



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5515/1
EHS&EAW:kjf

2017 SENATE BILL 807

February 15, 2018 - Introduced by Senators WANGGAARD and L. TAYLOR. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to repeal* 20.410 (4) (bm) and 301.20; *to renumber and amend* 938.357
2 (3), 938.357 (4) (a) and 938.485 (5); *to amend* 16.99 (3b), 46.011 (1p), 46.057 (1),
3 46.20 (3), 46.22 (1) (a), 48.023 (4), 48.526 (2) (c), 48.526 (6) (b), 48.526 (7) (bm),
4 48.66 (1) (b), 49.11 (1c), 49.45 (25) (bj), 301.01 (1n), 301.03 (9), 301.03 (10) (d),
5 301.08 (1) (b) 3., 301.16 (1x), 301.37 (1), 938.02 (4), 938.02 (15g), 938.22 (1) (a),
6 938.22 (2) (a), 938.225, 938.34 (2) (a), 938.34 (2) (b), 938.34 (4m) (intro.), 938.357
7 (4) (am), 938.357 (4) (b) 1., 938.357 (4) (b) 2., 938.357 (4) (b) 4., 938.357 (4) (c)
8 1., 938.357 (4m), 938.48 (3), 938.48 (4), 938.48 (4m) (b), 938.48 (5), 938.48 (6),
9 938.48 (14), 938.49 (title), 938.49 (1), 938.49 (2) (intro.), 938.49 (2) (a), 938.505
10 (1), 938.52 (2) (a) and (c), 938.53, 938.535, 938.539 (2), 938.539 (3), 938.539 (4),
11 938.539 (5), 938.54, 938.59 (1) and 938.595; *to repeal and recreate* 938.357
12 (4) (title); and *to create* 20.410 (4) (bm), 46.20 (1m), 59.53 (8m), 301.16 (1w),
13 301.18 (1) (fm), 301.37 (1m), 938.357 (3) (a) and (b), 938.357 (4) (ab), 938.357
14 (4) (d) and 938.485 (5) (b) and (c) of the statutes; **relating to:** juvenile

SENATE BILL 807

- 1 correctional facilities, youth aids, providing an exemption from emergency rule
2 procedures, granting rule-making authority, and making an appropriation.
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Analysis by the Legislative Reference Bureau

This bill requires the state to close the Lincoln Hills School and Copper Lake School by July 1, 2020, requires the Department of Corrections to establish new Type 1 juvenile correctional facilities, and authorizes counties to establish secured residential care centers for children and youth. Once the secured residential care centers for children and youth are established, the bill transfers the supervision of a juvenile under a correctional placement to the county department of human services or social services (county department) of the county in which the juvenile was adjudicated delinquent. The bill creates a council to study juvenile corrections issues and a grant program under which counties may apply for state funding of 95 percent of the cost of establishing or constructing secured residential care centers for children and youth. The bill also expands the authorized uses of youth aids for program costs in juvenile detention facilities and secured residential care centers for children and youth.

New facilities for juveniles.

Under current law, DOC oversees all juvenile correctional services for juveniles who are under original adult court jurisdiction or who have been adjudged delinquent under the Juvenile Justice Code, placed under the supervision of DOC, and placed in a juvenile correctional facility, in the Serious Juvenile Offender Program (SJOP), or under community supervision. Under the bill, DOC maintains supervision over juveniles in SJOP, under community supervision, and under original adult court jurisdiction, but supervision over juveniles who are under any other correctional placement under the Juvenile Justice Code is transferred to county departments.

