



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1117/P3
EAW:amn&ahe

due 2/27 or 2/28
if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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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), 46.21 (2) (j), 46.215 (3), 46.23 (5) (c) 3., 46.23 (5m) (c),
3 48.527, 48.66 (1) (b), 301.027, 301.373, 938.22 (1) (a), 938.22 (2) (d) 2., 938.33
4 (1) (c), 938.33 (3r), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.355 (2) (b) 1.,
5 938.355 (2) (b) 2., 938.355 (2) (b) 6m., 938.357 (3) (b) (intro.), (c) and (d) and
6 938.57 (4); *to repeal and recreate* 938.34 (4m) (intro.); *to create* 46.057 (1m),
7 938.33 (6), 938.355 (2) (b) 2m., 938.355 (2) (b) 6n., 938.357 (3) (e) and (f) and
8 938.357 (4) (as) of the statutes; and *to affect* 2017 Wisconsin Act 185, section
9 38, 2017 Wisconsin Act 185, section 70, 2017 Wisconsin Act 185, section 110 (1)
10 (a), 2017 Wisconsin Act 185, section 110 (2) (a), 2017 Wisconsin Act 185, section
11 110 (3) (c), 2017 Wisconsin Act 185, section 110 (4) (a) 1. c., 2017 Wisconsin Act
12 185, section 110 (4) (d), 2017 Wisconsin Act 185, section 110 (4) (e), 2017
13 Wisconsin Act 185, section 110 (4) (f), 2017 Wisconsin Act 185, section 110 (6)
14 (e), 2017 Wisconsin Act 185, section 110 (7), 2017 Wisconsin Act 185, section 110

for holding juveniles in secure custody.

1 (7m) (b), 2017 Wisconsin Act 185, section 111 (3) and 2017 Wisconsin Act 185,
2 section 112 (1); **relating to:** juvenile correctional facilities.

does all of the following: 1. 2.
Analysis by the Legislative Reference Bureau

3. 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, changes the closure date for the Lincoln Hills and Copper Lake Schools, 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, changes the provisions for grandfathering current juvenile detention programs, and changes the requirements for the purchase of services between counties and the Department of Corrections. 4. 5.

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 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. Under this bill, if DOC cannot meet the deadline on July 1, 2021, for closing the Lincoln Hills and Copper Lake Schools, DOC may request one three-month extension from the appropriate standing committees of the legislature under a passive review process.

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 DOC or the county.

GRANDFATHERING 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.

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.

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.

8 **SECTION 2.** 46.057 (1m) of the statutes is created to read:

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(and 3-8(2))

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

5 **SECTION 3.** 46.21 (2) (j) of the statutes is amended to read:

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

18 **SECTION 4.** 46.215 (3) of the statutes is amended to read:

19 46.215 (3) PROGRAM BUDGETS. The county department of social services shall
20 submit a final budget for authorized services to the department of health services
21 under s. 46.031 (1), ~~to the department of corrections under s. 301.031 (1), and to the~~
22 department of children and families under s. 49.325 (1), ~~for authorized services.~~

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

24 **SECTION 6.** 46.22 (2g) (d) 4. of the statutes is repealed.

25 **SECTION 7.** 46.23 (5) (c) 3. of the statutes is amended to read:

1 46.23 (5) (c) 3. Shall monitor the performance of contracts for the purchase of
2 juvenile correctional services. ~~Contracts for the purchase of those services shall be~~
3 ~~subject to the conditions specified in s. 301.031.~~

4 **SECTION 8.** 46.23 (5) (n) 3. of the statutes is repealed.

5 **SECTION 9.** 46.23 (5m) (c) of the statutes is amended to read:

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

17 **SECTION 10.** 48.527 of the statutes is amended to read:

18 **48.527 Community youth and family aids; bonus for county facilities.**

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

25 **SECTION 11.** 48.66 (1) (b) of the statutes is amended to read:

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

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

9 **301.027 Treatment program at one or more juvenile correctional**
10 **facilities.** The department shall maintain a ~~cottage-based~~ an intensive alcohol and
11 other drug abuse program at one or more juvenile correctional facilities.

12 **SECTION 13.** 301.031 of the statutes is repealed.

13 **SECTION 14.** 301.373 of the statutes is amended to read:

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

1 of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the
2 appropriation under s. 20.410 (3) (f).

