



State of Wisconsin
2011 - 2012 LEGISLATURE



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2011 ASSEMBLY BILL 703

March 15, 2012 - Introduced by Representatives KESSLER, DOYLE, PASCH and GRIGSBY, cosponsored by Senator TAYLOR. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 48.02 (1d), 48.02 (2), 48.366 (8), subchapter IX (title) of chapter
2 48 [precedes 48.44], 48.44 (title), 48.44 (1), 48.45 (1) (a), 48.45 (1) (am), 48.45
3 (3), 118.163 (4), 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1.,
4 165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a), 301.26 (4) (cm) 2., 302.31 (7),
5 938.02 (1), 938.02 (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.),
6 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b), 938.355 (4m)
7 (a), 938.39, subchapter IX (title) of chapter 938 [precedes 938.44], 938.44,
8 938.45 (1) (a), 938.45 (3), 938.48 (4m) (title), 938.48 (4m) (a), 938.48 (4m) (b),
9 938.48 (14), 938.57 (3) (title), 938.57 (3) (a) (intro.), 938.57 (3) (a) 1., 938.57 (3)
10 (a) 3., 938.57 (3) (b), 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45
11 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), 961.455 (1), 961.455 (2), 961.46,
12 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2), 961.575 (3), 990.01 (3) and
13 990.01 (20) of the statutes; **relating to:** the age at which a person who is alleged
14 to have violated a criminal law, a civil law, or a municipal ordinance and who

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1 has not previously been adjudicated delinquent is subject to circuit court or
2 municipal court rather than juvenile court jurisdiction.

Analysis by the Legislative Reference Bureau

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code, if the person has not previously been adjudicated delinquent. The bill, however, does not affect the age at which a person who has previously been adjudicated delinquent is subject to those procedures and that sentencing.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, if the person has not previously been adjudicated delinquent. The bill, however, does not affect the age at which a person who has previously been adjudicated delinquent is subject to that jurisdiction and those procedures.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 48.02 (1d) of the statutes is amended to read:

4 48.02 (1d) "Adult" means a person who is 18 years of age or older, except that
5 for purposes of investigating or prosecuting a person who is alleged to have violated
6 any state or federal criminal law or any civil law or municipal ordinance, "adult"

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1 means includes a person ~~who has attained~~ 17 years of age who has previously been
2 adjudicated delinquent.

3 **SECTION 2.** 48.02 (2) of the statutes is amended to read:

4 48.02 (2) "Child", when used without further qualification, means a person who
5 is less than 18 years of age, except that for purposes of investigating or prosecuting
6 a person who is alleged to have violated a state or federal criminal law or any civil
7 law or municipal ordinance, "child" does not include a person ~~who has attained~~ 17
8 years of age who has previously been adjudicated delinquent.

9 **SECTION 3.** 48.366 (8) of the statutes is amended to read:

10 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections
11 may transfer a person subject to an order between juvenile correctional facilities.
12 After the person ~~attains the age of 17 years~~ becomes an adult, the department of
13 corrections may place the person in a state prison named in s. 302.01, except that the
14 department of corrections may not place any person under the age of 18 years in the
15 correctional institution authorized in s. 301.16 (1n). If the department of corrections
16 places a person subject to an order under this section in a state prison, that
17 department shall provide services for that person from the appropriate
18 appropriation under s. 20.410 (1). The department of corrections may transfer a
19 person placed in a state prison under this subsection to or between state prisons
20 named in s. 302.01 without petitioning for revision of the order under sub. (5) (a),
21 except that the department of corrections may not transfer any person under the age
22 of 18 years to the correctional institution authorized in s. 301.16 (1n).

23 **SECTION 4.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes
24 is amended to read:

25

CHAPTER 48

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SUBCHAPTER IX

JURISDICTION OVER PERSON ~~17~~~~OR OLDER ADULTS~~

SECTION 5. 48.44 (title) of the statutes is amended to read:

48.44 (title) **Jurisdiction over persons ~~17 or older~~ adults.**

SECTION 6. 48.44 (1) of the statutes is amended to read:

48.44 (1) The court has jurisdiction over persons ~~17 years of age or older~~ adults as provided under ss. 48.133, 48.355 (4) and 48.45 and as otherwise specifically provided in this chapter.

