



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1117/P4 P5  
EAW:amn&ahe

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

In 3/11

Due 3/12

Regen.

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), 20.435 (2) (gk), 46.011 (1p), 46.21 (2) (j), 46.215 (3), 46.23  
3 (5) (c) 3., 46.23 (5m) (c), 48.023 (4), 48.527, 48.66 (1) (b), 49.11 (1c), 49.45 (25)  
4 (bj), 101.123 (1) (ac) 2., 301.01 (1n), 301.027, 301.373, 938.02 (4), 938.02 (15g),  
5 938.22 (1) (a), 938.22 (2) (d) 2., 938.33 (1) (c), 938.33 (3r), 938.34 (4m) (intro.),  
6 938.34 (4n) (intro.), 938.355 (2) (b) 1., 938.355 (2) (b) 2., 938.355 (2) (b) 6m.,  
7 938.357 (3) (b) (intro.), (c) and (d), 938.357 (4g) (a), 938.48 (3), 938.48 (4), 938.48  
8 (4m) (b), 938.48 (5), 938.48 (6), 938.48 (14), 938.505 (1), 938.52 (2) (a) and (c),  
9 938.53, 938.533 (2) (intro.), 938.54, 938.57 (4) and 938.78 (3); **to repeal and**  
10 **recreate** 938.34 (4m) (intro.); **to create** 46.057 (1m), 938.33 (6), 938.355 (2) (b)  
11 2m., 938.355 (2) (b) 6n., 938.357 (3) (e) and (f) and 938.357 (4) (as) of the  
12 statutes; and **to affect** 2017 Wisconsin Act 185, section 38, 2017 Wisconsin Act  
13 185, section 70, 2017 Wisconsin Act 185, section 110 (1) (a), 2017 Wisconsin Act  
14 185, section 110 (2) (a), 2017 Wisconsin Act 185, section 110 (3) (c), 2017  
15 Wisconsin Act 185, section 110 (4) (a) 1. c., 2017 Wisconsin Act 185, section 110

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

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

This bill does all of the following:

1. Makes certain changes to the grant program for the design and construction of new secured residential care centers for children and youth (SRCCCYs) under 2017 Wisconsin Act 185.
2. Changes the closure date for the Lincoln Hills and Copper Lake Schools.
3. Modifies how juveniles who are transferred between an SRCCCY or a Type 1 juvenile correctional facility and the Mendota Juvenile Treatment Center (MJTC) are supervised and released.
4. Changes the provisions for grandfathering current juvenile detention programs.
5. Changes the requirements for the purchase of services between counties and the Department of Corrections.

#### **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.

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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

## SECTION 1

1 youth that holds only female juveniles for the purpose of determining the amount,  
2 if any, of a net operating loss to be reimbursed by the department of corrections to  
3 a county under s. 301.373. The bureau shall report the result of the audit to the  
4 department of corrections as soon as practicable.

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

6 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the  
7 schedule for care, other than under s. 51.06 (1r), provided by the centers for the  
8 developmentally disabled, to reimburse the cost of providing the services and to  
9 remit any credit balances to county departments that occur on and after  
10 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.  
11 46.043, provided by the mental health institutes, to reimburse the cost of providing  
12 the services and to remit any credit balances to county departments that occur on and  
13 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for care of juveniles  
14 placed at the Mendota juvenile treatment center for whom counties are financially  
15 responsible under s. 938.357 (3) (d), to reimburse the cost of providing that care; for  
16 maintenance of state-owned housing at centers for the developmentally disabled  
17 and mental health institutes; for repair or replacement of property damaged at the  
18 mental health institutes or at centers for the developmentally disabled; for  
19 reimbursing the total cost of using, producing, and providing services, products, and  
20 care; and to transfer to the appropriation account under sub. (5) (kp) for funding  
21 centers. All moneys received as payments from medical assistance on and after  
22 August 1, 1978; as payments from all other sources including other payments under  
23 s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978;  
24 as medical assistance payments, other payments under s. 46.10, and payments  
25 under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments from

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

16 **SECTION 3.** 46.011 (1p) of the statutes, as affected by 2017 Wisconsin Act 185,  
17 section 13, is amended to read:

18 46.011 (1p) “Juvenile correctional services” means services provided for a  
19 juvenile who is under the supervision of the department of corrections under s.  
20 938.183, 938.34 (4h), ~~(4n)~~, or (7g), or 938.357 (3) or (4).