3 **SECTION 15.** 938.22 (1) (a) of the statutes is amended to read:

4 938.22 (1) (a) The county board of supervisors of a county may establish a
5 juvenile detention facility or secured residential care center for children and youth
6 in accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or
7 more counties may jointly establish a juvenile detention facility or secured
8 residential care center for children and youth in accordance with ss. 46.20, 59.53
9 (8m), 301.36, and 301.37. An Indian tribe may establish a secured residential care
10 center for children and youth in accordance with ss. 301.36 and 301.37 or may
11 contract with a county board of supervisors to hold juveniles who are adjudicated
12 delinquent by the tribal court in that county's secured residential care center for
13 children and youth. The county board of supervisors of a county may establish a
14 shelter care facility in accordance with ss. 48.576 and 48.578 or the county boards
15 of supervisors for 2 or more counties may jointly establish a shelter care facility in
16 accordance with ss. 46.20, 48.576, and 48.578. A private entity may establish a
17 juvenile detention facility in accordance with ss. 301.36 and 301.37 and contract with
18 one or more county boards of supervisors under s. 938.222 to hold juveniles in the
19 private juvenile detention facility. Subject to ss. 48.66 (1) (b), 301.36, and 301.37, a
20 child welfare agency may establish a secured residential care center for children and
21 youth and contract with one or more county boards of supervisors or an Indian tribe
22 to hold juveniles in the secured residential care center for children and youth.

23 **SECTION 16.** 938.22 (2) (d) 2. of the statutes is amended to read:

24 938.22 (2) (d) 2. After January July 1, 2021, the number of juveniles that may
25 be housed at a juvenile detention facility under subd. 1. is limited to the number that

1 are housed at is equal to the average daily population of juveniles housed under subd.
2 1., rounded up to the nearest whole number, of the juvenile detention facility on
3 January 1 between July 1, 2018, and June 30, 2021, excluding any juveniles placed
4 there under 2019 Wisconsin Act ... (this act), section 46 (2), and the juvenile detention
5 facility may not be altered or added to or repaired in excess of 50 percent of its
6 assessed value. If a juvenile detention facility violates this subdivision, it is no longer
7 authorized to accept juveniles for placement for more than 30 consecutive days.

8 **SECTION 17.** 938.33 (1) (c) of the statutes is amended to read:

9 938.33 (1) (c) A description of the specific services or continuum of services that
10 the agency is recommending ~~the court to order~~ for the juvenile or family, the persons
11 or agencies that would be primarily responsible for providing those services, and the
12 identity of the person or agency that would provide case management or coordination
13 of services, if any, and whether or not the juvenile should receive a coordinated
14 services plan of care.

15 **SECTION 18.** 938.33 (3r) of the statutes is amended to read:

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

1 **SECTION 19.** 938.33 (6) of the statutes is created to read:

2 **938.33 (6) RETENTION.** Reports submitted under this section shall be retained
3 in the record of the pending action, which shall be made available to the agency that
4 is designated to supervise the juvenile under a disposition under s. 938.34 or a
5 change of placement order under s. 938.357.

6 **SECTION 20.** 938.34 (4m) (intro.) of the statutes is amended to read:

7 **938.34 (4m) CORRECTIONAL PLACEMENT.** (intro.) Place the juvenile under the
8 supervision of the department of corrections in a juvenile correctional facility or
9 under the supervision of the county department in a secured residential care center
10 for children and youth under the supervision of to be identified by the county
11 department ~~or the department of corrections~~ if all of the following apply:

12 **SECTION 21.** 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin
13 Act 185, section 62, is repealed and recreated to read:

14 **938.34 (4m) CORRECTIONAL PLACEMENT.** (intro.) Place the juvenile under the
15 supervision of the county department in a secured residential care center for children
16 and youth to be identified by the county department if all of the following apply:

17 **SECTION 22.** 938.34 (4n) (intro.) of the statutes is amended to read:

18 **938.34 (4n) COMMUNITY SUPERVISION OR AFTERCARE AFTERCARE SUPERVISION.**
19 (intro.) In the case of a juvenile who has received a correctional placement under sub.
20 (4m), designate the county department one of the following to provide aftercare
21 supervision for the juvenile following the juvenile's release from a secured
22 residential care center for children and youth or Type 1 juvenile correctional facility.
23 ~~In the case of a juvenile who has been placed in a juvenile correctional facility or a~~
24 ~~secured residential care center for children and youth under the supervision of the~~
25 ~~department of corrections, designate the department of corrections to provide~~

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

8 **SECTION 23.** 938.355 (2) (b) 1. of the statutes is amended to read:

9 938.355 (2) (b) 1. ~~The specific~~ Specific services to be provided to the juvenile
10 and the juvenile's family, and, if custody is to be transferred to effect the treatment
11 plan, the identity of the legal custodian.

