



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2019 Assembly Bill 188**

**Assembly Substitute  
Amendment 1**

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### **BACKGROUND**

2017 Wisconsin Act 185 made significant changes to juvenile corrections, including the required closure of the Lincoln Hills and Copper Lake Schools (collectively, "Lincoln Hills") by January 1, 2021, establishment of new Department of Corrections (DOC) Type 1 juvenile correctional facilities ("Type 1 facilities"), and creation of a grant program allowing counties to apply for funds for design and construction of new secured residential care centers for children and youth (SRCCCYs). The act also created a 10-member Juvenile Corrections Grant Committee ("Grant Committee") to administer the grant program and to submit a plan to the Joint Finance Committee (JFC) recommending which county grant applications to approve for funding.

### **2019 ASSEMBLY BILL 188**

Assembly Bill 188 is trailer legislation addressing items included in 2017 Wisconsin Act 185. Key changes made by the bill include: (a) delaying the deadline for closing Lincoln Hills and transferring juveniles out of the facility by six months; (b) delaying deadlines relating to county SRCCCY grant applications by three months; (c) allowing DOC to temporarily transfer juveniles from Lincoln Hills to juvenile detention facilities prior to the opening of new Type 1 facilities; (d) clarifying the entity responsible for supervision of particular juveniles; and (e) increasing authority of the Department of Health Services (DHS) over admission to and release from the Mendota Juvenile Treatment Center (MJTC).

### **ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Substitute Amendment 1 largely incorporates the contents of Assembly Bill 188, as originally written, as well as the contents of simple amendments adopted by the Assembly and Senate committees that considered the bills. The following section describes

additional content contained within Assembly Substitute Amendment 1 not contained within the original bill.

### **DOC Administrative Rules Governing SRCCCYs**

Assembly Substitute Amendment 1 makes changes relating to DOC administrative rules governing the design and construction of SRCCCYs and services and programming provided within SRCCCYs. The substitute amendment provides that DOC rules must allow SRCCCYs to use less restrictive physical security barriers than DOC Type 1 facilities, while still ensuring safety of the public, staff, and youth.

The substitute amendment also requires DOC to grant a county-requested variance from the design and construction rules if all the following conditions are met:

- The Grant Committee determines the variance is necessary to either: (a) achieve a reasonable cost-saving measure that will not compromise the quality or type of evidence-based, trauma-informed care offered at the SRCCCY; or (b) incorporate new practices of evidence-based, trauma-informed care at the SRCCCY.
- The Grant Committee includes the variance in its recommendations to JFC.
- The proposed SRCCCY, including the proposed variance, is part of the plan approved by JFC and receives grant funding.
- The proposed SRCCCY meets the minimum requirements of the commercial building code.

In addition, the substitute amendment provides that DOC rules must require implementation of trauma-informed principles and evidence-based practices at the facilities, and amends the statutory definition of a SRCCCY.

### **Transfers to MJTC**

Assembly Substitute Amendment 1 adds language regarding placements and supervision of juveniles at MJTC. The amendment prohibits a court from ordering a placement of a juvenile at MJTC that DHS has not approved, and also provides that a juvenile under the supervision of a county in a SRCCCY who is transferred to MJTC remains under the supervision of that county.

### **Requirements and Limitations Regarding DOC Type 1 Facilities**

Assembly Substitute Amendment 1 imposes requirements and limitations on DOC related to new Type 1 facilities under Act 185, some of which apply prior to construction and others that apply on an on-going basis following construction.

Under the substitute amendment, DOC must do both of the following prior to construction of a new Type 1 facility: (1) hold a public listening session in the city, village, or town where the facility is proposed to be located; and (2) meet with the governing body of the

city, village, or town to discuss potential impacts to the local community. DOC must provide public notice at least 168 hours prior to commencement of a meeting.

The substitute amendment prohibits DOC from expanding the capacity of, or substantially modifying the structure or physical security of, a new Type 1 facility without prior approval by the governing body of the city, village, or town where the facility is located, unless the Governor has declared a state of emergency. Further, the amendment requires DOC to meet with the governing body to discuss matters of local concern pertaining to the Type 1 facility, if requested.

### **BILL HISTORY**

Assembly Substitute Amendment 1 was offered by Representative Schraa on June 19, 2019. The full Assembly adopted Assembly Substitute Amendment 1 and passed Assembly Bill 188, as amended, on voice votes on June 20, 2019.

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