21 **SECTION 4.** 46.057 (1m) of the statutes is created to read:

22 46.057 (1m) The director of the Mendota Mental Health Institute, or his or her  
23 designee, shall be responsible for decisions regarding admissions, treatment, and the  
24 release and return of juvenile offenders from the Mendota juvenile treatment center  
25 to county supervision.

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

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

14           **SECTION 6.** 46.215 (3) of the statutes is amended to read:

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

19           **SECTION 7.** 46.22 (1) (b) 5m. d. of the statutes is repealed.

20           **SECTION 8.** 46.22 (2g) (d) 4. of the statutes is repealed.

21           **SECTION 9.** 46.23 (5) (c) 3. of the statutes is amended to read:

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

25           **SECTION 10.** 46.23 (5) (n) 3. of the statutes is repealed.

1           **SECTION 11.** 46.23 (5m) (c) of the statutes is amended to read:

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

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

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

19           **SECTION 13.** 48.527 of the statutes is amended to read:

20           **48.527 Community youth and family aids; bonus for county facilities.**

21 From the appropriation under s. 20.437 (1) (ck), the department shall allocate an  
22 amount equal to 15 percent of a county's allocation in the preceding fiscal year under  
23 s. 48.526 or \$750,000, whichever is less, in additional funds for a county that operates  
24 a joint secured residential care center for children and youth under s. 46.20 (1m) that

1 was funded by a grant under 2017 Wisconsin Act 185, section 110 (4), and that serves  
2 juveniles from more than one county.

3 **SECTION 14.** 48.66 (1) (b) of the statutes is amended to read:

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

11 **SECTION 15.** 49.11 (1c) of the statutes, as affected by 2017 Wisconsin Act 185,  
12 section 27, is amended to read:

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

17 **SECTION 16.** 49.45 (25) (bj) of the statutes, as affected by 2017 Wisconsin Act  
18 185, section 29, is amended to read:

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



1 government shall be paid from the appropriation account under s. 20.410 (3) (hm),  
2 (ho), or (hr).

3 **SECTION 17.** 101.123 (1) (ac) 2. of the statutes is amended to read:

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

10 **SECTION 18.** 301.01 (1n) of the statutes, as affected by 2017 Wisconsin Act 185,  
11 section 35, is amended to read:

12 301.01 (1n) "Juvenile correctional services" means services provided for a  
13 juvenile who is under the supervision of the department of corrections under s.  
14 938.183, 938.34 (4h), ~~(4n)~~, or (7g), or 938.357 (3) or (4).

15 **SECTION 19.** 301.027 of the statutes is amended to read:

16 **301.027 Treatment program at one or more juvenile correctional**  
17 **facilities.** The department shall maintain ~~a cottage-based~~ an intensive alcohol and  
18 other drug abuse program at one or more juvenile correctional facilities.

19 **SECTION 20.** 301.031 of the statutes is repealed.

20 **SECTION 21.** 301.373 of the statutes is amended to read:

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

1 juveniles. A county seeking reimbursement under this section shall submit its  
2 request and supporting financial statements for the prior fiscal year to the  
3 department and the legislative audit bureau in a format prescribed by the  
4 department. The department shall reimburse the county for the amount of the net  
5 operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v),  
6 from the appropriation under s. 20.410 (3) (f). The department may pay for the cost  
7 of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the  
8 appropriation under s. 20.410 (3) (f).

9 **SECTION 22.** 938.02 (4) of the statutes, as affected by 2017 Wisconsin Act 185,  
10 section 50, is amended to read:

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

15 **SECTION 23.** 938.02 (15g) of the statutes is amended to read:

16 938.02 (15g) "Secured residential care center for children and youth" means  
17 a facility operated by an Indian tribe or a county under ss. 46.20, 59.53 (8m), 301.26,  
18 ~~301.27~~ 301.36, 301.37, and 938.22 (1) (a) or by a child welfare agency that is licensed  
19 under s. 48.66 (1) (b) to hold in secure custody persons adjudged delinquent.