12 **SECTION 24.** 938.355 (2) (b) 2. of the statutes is amended to read:

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

23 **SECTION 25.** 938.355 (2) (b) 2m. of the statutes is created to read:

1 938.355 (2) (b) 2m. If the juvenile is placed outside the home under s. 938.34
2 (4m), the name of the county department that will provide supervision and
3 determine placement for the juvenile.

4 **SECTION 26.** 938.355 (2) (b) 6m. of the statutes is amended to read:

5 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement
6 under s. 938.34 (3) or (4d) recommended by the agency designated under s. 938.33
7 (1), a statement that the court approves the placement recommended by the agency
8 or, if the juvenile is placed outside the home in a placement other than a placement
9 recommended by that agency, a statement that the court has given bona fide
10 consideration to the recommendations made by the agency and all parties relating
11 to the juvenile's placement.

12 **SECTION 27.** 938.355 (2) (b) 6n. of the statutes is created to read:

13 938.355 (2) (b) 6n. If the juvenile is placed outside the home under s. 938.34
14 (4m), a statement that the court has given bona fide consideration to the
15 recommendations made by the agency and all parties relating to the juvenile's
16 placement.

17 **SECTION 28.** 938.357 (3) (b) (intro.), (c) and (d) of the statutes are amended to
18 read:

19 938.357 (3) (b) (intro.) Notwithstanding s. 938.34 (4m) and subject to par. (c),
20 the court may order placement in a Type 1 juvenile correctional facility under
21 ~~supervision of~~ operated by the department of corrections for a juvenile who was
22 adjudicated delinquent under s. 938.34 (4m) if the court finds, after a hearing under
23 this section, that any of the following apply:

24 (c) Upon Notwithstanding s. 938.34 (4m), upon the recommendation of the
25 department of health services, the court may order the placement of a juvenile under

1 par. (b) who was adjudicated delinquent under s. 938.34 (4m) at the Mendota juvenile
2 treatment center if par. (b) 1. a. to c. are met. The department of health services shall
3 determine the date for the actual transfer of the juvenile to the Mendota juvenile
4 treatment center, and no change of placement to the Mendota juvenile treatment
5 center may be ordered without the prior agreement of the department of health
6 services to admit the juvenile. No further hearing or court order is necessary for the
7 department of health services to transfer the juvenile back to the supervision of the
8 county department.

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

18 **SECTION 29.** 938.357 (3) (e) and (f) of the statutes are created to read:

19 938.357 (3) (e) A juvenile who is placed in a Type 1 juvenile correctional facility
20 under par. (b) is under the supervision of the department of corrections. The change
21 of placement order shall designate the department of corrections to provide
22 community supervision or the county department to provide aftercare supervision
23 for the juvenile following the juvenile's release from the Type 1 juvenile correctional
24 facility.

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

4 **SECTION 30.** 938.357 (4) (as) of the statutes is created to read:

5 938.357 (4) (as) When a juvenile is placed under the supervision of a county
6 department, that department may place the juvenile in a secured residential care
7 center for children and youth or on aftercare supervision, either immediately or after
8 a period of placement in a secured residential care center for children and youth. The
9 county department shall send written notice of any change in placement to the
10 parent, guardian, legal custodian, if any, and the court. The county department shall
11 be responsible for decisions regarding the release of a juvenile who is under its
12 supervision.

13 **SECTION 31.** 938.57 (4) of the statutes is amended to read:

14 938.57 (4) **AFTERCARE SUPERVISION.** A county department may provide aftercare
15 supervision under s. 938.34 (4n) for juveniles who are released from juvenile
16 correctional facilities or secured residential care centers for children and youth. If
17 ~~a county department intends to change its policy regarding whether the county~~
18 ~~department will provide aftercare supervision for juveniles released from juvenile~~
19 ~~correctional facilities or secured residential care centers for children and youth or the~~
20 ~~department of corrections will provide community supervision for those juveniles,~~
21 ~~the county executive or county administrator, or, if the county has no county~~
22 ~~executive or county administrator, the chairperson of the county board of~~
23 ~~supervisors, or, for multicounty departments, the chairpersons of the county boards~~
24 ~~of supervisors jointly, shall submit a letter to the department of corrections stating~~

1 that intent before July 1 of the year preceding the year in which the policy change
2 will take effect.