Under the bill, no later than July 1, 2020, the county board of supervisors of a county is required to ensure there is sufficient space in a secured residential care center for children and youth for all juveniles adjudicated delinquent by the county's circuit court and placed in a secured residential care center for children and youth. The bill authorizes a county to establish, or contract with a child welfare agency to establish, a secured residential care center for children and youth, on its own or jointly with one or more counties, or to contract with another county to place juveniles in that county's secured residential care center for children and youth. In addition, as in current law, the bill allows a child welfare agency to be licensed to operate a secured residential care center for children and youth. Also by July 1, 2020, the bill requires DOC to construct or establish one or more Type 1 juvenile correctional facilities with sufficient space for all juveniles placed in a Type 1 juvenile correctional facility.

The bill creates a Juvenile Corrections Study Committee, which is required to research and develop recommendations on all of the following:

SENATE BILL 807

1. Optimal locations for the new Type 1 juvenile correctional facilities based on space and security needs, cost, proximity to the populations of juveniles the facilities would serve, and best practices for holding juveniles in secure custody. The bill requires the committee to favor the use of existing facilities and to conduct an inventory of existing state-owned facilities that have the capacity to be used as Type 1 juvenile correctional facilities. The bill requires the committee to submit its recommendations to DOC no later than November 1, 2018, and requires DOC to consider these recommendations in establishing the new facilities.

2. Rules governing the services and programming provided to juveniles in secured residential care centers for children and youth. The bill requires the committee to submit its findings and recommendations to the Department of Children and Families no later than September 1, 2018, and requires DCF to promulgate rules establishing standards for services in secured residential care centers for children and youth based on those recommendations. The bill requires DCF to promulgate emergency rules establishing these standards no later than December 31, 2018.

3. Updating DOC's rules governing juvenile detention centers. The bill requires the committee to submit these recommendations to DOC no later than July 1, 2020.

The committee is required under the bill to consult with the Council of State Governments, if it agrees, to aid the committee's research and development of recommendations. Under the bill, the committee terminates on July 1, 2020.

The bill requires the transfer from Lincoln Hills School and Copper Lake School of all juveniles who are under a correctional placement to the appropriate secured residential care center for children and youth and the transfer of all other juveniles to the new Type 1 juvenile correctional facilities. The bill then requires the closure of Lincoln Hills School and Copper Lake School once all juveniles have been transferred, but no later than July 1, 2020. By that date the bill also requires DOC to submit to the Joint Committee on Finance a report on the feasibility of converting the Lincoln Hills School and Copper Lake School facilities into an alcohol and other drug abuse treatment facility for adults or a correctional treatment facility for the treatment of substance abuse of inmates under the Wisconsin Substance Abuse Program

Under the bill, once a juvenile is placed in a secured residential care center for children and youth under a correctional placement, or once a juvenile who was under a correctional placement at Lincoln Hills School or Copper Lake School is transferred to a secured residential care center for children and youth, the juvenile is under the supervision of the county department of the county in which the juvenile was adjudicated delinquent. Under the bill, DOC maintains supervision over juveniles in secured residential care centers for children and youth that are in SJOP or under original adult court jurisdiction.

The bill maintains DOC's authority under current law to license, supervise, and inspect secured residential care centers for children and youth. Under the bill, a county that proposes to construct or operate a secured residential care center for children and youth is required to submit its plans to DOC for approval.

SENATE BILL 807***Change of placement.***

Under the bill, generally, a juvenile who is given a correctional placement under a county department's supervision may only be placed in a secured residential care center for children and youth. However, if, after a placement in a secured residential care center for children and youth, the juvenile's behavior presents a serious problem for the juvenile or others, the county department may place the juvenile in a different secured residential care center for children and youth that offers more appropriate care and services without a hearing. Similarly, if a juvenile is placed under DOC's supervision in a secured residential care center for children and youth and the juvenile's behavior presents a serious problem for the juvenile or others, DOC may place the juvenile in a different secured residential care center for children and youth without a hearing. Also under the bill, a juvenile in a secured residential care center for children and youth under the supervision of either DOC or a county department may be placed in a Type 1 juvenile correctional facility after a hearing if the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) finds that the juvenile's behavior presents a serious problem for the juvenile or others in the secured residential care center and that all other placement options have been exhausted, including placement in at least one other secured residential care center for children and youth, if available.