SECTION 7. 48.45 (1) (a) of the statutes is amended to read:

48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any ~~person 17 years of age or older~~ adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, ~~such~~ that condition of the child, the judge may make orders with respect to the conduct of ~~such~~ that person in his or her relationship to the child, including orders determining the ability of the person to provide for the maintenance or care of the child and directing when, how, and from where funds for the maintenance or care shall be paid.

SECTION 8. 48.45 (1) (am) of the statutes is amended to read:

48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn child's expectant mother alleged to be in a condition described in s. 48.133 it appears that any ~~person 17 years of age or over~~ adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, ~~such~~ that condition of the unborn child and expectant mother, the judge may make orders with respect to the

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1 conduct of ~~such~~ that person in his or her relationship to the unborn child and
2 expectant mother.

3 **SECTION 9.** 48.45 (3) of the statutes is amended to read:

4 48.45 (3) If it appears at a court hearing that any person ~~17 years of age or older~~
5 adult has violated s. 948.40, the judge shall refer the record to the district attorney
6 for criminal proceedings as may be warranted in the district attorney's judgment.
7 This subsection does not prevent prosecution of violations of s. 948.40 without the
8 prior reference by the judge to the district attorney, as in other criminal cases.

9 **SECTION 10.** 118.163 (4) of the statutes is amended to read:

10 118.163 (4) A person who is ~~under 17 years of age~~ a minor on the date of
11 disposition is subject to s. 938.342.

12 **SECTION 11.** 125.07 (4) (d) of the statutes is amended to read:

13 125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of
14 disposition is subject to s. 938.344 unless proceedings have been instituted against
15 the person in a court of civil or criminal jurisdiction after dismissal of the citation
16 under s. 938.344 (3).

17 **SECTION 12.** 125.07 (4) (e) 1. of the statutes is amended to read:

18 125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty
19 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

20 **SECTION 13.** 125.085 (3) (bt) of the statutes is amended to read:

21 125.085 (3) (bt) A person who is ~~under 17 years of age~~ a minor on the date of
22 disposition is subject to s. 938.344 unless proceedings have been instituted against
23 the person in a court of civil or criminal jurisdiction after dismissal of the citation
24 under s. 938.344 (3).

25 **SECTION 14.** 165.83 (1) (c) 1. of the statutes is amended to read:

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1 165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~
2 of 17 an adult and that is a felony or a misdemeanor.

3 **SECTION 15.** 165.83 (1) (c) 2. of the statutes is amended to read:

4 165.83 (1) (c) 2. An act that is committed by a ~~person~~ minor who has attained
5 the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or
6 misdemeanor if committed by an adult.

7 **SECTION 16.** 301.12 (2m) of the statutes is amended to read:

8 301.12 (2m) The liability specified in sub. (2) shall not apply to persons ~~17~~ 18
9 and older receiving care, maintenance, services and supplies provided by prisons
10 named in s. 302.01.

11 **SECTION 17.** 301.12 (14) (a) of the statutes is amended to read:

12 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
13 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under ~~17~~
14 18 years of age in residential, nonmedical facilities such as group homes, foster
15 homes, residential care centers for children and youth, and juvenile correctional
16 institutions is determined in accordance with the cost-based fee established under
17 s. 301.03 (18). The department shall bill the liable person up to any amount of
18 liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party
19 benefits, subject to rules that include formulas governing ability to pay promulgated
20 by the department under s. 301.03 (18). Any liability of the resident not payable by
21 any other person terminates when the resident reaches age ~~17~~ 18, unless the liable
22 person has prevented payment by any act or omission.

23 **SECTION 18.** 301.26 (4) (cm) 2. of the statutes is amended to read:

24 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b), and (bm), the department
25 shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the

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1 appropriations under s. 20.410 (3) (hm), (ho), and (hr) for the purpose of reimbursing
2 juvenile correctional facilities, secured residential care centers for children and
3 youth, alternate care providers, aftercare supervision providers, and corrective
4 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
5 care of any juvenile 14 years of age or over ~~and under 18 years of age~~ who has been
6 placed in a juvenile correctional facility under s. 48.366 based on a delinquent act
7 that is a violation of s. 940.01, 940.02, 940.05, or 940.225 (1).

