exercise approval or disapproval power over contracts and
2 purchases of the director that are for \$50,000 or more, except that the county board
3 of supervisors may not exercise approval or disapproval power over any personal
4 service contract or over any contract or purchase of the director that relates to
5 community living arrangements, adult family homes, or foster homes and that was
6 entered into pursuant to a contract under s. 46.031 (2g) or ~~301.031~~ 49.325 (2g),
7 regardless of whether the contract mentions the provider, except as provided in par.
8 (m). The county board of supervisors may not exercise approval or disapproval power
9 over any contract relating to mental health or mental health institutions, programs,
10 or services. This paragraph does not preclude the county board of supervisors from
11 creating a central purchasing department for all county purchases that are not
12 related to mental health.

13 **SECTION 5.** 46.215 (3) of the statutes is amended to read:

14 46.215 (3) PROGRAM BUDGETS. The county department of social services shall
15 submit a final budget for authorized services to the department of health services
16 under s. 46.031 (1), ~~to the department of corrections under s. 301.031 (1), and to the~~
17 ~~department of children and families under s. 49.325 (1), for authorized services.~~

18 **SECTION 6.** 46.22 (1) (b) 5m. d. of the statutes is repealed.

19 **SECTION 7.** 46.22 (2g) (d) 4. of the statutes is repealed.

20 **SECTION 8.** 46.23 (5) (c) 3. of the statutes is amended to read:

21 46.23 (5) (c) 3. Shall monitor the performance of contracts for the purchase of
22 juvenile correctional services. ~~Contracts for the purchase of those services shall be~~
23 ~~subject to the conditions specified in s. 301.031.~~

24 **SECTION 9.** 46.23 (5) (n) 3. of the statutes is repealed.

25 **SECTION 10.** 46.23 (5m) (c) of the statutes is amended to read:

1 46.23 (5m) (c) Prepare, with the assistance of the county human services
2 director under sub. (6m) (e), a proposed budget for submission to the county executive
3 or county administrator; a final budget for submission to the department of health
4 services in accordance with s. 46.031 (1) for authorized services, except services
5 under ch. 48 and subch. III of ch. 49, community-based juvenile delinquency-related
6 services, and juvenile correctional services; and a final budget for submission to the
7 department of children and families in accordance with s. 49.325 for authorized
8 services under ch. 48 and subch. III of ch. 49 and for authorized community-based
9 juvenile delinquency-related services; ~~and a final budget for submission to the~~
10 ~~department of corrections in accordance with s. 301.031 for the purchase of~~
11 ~~authorized juvenile correctional services.~~

12 **SECTION 11.** 48.023 (4) of the statutes, as affected by 2017 Wisconsin Act 185,
13 section 20, is amended to read:

14 48.023 (4) The rights and responsibilities of legal custody except when legal
15 custody has been vested in another person or when the child is under the supervision
16 of the department of corrections under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3)
17 or (4) or the supervision of a county department under s. 938.34 (4d), (4m), or (4n).

18 **SECTION 12.** 48.527 of the statutes is amended to read:

19 **48.527 Community youth and family aids; bonus for county facilities.**
20 From the appropriation under s. 20.437 (1) (ck), the department shall allocate an
21 amount equal to 15 percent of a county's allocation in the preceding fiscal year under
22 s. 48.526 or \$750,000, whichever is less, in additional funds for a county that operates
23 a joint secured residential care center for children and youth ~~under s. 46.20 (1m)~~ that
24 was funded by a grant under 2017 Wisconsin Act 185, section 110 (4), and that serves
25 juveniles from more than one county.

1 **SECTION 13.** 48.66 (1) (b) of the statutes is amended to read:

2 48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections
3 may license a child welfare agency to operate a secured residential care center for
4 children and youth for holding in secure custody juveniles who have been convicted
5 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or
6 (4m) and referred to the child welfare agency by the court, the tribal court, the county
7 department, or the department of corrections and to provide supervision, care, and
8 maintenance for those juveniles.

9 **SECTION 14.** 49.11 (1c) of the statutes, as affected by 2017 Wisconsin Act 185,
10 section 27, is amended to read:

11 49.11 (1c) “Community-based juvenile delinquency-related services” means
12 juvenile delinquency-related services provided under ch. 938 other than services
13 provided for a juvenile who is under the supervision of the department of corrections
14 under s. 938.183, 938.34 (4h), ~~(4n)~~, or (7g), or 938.357 (3) or (4).

15 **SECTION 15.** 49.45 (25) (bj) of the statutes, as affected by 2017 Wisconsin Act
16 185, section 29, is amended to read:

17 49.45 (25) (bj) The department of corrections may elect to provide case
18 management services under this subsection to persons who are under the
19 supervision of that department under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3)
20 or (4), who are Medical Assistance beneficiaries, and who meet one or more of the
21 conditions specified in par. (am). The amount of the allowable charges for those
22 services under the Medical Assistance program that is not provided by the federal
23 government shall be paid from the appropriation account under s. 20.410 (3) (hm),
24 (ho), or (hr).

