

**2019 DRAFTING REQUEST****Bill**

For: **Michael Schraa (608) 267-7990** Drafter: **ewheeler**  
 By: **Linda** Secondary Drafters:  
 Date: **12/18/2018** May Contact:  
 Same as LRB: **-2514**

Submit via email: **YES**  
 Requester's email: **Rep.Schraa@legis.wisconsin.gov**  
 Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**  
**Elizabeth.Wheeler@legis.wisconsin.gov**  
**Rep.Goyke@legis.wisconsin.gov**  
**Ryan.Knocke@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Updates to 2017 Wisconsin Act 185

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 1/2/2019	anienaja 1/2/2019			
/P1	ewheeler 1/22/2019	anienaja 1/22/2019	dwalker 1/2/2019		State S&L
/P2	ewheeler 2/14/2019	aernstr 2/22/2019	jmurphy 1/22/2019		State S&L
/P3	ewheeler	anienaja	mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/27/2019	3/1/2019	2/22/2019		S&L
/P4	ewheeler 3/11/2019	anienaja 3/12/2019	lparisi 3/1/2019		State S&L
/P5	anienaja 3/12/2019	anienaja 3/12/2019	dwalker 3/12/2019		State S&L
/P6			lparisi 3/12/2019		State S&L
/1			dwalker 3/20/2019	dwalker 3/20/2019	State S&L

FE Sent For: <sup>2</sup>  
at  
intro

<END>

12/18 – Meeting with Rep. Schraa

Changes to be made to 2017 Act 185:

1 – Adjust the cap date for existing 180/365 programs under s. 938.33 (2) (d) 2. to be the amount equal to the average daily population over the past 3 years instead of the population on January 1, 2021.

2 – Change timeline to close Lincoln hills. Make July 1, 2021 instead of January 1, 2021.

3 – Youth aids bonus – not for “joint” facilities, want to change this to be any facility that serves or accepts juveniles from other counties.

4 – Cover 100% of costs associated with services for female juveniles instead of costs for facilities that serve “only” female juveniles.



Today 1/2 if poss.

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
Xref  
Rwf

Gen.

- 1 AN ACT ...; relating to: the grant program for county secured residential care
- 2 centers for children and youth.

***Analysis by the Legislative Reference Bureau***

This bill 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.

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. Act 185 also required the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln Hills and Copper Lakes 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 under Act 185. This bill extends the timeline for closing Lincoln Hills and Copper Lakes schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility to July 1, 2021.

Act 185 also provided a youth aids bonus of 15% of the county's annual youth aids payment or \$750,000, whichever is less, to any county that agreed 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.

Under Act 185, a grant to construct a new SRCCCY would cover 95% of the county's cost for design and construction, except that the grant would cover 100% of

\*

percent  
percent

Percent

the county's cost for design and construction for a girls-only facility. Act 185 also provided that the Department of Corrections would 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% 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 would apply to any portion of a facility that houses female juveniles or any portion of services provided to female juveniles at the facility.

Under Act 185, existing programs to hold juveniles in a juvenile detention facility for up to one year would be grandfathered in and allowed to hold the 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 the number of juveniles equal to the 3-year average daily population of the facility between July 1, 2018, and June 30, 2021.

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:***

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

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

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111; 2005 a. 25, 74, 142, 335, 441; 2007 a. 1, 20, 96, 125, 126; 2009 a. 2, 28; 2011 a. 7, 10, 32, 166; 2013 a. 8, 20, 166, 203, 332; 2015 a. 2, 55; 2017 a. 58, 185, 355; 2017 a. 365 s. 111.

**SECTION 2.** 48.527 of the statutes is amended to read:

~~48.527~~ **Community youth and family aids; bonus for county facilities.**  
From the appropriation under s. 20.437 (1) (ck), the department shall allocate an amount equal to 15 percent of a county's allocation in the preceding fiscal year under s. 48.526 or \$750,000, whichever is less, in additional funds for a county that operates

1 a joint secured residential care center for children and youth under s. 46.20 (1m) that  
2 was funded by a grant under 2017 Wisconsin Act 185, section 110 (4) and that serves  
3 juveniles from more than one county.

History: 2017 a. 185.

4 SECTION 3. 301.373 of the statutes is amended to read:

5 ~~×~~ **301.373 Operating loss reimbursement program.** The department shall  
6 reimburse a county that operates a secured residential care center for children and  
7 youth that holds only female juveniles in secure custody and that was established  
8 using funding from the grant program under 2017 Wisconsin Act 185, section 110 (4) ↑  
9 for any annual net operating loss for the services and facilities offered to female  
10 juveniles. A county seeking reimbursement under this section shall submit its  
11 request and supporting financial statements for the prior fiscal year to the  
12 department and the legislative audit bureau in a format prescribed by the  
13 department. The department shall reimburse the county for the amount of the net  
14 operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v),  
15 from the appropriation under s. 20.410 (3) (f). The department may pay for the cost  
16 of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the  
17 appropriation under s. 20.410 (3) (f).

History: 2017 a. 185.

*\*\*\* NOTE: IS THIS CONSISTENT WITH YOUR MEANT? \**

18 SECTION 4. 938.22 (2) (d) 2. of the statutes is amended to read:

19 ~~×~~ **938.22 (2) (d) 2.** After January July 1, 2021, the number of juveniles that may  
20 be housed at a juvenile detention facility under subd. 1. is limited to the number that  
21 are housed at is equal to the average daily population of the juvenile detention  
22 facility on January 1 between July 1, 2018, and June 30, 2021, and the juvenile  
23 detention facility may not be altered or added to or repaired in excess of 50 percent

1 of its assessed value. If a juvenile detention facility violates this subdivision, it is no  
2 longer authorized to accept juveniles for placement for more than 30 consecutive  
3 days.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 352; 1997 a. 27, 35, 252; 1999 a. 9; 2005 a. 344; 2007 a. 20, 97; 2011 a. 209; 2013 a. 335; 2015 a. 55; 2017 a. 185; 2017 a. 207 s. 5.

4 **SECTION 5.** 2017 Wisconsin Act 185, <sup>Section</sup> Section 110 (1) (a) is amended to read:

5 [2017 Wisconsin Act 185] <sup>g</sup> (s. 110 <sup>no B</sup> (1) (a) Upon the establishment of the Type 1  
6 juvenile correctional facilities under subsection (7) and the secured residential care  
7 centers for children and youth under subsections (4) and (7m), the department of  
8 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln  
9 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional  
10 facility or secured residential care center for children and youth. No juvenile may  
11 be transferred to a Type 1 juvenile correctional facility until the department of  
12 corrections determines the facility to be ready to accept juveniles, and no juvenile  
13 may be transferred to a secured residential care center for children and youth until  
14 the entity operating the facility determines it to be ready to accept juveniles. The  
15 transfers may occur in phases. The department shall transfer all juveniles under  
16 this subsection no later than January July 1, 2021.