If DOC places a juvenile at a secured residential care center for children and youth or if a county department places a juvenile at a secured residential care center for children and youth other than its own, the bill requires that the entity operating the receiving secured residential care center for children and youth agree to the placement and requires that care and services for that juvenile be provided under a contract.

Juvenile corrections grant program.

The bill creates in DOC a Juvenile Corrections Grant Committee, which is required to establish and administer a juvenile corrections grant program, under which counties may apply for a grant to pay 95 percent of the costs of establishing or constructing secured residential care centers for children and youth. The bill allows multiple counties to jointly submit a grant application for construction of a secured residential care center for children and youth that will hold juveniles from all of the cooperating counties. The bill requires the committee to establish requirements, guidelines, and criteria for the grant program but requires that, in developing a grant application, the applicant must consider best practices in designing and operating facilities that hold juveniles in secure custody and the feasibility of developing an existing facility, and must solicit input on the design of the facility from judges at the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code for each county participating in the grant application. The bill requires the committee to require that a proposed facility have the capacity to house no fewer than 24 juveniles. The bill also requires the committee to favor proposals that utilize existing facilities and to encourage multicounty coordination by favoring applications submitted jointly by multiple counties.

SENATE BILL 807

Under the bill, grant applications are due March 31, 2019, but the committee is authorized to work with applicants between that date and June 30, 2019, to modify applications in order to increase the likelihood of being awarded a grant. The bill requires the committee, in consultation with DOC and DCF, to develop a statewide plan that recommends which of the grant applications to approve. The committee is prohibited from recommending approval of an application unless DOC approves the plans and specifications for the site and the design and construction of the facility.

The bill requires the Juvenile Corrections Grant Committee to submit its plan to the Joint Committee on Finance no later than July 1, 2019, to request approval to proceed with the plan under a passive review process. If approved, the bill requires DOC to implement the plan by awarding the grants under the plan, and requires the Juvenile Corrections Grant Committee to monitor the progress of the projects funded by the grants to ensure compliance with the grant program and completion in time for the deadline for transferring juveniles from Lincoln Hills School and Copper Lake School to the new Type 1 juvenile correctional facilities and secured residential care centers for children and youth. Under the bill, the Juvenile Corrections Grant Committee terminates on the earlier of the date on which all projects funded with the grants are completed or July 1, 2020.

Department of Corrections employees.

The bill authorizes some preferential treatment for employees of Lincoln Hills School or Copper Lake School in applying for open positions at the new Type 1 juvenile correctional facilities and secured residential care centers for children and youth. Under the bill, a classified employee who, on the date DOC begins accepting applications for a position at a Type 1 juvenile correctional facility is employed at the Lincoln Hills School or Copper Lake School may apply to DOC to transfer to a position at the Type 1 juvenile correctional facility and DOC is authorized to transfer such an employee to certain positions at a new Type 1 juvenile correctional facility without competitive procedures. Similarly, an applicant for a position at a secured residential care center for children and youth operated by a county who is employed at Lincoln Hills School or Copper Lake School on the date that the county begins accepting applications for the position may be selected by the county without regard to the requirements of any county civil service system that would otherwise apply. Finally, if, prior to July 1, 2020, a county enters into a contract with a child welfare agency under which the child welfare agency agrees to operate a new secured residential care center for children and youth, the county shall include in the contract a requirement that the child welfare agency grant an initial interview to any applicant for a position at the new secured residential care center for children and youth who is an employee of Lincoln Hills School or Copper Lake School on the date that the child welfare agency begins accepting applications for that position.

Youth aids funding.

