



**SENATE AMENDMENT 5,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 686**

April 28, 1998 – Offered by Senator MOORE.

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

2           **1.** Page 13, line 22: delete lines 22 to 25.

3           **2.** Page 14, line 1: delete lines 1 to 5.

4           **3.** Page 15, line 16: delete lines 16 to 25.

5           **4.** Page 16, line 1: delete lines 1 to 24.

6           **5.** Page 17, line 1: delete lines 1 to 16 and substitute:

7           “**SECTION 49m.** 938.17 (2) (h) 1. of the statutes, as affected by 1997 Wisconsin  
8 Act .... (Assembly Bill 410), is amended to read:

9           938.17 **(2)** (h) 1. If a juvenile who has violated a municipal ordinance, other  
10 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or  
11 her dispositional order, the municipal court may impose on the juvenile any of the  
12 sanctions specified in s. 938.355 (6) (d) 2. to 4. that are authorized under par. (cm)

1 except for monitoring by an electronic monitoring system or may petition the court  
2 assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the  
3 juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with  
4 monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if  
5 authorized under par. (cm), if at the time of judgment the court explained the  
6 conditions to the juvenile and informed the juvenile of the possible sanctions under  
7 s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the  
8 violation the juvenile has acknowledged in writing that he or she has read, or has had  
9 read to him or her, those conditions and possible sanctions and that he or she  
10 understands those conditions and possible sanctions.

11 **SECTION 50m.** 938.17 (2) (i) 1. of the statutes, as created by 1997 Wisconsin Act  
12 .... (Assembly Bill 410), is amended to read:

13 938.17 (2) (i) 1. If a juvenile who has violated a municipal ordinance enacted  
14 under s. 118.163 (2) (1m) violates a condition of his or her dispositional order, the  
15 municipal court may impose on the juvenile any of the sanctions specified in s.  
16 938.355 (6m) (ag) that are authorized under par. (cm), if at the time of judgment the  
17 court explained the conditions to the juvenile and informed the juvenile of ~~the~~ those  
18 possible sanctions under s. 938.355 (6m) ~~that are authorized under par. (cm) for a~~  
19 ~~violation~~ or if before the violation the juvenile has acknowledged in writing that he  
20 or she has read, or has had read to him or her, those conditions and possible sanctions  
21 and that he or she understands those conditions and possible sanctions.

22 **SECTION 50p.** 938.17 (2) (i) 2. of the statutes, as created by 1997 Wisconsin Act  
23 .... (Assembly Bill 410), is renumbered 938.17 (2) (i) 3g. and amended to read:

24 938.17 (2) (i) 3g. A motion requesting the municipal court to impose ~~or petition~~  
25 ~~for~~ a sanction may be brought by the person or agency primarily responsible for the

1 provision of dispositional services, the municipal attorney or the court that entered  
2 the dispositional order. If the court initiates the motion, that court is disqualified  
3 from holding a hearing on the motion. Notice of the motion shall be given to the  
4 juvenile and the juvenile's parent, guardian or legal custodian.

5 **SECTION 50r.** 938.17 (2) (i) 2m. of the statutes is created to read:

6 938.17 (2) (i) 2m. If a juvenile who has violated a municipal ordinance enacted  
7 under s. 118.163 (2) violates a condition of his or her dispositional order, the  
8 municipal court may impose on the juvenile any of the sanctions specified in s.  
9 938.355 (6m) (a) that are authorized under par. (cm), if at the time of judgment the  
10 court explained the conditions to the juvenile and informed the juvenile of those  
11 possible sanctions or if before the violation the juvenile has acknowledged in writing  
12 that he or she has read, or has had read to him or her, those conditions and possible  
13 sanctions and that he or she understands those conditions and possible sanctions.