17 **SECTION 6.** 2017 Wisconsin Act 185, <sup>Section</sup> section 110 (2) (a) is amended to read:

18 [2017 Wisconsin Act 185] <sup>g</sup> (s. 110 <sup>(a)</sup> (1) (a) On the earlier of the date on which all  
19 juveniles have been transferred to secured residential care centers for children and  
20 youth and Type 1 juvenile correctional facilities under subsection (1) or January July  
21 1, 2021, the department of corrections shall permanently close the Type 1 juvenile  
22 correctional facilities housed at the Lincoln Hills School and Copper Lake School in  
23 the town of Birch, Lincoln County.

24 **SECTION 7.** 2017 Wisconsin Act 185, <sup>g</sup> Section 110 (3) (c) is amended to read:

Section no B

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

4 SECTION 8. 2017 Wisconsin Act 185, Section 110 (4) (a) 1. c. is amended to read:

5 [2017 Wisconsin Act 185] s. 110 (4) (a) 1. c. A grant to pay 100 percent of the costs  
6 of designing and constructing a secured residential care center for children and  
7 youth only for female juveniles or any portion thereof that is only designed or  
8 constructed specifically for holding and the treatment of female juveniles.

\*\*\*\*NOTE: Is this consistent with your intent?

9 SECTION 9. 2017 Wisconsin Act 185, Section 110 (6) (e) is amended to read:

10 [2017 Wisconsin Act 185] s. 110 (6) (e) Termination. The juvenile corrections  
11 study committee terminates on January July 1, 2021.

12 SECTION 10. 2017 Wisconsin Act 185, Section 110 (7) is amended to read:

13 [2017 Wisconsin Act 185] s. 110 (7) TYPE 1 JUVENILE CORRECTIONAL FACILITIES. The  
14 department of corrections shall establish or construct the Type 1 juvenile  
15 correctional facilities under section 301.16 (1w) (a) of the statutes no later than  
16 January July 1, 2021, subject to the approval of the joint committee on finance. The  
17 department shall consider the recommendations of the juvenile corrections study  
18 committee under subsection (6) (c) 2. in establishing or constructing these facilities.

19 SECTION 11. 2017 Wisconsin Act 185, Section 110 (7m) is amended to read:

20 [2017 Wisconsin Act 185] s. 110 (7m) CERTAIN JUVENILE DETENTION FACILITIES.

21 (a) In this subsection, an "eligible juvenile detention facility" is a juvenile detention  
22 facility operated by a county board of supervisors that has adopted a resolution under  
23 section 938.34 (3) (f) 3. of the statutes, prior to January July 1, 2018, authorizing  
24 placement of a juvenile at the juvenile detention facility under section 938.34 (3) (f)



1 of the statutes for more than 30 consecutive days and that is not a juvenile detention  
2 facility described under section 938.22 (2) (d) 1. of the statutes.

3 (b) 1. Notwithstanding section 938.22 (1) and (2) of the statutes, except as  
4 provided in subdivision 2., on ~~January~~ July 1, 2021, the portion of an eligible juvenile  
5 detention facility that holds juveniles who are placed under section 938.34 (3) (f) of  
6 the statutes for more than 30 days is a secured residential care center for children  
7 and youth and juveniles may be placed there under section 938.34 (4m) of the  
8 statutes.

9 2. Notwithstanding subdivision 1., on ~~January~~ July 1, 2021, the portion of an  
10 eligible juvenile detention facility that holds juveniles who are placed under section  
11 938.34 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed  
12 under section 938.34 (3) (f) of the statutes prior to ~~January~~ July 1, 2021, a juvenile  
13 detention facility.

14 **SECTION 12.** 2017 Wisconsin Act 185, Section 111 (3) is amended to read:

15 [2017 Wisconsin Act 185] <sup>Section</sup> s. 111 (3) The treatment of section 938.34 (3) (f) 1. of  
16 the statutes, with respect to an eligible juvenile detention facility under SECTION 110  
17 (7m), first applies to a juvenile adjudicated delinquent on ~~January~~ July 1, 2021.

18 **SECTION 13.** 2017 Wisconsin Act 185, Section 112 (1) is amended to read:

19 [2017 Wisconsin Act 185] <sup>Section</sup> s. 112 (1) The treatment of sections 46.011 (1p) (by  
20 SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by  
21 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10)  
22 (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57)  
23 and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION  
24 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by  
25 SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96),

1 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION  
2 107) of the statutes takes effect on the date specified in the notice under SECTION 110  
3 (2) (b) or ~~January~~ July 1, 2021, whichever is earlier.

4 (END)



1/17/19

1117/P2 instructions

Rep. Schma, Sen. Wamggard, Rep. Goyke, Rep. Bowen

- more grant timeline by 6 months in addition to final closure date.

- P. 3, line 6: delete "joint"

- P. 4, line 4: ADP rounded up to nearest whole number

- P. 5, lines 12-13 - facilities "intended primarily" for female juveniles.

\* give counties the option to use outside school district and allow school funding to follow. - no change needed!

## Wheeler, Elizabeth

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**From:** Palmer, Linda  
**Sent:** Tuesday, January 22, 2019 2:24 PM  
**To:** Wheeler, Elizabeth  
**Subject:** RE: SRCCCYs and school districts

Excellent!

**Linda K. Palmer**  
*Research Assistant/Committee Clerk*  
Rep. Michael Schraa, Corrections Committee  
53<sup>rd</sup> Assembly District  
608-267-7990  
[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)

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**From:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Sent:** Tuesday, January 22, 2019 2:16 PM  
**To:** Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>  
**Subject:** Re: SRCCCYs and school districts

Just to clarify there wouldn't be any changes needed in the draft for this. I'll make the other changes and get it to you as soon as I can.

Sent from my iPhone

On Jan 22, 2019, at 2:03 PM, Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)> wrote:

I believe that all parties would be in agreement in the one or two situations affected. Please draft as you stated and send over. Thanks for the timely response!