Current law requires DCF to allocate to counties various state and federal moneys to pay for juvenile correctional services and community-based juvenile delinquency-related services (commonly referred to as "youth aids"). Under current law, youth aids funding may not be used to pay for land purchase, building

SENATE BILL 807

construction, or maintenance of county buildings, for reimbursement of costs relating to holding juveniles in secure custody, city lockups, or temporary shelter care. Under current law, youth aids may be used to reimburse costs of program services in juvenile detention facilities, except for the costs of basic care and supervision. The bill removes this exception, so that youth aids may be used to reimburse costs of basic care and supervision in juvenile detention facilities, and adds that youth aids may be used to reimburse costs of program services in secured residential care centers for children and youth.

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:

1 **SECTION 1.** 16.99 (3b) of the statutes is amended to read:

2 16.99 (3b) “Juvenile correctional facility” means ~~the Copper Lake School and~~
3 ~~the Lincoln Hills School a Type 1 juvenile correctional facility, as defined in s. 938.02~~
4 (19), but does not include the Mendota juvenile treatment center under s. 46.057.

5 **SECTION 2.** 20.410 (4) (bm) of the statutes is created to read:

6 20.410 (4) (bm) *Juvenile corrections grant program.* A sum sufficient to issue
7 grants under SECTION 90 (4) of 2017 Wisconsin Act (this act).

8 **SECTION 3.** 20.410 (4) (bm) of the statutes, as affected by 2017 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 4.** 46.011 (1p) of the statutes is amended to read:

11 46.011 (1p) “Juvenile correctional services” means services provided for a
12 juvenile who is under the supervision of the department of corrections under s.
13 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

14 **SECTION 5.** 46.011 (1p) of the statutes, as affected by 2017 Wisconsin Act
15 (this act), is amended to read:

SENATE BILL 807

1 46.011 **(1p)** “Juvenile correctional services” means services provided for a
2 juvenile who is under the supervision of the department of corrections under s.
3 938.183, 938.34 ~~(2)~~, (4h), ~~(4m)~~, (4n), or (7g), or 938.357 (3) or (4).

4 **SECTION 6.** 46.057 (1) of the statutes is amended to read:

5 46.057 **(1)** The department shall establish, maintain, and operate the Mendota
6 juvenile treatment center on the grounds of the Mendota Mental Health Institute.
7 The department may designate staff at the Mendota Mental Health Institute as
8 responsible for administering, and providing services at, the center.
9 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the
10 Mendota juvenile treatment center as a juvenile correctional facility, as defined in
11 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33
12 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as
13 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center
14 shall provide psychological and psychiatric evaluations and treatment for juveniles
15 whose behavior presents a serious problem to themselves or others in other juvenile
16 correctional facilities and whose mental health needs can be met at the center. With
17 the approval of the department of health services, the department of corrections or
18 a county department may transfer to the center any juvenile who has been placed in
19 a juvenile correctional facility or a secured residential care center for children and
20 youth under the supervision of the department of corrections or a county department
21 under s. 938.183, 938.34 (4h) or (4m), or 938.357 ~~(3)~~, (4), or (5) (e) in the same manner
22 that the department of corrections or a county department transfers juveniles
23 between other juvenile correctional facilities.

24 **SECTION 7.** 46.20 (1m) of the statutes is created to read:

SENATE BILL 807

1 46.20 (1m) Any 2 or more counties may jointly, by majority vote of all the
2 members of each county board, provide for a secured residential care center for
3 children and youth, as defined in s. 938.02 (15g). A secured residential care center
4 for children and youth established under this section shall be the county secured
5 residential care center for children and youth of each of the counties so joining.

6 **SECTION 8.** 46.20 (3) of the statutes is amended to read:

7 46.20 (3) Upon approval of the site, plans, and specifications for the institution,
8 as provided in ss. 46.17 and 301.37, ~~as to other institutions,~~ the joint committee shall
9 report to the several county boards the estimated cost of the site and buildings, and
10 the amount thereof chargeable to each county on the basis set forth in sub. (6) (a),
11 appending to each report a copy of the plans and specifications and all matter
12 relating to the site and buildings. If the report is approved by each county board, the
13 joint committee shall purchase the site and cause the buildings to be erected in
14 accordance with the plans and specifications.