3 SECTION 32. 2017 Wisconsin Act 185, section 38 is repealed.

4 SECTION 33. 2017 Wisconsin Act 185, section 70 is repealed.

5 SECTION 34. 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

6 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type
7 1 juvenile correctional facilities under subsection (7) and the secured residential care
8 centers for children and youth under subsections (4) and (7m), the department of
9 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln
10 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional
11 facility or secured residential care center for children and youth. No juvenile may
12 be transferred to a Type 1 juvenile correctional facility until the department of
13 corrections determines the facility to be ready to accept juveniles, and no juvenile
14 may be transferred to a secured residential care center for children and youth until
15 the entity operating the facility determines it to be ready to accept juveniles. The
16 transfers may occur in phases. The Unless an extension is granted under 2019
17 Wisconsin Act (this act), section 46 (2), the department shall transfer all juveniles
18 under this subsection no later than January July 1, 2021.

19 SECTION 35. 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

20 [2017 Wisconsin Act 185] Section 110 (2) (a) On the earlier of the date on which
21 all juveniles have been transferred to secured residential care centers for children
22 and youth and Type 1 juvenile correctional facilities under subsection (1) ~~or January,~~
23 July 1, 2021, or the date of an extension granted under 2019 Wisconsin Act (this
24 act), section 46 (2), the department of corrections shall 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.

SECTION 36. 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

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

SECTION 37. 2017 Wisconsin Act 185, section 110 (4) (a) 1. c. is amended to read:

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

SECTION 38. 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

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

SECTION 39. 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~~

1 ~~approves the plans and specifications for the site and the design and construction of~~
2 ~~the proposed secured residential care center for children and youth under section~~
3 ~~301.37 of the statutes.~~

4 **SECTION 40.** 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

5 [2017 Wisconsin Act 185] Section 110 (4) (f) *Plan approval.* No later than July
6 October 1, 2019, the juvenile corrections grant committee shall submit the plan
7 under paragraph (e) for approval to the joint committee on finance. The juvenile
8 corrections grant committee and the department of corrections may not implement
9 the plan until it is approved by the joint committee on finance, as submitted or as
10 modified.

11 **SECTION 41.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

12 [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile
13 corrections study committee terminates on January July 1, 2021.

14 **SECTION 42.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

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

22 **SECTION 43.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

23 [2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section
24 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on January
25 July 1, 2021, the portion of an eligible juvenile detention facility that holds juveniles

1 who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is
2 a secured residential care center for children and youth and juveniles may be placed
3 there under section 938.34 (4m) of the statutes.

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

9 **SECTION 44.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

10 [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)
11 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION
12 110 (7m), first applies to a juvenile adjudicated delinquent on ~~January~~ July 1, 2021.

13 **SECTION 45.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

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

23 **SECTION 46. Nonstatutory provisions.**

24 (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 Lakes School on the effective date
4 of 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, unless an
14 extension is granted under sub. (2).

15 (2) ONETIME EXTENSION.

16 (a) The department of corrections may request approval from the appropriate
17 standing committees of the legislature for a onetime extension of up to 3 months of
18 the deadline to transfer all juveniles out of the Lincoln Hills School and Copper Lake
19 School under sub. (1) or 2017 Wisconsin Act 185, section 110 (1) (a) and to
20 permanently close the Type 1 juvenile correctional facilities housed at the Lincoln
21 Hills School and Copper Lake School in the town of Birch, Lincoln County under 2017
22 Wisconsin Act 185, section 110 (2) (a).

23 (b) A request for an extension under par. (a) shall be submitted no later than
24 January 1, 2021, to the chief clerk of each house of the legislature. The chief clerks
25 shall publish notice of receipt of the request in the journals of the respective houses,

1 notify the speaker and president, respectively, that the request has been received,
2 and shall distribute the request to the appropriate standing committee in that house,
3 as directed by the speaker or president.

4 (c) If within 14 days after receipt of a request for an extension under par. (a),
5 the chairperson of an appropriate standing committee of the legislature does not
6 notify the department of corrections that the committee has scheduled a meeting to
7 review the request, the request is considered to be approved by that standing
8 committee. If the chairperson of a committee notifies the department of corrections
9 that the committee has scheduled a meeting for the purpose of reviewing the request
10 to be held within 14 days after receipt of the request, the extension is only approved
11 by that committee upon a majority vote of that committee. A request under par. (a)
12 is not granted unless it is approved by the appropriate standing committee in each
13 house of the legislature.