**Linda K. Palmer**  
*Research Assistant/Committee Clerk*  
Rep. Michael Schraa, Corrections Committee  
53<sup>rd</sup> Assembly District  
608-267-7990  
[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)

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**From:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Sent:** Tuesday, January 22, 2019 2:00 PM  
**To:** Palmer, Linda <[Linda.Palmer@legis.wisconsin.gov](mailto:Linda.Palmer@legis.wisconsin.gov)>; Schraa, Michael <[Michael.Schraa@legis.wisconsin.gov](mailto:Michael.Schraa@legis.wisconsin.gov)>  
**Cc:** Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
**Subject:** FW: SRCCCYs and school districts

Representative Schraa,

I asked Fern Knepp who drafts in the area of K-12 education whether a statutory change would be needed in order for a county to contract with an outside school district to provide educational services

in an SRCCCY. She consulted with DPI, who believes that the arrangement could be accomplished under an intergovernmental agreement between the two school districts under current law (subchapter III of Chapter 66). However, DPI believes there are likely to be ramifications for which district would count those students for which purposes (enrollment vs. membership, accountability vs. school finance purposes), and how the state tuition funding would work under this situation. We do not know exactly what those ramifications would look like, but DPI did offer that they could have their expert on these issues meet with us to discuss. We can dig deeper if need be on these issues, please let me know. But for now, we believe that if both districts are willing to enter an agreement, a statutory change is not necessary to have a different school district provide the services. If they are not willing to enter an agreement we could include a statutory or nonstatutory provision in the bill draft.

Please advise on how you would like to proceed.

Thanks,

**Elizabeth Wheeler**

Legislative Attorney

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

Direct: 608-504-5880

[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1117/Pl  
EAW:amn

TODAY 1/22/19

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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1 AN ACT *to amend* 13.94 (1) (v), 48.527, 301.373 and 938.22 (2) (d) 2. of the  
2 statutes; and *to affect* 2017 Wisconsin Act 185, section 110 (1) (a), 2017  
3 Wisconsin Act 185, section 110 (2) (a), 2017 Wisconsin Act 185, section 110 (3)  
4 (c), 2017 Wisconsin Act 185, section 110 (4) (a) 1. c., 2017 Wisconsin Act 185,  
5 section 110 (6) (e), 2017 Wisconsin Act 185, section 110 (7), 2017 Wisconsin Act  
6 185, section 110 (7m) (b), 2017 Wisconsin Act 185, section 111 (3) and 2017  
7 Wisconsin Act 185, section 112 (1); **relating to:** the grant program for county  
8 secured residential care centers for children and youth.

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***Analysis by the Legislative Reference Bureau***

This bill 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.

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. Act 185 also required the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln Hills and Copper Lakes 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 under Act 185. This bill extends the timeline for closing Lincoln Hills and Copper Lakes schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility to July 1, 2021.

Act 185 also provided 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 agreed 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.

Under Act 185, a grant to construct a new SRCCCY would cover 95 percent of the county's cost for design and construction, except that the grant would cover 100 percent of the county's cost for design and construction for a girls-only facility. Act 185 also provided that the Department of Corrections would 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 would apply to any portion of a facility that houses female juveniles or any portion of services provided to female juveniles at the facility.

Under Act 185, existing programs to hold juveniles in a juvenile detention facility for up to one year would be grandfathered in and allowed to hold the 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 the number of juveniles equal to the three-year average daily population of the facility between July 1, 2018, and June 30, 2021.

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.** 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.

1 SECTION 2. 48.527 of the statutes is amended to read:

2 **48.527 Community youth and family aids; bonus for county facilities.**

3 From the appropriation under s. 20.437 (1) (ck), the department shall allocate an  
4 amount equal to 15 percent of a county's allocation in the preceding fiscal year under  
5 s. 48.526 or \$750,000, whichever is less, in additional funds for a county that operates  
6 a ~~joint~~ secured residential care center for children and youth under s. ~~46.20~~ (1m) that  
7 was funded by a grant under 2017 Wisconsin Act 185, section 110 (4), and that serves  
8 juveniles from more than one county.

9 SECTION 3. 301.373 of the statutes is amended to read:

10 **301.373 Operating loss reimbursement program.** The department shall  
11 reimburse a county that operates a secured residential care center for children and  
12 youth that holds only female juveniles in secure custody and that was established  
13 using funding from the grant program under 2017 Wisconsin Act 185, section 110 (4),  
14 for any annual net operating loss for the services and facilities offered to female  
15 juveniles. A county seeking reimbursement under this section shall submit its  
16 request and supporting financial statements for the prior fiscal year to the  
17 department and the legislative audit bureau in a format prescribed by the  
18 department. The department shall reimburse the county for the amount of the net  
19 operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v),  
20 from the appropriation under s. 20.410 (3) (f). The department may pay for the cost  
21 of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the  
22 appropriation under s. 20.410 (3) (f).

\*\*\*\*NOTE: Is this consistent with your intent?

23 SECTION 4. 938.22 (2) (d) 2. of the statutes is amended to read:



*rounded up to the nearest whole number*

1           938.22 (2) (d) 2. After ~~January~~ July 1, 2021, the number of juveniles that may  
2 be housed at a juvenile detention facility under subd. 1. is limited to the number that  
3 ~~are housed at~~ is equal to the average daily population of the juvenile detention  
4 facility ~~on January 1~~ between July 1, 2018, and June 30, 2021, and the juvenile  
5 detention facility may not be altered or added to or repaired in excess of 50 percent  
6 of its assessed value. If a juvenile detention facility violates this subdivision, it is no  
7 longer authorized to accept juveniles for placement for more than 30 consecutive  
8 days.

9           **SECTION 5.** 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 6.** 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

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 7.** 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.

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9 **SECTION 8.** 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 designed or  
13 constructed specifically for holding and the treatment of female juveniles.

\*\*\*\*NOTE: Is this consistent with your intent?

intended primarily

14 **SECTION 9.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

15 [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile  
16 corrections study committee terminates on January July 1, 2021.

17 **SECTION 10.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

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

1           **SECTION 11.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

2           [2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section  
3 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on January  
4 July 1, 2021, the portion of an eligible juvenile detention facility that holds juveniles  
5 who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is  
6 a secured residential care center for children and youth and juveniles may be placed  
7 there under section 938.34 (4m) of the statutes.

8           2. Notwithstanding subdivision 1., on January July 1, 2021, the portion of an  
9 eligible juvenile detention facility that holds juveniles who are placed under section  
10 938.34 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed  
11 under section 938.34 (3) (f) of the statutes prior to January July 1, 2021, a juvenile  
12 detention facility.

13           **SECTION 12.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

14           [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)  
15 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION  
16 110 (7m), first applies to a juvenile adjudicated delinquent on January July 1, 2021.

17           **SECTION 13.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

18           [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)  
19 (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by  
20 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10)  
21 (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57)  
22 and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION  
23 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by  
24 SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96),  
25 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION

1 107) of the statutes takes effect on the date specified in the notice under SECTION 110

2 (2) (b) or January July 1, 2021, whichever is earlier.