20 **SECTION 24.** 938.22 (1) (a) of the statutes is amended to read:

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

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

15 **SECTION 25.** 938.22 (2) (d) 2. of the statutes is amended to read:

16 938.22 (2) (d) 2. After ~~January~~ July 1, 2021, the number of juveniles that may  
17 be housed at a juvenile detention facility under subd. 1. is limited to the number that  
18 are housed at is equal to the average daily population of juveniles housed under subd.  
19 1., rounded up to the nearest whole number, of the juvenile detention facility on  
20 January 1 between July 1, 2018, and June 30, 2021, excluding any juveniles placed  
21 there under 2019 Wisconsin Act .... (this act), section 68 (1), and the juvenile  
22 detention facility may not be altered or added to or repaired in excess of 50 percent  
23 of its assessed value. If a juvenile detention facility violates this subdivision, it is no  
24 longer authorized to accept juveniles for placement for more than 30 consecutive  
25 days.

1           **SECTION 26.** 938.33 (1) (c) of the statutes is amended to read:

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

8           **SECTION 27.** 938.33 (3r) of the statutes is amended to read:

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

19           **SECTION 28.** 938.33 (6) of the statutes is created to read:

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

24           **SECTION 29.** 938.34 (4m) (intro.) of the statutes is amended to read:

1           938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile under the  
2           supervision of the department of corrections in a juvenile correctional facility or  
3           under the supervision of the county department in a secured residential care center  
4           for children and youth ~~under the supervision of~~ identified by the county department  
5           or the department of corrections if all of the following apply:

6           **SECTION 30.** 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin  
7           Act 185, section 62, is repealed and recreated to read:

8           938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile under the  
9           supervision of the county department in a secured residential care center for children  
10          and youth <sup>e</sup>(to be) identified by the county department if all of the following apply:

11          **SECTION 31.** 938.34 (4n) (intro.) of the statutes is amended to read:

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

1 following to provide aftercare supervision for the juvenile following the juvenile's  
2 release from that facility or center:

3 **SECTION 32.** 938.355 (2) (b) 1. of the statutes is amended to read:

4 938.355 (2) (b) 1. The specific Specific services to be provided to the juvenile  
5 and the juvenile's family, and, if custody is to be transferred to effect the treatment  
6 plan, the identity of the legal custodian.

7 **SECTION 33.** 938.355 (2) (b) 2. of the statutes is amended to read:

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

18 **SECTION 34.** 938.355 (2) (b) 2m. of the statutes is created to read:

19 938.355 (2) (b) 2m. If the juvenile is placed outside the home under s. 938.34  
20 (4m), the name of the county department that will provide supervision and  
21 determine placement for the juvenile.

22 **SECTION 35.** 938.355 (2) (b) 6m. of the statutes is amended to read:

23 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement  
24 under s. 938.34 (3) or (4d) recommended by the agency designated under s. 938.33  
25 (1), a statement that the court approves the placement recommended by the agency

1 or, if the juvenile is placed outside the home in a placement other than a placement  
2 recommended by that agency, a statement that the court has given bona fide  
3 consideration to the recommendations made by the agency and all parties relating  
4 to the juvenile's placement.

5 **SECTION 36.** 938.355 (2) (b) 6n. of the statutes is created to read:

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

10 **SECTION 37.** 938.357 (3) (b) (intro.), (c) and (d) of the statutes are amended to  
11 read:

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

17 (c) Upon Notwithstanding s. 938.34 (4m), upon the recommendation of the  
18 department of health services, the court may order the placement of a juvenile under  
19 par. (b) who was adjudicated delinquent under s. 938.34 (4m) at the Mendota juvenile  
20 treatment center if par. (b) 1. a. to c. are met. The department of health services shall  
21 determine the date for the actual transfer of the juvenile to the Mendota juvenile  
22 treatment center, and no change of placement to the Mendota juvenile treatment  
23 center may be ordered without the prior agreement of the department of health  
24 services to admit the juvenile. No further hearing or court order is necessary for the

1 department of health services to transfer the juvenile back to the supervision of the  
2 county department.