14 **SECTION 47. Initial applicability.**

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

19 **SECTION 48. Effective dates.** This act takes effect on the day after publication,
20 except as follows:

21 (1) The treatment of ~~s.~~ 938.34 (4m) (intro.) (by SECTION 21) takes effect on the
22 date specified in the notice under 2017 Wisconsin Act 185, SECTION 110 (2) (b).

23 (END)

Handwritten notes:
46.011 (SP) ↑
48.023 (4), 49.45 (25) (b), 49.11 (1c) ↑
and (4n) (intro.) ↑
301.01 (1n), 938.02 (4) ↑
938.357 (4g) (a), 938.48 (3), (4), (4m) (b), (5), (4), and (14), 938.505 (1), 938.52 (2) (a) and (c), 938.53, 938.533 (2), and 938.51L ↑
(intro.)

2019-2020 DRAFTING INSERT
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ins 3-8

SECTION 1. 20.435 (2) (gk) of the statutes is amended to read:

20.435 (2) (gk) *Institutional operations and charges.* The amounts in the schedule for care, other than under s. 51.06 (1r), provided by the centers for the developmentally disabled, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s. 46.043, provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for care of juveniles placed at the Mendota juvenile treatment center for whom counties are financially responsible under s. 938.357 (3) (d), to reimburse the cost of providing that care; for maintenance of state-owned housing at centers for the developmentally disabled and mental health institutes; for repair or replacement of property damaged at the mental health institutes or at centers for the developmentally disabled; for reimbursing the total cost of using, producing, and providing services, products, and care; and to transfer to the appropriation account under sub. (5) (kp) for funding centers. All moneys received as payments from medical assistance on and after August 1, 1978; as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical assistance payments, other payments under s. 46.10, and payments under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments from counties for the care of juveniles placed at the Mendota juvenile treatment center;

as payments for the rental of state-owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes; for the sale of electricity, steam, or chilled water; as payments in restitution of property damaged at the mental health institutes or at centers for the developmentally disabled; for the sale of surplus property, including vehicles, at the mental health institutes or at centers for the developmentally disabled; and for other services, products, and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20 for which the state is liable under s. 51.05 (3), of forensic patients committed under ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients transferred from a state prison under s. 51.37 (5), to the Mendota Mental Health Institute or the Winnebago Mental Health Institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4); and except that moneys received under s. 51.06 (6) may be expended only as provided in s. 13.101 (17).

INS 5-17

SECTION 2. 48.023 (4) of the statutes, as affected by 2017 Wisconsin Act 185, section 20, is amended to read:

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

NOTE: Sub. (4) 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:

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

History: 1977 c. 354; 1993 a. 385; 1995 a. 27, 77, 275, 352; 1997 a. 334; 2017 a. 185.

INS 6-8

SECTION 3. 49.45 (25) (bj) of the statutes, as affected by 2017 Wisconsin Act 185, section 29, is amended to read:

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

~~101.123~~

SECTION 4. 101.123 (1) (ac) 2. of the statutes is amended to read:

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

History: 1983 a. 211; 1985 a. 332 s. 253; 1987 a. 161 s. 13m; 1987 a. 403 s. 256; 1989 a. 97, 107, 251, 336; 1991 a. 28, 39, 130; 1993 a. 27, 313; 1995 a. 27 ss. 3661, 9126 (19); 1995 a. 77, 201, 404; 1999 a. 9, 72; 2001 a. 16; 2003 a. 268; 2005 a. 344; 2007 a. 20 s. 9121 (6) (a); 2009 a. 12, 185, 276; 2013 a. 165 s. 114; 2015 a. 55.

ins ~~6A8~~ 7-3

A Secured residential care center for children and youth, as defined in s. 938.02 (15g).

SECTION 5. 938.02 (15g) of the statutes is amended to read:

938.02 (15g) "Secured residential care center for children and youth" means a facility operated by an Indian tribe or a county under ss. 46.20, 59.53 (8m), 301.26,

~~301.27~~ 301.36, 301.37, and 938.22 (1) (a) or by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged delinquent.

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 265; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a); 2009 a. 28, 94, 302, 334; 2011 a. 32, 258; 2011 a. 260 s. 80; 2013 a. 237; 2015 a. 55, 101, 128, 196; 2017 a. 34, 185.

NOTE: 2003 Wis. Act 284 contains explanatory notes.