3 (END)

2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1117/P1ins  
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1 INS 5-9

2 SECTION 1. 2017 Wisconsin Act 185, section 110 (3) (d) is amended to read:

3 [2017 Wisconsin Act 185] Section 110 (3) (d) *Deadline*. Grant applications are  
4 due no later than ~~March 31~~ September 30, 2019. Between that date and ~~June 30~~  
5 December 31, 2019, the juvenile corrections grant committee may work with  
6 applicants to modify their applications in order to increase the likelihood of being  
7 awarded a grant.

8 SECTION 2. 2017 Wisconsin Act 185, section 110 (3) (f) is amended to read:

9 (f) Plan approval. No later than ~~July~~ January 1, 2019 2020, the juvenile  
10 corrections grant committee shall submit the plan under paragraph (e) for approval  
11 to the joint committee on finance. The juvenile corrections grant committee and the  
12 department of corrections may not implement the plan until it is approved by the  
13 joint committee on finance, as submitted or as modified.

[2017 Wisconsin Act 185] Section 110(4)

Changes to 19-1117/p2:

February 13, 2019

1. Make all changes in agency memos, except relating to data collection and reporting.
2. Change the requirements for the grant committee approval process so that DOC does not need to pre-approve facility design before the grant committee can approve a grant.
3. Grant a 6- month timeline extension for closing Lincoln Hills/Copper Lake and opening the new Type 1 facility, but allow the appropriate standing committees to approve a request by DOC ~~or a county~~ for up to a 3 month extension to September 30, 2021 if it needs the extra time to complete the Type 1 facility. ✓
4. Allow DOC to transfer juveniles to existing county 180/365 programs out of Lincoln Hills/Copper Lake schools ✓



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1117/P2  
EAW:amn

PS  
ahe

ASAP / by noon on 2/15?

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Do not submit

Insert

regen

1 AN ACT *to amend* 13.94 (1) (v), 48.527, 301.373 and 938.22 (2) (d) 2. of the  
 2 statutes; and *to affect* 2017 Wisconsin Act 185, section 110 (1) (a), 2017  
 3 Wisconsin Act 185, section 110 (2) (a), 2017 Wisconsin Act 185, section 110 (3)  
 4 (c), 2017 Wisconsin Act 185, section 110 (4) (a) 1. c., 2017 Wisconsin Act 185,  
 5 section 110 (4) (d), 2017 Wisconsin Act 185, section 110 (4) (f), 2017 Wisconsin  
 6 Act 185, section 110 (6) (e), 2017 Wisconsin Act 185, section 110 (7), 2017  
 7 Wisconsin Act 185, section 110 (7m) (b), 2017 Wisconsin Act 185, section 111 (3)  
 8 and 2017 Wisconsin Act 185, section 112 (1); **relating to:** the grant program for  
 9 county secured residential care centers for children and youth.

***Analysis by the Legislative Reference Bureau***

This bill 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.

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. Act 185 also required the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln

yet not updated - ignore for now

Hills and Copper Lakes 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 under Act 185. This bill extends the timeline for closing Lincoln Hills and Copper Lakes schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility to July 1, 2021.

Act 185 also provided 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 agreed 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.

Under Act 185, a grant to construct a new SRCCCY would cover 95 percent of the county's cost for design and construction, except that the grant would cover 100 percent of the county's cost for design and construction for a girls-only facility. Act 185 also provided that the Department of Corrections would 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 would apply to any portion of a facility that houses female juveniles or any portion of services provided to female juveniles at the facility.

Under Act 185, existing programs to hold juveniles in a juvenile detention facility for up to one year would be grandfathered in and allowed to hold the 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 the number of juveniles equal to the three-year average daily population of the facility between July 1, 2018, and June 30, 2021.

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.** 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



1 a county under s. 301.373. The bureau shall report the result of the audit to the  
2 department of corrections as soon as practicable.

3 SECTION 2. 48.527 of the statutes is amended to read:

4 **48.527 Community youth and family aids; bonus for county facilities.**

5 From the appropriation under s. 20.437 (1) (ck), the department shall allocate an  
6 amount equal to 15 percent of a county's allocation in the preceding fiscal year under  
7 s. 48.526 or \$750,000, whichever is less, in additional funds for a county that operates  
8 a joint secured residential care center for children and youth under s. 46.20 (1m) that  
9 was funded by a grant under 2017 Wisconsin Act 185, section 110 (4), and that serves  
10 juveniles from more than one county.

11 SECTION 3. 301.373 of the statutes is amended to read:

12 **301.373 Operating loss reimbursement program.** The department shall  
13 reimburse a county that operates a secured residential care center for children and  
14 youth that holds only female juveniles in secure custody and that was established  
15 using funding from the grant program under 2017 Wisconsin Act 185, section 110 (4),  
16 for any annual net operating loss for the services and facilities offered to female  
17 juveniles. A county seeking reimbursement under this section shall submit its  
18 request and supporting financial statements for the prior fiscal year to the  
19 department and the legislative audit bureau in a format prescribed by the  
20 department. The department shall reimburse the county for the amount of the net  
21 operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v),  
22 from the appropriation under s. 20.410 (3) (f). The department may pay for the cost  
23 of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the  
24 appropriation under s. 20.410 (3) (f).

INS 3-3

INS 3-11

\*\*\*\*NOTE: Is this consistent with your intent?

1 SECTION 4. 938.22 (2) (d) 2. of the statutes is amended to read:

2 938.22 (2) (d) 2. After January July 1, 2021, the number of juveniles that may  
 3 be housed at a juvenile detention facility under subd. 1. is limited to the number that  
 4 ~~are housed at~~ is equal to the average daily population, rounded up to the nearest  
 5 whole number, of the juvenile detention facility on January 1 between July 1, 2018,  
 6 and June 30, 2021, <sup>among</sup> and the juvenile detention facility may not be altered or added  
 7 to or repaired in excess of 50 percent of its assessed value. If a juvenile detention <sup>excluding any juveniles placed there under 2019 Wisconsin Act ... (this act)</sup>  
 8 facility violates this subdivision, it is no longer authorized to accept juveniles for <sup>Section 246</sup>  
 9 placement for more than 30 consecutive days. <sup>29 11 a.r.</sup>

10 INS 4-10  
11

10 SECTION 5. 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

11 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type

12 1 juvenile correctional facilities under subsection (7) and the secured residential care  
 13 centers for children and youth under subsections (4) and (7m), the department of  
 14 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln  
 15 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional  
 16 facility or secured residential care center for children and youth. No juvenile may  
 17 be transferred to a Type 1 juvenile correctional facility until the department of  
 18 corrections determines the facility to be ready to accept juveniles, and no juvenile  
 19 may be transferred to a secured residential care center for children and youth until  
 20 the entity operating the facility determines it to be ready to accept juveniles. The  
 21 transfers may occur in phases. ~~The department shall transfer all juveniles under~~  
 22 this subsection no later than January July 1, 2021. <sup>Unless an extension is granted under 2019 Wisconsin Act ... (this act), Section 246 the</sup>

23 SECTION 6. 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

24 [2017 Wisconsin Act 185] Section 110 (2) (a) On the earlier of the date on which  
 25 all juveniles have been transferred to secured residential care centers for children

1 and youth and Type 1 juvenile correctional facilities under subsection (1) or January  
 2 July 1, 2021, <sup>or the date of an extension granted under 2019 Wisconsin Act ...</sup> the department of corrections shall permanently close the Type 1  
 3 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake  
 4 School in the town of Birch, Lincoln County.