8 **SECTION 19.** 302.31 (7) of the statutes is amended to read:

9 302.31 (7) The temporary placement of persons in the custody of the
10 department, other than persons under 17 years of age minors, and persons who have
11 ~~attained the age of 17 years but have not attained~~ adults under the age of 25 years
12 who are under the supervision of the department under s. 48.366 or 938.355 (4) and
13 who have been taken into custody pending revocation of aftercare supervision under
14 s. 48.366 (5) or 938.357 (5) (e).

15 **SECTION 20.** 938.02 (1) of the statutes is amended to read:

16 938.02 (1) "Adult" means a person who is 18 years of age or older, except that
17 for purposes of investigating or prosecuting a person who is alleged to have violated
18 any state or federal criminal law or any civil law or municipal ordinance, "adult"
19 ~~means~~ includes a person who has attained 17 years of age who has previously been
20 adjudicated delinquent.

21 **SECTION 21.** 938.02 (10m) of the statutes is amended to read:

22 938.02 (10m) "Juvenile", when used without further qualification, means a
23 person who is less than 18 years of age, except that for purposes of investigating or
24 prosecuting a person who is alleged to have violated a state or federal criminal law

ASSEMBLY BILL 703**SECTION 21**

1 or any civil law or municipal ordinance, “juvenile” does not include a person who has
2 attained 17 years of age who has previously been adjudicated delinquent.

3 **SECTION 22.** 938.12 (2) of the statutes is amended to read:

4 938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition
5 alleging that a juvenile is delinquent is filed before the juvenile is ~~17 years of age~~
6 becomes an adult, but the juvenile becomes ~~17 years of age~~ an adult before admitting
7 the facts of the petition at the plea hearing or if the juvenile denies the facts, before
8 an adjudication, the court retains jurisdiction over the case.

9 **SECTION 23.** 938.18 (2) of the statutes is amended to read:

10 938.18 (2) **PETITION.** The petition for waiver of jurisdiction may be filed by the
11 district attorney or the juvenile or may be initiated by the court and shall contain a
12 brief statement of the facts supporting the request for waiver. The petition for waiver
13 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
14 delinquency and shall be filed prior to the plea hearing, except that if the juvenile
15 denies the facts of the petition and becomes ~~17 years of age~~ an adult before an
16 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
17 the adjudication. If the court initiates the petition for waiver of jurisdiction, the
18 judge shall disqualify himself or herself from any future proceedings on the case.

19 **SECTION 24.** 938.183 (3) of the statutes is amended to read:

20 938.183 (3) **PLACEMENT IN STATE PRISON; PAROLE.** When a juvenile who is subject
21 to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., ~~attains the age~~
22 ~~of 17 years~~ becomes an adult, the department may place the juvenile in a state prison
23 named in s. 302.01, except that the department may not place any person under the
24 age of 18 years in the correctional institution authorized in s. 301.16 (1n). A juvenile
25 who is subject to a criminal penalty under sub. (1m) or under s. 938.183 (2), 2003

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1 stats., for an act committed before December 31, 1999, is eligible for parole under s.
2 304.06.

3 **SECTION 25.** 938.255 (1) (intro.) of the statutes is amended to read:

4 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
5 under this chapter, other than a petition initiating proceedings under s. 938.12,
6 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a
7 person under the age of 18". A petition initiating proceedings under s. 938.12,
8 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person
9 ~~under the age of 17~~ juvenile". A petition initiating proceedings under this chapter
10 shall specify all of the following:

11 **SECTION 26.** 938.34 (8) of the statutes is amended to read:

12 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
13 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.
14 The maximum forfeiture that the court may impose under this subsection for a
15 violation by a juvenile is the maximum amount of the fine that may be imposed on
16 an adult for committing that violation or, if the violation is applicable only to ~~a person~~
17 ~~under 18 years of age~~ juveniles, \$100. The order shall include a finding that the
18 juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months
19 for payment. If the juvenile fails to pay the forfeiture, the court may vacate the
20 forfeiture and order other alternatives under this section; or the court may suspend
21 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
22 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
23 than 2 years. If the court suspends any license under this subsection, the clerk of the
24 court shall immediately take possession of the suspended license if issued under ch.
25 29 or, if the license is issued under ch. 343, the court may take possession of, and if

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1 possession is taken, shall destroy, the license. The court shall forward to the
2 department which issued the license a notice of suspension stating that the
3 suspension is for failure to pay a forfeiture imposed by the court, together with any
4 license issued under ch. 29 of which the court takes possession. If the forfeiture is
5 paid during the period of suspension, the suspension shall be reduced to the time
6 period which has already elapsed and the court shall immediately notify the
7 department which shall then, if the license is issued under ch. 29, return the license
8 to the juvenile. Any recovery under this subsection shall be reduced by the amount
9 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

10 **SECTION 27.** 938.343 (2) of the statutes is amended to read:

11 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
12 forfeiture that may be imposed on an adult for committing that violation or, if the
13 violation is only applicable to ~~a person under 18 years of age~~ juveniles, \$50. The
14 order shall include a finding that the juvenile alone is financially able to pay and
15 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,
16 the court may suspend any license issued under ch. 29 or suspend the juvenile's
17 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court
18 shall immediately take possession of the suspended license if issued under ch. 29 or,
19 if the license is issued under ch. 343, the court may take possession of, and if
20 possession is taken, shall destroy, the license. The court shall forward to the
21 department which issued the license the notice of suspension stating that the
22 suspension is for failure to pay a forfeiture imposed by the court, together with any
23 license issued under ch. 29 of which the court takes possession. If the forfeiture is
24 paid during the period of suspension, the court shall immediately notify the
25 department, which shall, if the license is issued under ch. 29, return the license to

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1 the person. Any recovery under this subsection shall be reduced by the amount
2 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

3 **SECTION 28.** 938.344 (3) of the statutes is amended to read:

4 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have
5 committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an
6 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,
7 at the request of the district attorney or on its own motion, dismiss the citation
8 without prejudice and refer the matter to the district attorney for prosecution under
9 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.
10 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or
11 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

12 **SECTION 29.** 938.35 (1m) of the statutes is amended to read:

13 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
14 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
15 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter
16 in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This
17 ~~paragraph~~ subsection does not affect proceedings in criminal court that have been
18 transferred under s. 938.18.

19 **SECTION 30.** 938.355 (4) (b) of the statutes is amended to read:

20 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
21 or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years
22 after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday,
23 whichever is earlier, unless the court specifies a shorter period of time or the court
24 terminates the order sooner. If the order does not specify a termination date, it shall
25 apply for one year after the date on which the order is granted or until the juvenile's

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1 ~~18th~~ 19th birthday, whichever is earlier, unless the court terminates the order
2 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
3 the juvenile attains 18 years of age shall apply for 5 years after the date on which the
4 order is granted, if the juvenile is adjudicated delinquent for committing a violation
5 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
6 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
7 juvenile is adjudicated delinquent for committing an act that would be punishable
8 as a Class A felony if committed by an adult. Except as provided in s. 938.368, an
9 extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile
10 ~~attains 17 years of age~~ becomes an adult shall terminate at the end of one year after
11 the date on which the order is granted unless the court specifies a shorter period of
12 time or the court terminates the order sooner. No extension under s. 938.365 of an
13 original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted
14 for a juvenile who is ~~17 years of age or older when~~ becomes an adult by the time the
15 original dispositional order terminates.

16 **SECTION 31.** 938.355 (4m) (a) of the statutes is amended to read:

17 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
18 1993 stats., or s. 938.12 may, on ~~attaining 17 years of age~~ becoming an adult, petition
19 the court to expunge the court's record of the juvenile's adjudication. Subject to par.
20 (b), the court may expunge the record if the court determines that the juvenile has
21 satisfactorily complied with the conditions of his or her dispositional order and that
22 the juvenile will benefit from, and society will not be harmed by, the expungement.