INS 14-3

SECTION 6. 938.357 (4g) (a) of the statutes is amended to read:

938.357 (4g) (a) Not later than 120 days after the date on which the juvenile is placed in a juvenile correctional facility or a secured residential care center for children and youth, or within 30 days after the date on which the department of corrections requests the community supervision or aftercare plan, whichever is earlier, the community supervision provider or the aftercare provider designated under s. 938.34 (4n) shall prepare a community supervision or aftercare plan for the juvenile. If the juvenile is to be placed on aftercare supervision, the county department designated as the aftercare provider shall submit the aftercare plan to the department of corrections within the applicable period specified in this paragraph, unless the department of corrections waives the period under par. (b).

SECTION 7. 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act 185, section 78, is amended to read:

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

SECTION 8. 938.48 (4) of the statutes, as affected by 2017 Wisconsin Act 185, section 80, is amended to read:

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

SECTION 9. 938.48 (4m) (b), ^{of the statutes} as affected by 2017 Wisconsin Act 185, ^{section 82} is amended to read:

B 938.48 ~~5~~ (4m) (b) Was under the supervision of the department under s. 938.183, 938.34 (4h) ~~or (4n)~~ or 938.357 (3) or (4) when the person reached 17 years of age.

SECTION 10. 938.48 (5) of the statutes, as affected by 2017 Wisconsin Act 185, section 84, is amended to read:

938.48 (5) MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious training of a juvenile under its supervision under s. 938.183, 938.34 (4h) ~~or (4n)~~, or

938.357 (3) or (4) according to the religious beliefs of the juvenile or of the juvenile's parents.

SECTION 11. 938.48 (6) of the statutes, as affected by 2017 Wisconsin Act 185, section 86, is amended to read:

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

SECTION 12. 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act 185, section 88, is amended to read:

938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon attaining that age were under the supervision of the department under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4) as a result of a judicial decision.

SECTION 13. 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act 185, section 96, is amended to read:

938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT. When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h) ~~or (4n)~~ or 938.357 (3), (4), or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department

of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

SECTION 14. 938.52 (2) (a) and (c) of the statutes, as affected by 2017 Wisconsin Act 185, section 98, ^{is} amended to read:

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

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

SECTION 15. 938.53 ^{(2) or} of the statutes, as affected by 2017 Wisconsin Act 185, section 100, is amended to read:

938.53 Duration of control of department of corrections over delinquents. Except as provided under s. 938.183, a juvenile adjudged delinquent

who has been placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4) shall be discharged as soon as that department determines that there is a reasonable probability that departmental supervision is no longer necessary for the rehabilitation and treatment of the juvenile or for the protection of the public.

SECTION 16. 938.533 (2) (intro.) of the statutes is amended to read:

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

**** Note: The references to ss. 938.183 and 938.34(4h) were removed by 2015 Wisconsin Act 53, Section 4707bm, but it is not clear why. I believe they should be included here, but you may wish to confirm with Doc.*

SECTION 17. 938.54 of the statutes, as affected by 2017 Wisconsin Act 185, to section 107, is amended to read:

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

SECTION 18. 938.78 (3) of the statutes is amended to read:

938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need

of protection or services under s. 48.13 (12) or (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional facility, residential care center for children and youth, secured residential care center for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave a juvenile correctional facility, residential care center for children and youth, secured residential care center for children and youth, inpatient facility, juvenile detention facility, or juvenile portion of a county jail for a specified time period and is absent from the facility, center, home, or jail for more than 12 hours after the expiration of the specified period, the department of corrections or county department, whichever has supervision over the juvenile, may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, center, home, or jail. The department of corrections shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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INS 3-8(2)

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

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

History: 2017 a. 185.

INS 4-8(2)

SECTION 2. 49.11 (1c) of the statutes, as affected by 2017 Wisconsin Act 185, section 27, is amended to read:

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

History: 2017 a. 185.

SECTION 3. 301.01 ⁽¹ⁿ⁾ of the statutes, as affected by 2017 Wisconsin Act 185, section 35, is amended to read:

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

History: 2017 a. 185.

INS 7-3(2)

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

938.02 (4) "Department" means the department of children and families ~~except~~ that with respect to a juvenile who is under the supervision of the department of

*

corrections under s. 938.183, 938.34 (4h), ~~(4n)~~, or (7g), or 938.357 (3) or (4),
“department” means the department of corrections.

History: 2017 a. 185.

** Add all
to delayed
eff. date.*

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



Linda:

3/11/19

1117/P5

① Take out appropriation + associated sections

② Take out timeline extension by standing committees.