31  
 (4) Wisconsin Act  
 Section 29(2)  
 a.r.

5 **SECTION 7.** 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

6 [2017 Wisconsin Act 185] Section 110 (3) (c) *Termination.* The juvenile  
 7 corrections grant committee terminates on the earlier of the date on which all  
 8 projects funded with grants under subsection (4) are completed or January July 1,  
 9 2021.

10 **SECTION 8.** 2017 Wisconsin Act 185, section 110 (4) (a) 1. c. is amended to read:

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

15 **SECTION 9.** 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

16 [2017 Wisconsin Act 185] Section 110 (4) (d) *Deadline.* Grant applications are  
 17 due no later than ~~March 31~~ September 30, 2019. Between that date and ~~June 30~~  
 18 December 31, 2019, the juvenile corrections grant committee may work with  
 19 applicants to ~~modify their~~ September 20 applications in order to increase the likelihood of being  
 20 awarded a grant.

21 **SECTION 10.** 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

22 [2017 Wisconsin Act 185] Section 110 (4) (f) *Plan approval.* No later than July  
 23 January 1, 2019 ~~2020~~, the juvenile corrections grant committee shall submit the plan  
 24 under paragraph (e) for approval to the joint committee on finance. The juvenile  
 25 corrections grant committee and the department of corrections may not implement

INS  
 5-21

1 the plan until it is approved by the joint committee on finance, as submitted or as  
2 modified.

3 **SECTION 11.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

4 [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile  
5 corrections study committee terminates on ~~January~~ July 1, 2021.

6 **SECTION 12.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

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

14 **SECTION 13.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

15 [2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section  
16 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on ~~January~~  
17 July 1, 2021, the portion of an eligible juvenile detention facility that holds juveniles  
18 who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is  
19 a secured residential care center for children and youth and juveniles may be placed  
20 there under section 938.34 (4m) of the statutes.

21 2. Notwithstanding subdivision 1., on ~~January~~ July 1, 2021, the portion of an  
22 eligible juvenile detention facility that holds juveniles who are placed under section  
23 938.34 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed  
24 under section 938.34 (3) (f) of the statutes prior to ~~January~~ July 1, 2021, a juvenile  
25 detention facility.

1           **SECTION 14.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

2           [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)  
3           1. of the statutes, with respect to an eligible juvenile detention facility under SECTION  
4           110 (7m), first applies to a juvenile adjudicated delinquent on January July 1, 2021.

5           **SECTION 15.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

6           [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)  
7           (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by  
8           SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10)  
9           (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57)  
10          and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION  
11          70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by  
12          SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96),  
13          938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION  
14          107) of the statutes takes effect on the date specified in the notice under SECTION 110  
15          (2) (b) <sup>✓</sup> ~~or January~~ July 1, 2021, <sup>✓</sup> ~~whichever is earlier.~~ <sup>✓</sup>

16

(END)

INS 7-16

2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1117/P2ins  
EAW:amn

52V

INS 3-3 ✓

✓ SECTION 1. 46.057 (1m) of the statutes is created to read:

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

INS 3-11 ✓

✓ SECTION 2. 301.027 of the statutes is amended to read:

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

History: 1995 a. 27; 1999 a. 9; 2005 a. 344.

✓ INS 4-10

✓ SECTION 3. 938.33 (title) of the statutes is amended to read: ✓

★ **938.33 (title) Court reports and pre-correctional placement review meetings.**

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28, 79, 94, 185, 334; 2011 a. 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334.

Cross-reference: See also s. DCF 80.04, Wis. adm. code.

✓ SECTION 4. 938.33 (1) (c) of the statutes is amended to read: ✓

938.33 (1) (c) A description of the specific services or continuum of services that the agency is recommending the court to order for the juvenile or family, the persons or agencies that would be primarily responsible for providing those services, and the identity of the person or agency that would provide case management or coordination

of services, if any, and whether or not the juvenile should receive a coordinated services plan of care.

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28, 79, 94, 185, 334; 2011 a. 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334.

Cross-reference: See also s. DCF 80.04, Wis. adm. code.

**SECTION 5.** 938.33 (2m) of the statutes is created to read: ✓

\* 938.33 (2m) ~~PRE~~CORRECTIONAL PLACEMENT REVIEW. Before an agency recommends a placement in a secured residential care center for children and youth or Type 1 juvenile correctional facility, the agency shall conduct a ~~pre~~correctional placement review to determine the appropriate placement for the juvenile. In conducting the review, the agency shall confer with the appropriate personnel of each agency or facility under consideration and shall consider the juvenile's record, residential and treatment needs, and proximity to the juvenile's family. If, upon the ~~pre~~correctional placement review, the agency determines that placement in a secured residential care center for children and youth or Type 1 juvenile correctional facility is appropriate, the agency may recommend that placement. If the agency recommends immediate placement at the Mendota juvenile treatment center subject to the approval of the department of health services, the agency shall specify whether, upon release from the center, the juvenile should be placed with the department of corrections or the county department.

\* SECTION 6. 938.33 (3) (intro) of the statutes is amended to read: ✓

938.33 (3) ~~CORRECTIONAL~~ PRECORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending placement of a juvenile in a Type 1 juvenile correctional facility or a secured residential care center for children and youth following a ~~pre~~correctional placement review shall be in writing, except that the report may be presented orally at the dispositional hearing if the juvenile and the juvenile's counsel

consent. A report that is presented orally shall be transcribed and made a part of the court record. In addition to the information specified under sub. (1) (a) to (d), the report shall include all of the following:

**History:** 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28, 79, 94, 185, 334; 2011 a. 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334.

**Cross-reference:** See also s. DCF 80.04, Wis. adm. code.

**SECTION 7.** 938.33 (3) (c) of the statutes is ~~amended~~<sup>created</sup> to read: ✓

*change component*

938.33 (3) (c) A summary of the pre<sup>correctional</sup> correctional placement review including who participated in the review, what information was considered, and the reason for the proposed recommendation.