23 **SECTION 32.** 938.39 of the statutes is amended to read:

24 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
25 court of any violation of state law within its jurisdiction under s. 938.12 bars any

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1 future criminal proceeding on the same matter in circuit court when the juvenile
2 reaches the age of 17 becomes an adult. This section does not affect criminal
3 proceedings in circuit court that were transferred under s. 938.18.

4 **SECTION 33.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the
5 statutes is amended to read:

CHAPTER 938

SUBCHAPTER IX

JURISDICTION OVER PERSONS 17

~~OR OLDER ADULTS~~

9
10 **SECTION 34.** 938.44 of the statutes is amended to read:

11 **938.44 Jurisdiction over persons ~~17 or older~~ adults.** The court has
12 jurisdiction over persons ~~17 years of age or older~~ adults as provided under ss. 938.355
13 (4) and 938.45 and as otherwise specified in this chapter.

14 **SECTION 35.** 938.45 (1) (a) of the statutes is amended to read:

15 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
16 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
17 ~~person 17 years of age or older~~ adult has been guilty of contributing to, encouraging,
18 or tending to cause by any act or omission, such that condition of the juvenile, the
19 court may make orders with respect to the conduct of that person in his or her
20 relationship to the juvenile, including orders relating to determining the ability of
21 the person to provide for the maintenance or care of the juvenile and directing when,
22 how, and from where funds for the maintenance or care shall be paid.

23 **SECTION 36.** 938.45 (3) of the statutes is amended to read:

24 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.
25 If it appears at a court hearing that any ~~person 17 years of age or older~~ adult has

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1 violated s. 948.40, the court shall refer the record to the district attorney. This
2 subsection does not prohibit prosecution of violations of s. 948.40 without the prior
3 reference by the court to the district attorney.

4 **SECTION 37.** 938.48 (4m) (title) of the statutes is amended to read:

5 938.48 (**4m**) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO
6 BECOME ADULTS.

7 **SECTION 38.** 938.48 (4m) (a) of the statutes is amended to read:

8 938.48 (**4m**) (a) Is at least 17 years of age an adult.

9 **SECTION 39.** 938.48 (4m) (b) of the statutes is amended to read:

10 938.48 (**4m**) (b) Was under the supervision of the department under s. 938.183,
11 938.34 (4h), (4m) or (4n) or 938.357 (4) when the person ~~reached 17 years of age~~
12 became an adult.

13 **SECTION 40.** 938.48 (14) of the statutes is amended to read:

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

22 **SECTION 41.** 938.57 (3) (title) of the statutes is amended to read:

23 938.57 (**3**) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME
24 ADULTS.

25 **SECTION 42.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

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1 938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),
2 counties may provide funding for the maintenance of any juvenile person who meets
3 all of the following qualifications:

4 **SECTION 43.** 938.57 (3) (a) 1. of the statutes is amended to read:

5 938.57 (3) (a) 1. Is ~~17 years of age or older~~ an adult.

6 **SECTION 44.** 938.57 (3) (a) 3. of the statutes is amended to read:

7 938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to
8 ~~his or her 17th birthday~~ becoming an adult.

9 **SECTION 45.** 938.57 (3) (b) of the statutes is amended to read:

10 938.57 (3) (b) The funding provided for the maintenance of a juvenile person
11 under par. (a) shall be in an amount equal to that to which the juvenile person would
12 receive under s. 48.569 (1) (d) if the person were a juvenile ~~were 16 years of age~~.

13 **SECTION 46.** 946.50 (intro.) of the statutes is amended to read:

14 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
15 who intentionally fails to appear before the court assigned to exercise jurisdiction
16 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
17 does not return to that court for a dispositional hearing before ~~attaining the age of~~
18 ~~17 years~~ becoming an adult is guilty of the following:

19 **SECTION 47.** 948.01 (1) of the statutes is amended to read:

20 948.01 (1) “Child” means a person who has not attained the age of 18 years,
21 except that for purposes of prosecuting a person who is alleged to have violated a
22 state or federal criminal law, “child” does not include a person ~~who has attained the~~
23 ~~age of 17 years~~ of age who had previously been adjudicated delinquent.