14 **SECTION 50t.** 938.17 (2) (i) 3. of the statutes, as created by 1997 Wisconsin Act  
15 .... (Assembly Bill 410), is renumbered 938.17 (2) (i) 4. and amended to read:

16 938.17 (2) (i) 4. Before imposing any sanction, the court shall hold a hearing,  
17 at which the juvenile may present evidence. Except as provided in s. 901.05, neither  
18 common law nor statutory rules of evidence are binding at a hearing under this  
19 subdivision.”.

20 **6.** Page 22, line 14: delete lines 14 to 25.

21 **7.** Page 23, line 1: delete lines 1 to 25 and substitute:

22 “**SECTION 65m.** 938.355 (6) (a) of the statutes, as affected by 1997 Wisconsin  
23 Act .... (Assembly Bill 410), is amended to read:

1           938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have  
2 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163  
3 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on  
4 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing  
5 under s. 938.335, the court explained the conditions to the juvenile and informed the  
6 juvenile of those possible sanctions or if before the violation the juvenile has  
7 acknowledged in writing that he or she has read, or has had read to him or her, those  
8 conditions and possible sanctions and that he or she understands those conditions  
9 and possible sanctions. If a juvenile who has been found to be in need of protection  
10 or services under s. 938.13 (4), (6m), (7), (12) or (14) violates a condition specified in  
11 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in  
12 par. (d), other than placement in a secure detention facility or juvenile portion of a  
13 county jail, if, at the dispositional hearing under s. 938.335, the court explained the  
14 conditions to the juvenile and informed the juvenile of those possible sanctions or if  
15 before the violation the juvenile has acknowledged in writing that he or she has read,  
16 or has had read to him or her, those conditions and possible sanctions and that he or  
17 she understands those conditions and possible sanctions. The court may not order  
18 the sanction of placement in a place of nonsecure custody specified in par. (d) 1.  
19 unless the court finds that the agency primarily responsible for providing services  
20 for the juvenile has made reasonable efforts to prevent the removal of the juvenile  
21 from his or her home and that continued placement of the juvenile in his or her home  
22 is contrary to the welfare of the juvenile.

23           **SECTION 66m.** 938.355 (6) (an) 1. of the statutes, as affected by 1997 Wisconsin  
24 Act .... (Assembly Bill 410), is amended to read:

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

14           **8.** Page 24, line 4: delete lines 4 to 25.

15           **9.** Page 25, line 1: delete lines 1 to 18 and substitute:

16           “**SECTION 68m.** 938.355 (6m) (a) (intro.) of the statutes, as affected by 1997  
17 Wisconsin Act .... (Assembly Bill 410), is amended to read:

18           938.355 (6m) (a) (intro.) If the court finds by a preponderance of the evidence  
19 that a juvenile who has been found to have violated a municipal ordinance enacted  
20 under s. 118.163 (2) or who has been found to be in need of protection or services  
21 under s. 938.13 (6) has violated a condition specified under sub. (2) (b) 7., the court  
22 may order as a sanction any combination of the sanctions specified in subds. 1. to 3.  
23 and the dispositions specified in s. 938.342 ~~(1)~~ (1g) (d) to ~~(f)~~ (j) and (1m), regardless  
24 of whether the disposition was imposed in the order violated by the juvenile, if at the

1 dispositional hearing under s. 938.335 the court explained those conditions to the  
2 juvenile and informed the juvenile of the possible sanctions under this paragraph for  
3 a violation or if before the violation the juvenile has acknowledged in writing that  
4 he or she has read, or has had read to him or her, those conditions and possible  
5 sanctions and that he or she understands those conditions and possible sanctions.  
6 The court may order as a sanction ~~or limitation on the use~~ under this paragraph any  
7 of the following:”

8 **10.** Page 26, line 7: delete lines 7 to 22.

9 **11.** Page 28, line 14: delete lines 14 to 18 and substitute:

10 “(3t) The treatment of sections 938.17 (2) (h) 1. and (i) 1., 2., 2m. and 3. and  
11 938.355 (6) (a) and (an) 1. and (6m) (title), (a) (intro.), (ag), (b) and (c) of the statutes  
12 first applies to dispositional orders entered on the effective date of this subsection.”.

13 (END)