**SECTION 8.** 938.33 (3r) of the statutes is amended to read: ✓

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

**History:** 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28, 79, 94, 185, 334; 2011 a. 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334.

**Cross-reference:** See also s. DCF 80.04, Wis. adm. code.

**SECTION 9.** 938.33 (6) of the statutes is created to read: ✓

938.33 (6) RETENTION. Reports submitted under this section shall be retained in the record of the pending action, which shall be made available to the agency that



is designated to supervise the juvenile under a disposition under s. 938.34 or a change of placement order under s. 938.357.

**SECTION 10.** 938.34 (4m) (intro.) of the statutes is amended to read:

938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile under the supervision of the department of corrections in a juvenile correctional facility or under the supervision of the county department in a secured residential care center for children and youth ~~under the supervision of~~ to be identified by the county department or the department of corrections if all of the following apply:

NOTE: Sub. (4m) is amended by 2017 Wis. Act 185 effective on the date specified in the department of corrections notice published in the Wisconsin Administrative Register under 2017 Wis. Act 185, section 110 (2) (b), or 1-1-21, whichever is earlier, to read:

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

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 s. 115; 2013 a. 362; 2015 a. 55; 2017 a. 131, 185; s. 35.17 correction in (2) (b), (2g) (a).

Cross-reference: See also ch. DOC 392, Wis. adm. code.

**SECTION 11.** 938.34 (4m) <sup>(intro.)</sup> of the statutes, as affected by 2017 Wisconsin Act 185, section 62, is repealed and recreated to read:

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

History: 2017 a. 185.

**SECTION 12.** 938.34 (4n) (intro.) of the statutes is amended to read:

938.34 (4n) ~~COMMUNITY SUPERVISION OR AFTERCARE~~ AFTERCARE SUPERVISION. (intro.) In the case of a juvenile who has received a correctional placement under sub. (4m), designate the county department one of the following to provide aftercare supervision for the juvenile following the juvenile's release from a secured residential care center for children and youth or Type 1 juvenile correctional facility. In the case of a juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the

*on the date specified in effective when the notice under 2017 Act 185, section 110(b)*

~~department of corrections, designate the department of corrections to provide community supervision for the juvenile following the juvenile's release from that facility or center or, subject to any arrangement between the department of corrections and a county department regarding the provision of aftercare supervision for juveniles who have been released from a juvenile correctional facility or a secured residential care center for children and youth, designate one of the following to provide aftercare supervision for the juvenile following the juvenile's release from that facility or center:~~

**History:** 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 362; 2015 a. 55; 2017 a. 131, 185; s. 35.17 correction in (2) (b), (2g) (a).

**Cross-reference:** See also ch. DOC 392, Wis. adm. code.

**SECTION 13.** 938.355 (2) (b) 1. of the statutes is amended to read: ✓

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

**History:** 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; 2015 a. 195 ss. 64, 83; 2015 a. 366, 367, 373; 2017 a. 366.

**NOTE:** The above annotations cite to s. 48.355, the predecessor statute to s. 938.355.

**SECTION 14.** 938.355 (2) (b) 2. of the statutes is amended to read: ✓

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

may order the name and address of the prospective foster parents withheld from the parent or guardian.

**History:** 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; 2015 a. 195 ss. 64, 83; 2015 a. 366, 367, 373; 2017 a. 366.

NOTE: The above annotations cite to s. 48.355, the predecessor statute to s. 938.355.

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

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

**SECTION 16.** 938.355 (2) (b) 6n. of the statutes is created to read: ✓

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

**SECTION 17.** 938.357 (3) (b) (intro.), (c) ✓ and (d) of the statutes are amended to read: ✓

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

(c) Upon the recommendation of the department of health services, the court may order the placement of a juvenile under par. (b) at the Mendota juvenile treatment center if par. (b) 1. a. to c. are met. ✓ The department of health services shall determine the date for the actual transfer of the juvenile to the Mendota juvenile treatment center, and no change of placement to the Mendota juvenile treatment

center may be ordered without the prior agreement of the department of health services to admit the juvenile. No further hearing or court order is necessary for the department of health services to transfer the juvenile back to the supervision of the county department.

*\**

*plain*

(d) A juvenile who is placed in a Type 1 juvenile correctional facility under par. (b) or (c) is the financial responsibility of the county department of the county where the juvenile was adjudicated delinquent ~~and that.~~ The county department shall reimburse the department of corrections at the rate specified under s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the a juvenile's care while placed in a Type 1 juvenile correctional facility other than the Mendota juvenile treatment center. The county department shall reimburse the department of health services at a rate specified by that department for the cost of a juvenile's care while placed at the Mendota juvenile treatment center.

**History:** 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55, 197, 373; 2017 a. 185; s. 35.17 correction in (3) (a).

**Cross-reference:** See also ch. DOC 393, Wis. adm. code.

**SECTION 18.** 938.357 (3) (e) and (f) of the statutes are created to read:

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

(f) A juvenile who is placed at the Mendota juvenile treatment center under par. (c) is under the supervision of the department of health services (under s. 46.057 (1m)) until the juvenile is released back to the supervision of the county department.

**SECTION 19.** 938.357 (4) (as) of the statutes is created to read: ✓

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

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

938.57 (4) ~~AFTERCARE SUPERVISION.~~ A county department may provide aftercare supervision under s. 938.34 (4n) for juveniles who are released from juvenile correctional facilities or secured residential care centers for children and youth. ~~If a county department intends to change its policy regarding whether the county department will provide aftercare supervision for juveniles released from juvenile correctional facilities or secured residential care centers for children and youth or the department of corrections will provide community supervision for those juveniles, the county executive or county administrator, or, if the county has no county executive or county administrator, the chairperson of the county board of supervisors, or, for multicounty departments, the chairpersons of the county boards of supervisors jointly, shall submit a letter to the department of corrections stating that intent before July 1 of the year preceding the year in which the policy change will take effect.~~

**History:** 1995 a. 77; 1997 a. 27, 35; 1999 a. 9; 2001 a. 38, 59; 2005 a. 25, 293, 344; 2007 a. 20, 97; 2009 a. 28; 2011 a. 32; 2013 a. 334; 2015 a. 55.