25 **SECTION 16.** 101.123 (1) (ac) 2. of the statutes is amended to read:

1 101.123 (1) (ac) 2. A juvenile detention facility, as defined in s. 938.02 (10r), a
2 secured residential care center for children and youth, as defined in s. 938.02 (15g),
3 or a juvenile correctional facility, as defined in s. 938.02 (10p), except a juvenile
4 correctional facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5)
5 if the facility is a private residence in which the juvenile is placed and no one is
6 employed there to ensure that the juvenile remains in custody.

7 **SECTION 17.** 301.01 (1n) of the statutes, as affected by 2017 Wisconsin Act 185,
8 section 35, is amended to read:

9 301.01 (1n) “Juvenile correctional services” means services provided for a
10 juvenile who is under the supervision of the department of corrections under s.
11 938.183, 938.34 (4h), ~~(4n)~~, or (7g), or 938.357 (3) or (4).

12 **SECTION 18.** 301.027 of the statutes is amended to read:

13 **301.027 Treatment program at one or more juvenile correctional**
14 **facilities.** The department shall maintain ~~a cottage-based~~ an intensive alcohol and
15 other drug abuse program at one or more juvenile correctional facilities.

16 **SECTION 19.** 301.031 of the statutes is repealed.

17 **SECTION 20.** 301.19 (title) of the statutes is amended to read:

18 **301.19 (title) ~~Restriction~~ Restrictions on construction or modifications**
19 **of correctional facilities.**

20 **SECTION 21.** 301.19 (4) of the statutes is created to read:

21 301.19 (4) Unless the governor has declared a state of emergency under s.
22 323.10, the department of corrections may not expand the capacity of, or
23 substantially modify the structure or physical security of, a juvenile correctional
24 facility established under s. 301.16 (1w) without prior approval by the governing
25 body of the city, village, or town in which the juvenile correctional facility is located.

1 **SECTION 22.** 301.36 (9) of the statutes is created to read:

2 301.36 (9) COOPERATION WITH LOCAL GOVERNING BODIES. Upon request by the
3 governing body of a city, village, or town in which a juvenile correctional facility
4 established under s. 301.16 (1w) is located, the department shall meet with the
5 governing body to discuss matters of local concern pertaining to the juvenile
6 correctional facility.

7 **SECTION 23.** 301.37 (1m) of the statutes is amended to read:

8 301.37 (1m) ~~Subject to the~~ The rules promulgated by the department under
9 sub. (1), shall allow a secured residential care center for children and youth may to
10 use less restrictive physical security barriers than a Type 1 juvenile correctional
11 facility while ensuring the safety of the public, staff, and youth. The rules
12 promulgated under sub. (1) shall allow a secured residential care center for children
13 and youth to be located in a portion of a juvenile detention facility or a Type 1 juvenile
14 correctional facility. A secured residential care center for children and youth that is
15 located in a portion of a juvenile detention facility or a Type 1 juvenile correctional
16 facility shall provide trauma-informed, evidence-based programming and services
17 as required by the department under s. 938.48 (16) (b).

18 **SECTION 24.** 301.373 of the statutes is amended to read:

19 **301.373 Operating loss reimbursement program.** The department shall
20 reimburse a county that operates a secured residential care center for children and
21 youth that holds ~~only~~ female juveniles in secure custody and that was established
22 using funding from the grant program under 2017 Wisconsin Act 185, section 110 (4),
23 for any annual net operating loss for the services and facilities offered to female
24 juveniles. A county seeking reimbursement under this section shall submit its
25 request and supporting financial statements for the prior fiscal year to the

1 department and the legislative audit bureau in a format prescribed by the
2 department. The department shall reimburse the county for the amount of the net
3 operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v),
4 from the appropriation under s. 20.410 (3) (f). The department may pay for the cost
5 of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the
6 appropriation under s. 20.410 (3) (f).

7 **SECTION 25.** 938.02 (4) of the statutes, as affected by 2017 Wisconsin Act 185,
8 section 50, is amended to read:

9 938.02 (4) “Department” means the department of children and families except
10 that with respect to a juvenile who is under the supervision of the department of
11 corrections under s. 938.183, 938.34 (4h), ~~(4n)~~, or (7g), or 938.357 (3) or (4),
12 “department” means the department of corrections.

13 **SECTION 26.** 938.02 (15g) of the statutes is amended to read:

14 938.02 (15g) “Secured residential care center for children and youth” means
15 a facility that complies with the requirements of ss. 301.37 and 938.48 (16) (b)
16 operated by an Indian tribe or a county under ss. 46.20, 59.53 (8m), ~~301.26, 301.27,~~
17 and 938.22 (1) (a) or by a child welfare agency that is licensed under s. 48.66 (1) (b)
18 to hold in secure custody persons adjudged delinquent.