24 **SECTION 48.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

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1 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and adult
2 who, with knowledge of the character and content of the description or narrative
3 account, verbally communicates, by any means, a harmful description or narrative
4 account to a child, with or without monetary consideration, is guilty of a Class I
5 felony if any of the following applies:

6 **SECTION 49.** 948.45 (1) of the statutes is amended to read:

7 948.45 (1) Except as provided in sub. (2), any person ~~17 years of age or older~~
8 adult who, by any act or omission, knowingly encourages or contributes to the
9 truancy, as defined under s. 118.16 (1) (c), of a person ~~17 years of age or under~~ child
10 is guilty of a Class C misdemeanor.

11 **SECTION 50.** 948.60 (2) (d) of the statutes is amended to read:

12 948.60 (2) (d) A person ~~under 17 years of age~~ child who has violated this
13 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under
14 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
15 under s. 938.183.

16 **SECTION 51.** 948.61 (4) of the statutes is amended to read:

17 948.61 (4) A person ~~under 17 years of age~~ child who has violated this section
18 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18
19 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
20 938.183.

21 **SECTION 52.** 961.455 (title) of the statutes is amended to read:

22 **961.455 (title) Using a ~~child~~ minor for illegal drug distribution or**
23 **manufacturing purposes.**

24 **SECTION 53.** 961.455 (1) of the statutes is amended to read:

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1 961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who
2 knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of~~
3 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

4 **SECTION 54.** 961.455 (2) of the statutes is amended to read:

5 961.455 (2) The knowledge requirement under sub. (1) does not require proof
6 of knowledge of the age of the ~~child~~ minor. It is not a defense to a prosecution under
7 this section that the actor mistakenly believed that the person solicited, hired,
8 directed, employed, or used under sub. (1) had attained the age of 18 years, even if
9 the mistaken belief was reasonable.

10 **SECTION 55.** 961.46 of the statutes is amended to read:

11 **961.46 Distribution to persons under age 18 minors.** ~~If a person 17 years~~
12 ~~of age or over~~ an adult violates s. 961.41 (1) by distributing or delivering a controlled
13 substance or a controlled substance analog to a ~~person 17 years of age or under~~ minor
14 who is at least 3 years his or her junior, the applicable maximum term of
15 imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not
16 more than 5 years.

17 **SECTION 56.** 961.573 (2) of the statutes is amended to read:

18 961.573 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~
19 is subject to a disposition under s. 938.344 (2e).

20 **SECTION 57.** 961.574 (2) of the statutes is amended to read:

21 961.574 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~
22 is subject to a disposition under s. 938.344 (2e).

23 **SECTION 58.** 961.575 (1) of the statutes is amended to read:

24 961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)
25 by delivering drug paraphernalia to a ~~person 17 years of age or under~~ minor who is

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1 at least 3 years younger than the violator may be fined not more than \$10,000 or
2 imprisoned for not more than 9 months or both.

3 **SECTION 59.** 961.575 (2) of the statutes is amended to read:

4 961.575 (2) Any person minor who violates this section ~~who is under 17 years~~
5 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

6 **SECTION 60.** 961.575 (3) of the statutes is amended to read:

7 961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)
8 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor is guilty
9 of a Class G felony.

10 **SECTION 61.** 990.01 (3) of the statutes is amended to read:

11 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,
12 except that for purposes of investigating or prosecuting a person who is alleged to
13 have violated any state or federal criminal law or any civil law or municipal
14 ordinance, "adult" means includes a person who has attained the age of 17 years of
15 age who has previously been adjudicated delinquent.

16 **SECTION 62.** 990.01 (20) of the statutes is amended to read:

17 990.01 (20) MINOR. "Minor" means a person who has not attained the age of
18 18 years, except that for purposes of investigating or prosecuting a person who is
19 alleged to have violated a state or federal criminal law or any civil law or municipal
20 ordinance, "minor" does not include a person ~~who has attained the age of 17 years~~
21 of age who has previously been adjudicated delinquent.

22 **SECTION 63. Initial applicability.**