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

9 **SECTION 38.** 938.357 (3) (e) and (f) of the statutes are created to read:

10 938.357 (3) (e) A juvenile who is placed in a Type 1 juvenile correctional facility  
11 under par. (b) is under the supervision of the department of corrections. The change  
12 of placement order shall designate the department of corrections to provide  
13 community supervision or the county department to provide aftercare supervision  
14 for the juvenile following the juvenile's release from the Type 1 juvenile correctional  
15 facility.

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

19 **SECTION 39.** 938.357 (4) (as) of the statutes is created to read:

20 938.357 (4) (as) When a juvenile is placed under the supervision of a county  
21 department, that department may place the juvenile in a secured residential care  
22 center for children and youth or on aftercare supervision, either immediately or after  
23 a period of placement in a secured residential care center for children and youth. The  
24 county department shall send written notice of any change in placement to the  
25 parent, guardian, legal custodian, if any, and the court. The county department shall



1 be responsible for decisions regarding the release of a juvenile who is under its  
2 supervision.

3 **SECTION 40.** 938.357 (4g) (a) of the statutes is amended to read:

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

14 **SECTION 41.** 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act 185,  
15 section 78, is amended to read:

16 938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision  
17 over juveniles transferred to it by the court under s. 938.183, 938.34 (4h) ~~or (4n)~~, or  
18 938.357 (3) or (4), and provide special treatment or care to juveniles when directed  
19 by the court. Except as provided in s. 938.505 (2), a court may not direct the  
20 department to administer psychotropic medications to juveniles who receive special  
21 treatment or care under this subsection.

22 **SECTION 42.** 938.48 (4) of the statutes, as affected by 2017 Wisconsin Act 185,  
23 section 80, is amended to read:

24 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and  
25 training for juveniles under its supervision under s. 938.183, 938.34 (4h) ~~or (4n)~~, or

1 938.357 (3) or (4), including serving those juveniles in their own homes, placing them  
2 in licensed foster homes or licensed group homes under s. 48.63 or in independent  
3 living situations as provided in s. 938.34 (3) (e), contracting for their care by licensed  
4 child welfare agencies, or replacing them in juvenile correctional facilities or secured  
5 residential care centers for children and youth in accordance with rules promulgated  
6 under ch. 227, except that the department may not purchase the educational  
7 component of private day treatment programs for a juvenile in its custody unless the  
8 department, the school board, as defined in s. 115.001 (7), and the state  
9 superintendent of public instruction all determine that an appropriate public  
10 education program is not available for the juvenile. Disputes between the  
11 department and the school district shall be resolved by the state superintendent of  
12 public instruction.

13 **SECTION 43.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act  
14 185, section 82, is amended to read:

15 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,  
16 938.34 (4h) or ~~(4n)~~ or 938.357 (3) or (4) when the person reached 17 years of age.

17 **SECTION 44.** 938.48 (5) of the statutes, as affected by 2017 Wisconsin Act 185,  
18 section 84, is amended to read:

19 938.48 (5) MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious  
20 training of a juvenile under its supervision under s. 938.183, 938.34 (4h) or ~~(4n)~~, or  
21 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the juvenile's  
22 parents.

23 **SECTION 45.** 938.48 (6) of the statutes, as affected by 2017 Wisconsin Act 185,  
24 section 86, is amended to read:

1           **938.48 (6) EMERGENCY SURGERY.** Consent to emergency surgery under the  
2 direction of a licensed physician or surgeon for any juvenile under its supervision  
3 under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4) upon notification by a  
4 licensed physician or surgeon of the need for the surgery and if reasonable effort,  
5 compatible with the nature and time limitation of the emergency, has been made to  
6 secure the consent of the juvenile's parent or guardian.

7           **SECTION 46.** 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act 185,  
8 section 88, is amended to read:

9           **938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17.** Pay  
10 maintenance, tuition, and related expenses from the appropriation under s. 20.410  
11 (3) (ho) for persons who, when they attained 17 years of age, were students regularly  
12 attending a school, college, or university or regularly attending a course of vocational  
13 or technical training designed to prepare them for gainful employment, and who  
14 upon attaining that age were under the supervision of the department under s.  
15 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4) as a result of a judicial decision.