19 **SECTION 27.** 938.22 (1) (a) of the statutes is amended to read:

20 938.22 (1) (a) The county board of supervisors of a county may establish a
21 juvenile detention facility or secured residential care center for children and youth
22 in accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or
23 more counties may jointly establish a juvenile detention facility or secured
24 residential care center for children and youth in accordance with ss. 46.20, 59.53
25 (8m), 301.36, and 301.37. An Indian tribe may establish a secured residential care

1 center for children and youth in accordance with ss. 301.36 and 301.37 or may
2 contract with a county board of supervisors to hold juveniles who are adjudicated
3 delinquent by the tribal court in that county's secured residential care center for
4 children and youth. The county board of supervisors of a county may establish a
5 shelter care facility in accordance with ss. 48.576 and 48.578 or the county boards
6 of supervisors for 2 or more counties may jointly establish a shelter care facility in
7 accordance with ss. 46.20, 48.576, and 48.578. A private entity may establish a
8 juvenile detention facility in accordance with ss. 301.36 and 301.37 and contract with
9 one or more county boards of supervisors under s. 938.222 to hold juveniles in the
10 private juvenile detention facility. Subject to ss. 48.66 (1) (b), 301.36, and 301.37, a
11 child welfare agency may establish a secured residential care center for children and
12 youth and contract with one or more county boards of supervisors or an Indian tribe
13 to hold juveniles in the secured residential care center for children and youth.

14 **SECTION 28.** 938.22 (2) (d) 2. of the statutes is amended to read:

15 938.22 (2) (d) 2. After ~~January~~ July 1, 2021, the number of juveniles that may
16 be housed at a juvenile detention facility under subd. 1. is limited to the number that
17 ~~are housed at~~ is equal to the average daily population of juveniles housed under subd.
18 1., rounded up to the nearest whole number, of the juvenile detention facility on
19 ~~January 1~~ between July 1, 2018, and June 30, 2021, excluding any juveniles placed
20 there under 2019 Wisconsin Act ... (this act), section 72 (1), and the juvenile
21 detention facility may not be altered or added to or repaired in excess of 50 percent
22 of its assessed value. If a juvenile detention facility violates this subdivision, it is no
23 longer authorized to accept juveniles for placement for more than 30 consecutive
24 days.

25 **SECTION 29.** 938.33 (1) (c) of the statutes is amended to read:

1 **938.33 (1) (c)** A description of the specific services or continuum of services that
2 the agency is recommending ~~the court to order~~ for the juvenile or family, the persons
3 or agencies that would be primarily responsible for providing those services, and the
4 identity of the person or agency that would provide case management or coordination
5 of services, if any, and whether or not the juvenile should receive a coordinated
6 services plan of care.

7 **SECTION 30.** 938.33 (3r) of the statutes is amended to read:

8 **938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT.** If a juvenile has been
9 adjudicated delinquent for committing a violation for which the juvenile may be
10 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
11 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
12 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for
13 placement in the serious juvenile offender program under s. 938.34 (4h) or in a
14 ~~juvenile correctional facility~~ secured residential care center for children and youth
15 under s. 938.34 (4m), a placement specified in s. 938.34 (3), or placement in the
16 juvenile's home with supervision and community-based programming and a
17 recommendation as to the type of placement for which the juvenile is best suited.

18 **SECTION 31.** 938.33 (6) of the statutes is created to read:

19 **938.33 (6) RETENTION.** Reports submitted under this section shall be retained
20 in the record of the pending action, which shall be made available to the agency that
21 is designated to supervise the juvenile under a disposition under s. 938.34 or a
22 change of placement order under s. 938.357.

23 **SECTION 32.** 938.34 (4m) (intro.) of the statutes is amended to read:

24 **938.34 (4m) CORRECTIONAL PLACEMENT.** (intro.) Place the juvenile under the
25 supervision of the department of corrections in a juvenile correctional facility or

1 under the supervision of the county department in a secured residential care center
2 for children and youth under the supervision of identified by the county department
3 or the department of corrections if all of the following apply:

4 **SECTION 33.** 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin
5 Act 185, section 62, is repealed and recreated to read:

6 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile under the
7 supervision of the county department in a secured residential care center for children
8 and youth identified by the county department if all of the following apply:

9 **SECTION 34.** 938.34 (4n) (intro.) of the statutes is amended to read:

10 938.34 (4n) ~~COMMUNITY SUPERVISION OR AFTERCARE~~ AFTERCARE SUPERVISION.
11 (intro.) In the case of a juvenile who has received a correctional placement under sub.
12 (4m), designate ~~the county department~~ one of the following to provide aftercare
13 supervision for the juvenile following the juvenile's release from a secured
14 residential care center for children and youth or Type 1 juvenile correctional facility.
15 ~~In the case of a juvenile who has been placed in a juvenile correctional facility or a~~
16 ~~secured residential care center for children and youth under the supervision of the~~
17 ~~department of corrections, designate the department of corrections to provide~~
18 ~~community supervision for the juvenile following the juvenile's release from that~~
19 ~~facility or center or, subject to any arrangement between the department of~~
20 ~~corrections and a county department regarding the provision of aftercare~~
21 ~~supervision for juveniles who have been released from a juvenile correctional facility~~
22 ~~or a secured residential care center for children and youth, designate one of the~~
23 ~~following to provide aftercare supervision for the juvenile following the juvenile's~~
24 ~~release from that facility or center:~~

25 **SECTION 35.** 938.355 (2) (b) 1. of the statutes is amended to read:

1 938.355 (2) (b) 1. ~~The specific~~ Specific services to be provided to the juvenile
2 and the juvenile's family, and, if custody is to be transferred to effect the treatment
3 plan, the identity of the legal custodian.

4 **SECTION 36.** 938.355 (2) (b) 2. of the statutes is amended to read:

5 938.355 (2) (b) 2. If the juvenile is placed outside the home under s. 938.34 (3)
6 or (4d), the name of the place or facility, including transitional placements, where the
7 juvenile shall be cared for or treated, except that if the placement is a foster home
8 and the name and address of the foster parent is not available at the time of the order,
9 the name and address of the foster parent shall be furnished to the court and the
10 parent within 21 days after the order. If, after a hearing on the issue with due notice
11 to the parent or guardian, the court finds that disclosure of the identity of the foster
12 parent would result in imminent danger to the juvenile or the foster parent, the court
13 may order the name and address of the prospective foster parents withheld from the
14 parent or guardian.

15 **SECTION 37.** 938.355 (2) (b) 2m. of the statutes is created to read:

16 938.355 (2) (b) 2m. If the juvenile is placed outside the home under s. 938.34
17 (4m), the name of the county department that will provide supervision and
18 determine placement for the juvenile.

19 **SECTION 38.** 938.355 (2) (b) 6m. of the statutes is amended to read:

20 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement
21 under s. 938.34 (3) or (4d) recommended by the agency designated under s. 938.33
22 (1), a statement that the court approves the placement recommended by the agency
23 or, if the juvenile is placed outside the home in a placement other than a placement
24 recommended by that agency, a statement that the court has given bona fide

1 consideration to the recommendations made by the agency and all parties relating
2 to the juvenile's placement.

3 **SECTION 39.** 938.355 (2) (b) 6n. of the statutes is created to read:

4 938.355 (2) (b) 6n. If the juvenile is placed outside the home under s. 938.34
5 (4m), a statement that the court has given bona fide consideration to the
6 recommendations made by the agency and all parties relating to the juvenile's
7 placement.

8 **SECTION 40.** 938.357 (3) (b) (intro.) and (c) of the statutes are amended to read:

9 938.357 (3) (b) (intro.) Notwithstanding s. 938.34 (4m) and subject to par. (c),
10 the court may order placement in a Type 1 juvenile correctional facility under
11 supervision of operated by the department of corrections for a juvenile who was
12 adjudicated delinquent under s. 938.34 (4m) if the court finds, after a hearing under
13 this section, that any of the following apply:

14 (c) Upon Notwithstanding s. 938.34 (4m), upon the recommendation of the
15 department of health services, the court may order the placement of a juvenile under
16 par. (b) who was adjudicated delinquent under s. 938.34 (4m) at the Mendota juvenile
17 treatment center if par. (b) 1. a. to c. are met. A court may not order a placement
18 under this paragraph at the Mendota juvenile treatment center that the department
19 of health services has not approved. A juvenile under the supervision of a county in
20 a secured residential care center for children and youth who is transferred to
21 Mendota juvenile treatment center under this paragraph remains under the
22 supervision of that county. The department of health services shall determine the
23 date for the actual transfer of the juvenile to the Mendota juvenile treatment center,
24 and no change of placement to the Mendota juvenile treatment center may be
25 ordered without the prior agreement of the department of health services to admit

1 the juvenile. No further hearing or court order is necessary for the department of
2 health services to transfer the juvenile back to the custody of the county department.

3 **SECTION 41.** 938.357 (3) (e) of the statutes is created to read:

4 938.357 (3) (e) A juvenile who is placed in a Type 1 juvenile correctional facility
5 under par. (b) is under the supervision of the department of corrections. The change
6 of placement order shall designate the department of corrections to provide
7 community supervision or the county department to provide aftercare supervision
8 for the juvenile following the juvenile's release from the Type 1 juvenile correctional
9 facility.

10 **SECTION 42.** 938.357 (4) (as) of the statutes is created to read:

11 938.357 (4) (as) When a juvenile is placed under the supervision of a county
12 department, that department may place the juvenile in a secured residential care
13 center for children and youth or on aftercare supervision, either immediately or after
14 a period of placement in a secured residential care center for children and youth. The
15 county department shall send written notice of any change in placement to the
16 parent, guardian, legal custodian, if any, and the court. The county department shall
17 be responsible for decisions regarding the release of a juvenile who is under its
18 supervision.

