



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 344
[2005 Assembly Bill 443]

**Technical Recodification of the
Juvenile Justice Code
(ch. 938, Stats.)**

2005 Wisconsin Act 344 is the product of the Wisconsin Joint Legislative Council's Special Committee on Recodification of Ch. 938, the Juvenile Justice Code. The Act:

1. Reorganizes individual sections, or portions of sections, by combining them with other sections, dividing single sections into two or more sections, and internally reorganizing single sections.
2. Makes nonsubstantive editorial changes to modernize language and for consistency with current drafting style.
3. Revises section and subsection titles, where appropriate, and provides subsection titles throughout the chapter.
4. Clarifies ambiguous language.
5. Repeals several provisions considered no longer necessary.
6. Makes substantive changes the Legislature concluded were relatively noncontroversial.

With reference to some of its key specific changes, the Act:

- Modifies the definition of “residential care center for children and youth” to add “treatment” to the list of services provided by these facilities because they provide treatment as well as “care and maintenance.” Changes the term “secure child caring institution” to “secured residential care center for children and youth.”
- Changes the term “secured correctional facility” to “juvenile correctional facility.” The same change was made to the defined terms of “secure detention facility,” “Type 1 secured correctional facility,” and “Type 2 secured correctional facility.”

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- Repeals the definition of “secured group home” as unnecessary and unworkable.
- Clarifies that a delinquency proceeding is commenced when a delinquency petition is filed.
- Provides that a request for a change in placement, a request for a revision of a dispositional order, or a request for an extension of a dispositional order may be filed instead of a delinquency or a juvenile in need of protection or services (JIPS) petition at a temporary custody hearing.
- Specifies that the five-day time limit to make a finding following the temporary custody hearing as to whether reasonable efforts were made to prevent removal of the juvenile from the home excludes Saturdays, Sundays, and legal holidays.
- Eliminates the authority of the Department of Corrections (DOC) to transfer a juvenile who has been adjudicated delinquent to an adult prison, including the Intensive Sanctions Program, which is defined in the statutes as a state prison.
- Clarifies that the maximum amount of restitution in terms of monetary amount or hours of services applies to all of the damages or injuries resulting from the act (or acts) that are the basis for a deferred prosecution agreement (i.e., the amount does not apply per charge or per petition, but is the total amount that can be required under the agreement).
- Adds attempted armed robbery and second-degree reckless homicide as serious juvenile offender offenses. Also clarifies this provision by specifying that conspiracy to commit an offense [s. 939.31] means conspiracy to commit an offense listed as a serious juvenile offender offense.
- Permits a court ordering a disposition of secure placement to place a juvenile in either a juvenile correctional facility or a secure residential care center for children and youth.
- Provides that the district attorney and corporation counsel, in addition to the agency supervising the juvenile, may notify the court of a violation of a dispositional order that stays the imposition of another dispositional order.
- Requires the district attorney or corporation counsel to provide notice to a victim of how to request testing for communicable diseases of a juvenile who is alleged to have thrown or expelled a bodily substance at the victim.
- Provides that the statement of income, assets, debts, and living expenses required to be given by a parent whose child is placed in an out-of-home placement must state those of the parent and the juvenile.
- Provides that an order placing a juvenile in secure placement must apply for one year or until the juvenile’s 18th birthday, whichever is earlier, if the order does not specify a termination date.
- Provides that a person who was adjudicated delinquent for an offense committed before July 1, 1996, may request to have his or her record expunged.

- Clarifies that a reasonable efforts finding need not be made when a juvenile is placed in nonsecure custody as a sanction if the finding has already been made in the dispositional order.
- Permits the supervisor of a caseworker who has placed a juvenile in custody for not more than 72 hours as a consequence for a violation of a dispositional order to modify the terms of the placement.
- Clarifies that the “one face-to-face contact per day” requirement for caseworkers supervising juveniles placed in the Intensive Supervision Program does not apply: (a) during a period that a youth is placed in shelter care or a secure facility for a violation of program rules for a 72-hour hold; or (b) during a period that a youth is placed in non-secure custody for not more than 30 days as crisis intervention.
- Clarifies that, with specified exceptions, the rule that agency records relating to a juvenile are confidential applies to the contents of any record kept or information received about an individual who is or was (i.e., currently or in the past) in the agency’s care or legal custody.

Effective Date: Act 344 takes effect on April 29, 2006.

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April 21, 2006

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