15 **SECTION 9.** 46.22 (1) (a) of the statutes is amended to read:

16 46.22 (1) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county
17 board of supervisors of any county with a population of less than 500,000 750,000,
18 or the county boards of 2 or more counties, shall establish a county department of
19 social services on a single-county or multicounty basis. The county department of
20 social services shall consist of a county social services board, a county social services
21 director and necessary personnel.

22 **SECTION 10.** 48.023 (4) of the statutes is amended to read:

23 48.023 (4) The rights and responsibilities of legal custody except when legal
24 custody has been vested in another person or when the child is under the supervision
25 of the department of corrections under s. 938.183, 938.34 (4h), (4m), or (4n), or

SENATE BILL 807

1 938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4d),
2 (4m), or (4n).

3 **SECTION 11.** 48.023 (4) of the statutes, as affected by 2017 Wisconsin Act ...
4 (this act), is amended to read:

5 48.023 (4) The rights and responsibilities of legal custody except when legal
6 custody has been vested in another person or when the child is under the supervision
7 of the department of corrections under s. 938.183, 938.34 (4h), ~~(4m)~~ or (4n), or
8 938.357 (4) or the supervision of a county department under s. 938.34 (4d), (4m), or
9 (4n).

10 **SECTION 12.** 48.526 (2) (c) of the statutes is amended to read:

11 48.526 (2) (c) All funds to counties under this section shall be used to purchase
12 or provide community-based juvenile delinquency-related services, as defined in s.
13 46.011 (1c), and to purchase juvenile correctional services, as defined in s. 46.011
14 (1p), except that no funds to counties under this section may be used for purposes of
15 land purchase, building construction, or maintenance of buildings under s. 46.17,
16 46.175, or 301.37, for reimbursement of costs under s. 938.209, for city lockups, or
17 for reimbursement of care costs in temporary shelter care under s. 938.22. Funds to
18 counties under this section may be used for reimbursement of costs of program
19 services, ~~other than~~ including basic care and supervision costs, in juvenile detention
20 facilities and secured residential care centers for children and youth.

21 **SECTION 13.** 48.526 (6) (b) of the statutes is amended to read:

22 48.526 (6) (b) The criteria developed under par. (a) shall include performance
23 standards criteria to be used to determine whether counties are successfully
24 diverting juveniles from juvenile correctional facilities and secured residential care
25 centers for children and youth to less restrictive community programs and are

SENATE BILL 807

1 successfully rehabilitating juveniles who are adjudged delinquent. Counties shall
2 provide information requested by the department in order to apply the criteria and
3 assess their performances.

4 **SECTION 14.** 48.526 (7) (bm) of the statutes is amended to read:

5 48.526 (7) (bm) Of the amounts specified in par. (a), the department shall
6 allocate \$6,250,000 for the last 6 months of 2015, \$12,500,000 for 2016, and
7 \$6,250,000 for the first 6 months of 2017 to counties based on each county's
8 proportion of the number of juveniles statewide who are placed in a juvenile
9 correctional facility or a secured residential care center for children and youth during
10 the most recent 3-year period for which that information is available.

11 **SECTION 15.** 48.66 (1) (b) of the statutes, as affected by 2017 Wisconsin Act 47,
12 is amended to read:

13 48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections
14 may license a child welfare agency to operate a secured residential care center for
15 children and youth for holding in secure custody juveniles who have been convicted
16 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or
17 (4m) and referred to the child welfare agency by the court, the county department,
18 or the department of corrections and to provide supervision, care, and maintenance
19 for those juveniles.