19 **SECTION 43.** 938.357 (4g) (a) of the statutes is amended to read:

20 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
21 is placed in a juvenile correctional facility or a secured residential care center for
22 children and youth, or within 30 days after the date on which the department of
23 corrections requests the community supervision or aftercare plan, whichever is
24 earlier, the community supervision provider or the aftercare provider designated
25 under s. 938.34 (4n) shall prepare a community supervision or aftercare plan for the

1 juvenile. If the juvenile is to be placed on aftercare supervision, the county
2 department designated as the aftercare provider shall submit the aftercare plan to
3 the department of corrections within the applicable period specified in this
4 paragraph, unless the department of corrections waives the period under par. (b).

5 **SECTION 44.** 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act 185,
6 section 78, is amended to read:

7 938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision
8 over juveniles transferred to it by the court under s. 938.183, 938.34 (4h) ~~or (4n)~~, or
9 938.357 (3) or (4), and provide special treatment or care to juveniles when directed
10 by the court. Except as provided in s. 938.505 (2), a court may not direct the
11 department to administer psychotropic medications to juveniles who receive special
12 treatment or care under this subsection.

13 **SECTION 45.** 938.48 (4) of the statutes, as affected by 2017 Wisconsin Act 185,
14 section 80, is amended to read:

15 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
16 training for juveniles under its supervision under s. 938.183, 938.34 (4h) ~~or (4n)~~, or
17 938.357 (3) or (4), including serving those juveniles in their own homes, placing them
18 in licensed foster homes or licensed group homes under s. 48.63 or in independent
19 living situations as provided in s. 938.34 (3) (e), contracting for their care by licensed
20 child welfare agencies, or replacing them in juvenile correctional facilities or secured
21 residential care centers for children and youth in accordance with rules promulgated
22 under ch. 227, except that the department may not purchase the educational
23 component of private day treatment programs for a juvenile in its custody unless the
24 department, the school board, as defined in s. 115.001 (7), and the state
25 superintendent of public instruction all determine that an appropriate public

1 education program is not available for the juvenile. Disputes between the
2 department and the school district shall be resolved by the state superintendent of
3 public instruction.

4 **SECTION 46.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act
5 185, section 82, is amended to read:

6 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,
7 938.34 (4h) ~~or (4n)~~ or 938.357 (3) or (4) when the person reached 17 years of age.

8 **SECTION 47.** 938.48 (5) of the statutes, as affected by 2017 Wisconsin Act 185,
9 section 84, is amended to read:

10 938.48 (5) MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious
11 training of a juvenile under its supervision under s. 938.183, 938.34 (4h) ~~or (4n)~~, or
12 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the juvenile's
13 parents.

14 **SECTION 48.** 938.48 (6) of the statutes, as affected by 2017 Wisconsin Act 185,
15 section 86, is amended to read:

16 938.48 (6) EMERGENCY SURGERY. Consent to emergency surgery under the
17 direction of a licensed physician or surgeon for any juvenile under its supervision
18 under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4) upon notification by a
19 licensed physician or surgeon of the need for the surgery and if reasonable effort,
20 compatible with the nature and time limitation of the emergency, has been made to
21 secure the consent of the juvenile's parent or guardian.

22 **SECTION 49.** 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act 185,
23 section 88, is amended to read:

24 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay
25 maintenance, tuition, and related expenses from the appropriation under s. 20.410

1 (3) (ho) for persons who, when they attained 17 years of age, were students regularly
2 attending a school, college, or university or regularly attending a course of vocational
3 or technical training designed to prepare them for gainful employment, and who
4 upon attaining that age were under the supervision of the department under s.
5 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4) as a result of a judicial decision.

6 **SECTION 50.** 938.48 (16) (b) of the statutes is amended to read:

7 938.48 **(16)** (b) Promulgate rules governing services and programming for
8 juveniles in a secured residential care center for children and youth. ~~The department~~
9 rules shall include uniform data reporting standards for require counties or Indian
10 tribes that operate or contract with a child welfare agency for a secured residential
11 care center for children and youth ~~in rules promulgated under this paragraph to~~
12 implement trauma-informed principles and evidence-based practices at the
13 facilities and shall include uniform data reporting standards. The department shall
14 base the rules it promulgates under this paragraph on the recommendations
15 provided by the juvenile corrections study committee under 2017 Wisconsin Act 185,
16 section 110 (6) (c) 1.