16           **SECTION 47.** 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act 185,  
17 section 96, is amended to read:

18           **938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY**  
19 **DEPARTMENT.** When a juvenile is placed under the supervision of the department of  
20 corrections under s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3), (4), or (5) (e) or under  
21 the supervision of a county department under s. 938.34 (4m) or (4n), the department  
22 of corrections or county department, whichever has supervision over the juvenile,  
23 shall have the right and duty to protect, train, discipline, treat, and confine the  
24 juvenile and to provide food, shelter, legal services, education, and ordinary medical  
25 and dental care for the juvenile, subject to the rights, duties, and responsibilities of

1 the guardian of the juvenile and subject to any residual parental rights and  
2 responsibilities and the provisions of any court order.

3 **SECTION 48.** 938.52 (2) (a) and (c) of the statutes, as affected by 2017 Wisconsin  
4 Act 185, section 98, are amended to read:

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

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

18 **SECTION 49.** 938.53 of the statutes, as affected by 2017 Wisconsin Act 185,  
19 section 100, is amended to read:

20 **938.53 Duration of control of department of corrections over**  
21 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent  
22 who has been placed under the supervision of the department of corrections under  
23 s. 938.183, 938.34 (4h) ~~or (4n)~~, or 938.357 (3) or (4) shall be discharged as soon as that  
24 department determines that there is a reasonable probability that departmental

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

3 **SECTION 50.** 938.533 (2) (intro.) of the statutes is amended to read:

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

\*\*\*\*NOTE: The references to ss. 938.183 and 938.34 (4h) were removed by 2015 Wisconsin Act 55, section 4707bm, but it is not clear why. I believe they should be included here, but you may wish to confirm with DOC.

11 **SECTION 51.** 938.54 of the statutes, as affected by 2017 Wisconsin Act 185,  
12 section 107, is amended to read:

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

20 **SECTION 52.** 938.57 (4) of the statutes is amended to read:

21 938.57 (4) AFTERCARE SUPERVISION. A county department may provide aftercare  
22 supervision under s. 938.34 (4n) for juveniles who are released from juvenile  
23 correctional facilities or secured residential care centers for children and youth. If

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

11 **SECTION 53.** 938.78 (3) of the statutes is amended to read:

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

1 facility, or juvenile portion of a county jail for a specified time period and is absent  
2 from the facility, center, home, or jail for more than 12 hours after the expiration of  
3 the specified period, the department of corrections or county department, whichever  
4 has supervision over the juvenile, may release the juvenile's name and any  
5 information about the juvenile that is necessary for the protection of the public or to  
6 secure the juvenile's return to the facility, center, home, or jail. The department of  
7 corrections shall promulgate rules establishing guidelines for the release of the  
8 juvenile's name or information about the juvenile to the public.

9 **SECTION 54.** 2017 Wisconsin Act 185, section 38 is repealed.

10 **SECTION 55.** 2017 Wisconsin Act 185, section 70 is repealed.

11 **SECTION 56.** 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

12 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type  
13 1 juvenile correctional facilities under subsection (7) and the secured residential care  
14 centers for children and youth under subsections (4) and (7m), the department of  
15 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln  
16 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional  
17 facility or secured residential care center for children and youth. No juvenile may  
18 be transferred to a Type 1 juvenile correctional facility until the department of  
19 corrections determines the facility to be ready to accept juveniles, and no juvenile  
20 may be transferred to a secured residential care center for children and youth until  
21 the entity operating the facility determines it to be ready to accept juveniles. The  
22 transfers may occur in phases. <sup>plain</sup> The Unless an extension is granted under 2019

23 Wisconsin Act .... (this act), section 68 (2), the department shall transfer all juveniles  
24 under this subsection no later than January July 1, 2021.

25 **SECTION 57.** 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

1 [2017 Wisconsin Act 185] Section 110 (2) (a) On the earlier of the date on which  
2 all juveniles have been transferred to secured residential care centers for children  
3 and youth and Type 1 juvenile correctional facilities under subsection (1) <sup>or January</sup>  
4 July 1, 2021, or the date of an extension granted under 2019 Wisconsin Act ... (this  
5 act), section 68 (2), the department of corrections shall permanently close the Type  
6 1 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake  
7 School in the town of Birch, Lincoln County.