20 **SECTION 16.** 49.11 (1c) of the statutes is amended to read:

21 49.11 (1c) "Community-based juvenile delinquency-related services" means
22 juvenile delinquency-related services provided under ch. 938 other than services
23 provided for a juvenile who is under the supervision of the department of corrections
24 under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SENATE BILL 807

1 **SECTION 17.** 49.11 (1c) of the statutes, as affected by 2017 Wisconsin Act (this
2 act), is amended to read:

3 49.11 **(1c)** “Community-based juvenile delinquency-related services” means
4 juvenile delinquency-related services provided under ch. 938 other than services
5 provided for a juvenile who is under the supervision of the department of corrections
6 under s. 938.183, 938.34 ~~(2)~~, (4h), ~~(4m)~~, (4n), or (7g), or 938.357 (3) or (4).

7 **SECTION 18.** 49.45 (25) (bj) of the statutes is amended to read:

8 49.45 **(25)** (bj) The department of corrections may elect to provide case
9 management services under this subsection to persons who are under the
10 supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or
11 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or
12 more of the conditions specified in par. (am). The amount of the allowable charges
13 for those services under the Medical Assistance program that is not provided by the
14 federal government shall be paid from the appropriation account under s. 20.410 (3)
15 (hm), (ho), or (hr).

16 **SECTION 19.** 49.45 (25) (bj) of the statutes, as affected by 2017 Wisconsin Act
17 (this act), is amended to read:

18 49.45 **(25)** (bj) The department of corrections may elect to provide case
19 management services under this subsection to persons who are under the
20 supervision of that department under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or
21 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or
22 more of the conditions specified in par. (am). The amount of the allowable charges
23 for those services under the Medical Assistance program that is not provided by the
24 federal government shall be paid from the appropriation account under s. 20.410 (3)
25 (hm), (ho), or (hr).

SENATE BILL 807

1 **SECTION 20.** 59.53 (8m) of the statutes is created to read:

2 59.53 **(8m)** SECURED RESIDENTIAL CARE CENTER FOR CHILDREN AND YOUTH. The
3 board shall ensure that there is sufficient space in a secured residential care center
4 for children and youth for all juveniles adjudicated delinquent by the circuit court
5 of the county and placed in a secured residential care center for children and youth,
6 either by establishing or contracting with a child welfare agency to establish a
7 secured residential care center for children and youth, on its own or jointly with one
8 or more counties, under ss. 46.20 (1m) and 938.22 (1) (a), or by contracting with
9 another county to place juveniles in that county's secured residential care center for
10 children and youth. If a board contracts with another county to place a juvenile at
11 that county's secured residential care center for children and youth, that secured
12 residential care center for children and youth shall be the county secured residential
13 care center for children and youth of the placing county with respect to the placed
14 juvenile.

15 **SECTION 21.** 301.01 (1n) of the statutes, as created by 2015 Wisconsin Act 55,
16 is amended to read:

17 301.01 **(1n)** "Juvenile correctional services" means services provided for a
18 juvenile who is under the supervision of the department of corrections under s.
19 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

20 **SECTION 22.** 301.01 (1n) of the statutes, as affected by 2017 Wisconsin Act ...
21 (this act), is amended to read:

22 301.01 **(1n)** "Juvenile correctional services" means services provided for a
23 juvenile who is under the supervision of the department of corrections under s.
24 938.183, 938.34 ~~(2)~~, (4h), ~~(4m)~~, (4n), or (7g), or 938.357 (3) or (4).

SENATE BILL 807

1 **SECTION 23.** 301.03 (9) of the statutes, as affected by 2015 Wisconsin Act 55,
2 section 4227b, is amended to read:

3 301.03 **(9)** Supervise all persons placed in a state prison under s. 938.183, all
4 persons placed under court-ordered departmental supervision under s. 938.34 (2),
5 all persons placed in the serious juvenile offender program under s. 938.34 (4h), all
6 persons placed in a juvenile correctional facility or a secured residential treatment
7 center for children and youth under s. 938.34 (4m) or 938.357 (4), all persons placed
8 under community supervision under s. 938.34 (4n) or 938.357 (4), and all persons
9 placed in an experiential education program under the supervision of the
10 department under s. 938.34 (7g) and all persons placed under the supervision of the
11 department by the court under ch. 938.