17 **SECTION 51.** 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act 185,
18 section 96, is amended to read:

19 938.505 **(1)** RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY
20 DEPARTMENT. When a juvenile is placed under the supervision of the department of
21 corrections under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3), (4), or (5) (e) or under
22 the supervision of a county department under s. 938.34 (4m) or (4n), the department
23 of corrections or county department, whichever has supervision over the juvenile,
24 shall have the right and duty to protect, train, discipline, treat, and confine the
25 juvenile and to provide food, shelter, legal services, education, and ordinary medical

1 and dental care for the juvenile, subject to the rights, duties, and responsibilities of
2 the guardian of the juvenile and subject to any residual parental rights and
3 responsibilities and the provisions of any court order.

4 **SECTION 52.** 938.52 (2) (a) and (c) of the statutes, as affected by 2017 Wisconsin
5 Act 185, section 98, are amended to read:

6 938.52 (2) (a) In addition to facilities and services under sub. (1), the
7 department of corrections may use other facilities and services under its jurisdiction.
8 The department of corrections may contract for and pay for the use of other public
9 facilities or private facilities for the care and treatment of juveniles in its care.
10 Placement of a juvenile in a private or public facility that is not under the jurisdiction
11 of the department of corrections does not terminate that department's supervision
12 over the juvenile under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4).
13 Placements in institutions for persons with a mental illness or development
14 disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am)
15 and ch. 51.

16 (c) The department of corrections may inspect any facility it is using and
17 examine and consult with persons under its supervision under s. 938.183, 938.34
18 (4h) ~~or (4n)~~, or 938.357 (3) or (4) who have been placed in the facility.

19 **SECTION 53.** 938.53 of the statutes, as affected by 2017 Wisconsin Act 185,
20 section 100, is amended to read:

21 **938.53 Duration of control of department of corrections over**
22 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent
23 who has been placed under the supervision of the department of corrections under
24 s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4) shall be discharged as soon as that
25 department determines that there is a reasonable probability that departmental

1 supervision is no longer necessary for the rehabilitation and treatment of the
2 juvenile or for the protection of the public.

3 **SECTION 54.** 938.533 (2) (intro.) of the statutes is amended to read:

4 938.533 (2) COMMUNITY SUPERVISION SERVICES. (intro.) From the appropriation
5 under s. 20.410 (3) (hr), the department of corrections shall purchase or provide
6 community supervision services for juveniles who have been placed under the
7 community supervision of the department of corrections under s. 938.183, 938.34
8 ~~(4n)~~ (4h), 938.357 (3) or (4), or 938.538 (3) (a) 2. For each juvenile who is placed under
9 community supervision, the department of corrections may purchase or provide any
10 of the following services:

11 **SECTION 55.** 938.54 of the statutes, as affected by 2017 Wisconsin Act 185,
12 section 107, is amended to read:

13 **938.54 Records.** The department of corrections shall keep a complete record
14 on each juvenile under its supervision under s. 938.183, 938.34 (4h) or ~~(4n)~~ or
15 938.357 (3) or (4). This record shall include the information received from the court,
16 the date of reception, all available data on the personal and family history of the
17 juvenile, the results of all tests and examinations given the juvenile, and a complete
18 history of all placements of the juvenile while under the supervision of the
19 department of corrections.

20 **SECTION 56.** 938.57 (4) of the statutes is amended to read:

21 938.57 (4) AFTERCARE SUPERVISION. A county department may provide aftercare
22 supervision under s. 938.34 (4n) for juveniles who are released from juvenile
23 correctional facilities or secured residential care centers for children and youth. If
24 ~~a county department intends to change its policy regarding whether the county~~
25 ~~department will provide aftercare supervision for juveniles released from juvenile~~

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1 ~~correctional facilities or secured residential care centers for children and youth or the~~
2 ~~department of corrections will provide community supervision for those juveniles,~~
3 ~~the county executive or county administrator, or, if the county has no county~~
4 ~~executive or county administrator, the chairperson of the county board of~~
5 ~~supervisors, or, for multicounty departments, the chairpersons of the county boards~~
6 ~~of supervisors jointly, shall submit a letter to the department of corrections stating~~
7 ~~that intent before July 1 of the year preceding the year in which the policy change~~
8 ~~will take effect.~~

9 **SECTION 57.** 938.78 (3) of the statutes is amended to read:

10 **938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
11 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
12 of protection or services under s. 48.13 (12) or (14), 1993 stats., or s. 938.13 (12) or
13 (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11,
14 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26, 941.28, 941.295, 941.298,
15 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g),
16 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or
17 948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional
18 facility, residential care center for children and youth, secured residential care center
19 for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile
20 detention facility, or juvenile portion of a county jail, or from the custody of a peace
21 officer or a guard of such a facility, center, or jail, or has been allowed to leave a
22 juvenile correctional facility, residential care center for children and youth, secured
23 residential care center for children and youth, inpatient facility, juvenile detention
24 facility, or juvenile portion of a county jail for a specified time period and is absent
25 from the facility, center, home, or jail for more than 12 hours after the expiration of

1 the specified period, the department of corrections or county department, whichever
2 has supervision over the juvenile, may release the juvenile's name and any
3 information about the juvenile that is necessary for the protection of the public or to
4 secure the juvenile's return to the facility, center, home, or jail. The department of
5 corrections shall promulgate rules establishing guidelines for the release of the
6 juvenile's name or information about the juvenile to the public.

