



**ASSEMBLY AMENDMENT 3,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 686**

February 5, 1998 - Offered by Representatives KELSO, HUBER and KRUSICK.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 13, line 9: delete lines 9 to 16 and substitute:

3 “2m. If a juvenile who has violated a municipal ordinance enacted under s.

4 118.163 (2) violates a condition of his or her dispositional order, the municipal court

5 may impose on the juvenile any of the sanctions specified in s. 938.355 (6m) (a) that

6 are authorized under par. (cm) except for the sanction specified in s. 938.355 (6m) (a)

7 1. or may petition the court assigned to exercise jurisdiction under this chapter and

8 ch. 48 to impose on the juvenile the sanction specified in s. 938.355 (6m) (a) 1., if

9 authorized under par. (cm), if at the time of judgment the court explained the

10 conditions to the juvenile and informed the juvenile of the possible sanctions under

11 s. 938.355 (6m) (a) that are authorized under par. (cm) for a violation or if before the

12 violation the juvenile has acknowledged in writing that he or she has read, or has had

1 read to him or her, those conditions and possible sanctions and that he or she
2 understands those conditions and possible sanctions.”.

3 **2.** Page 13, line 17: after “impose” insert “or petition”.

4 **3.** Page 13, line 25: after that line insert:

5 “4m. If the court assigned to exercise jurisdiction under this chapter and ch.
6 48 imposes the sanction specified in s. 938.355 (6m) (a) 1., on a petition described in
7 subd. 2m., that court shall order the municipality of the municipal court that filed
8 the petition to pay to the county the cost of providing the sanction imposed under s.
9 938.355 (6m) (a) 1.”.

10 **4.** Page 19, line 6: delete lines 6 to 25.

11 **5.** Page 20, line 1: delete lines 1 to 5 and substitute:

12 “**SECTION 60m.** 938.355 (6m) (a) of the statutes is renumbered 938.355 (6m) (a)
13 (intro.) and amended to read:

14 938.355 (**6m**) (a) (intro.) If the court finds by a preponderance of the evidence
15 that a juvenile who has been found to have violated a municipal ordinance enacted
16 under s. 118.163 (2) or who has been found to be in need of protection or services based
17 on habitual truancy from school under s. 938.13 (6) has violated a condition specified
18 under sub. (2) (b) 7., the court may order as a sanction any combination of the
19 operating privilege suspension specified in this paragraph sanction specified in
20 subds. 1. and 2. and the dispositions specified in s. 938.342 (1) (1g) (b) to (f) (j) and
21 (1m), regardless of whether the disposition was imposed in the order violated by the
22 juvenile, if at the dispositional hearing under s. 938.335 the court explained those
23 conditions to the juvenile and informed the juvenile of the possible sanctions under
24 this paragraph for a violation or if before the violation the juvenile has acknowledged

1 in writing that he or she has read, or has had read to him or her, those conditions and
2 possible sanctions and that he or she understands those conditions and possible
3 sanctions. The court may order as a sanction suspension under this paragraph any
4 of the following:

5 2. Suspension of the juvenile's operating privilege, as defined under s. 340.01
6 (40), for not more than one year. If the juvenile does not hold a valid operator's license
7 under ch. 343, other than an instruction permit under s. 343.07 or a restricted license
8 under s. 343.08, on the date of the order issued under this ~~paragraph~~ subdivision, the
9 court may order the suspension to begin on the date that the operator's license would
10 otherwise be reinstated or issued after the juvenile applies and qualifies for issuance
11 or 2 years after the date of the order issued under this ~~paragraph~~ subdivision,
12 whichever occurs first. If the court suspends an operating privilege under this
13 ~~paragraph~~ subdivision, the court shall immediately take possession of the suspended
14 license and forward it to the department of transportation with a notice stating the
15 reason for and the duration of the suspension.

16 **SECTION 60p.** 938.355 (6m) (a) 1. of the statutes is created to read:

17 938.355 (6m) (a) 1. Placement of the juvenile in a secure detention facility or
18 juvenile portion of a county jail that meets the standards promulgated by the
19 department by rule or in a place of nonsecure custody, for not more than 10 days and
20 the provision of educational services consistent with his or her current course of
21 study during the period of placement. The juvenile shall be given credit against the
22 period of detention or nonsecure custody imposed under this subdivision for all time
23 spent in secure detention in connection with the course of conduct for which the
24 detention or nonsecure custody was imposed.”

1 **6.** Page 20, line 18: after that line insert:

2 “**SECTION 61m.** 938.355 (6m) (am) of the statutes is created to read:

3 938.355 (**6m**) (am) 1. If a juvenile who has violated a municipal ordinance
4 enacted under s. 118.163 (2) violates a condition of a dispositional order imposed by
5 the municipal court, the municipal court may petition the court assigned to exercise
6 jurisdiction under this chapter and ch. 48 to impose on the juvenile the sanction
7 specified in par. (a) 1. if, at the time of the judgment the municipal court explained
8 the conditions to the juvenile and informed the juvenile of that possible sanction for
9 a violation or if before the violation the juvenile has acknowledged in writing that
10 he or she has read, or has had read to him or her, those conditions and that possible
11 sanction and that he or she understands those conditions and that possible sanction.
12 The petition shall contain a statement of whether the juvenile may be subject to the
13 federal Indian child welfare act, 25 USC 1911 to 1963.

14 2. If the court assigned to exercise jurisdiction under this chapter and ch. 48
15 imposes the sanction specified in par. (a) 1. on a petition described in subd. 1., that
16 court shall order the municipality of the municipal court that filed the petition to pay
17 to the county the cost of providing the sanction imposed under par. (a) 1.”.

18 **7.** Page 21, line 16: delete lines 16 to 18 and substitute:

19 “(3m) The treatment of sections 938.17 (2) (h) 1. and (i) and 938.355 (6) (a) and
20 (an) 1. and (6m) (title), (ag), (am), (b) and (c) of the statutes, the renumbering and
21 amendment of section 938.355 (6m) (a) of the statutes and the creation of section
22 938.355 (6m) (a) 1. of the statutes first apply to dispositional orders entered on the
23 effective date of this subsection.”.

24

(END)