12 **SECTION 24.** 301.03 (10) (d) of the statutes is amended to read:

13 301.03 **(10)** (d) Administer the office of juvenile offender review in the division
14 of juvenile corrections in the department. The office shall be responsible for decisions
15 regarding case planning and the release of juvenile offenders who are under the
16 supervision of the department from juvenile correctional facilities or secured
17 residential care centers for children and youth to aftercare or community supervision
18 placements.

19 **SECTION 25.** 301.03 (10) (d) of the statutes, as affected by 2017 Wisconsin Act
20 (this act), is amended to read:

21 301.03 **(10)** (d) Administer the office of juvenile offender review in the division
22 of juvenile corrections in the department. The office shall be responsible for decisions
23 regarding case planning and the release of juvenile offenders who are under the
24 supervision of the department from juvenile correctional facilities or secured

SENATE BILL 807

1 residential care centers for children and youth to ~~aftercare or~~ community supervision
2 placements.

3 **SECTION 26.** 301.08 (1) (b) 3. of the statutes is amended to read:

4 301.08 (1) (b) 3. Contract with public, private, or voluntary agencies for the
5 supervision, maintenance, and operation of juvenile correctional facilities,
6 residential care centers for children and youth, as defined in s. 938.02 (15d), and
7 secured residential care centers for children and youth for the placement of juveniles
8 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
9 or 938.34 (4d), (4h), or (4m). The department may designate a juvenile correctional
10 facility, or a residential care center for children and youth, or a secured residential
11 care center for children and youth contracted for under this subdivision as a Type 2
12 juvenile correctional facility, as defined in s. 938.02 (20), and may designate a
13 residential care center for children and youth ~~or secured residential care center for~~
14 ~~children and youth~~ contracted for under this subdivision as a Type 2 residential care
15 center for children and youth, as defined in s. 938.02 (19r).

16 **SECTION 27.** 301.16 (1w) of the statutes is created to read:

17 301.16 (1w) (a) The department shall construct or establish one or more Type
18 1 juvenile correctional facilities.

19 **SECTION 28.** 301.16 (1x) of the statutes is amended to read:

20 301.16 (1x) Inmates from the Wisconsin state prisons may be transferred to the
21 institutions under this section ~~and they, except that inmates may not be transferred~~
22 to a Type 1 juvenile correctional facility established under sub. (1w) unless required
23 under s. 973.013 (3m). Inmates transferred under this subsection shall be subject
24 to all laws pertaining to inmates of other penal institutions of this state. Officers and
25 employees of the institutions shall be subject to the same laws as pertain to other

SENATE BILL 807

1 penal institutions. Inmates shall not be received on direct commitment from the
2 courts.

3 **SECTION 29.** 301.18 (1) (fm) of the statutes is created to read:

4 301.18 (1) (fm) Provide the facilities necessary for any Type 1 juvenile
5 correctional facility that is established by the department under s. 301.16 (1w).

6 **SECTION 30.** 301.20 of the statutes is repealed.

7 **SECTION 31.** 301.37 (1) of the statutes is amended to read:

8 301.37 (1) The department shall fix reasonable standards and regulations for
9 the design, construction, repair, and maintenance of all houses of correction,
10 reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30,
11 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
12 lockup facilities, as defined in s. 302.30, work camps under s. 303.10, Huber facilities
13 under s. 303.09, and, after consulting with the department of children and families,
14 all juvenile detention facilities and secured residential care centers for children and
15 youth, with respect to their adequacy and fitness for the needs which they are to
16 serve.