7 **SECTION 58.** 2017 Wisconsin Act 185, section 38 is repealed.

8 **SECTION 59.** 2017 Wisconsin Act 185, section 70 is repealed.

9 **SECTION 60.** 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

10 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type
11 1 juvenile correctional facilities under subsection (7) and the secured residential care
12 centers for children and youth under subsections (4) and (7m), the department of
13 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln
14 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional
15 facility or secured residential care center for children and youth. No juvenile may
16 be transferred to a Type 1 juvenile correctional facility until the department of
17 corrections determines the facility to be ready to accept juveniles, and no juvenile
18 may be transferred to a secured residential care center for children and youth until
19 the entity operating the facility determines it to be ready to accept juveniles. The
20 transfers may occur in phases. The department shall transfer all juveniles under
21 this subsection no later than ~~January~~ July 1, 2021.

22 **SECTION 61.** 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

23 [2017 Wisconsin Act 185] Section 110 (2) (a) On the earlier of the date on which
24 all juveniles have been transferred to secured residential care centers for children
25 and youth and Type 1 juvenile correctional facilities under subsection (1) or ~~January~~

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1 July 1, 2021, the department of corrections shall permanently close the Type 1
2 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake
3 School in the town of Birch, Lincoln County.

4 **SECTION 62.** 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

5 [2017 Wisconsin Act 185] Section 110 (3) (c) *Termination.* The juvenile
6 corrections grant committee terminates on the earlier of the date on which all
7 projects funded with grants under subsection (4) are completed or ~~January~~ July 1,
8 2021.

9 **SECTION 63.** 2017 Wisconsin Act 185, section 110 (4) (a) 1. c. is amended to read:

10 [2017 Wisconsin Act 185] Section 110 (4) (a) 1. c. A grant to pay 100 percent of
11 the costs of designing and constructing a secured residential care center for children
12 and youth ~~only for female juveniles~~ or any portion thereof that is ~~only intended~~
13 primarily for the holding and treatment of female juveniles.

14 **SECTION 64.** 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

15 [2017 Wisconsin Act 185] Section 110 (4) (d) *Deadline.* Grant applications are
16 due no later than ~~March 31~~ June 30, 2019. Between that date and ~~June 30~~
17 September 30, 2019, the juvenile corrections grant committee may work with
18 applicants to modify their applications in order to increase the likelihood of being
19 awarded a grant.

20 **SECTION 65.** 2017 Wisconsin Act 185, section 110 (4) (e) is amended to read:

21 [2017 Wisconsin Act 185] Section 110 (4) (e) *Wisconsin model of juvenile justice;*
22 *statewide plan.* The juvenile corrections grant committee shall develop a statewide
23 plan that recommends which grant applications to approve, based on an overall view
24 toward a Wisconsin model of juvenile justice. The committee shall consult with the
25 departments of corrections and children and families on the statewide plan ~~and may~~

1 ~~not recommend approval of an application unless the department of corrections~~
2 ~~approves the plans and specifications for the site and the design and construction of~~
3 ~~the proposed secured residential care center for children and youth under section~~
4 ~~301.37 of the statutes.~~

5 **SECTION 66.** 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

6 [2017 Wisconsin Act 185] Section 110 (4) (f) *Plan approval.* No later than ~~July~~
7 October 1, 2019, the juvenile corrections grant committee shall submit the plan
8 under paragraph (e) for approval to the joint committee on finance. The juvenile
9 corrections grant committee and the department of corrections may not implement
10 the plan until it is approved by the joint committee on finance, as submitted or as
11 modified.

12 **SECTION 67.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

13 [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile
14 corrections study committee terminates on ~~January~~ July 1, 2021.

15 **SECTION 68.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

16 [2017 Wisconsin Act 185] Section 110 (7) **TYPE 1 JUVENILE CORRECTIONAL**
17 **FACILITIES.** The department of corrections shall establish or construct the Type 1
18 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes no later
19 than ~~January~~ July 1, 2021, subject to the approval of the joint committee on finance.
20 The department shall consider the recommendations of the juvenile corrections
21 study committee under subsection (6) (c) 2. in establishing or constructing these
22 facilities.

23 **SECTION 69.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

24 [2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section
25 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on ~~January~~

1 July 1, 2021, the portion of an eligible juvenile detention facility that holds juveniles
2 who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is
3 a secured residential care center for children and youth and juveniles may be placed
4 there under section 938.34 (4m) of the statutes.

5 2. Notwithstanding subdivision 1., on ~~January~~ July 1, 2021, the portion of an
6 eligible juvenile detention facility that holds juveniles who are placed under section
7 938.34 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed
8 under section 938.34 (3) (f) of the statutes prior to ~~January~~ July 1, 2021, a juvenile
9 detention facility.