**SECTION 21.** 2017 Wisconsin Act 185, section 38 is repealed. ✓

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SECTION 22. 2017 Wisconsin Act 185, section 70 is repealed. ✓

SECTION 23. 2017 Wisconsin Act 185, section 110 (4) (e) is amended to read: ✓

\* [2017 Wisconsin Act 185] Section 110 (4) (e) Wisconsin model of juvenile justice; ✓  
statewide plan. The juvenile corrections grant committee shall develop a statewide plan that recommends which grant applications to approve, based on an overall view toward a Wisconsin model of juvenile justice. The committee shall consult with the departments of corrections and children and families on the statewide plan and may not recommend approval of an application unless the department of corrections approves the plans and specifications for the site and the design and construction of the proposed secured residential care center for children and youth under section 301.37 of the statutes.

SECTION 24. Nonstatutory provisions.

(1) TEMPORARY CHANGE IN PLACEMENT WITHOUT A HEARING. (a) The department of corrections may, using the procedure set forth in s. 938.357 (4) (am), place a juvenile who is placed in the Type 1 juvenile correctional facility known as Lincoln Hills school or Copper Lakes school on the effective date of this paragraph in a juvenile detention facility under s. 938.22 (2) (d) 1. If the department of corrections places a juvenile in a juvenile detention facility under this paragraph, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. ✓

(b) Notwithstanding s. 938.34 (3) (f) 1., a juvenile may be placed in a juvenile detention facility under par. (a) for a period longer than 365 days, and shall be transferred out of the juvenile detention facility using the procedure and by the date required under 2017 Wisconsin Act 185, section 110 (1). The department of corrections shall transfer all juveniles placed in a juvenile detention facility under

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par. (a) out of the juvenile detention facility no later than July 1, 2021, unless an extension is granted under <sup>sub.</sup> subsection (2). <sup>a.r.</sup>

(2) <sup>e</sup> ONE-TIME EXTENSION. <sup>d</sup> (a) The department of corrections may request approval from the appropriate standing committees of the legislature for a <sup>e</sup> one-time extension of up to 3 months of the deadline to transfer all juveniles out of the Lincoln Hills School and Copper Lake School under <sup>var.</sup> sub. (1) or 2017 Wisconsin Act 185, section 110 (1) (a) and to permanently close the Type 1 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake School in the town of Birch, Lincoln County under 2017 Wisconsin Act 185, section 110 (2) (a).

(b) A request for an extension under par. (a) shall be submitted no later than January 1, 2021 to the chief clerk of each house of the legislature. The chief clerks shall publish notice of receipt of the request in the journals of the respective houses, notify the speaker and president, respectively, that the request has been received, and shall distribute the request to the appropriate standing committee in that house, as directed by the speaker or president.

(c) If within 14 days after receipt of a request for an extension under par. (a), the chairperson of an appropriate standing committee of the legislature does not notify the department of corrections that the committee has scheduled a meeting to review the request, the request is considered to be approved by that standing committee. If the chairperson of <sup>ea</sup> the committee notifies the department of corrections that the committee has scheduled a meeting for the purpose of reviewing the request to be held within 14 days after receipt of the request, the extension is only approved by that committee upon a majority vote of that committee. A request under

par. (a) is not granted unless it is approved by the appropriate standing committee in each house of the legislature.

**938.33 Court reports and pre-correctional placement review meetings.**

**(1)** Report required. Before the disposition of a juvenile adjudged to be delinquent or in need of protection or services, the court shall designate an agency, as defined in s. 938.38 (1) (a), to submit a report that contains all of the following:

**(a)** The social history of the juvenile.

**(b)** A recommended plan of rehabilitation or treatment and care for the juvenile, based on the investigation conducted by the agency and any report resulting from an examination or assessment under s. 938.295, that employs the most effective means available to accomplish the objectives of the plan.

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

**(d)** A statement of the objectives of the plan, including any desired behavior changes and the academic, social and vocational skills needed by the juvenile.

**(e)** A plan for the provision of educational services to the juvenile, prepared after consultation with the staff of the school in which the juvenile is enrolled or the last school in which the juvenile was enrolled.

**(f)** If the agency is recommending that the court order the juvenile's parent, guardian, or legal custodian to participate in mental health treatment, anger management, individual or family counseling, or parent training and education, a statement as to the availability of those services and the availability of funding for those services.

**(2)** Home placement reports. A report recommending that the juvenile remain in his or her home may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record.

**(XX)** Pre-correctional placement review meeting. Prior to recommendation of a correctional placement under s. 938.34 (4m), a pre-correctional placement review meeting shall be conducted to determine the best available correctional placement for that juvenile. The county recommending a correctional finding shall convene a pre-correctional placement review including representatives of any potential correctional placement for a review of the juvenile's records, residential and treatment needs, and proximity to the juvenile's family. The pre-correctional placement review meeting may be held in person, by telephone, or by other available technology. If a correctional placement is deemed appropriate through the pre-correctional placement review meeting process, the county shall recommend placement one of the following placement types: juvenile correctional facility, a secured residential care center for children and youth, or Mendota Juvenile Treatment Center. Recommendation



for placement at Mendota Juvenile Treatment Center must be approved by the Department of Health Services.

**(XXX)** Pre-correctional placement report. A report recommending placement of a juvenile in a juvenile correctional facility or a secured residential care center for children and youth following a pre-correctional placement review meeting conducted pursuant to sub. XX or Mendota Juvenile Treatment Center shall be in writing. In addition to the information specified under sub. (1) (a) to (d), the report shall include all of the following:

**(a)** A description of any less restrictive alternatives that are available and that have been considered, and why they have been determined to be inappropriate. If the court has found that any of the conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, the report shall indicate that a less restrictive alternative than placement in a juvenile correctional facility or a secured residential care center for children and youth is not appropriate.

**(b)** A recommendation for an amount of child support to be paid by either or both of the juvenile's parents or for referral to the county child support agency under s. 59.53 (5) for the establishment of child support.

**(c)** A summary of the pre-correctional placement review meeting including who was present, what information was reviewed, and why the proposed placement type is being recommended.

**(3r)** Serious juvenile offender report. If a juvenile has been adjudicated delinquent for committing a violation for which the juvenile may be placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report shall be in writing and, in addition to the information specified in sub. (1) and in sub. (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for placement in the serious juvenile offender program under s. 938.34 (4h) or in a juvenile correctional facility under s. 938.34 (4m), a placement specified in s. 938.34 (3), or placement in the juvenile's home with supervision and community-based programming and a recommendation as to the type of placement for which the juvenile is best suited. If placement in a juvenile correctional facility or secured residential care center for children and youth is being pursued, a pre-correctional placement review meeting under s. 938.33 (XX) and correctional placement report under s. 938.33 (XXX) shall be completed for the proposed placement type.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1117/P2

EAW:amn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT *to amend* 13.94 (1) (v), 48.527, 301.373 and 938.22 (2) (d) 2. of the  
2 statutes; and *to affect* 2017 Wisconsin Act 185, section 110 (1) (a), 2017  
3 Wisconsin Act 185, section 110 (2) (a), 2017 Wisconsin Act 185, section 110 (3)  
4 (c), 2017 Wisconsin Act 185, section 110 (4) (a) 1. c., 2017 Wisconsin Act 185,  
5 section 110 (4) (d), 2017 Wisconsin Act 185, section 110 (4) (f), 2017 Wisconsin  
6 Act 185, section 110 (6) (e), 2017 Wisconsin Act 185, section 110 (7), 2017  
7 Wisconsin Act 185, section 110 (7m) (b), 2017 Wisconsin Act 185, section 111 (3)  
8 and 2017 Wisconsin Act 185, section 112 (1); **relating to:** the grant program for  
9 county secured residential care centers for children and youth.