8 **SECTION 58.** 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

9 [2017 Wisconsin Act 185] Section 110 (3) (c) *Termination.* The juvenile  
10 corrections grant committee terminates on the earlier of the date on which all  
11 projects funded with grants under subsection (4) are completed or ~~January~~ July 1,  
12 2021.

13 **SECTION 59.** 2017 Wisconsin Act 185, section 110 (4) (a) 1. c. is amended to read:

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

18 **SECTION 60.** 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

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

24 **SECTION 61.** 2017 Wisconsin Act 185, section 110 (4) (e) is amended to read:



1 [2017 Wisconsin Act 185] Section 110 (4) (e) *Wisconsin model of juvenile justice;*  
2 *statewide plan.* The juvenile corrections grant committee shall develop a statewide  
3 plan that recommends which grant applications to approve, based on an overall view  
4 toward a Wisconsin model of juvenile justice. The committee shall consult with the  
5 departments of corrections and children and families on the statewide plan and may  
6 ~~not recommend approval of an application unless the department of corrections~~  
7 ~~approves the plans and specifications for the site and the design and construction of~~  
8 ~~the proposed secured residential care center for children and youth under section~~  
9 ~~301.37 of the statutes.~~

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

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

17 **SECTION 63.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

18 [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile  
19 corrections study committee terminates on January July 1, 2021.

20 **SECTION 64.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

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

1 study committee under subsection (6) (c) 2. in establishing or constructing these  
2 facilities.

3 **SECTION 65.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

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

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

15 **SECTION 66.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

16 [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)  
17 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION  
18 110 (7m), first applies to a juvenile adjudicated delinquent on January July 1, 2021.

19 **SECTION 67.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

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

1 938.505 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION  
2 100), and 938.54 (by SECTION 107) of the statutes takes effect on the date specified  
3 in the notice under SECTION 110 (2) (b) <sup>Plain</sup> or January 1, 2021, whichever is earlier.

4 **SECTION 68. Nonstatutory provisions.** <sup>July</sup>

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

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

13 (b) Notwithstanding s. 938.34 (3) (f) 1., a juvenile may be placed in a juvenile  
14 detention facility under par. (a) for a period longer than 365 days, and shall be  
15 transferred out of the juvenile detention facility using the procedure and by the date  
16 required under 2017 Wisconsin Act 185, section 110 (1). The department of  
17 corrections shall transfer all juveniles placed in a juvenile detention facility under  
18 par. (a) out of the juvenile detention facility no later than July 1, 2021, unless an  
19 extension is granted under sub. (2).

20 (2) ONETIME EXTENSION.

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

1 Hills School and Copper Lake School in the town of Birch, Lincoln County under 2017

2 Wisconsin Act 185, section 110 (2) (a).

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

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

19 **SECTION 69. Initial applicability.**

20 (1) The treatment of ss. 938.33 (3r), 938.34 (4m) (intro.) (by SECTION 29) and (4n)  
21 (intro.), and 938.357 (3) (b) (intro.), (c), (d), (e), and (f) and (4) (as), with respect to a  
22 county department's supervision of a juvenile, first applies to a juvenile adjudicated  
23 delinquent and placed under the supervision of the county under s. 938.34 (4m).

24 **SECTION 70. Effective dates.** This act takes effect on the day after publication,  
25 except as follows:

1 (1) The treatment of ss. 46.011 (1p), 48.023 (4), 49.11 (1c), 49.45 (25) (bj), 301.01  
2 (1n), 938.02 (4), 938.34 (4m) (intro.) (by SECTION 30) and (4n) (intro.), 938.357 (4g) (a),  
3 938.48 (3), (4), (4m) (b), (5), (6), and (14), 938.505 (1), 938.52 (2) (a) and (c), 938.53,  
4 938.533 (2) (intro.), and 938.54 takes effect on the date specified in the notice under  
5 2017 Wisconsin Act 185, SECTION 110 (2) (b).

6

(END)

or July 1, 2021, whichever  
is earlier