10 **SECTION 70.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

11 [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)
12 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION
13 110 (7m), first applies to a juvenile adjudicated delinquent on ~~January~~ July 1, 2021.

14 **SECTION 71.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

15 [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)
16 (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by
17 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.20,
18 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57) and (b) (by SECTION 59) and
19 (4m) (intro.) (by SECTION 62), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b)
20 (by SECTION 82), (5) (by SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88),
21 938.505 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION
22 100), and 938.54 (by SECTION 107) of the statutes takes effect on the date specified
23 in the notice under SECTION 110 (2) (b) or ~~January~~ July 1, 2021, whichever is earlier.

24 **SECTION 72. Nonstatutory provisions.**

25 (1) TEMPORARY CHANGE IN PLACEMENT WITHOUT A HEARING.

1 (a) The department of corrections may, using the procedure set forth in s.
2 938.357 (4) (am), place a juvenile who is placed in the Type 1 juvenile correctional
3 facility known as Lincoln Hills School or Copper Lake School on the effective date of
4 this paragraph in a juvenile detention facility under s. 938.22 (2) (d) 1. If the
5 department of corrections places a juvenile in a juvenile detention facility under this
6 paragraph, the department of corrections shall contract with the operating entity for
7 the care and services provided under s. 301.08.

8 (b) Notwithstanding s. 938.34 (3) (f) 1., a juvenile may be placed in a juvenile
9 detention facility under par. (a) for a period longer than 365 days, and shall be
10 transferred out of the juvenile detention facility using the procedure and by the date
11 required under 2017 Wisconsin Act 185, section 110 (1). The department of
12 corrections shall transfer all juveniles placed in a juvenile detention facility under
13 par. (a) out of the juvenile detention facility no later than July 1, 2021.

14 (2) SECURED RESIDENTIAL CARE CENTERS FOR CHILDREN AND YOUTH; VARIANCE FOR
15 COST-SAVING MEASURES. The department of corrections shall grant a variance from the
16 rules promulgated under s. 301.37 requested by a county for a secured residential
17 care center for children and youth if all of the following apply:

18 (a) The juvenile corrections grant committee determines that the variance is
19 necessary to achieve a reasonable cost-saving measure that will not compromise the
20 quality or type of evidence-based, trauma-informed care that is offered at the
21 facility or determines that the variance is necessary to incorporate new practices of
22 evidence-based, trauma-informed care at the facility.

23 (b) The juvenile corrections grant committee includes the variance in its
24 recommendations for funding to the joint committee on finance under 2017
25 Wisconsin Act 185, SECTION 110 (4) (e).

1 (c) The proposed secured residential care center for children and youth,
2 including the proposed variance, is part of the plan approved by the joint committee
3 on finance and receives funding from the juvenile corrections grant program under
4 2017 Wisconsin Act 185, SECTION 110 (4).

5 (d) The proposed secured residential care center for children and youth meets
6 the minimum requirements of the commercial building code adopted under subch.
7 I of ch. 101.

8 (3) CONSTRUCTION OF A TYPE 1 JUVENILE CORRECTIONAL FACILITY; PUBLIC AND LOCAL
9 PARTICIPATION.

10 (a) Before commencing construction of a juvenile correctional facility under s.
11 301.16 (1w), the department of corrections shall hold a public listening session in the
12 city, village, or town where the facility is proposed to be located.

13 (b) Before commencing construction of a juvenile correctional facility under s.
14 301.16 (1w), the department of corrections shall meet with the governing body of the
15 city, village, or town where the facility is proposed to be located to discuss potential
16 impacts to the local community.

17 (c) Public notice shall be given as provided under s. 19.84 at least 168 hours
18 prior to the commencement of a meeting under this subsection.

19 **SECTION 73. Initial applicability.**

20 (1) The treatment of ss. 938.33 (3r), 938.34 (4m) (intro.) (by SECTION 32) and (4n)
21 (intro.), and 938.357 (3) (b) (intro.), (c), and (e) and (4) (as), with respect to a county
22 department's supervision of a juvenile, first applies to a juvenile adjudicated
23 delinquent and placed under the supervision of the county under s. 938.34 (4m).

24 **SECTION 74. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

1 (1) The treatment of ss. 46.011 (1p), 48.023 (4), 49.11 (1c), 49.45 (25) (bj), 301.01
2 (1n), 938.02 (4), 938.34 (4m) (intro.) (by SECTION 33) and (4n) (intro.), 938.357 (4g) (a),
3 938.48 (3), (4), (4m) (b), (5), (6), and (14), 938.505 (1), 938.52 (2) (a) and (c), 938.53,
4 938.533 (2) (intro.), and 938.54 takes effect on the date specified in the notice under
5 2017 Wisconsin Act 185, SECTION 110 (2) (b), or July 1, 2021, whichever is earlier.

6

(END)