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***Analysis by the Legislative Reference Bureau***

This bill 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.

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. Act 185 also required the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln

Hills and Copper Lakes 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 under Act 185. This bill extends the timeline for closing Lincoln Hills and Copper Lakes schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility to July 1, 2021.

Act 185 also provided 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 agreed 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.

Under Act 185, a grant to construct a new SRCCCY would cover 95 percent of the county's cost for design and construction, except that the grant would cover 100 percent of the county's cost for design and construction for a girls-only facility. Act 185 also provided that the Department of Corrections would 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 would apply to any portion of a facility that houses female juveniles or any portion of services provided to female juveniles at the facility.

Under Act 185, existing programs to hold juveniles in a juvenile detention facility for up to one year would be grandfathered in and allowed to hold the 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 the number of juveniles equal to the three-year average daily population of the facility between July 1, 2018, and June 30, 2021.

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

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*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

1 a county under s. 301.373. The bureau shall report the result of the audit to the  
2 department of corrections as soon as practicable.

3 SECTION 2. 48.527 of the statutes is amended to read:

4 **48.527 Community youth and family aids; bonus for county facilities.**

5 From the appropriation under s. 20.437 (1) (ck), the department shall allocate an  
6 amount equal to 15 percent of a county's allocation in the preceding fiscal year under  
7 s. 48.526 or \$750,000, whichever is less, in additional funds for a county that operates  
8 a ~~joint~~ secured residential care center for children and youth ~~under s. 46.20 (1m)~~ that  
9 was funded by a grant under 2017 Wisconsin Act 185, section 110 (4), and that serves  
10 juveniles from more than one county.

11 SECTION 3. 301.373 of the statutes is amended to read:

12 **301.373 Operating loss reimbursement program.** The department shall  
13 reimburse a county that operates a secured residential care center for children and  
14 youth that holds ~~only~~ female juveniles in secure custody and that was established  
15 using funding from the grant program under 2017 Wisconsin Act 185, section 110 (4),  
16 for any annual net operating loss for the services and facilities offered to female  
17 juveniles. A county seeking reimbursement under this section shall submit its  
18 request and supporting financial statements for the prior fiscal year to the  
19 department and the legislative audit bureau in a format prescribed by the  
20 department. The department shall reimburse the county for the amount of the net  
21 operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v),  
22 from the appropriation under s. 20.410 (3) (f). The department may pay for the cost  
23 of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the  
24 appropriation under s. 20.410 (3) (f).

\*\*\*\*NOTE: Is this consistent with your intent?

1           **SECTION 4.** 938.22 (2) (d) 2. of the statutes is amended to read:

2           938.22 (2) (d) 2. After ~~January~~ July 1, 2021, the number of juveniles that may  
3 be housed at a juvenile detention facility under subd. 1. is limited to the number that  
4 ~~are housed at~~ is equal to the average daily population, rounded up to the nearest  
5 whole number, of the juvenile detention facility on January 1 between July 1, 2018,  
6 and June 30, 2021, and the juvenile detention facility may not be altered or added  
7 to or repaired in excess of 50 percent of its assessed value. If a juvenile detention  
8 facility violates this subdivision, it is no longer authorized to accept juveniles for  
9 placement for more than 30 consecutive days.

10           **SECTION 5.** 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

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

23           **SECTION 6.** 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

24           [2017 Wisconsin Act 185] Section 110 (2) (a) On the earlier of the date on which  
25 all juveniles have been transferred to secured residential care centers for children

1 and youth and Type 1 juvenile correctional facilities under subsection (1) or ~~January~~  
2 July 1, 2021, the department of corrections shall permanently close the Type 1  
3 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake  
4 School in the town of Birch, Lincoln County.

5 **SECTION 7.** 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

6 [2017 Wisconsin Act 185] Section 110 (3) (c) *Termination.* The juvenile  
7 corrections grant committee terminates on the earlier of the date on which all  
8 projects funded with grants under subsection (4) are completed or ~~January~~ July 1,  
9 2021.

10 **SECTION 8.** 2017 Wisconsin Act 185, section 110 (4) (a) 1. c. is amended to read:

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

15 **SECTION 9.** 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

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

21 **SECTION 10.** 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

22 [2017 Wisconsin Act 185] Section 110 (4) (f) *Plan approval.* No later than ~~July~~  
23 January 1, 2019 2020, the juvenile corrections grant committee shall submit the plan  
24 under paragraph (e) for approval to the joint committee on finance. The juvenile  
25 corrections grant committee and the department of corrections may not implement

1 the plan until it is approved by the joint committee on finance, as submitted or as  
2 modified.

3 **SECTION 11.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

4 [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile  
5 corrections study committee terminates on ~~January~~ July 1, 2021.

6 **SECTION 12.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

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

14 **SECTION 13.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

15 [2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section  
16 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on ~~January~~  
17 July 1, 2021, the portion of an eligible juvenile detention facility that holds juveniles  
18 who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is  
19 a secured residential care center for children and youth and juveniles may be placed  
20 there under section 938.34 (4m) of the statutes.

21 2. Notwithstanding subdivision 1., on ~~January~~ July 1, 2021, the portion of an  
22 eligible juvenile detention facility that holds juveniles who are placed under section  
23 938.34 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed  
24 under section 938.34 (3) (f) of the statutes prior to ~~January~~ July 1, 2021, a juvenile  
25 detention facility.

1           **SECTION 14.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

2           [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)  
3 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION  
4 110 (7m), first applies to a juvenile adjudicated delinquent on January July 1, 2021.

5           **SECTION 15.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

6           [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)  
7 (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by  
8 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10)  
9 (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57)  
10 and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION  
11 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by  
12 SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96),  
13 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION  
14 107) of the statutes takes effect on the date specified in the notice under SECTION 110  
15 (2) (b) or January July 1, 2021, whichever is earlier.

16

(END)