17 **SECTION 32.** 301.37 (1m) of the statutes is created to read:

18 301.37 (1m) Subject to the rules promulgated by the department under sub.
19 (1), a secured residential care center for children and youth may be located in a
20 portion of a juvenile detention facility. A secured residential care center for children
21 and youth that is located in a portion of a juvenile detention facility shall provide
22 programming and services as required by the department of children and families
23 under s. 938.485 (5).

24 **SECTION 33.** 938.02 (4) of the statutes is amended to read:

SENATE BILL 807**SECTION 33**

1 938.02 (4) “Department” means the department of children and families,
2 except that with respect to a juvenile who is under the supervision of the department
3 of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or
4 (4), “department” means the department of corrections.

5 **SECTION 34.** 938.02 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
6 section 4646b, and 2017 Wisconsin Act ... (this act), is amended to read:

7 938.02 (4) “Department” means the department of children and families,
8 except that with respect to a juvenile who is under the supervision of the department
9 of corrections under s. 938.183, 938.34 ~~(2)~~, (4h), ~~(4m)~~, (4n), or (7g), or 938.357 (3) or
10 (4), “department” means the department of corrections.

11 **SECTION 35.** 938.02 (15g) of the statutes is amended to read:

12 938.02 **(15g)** “Secured residential care center for children and youth” means
13 a ~~residential care center for children and youth~~ facility operated by a county under
14 ss. 46.20, 59.53 (8m), 301.26, 301.27, and 938.22 (1) (a) or by a child welfare agency
15 that is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged
16 delinquent.

17 **SECTION 36.** 938.22 (1) (a) of the statutes is amended to read:

18 938.22 **(1)** (a) ~~Subject to s. 48.66 (1) (b), the~~ The county board of supervisors of
19 a county may establish a juvenile detention facility or secured residential care center
20 for children and youth in accordance with ss. 301.36 and 301.37 or the county boards
21 of supervisors for 2 or more counties may jointly establish a juvenile detention
22 facility or secured residential care center for children and youth in accordance with
23 ss. 46.20, 59.53 (8m), 301.36, and 301.37. The county board of supervisors of a county
24 may establish a shelter care facility in accordance with ss. 48.576 and 48.578 or the
25 county boards of supervisors for 2 or more counties may jointly establish a shelter

SENATE BILL 807

1 care facility in accordance with ss. 46.20, 48.576, and 48.578. A private entity may
2 establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and
3 contract with one or more county boards of supervisors under s. 938.222 to hold
4 juveniles in the private juvenile detention facility. Subject to ss. 48.66 (1) (b), 301.36,
5 and 301.37, a child welfare agency may establish a secured residential care center
6 for children and youth and contract with one or more county boards of supervisors
7 to hold juveniles in the secured residential care center for children and youth.

8 **SECTION 37.** 938.22 (2) (a) of the statutes is amended to read:

9 938.22 (2) (a) Counties shall submit plans for a juvenile detention facility,
10 secured residential care center for children and youth, or juvenile portion of the
11 county jail to the department of corrections and submit plans for a shelter care
12 facility to the department of children and families. A private entity that proposes to
13 establish a juvenile detention facility or a child welfare agency that proposes to
14 establish a secured residential care center for children and youth shall submit plans
15 for the facility to the department of corrections. The applicable department shall
16 review the submitted plans. A county ~~or a~~ private entity, or child welfare agency
17 may not implement a plan unless the applicable department has approved the plan.
18 The department of corrections shall promulgate rules establishing minimum
19 requirements for the approval and operation of juvenile detention facilities, secured
20 residential care centers for children and youth, and the juvenile portion of county
21 jails. The plans and rules shall be designed to protect the health, safety, and welfare
22 of the juveniles placed in those facilities.

23 **SECTION 38.** 938.225 of the statutes is amended to read:

24 **938.225 Statewide plan for juvenile detention and correctional**
25 **facilities.** The department of corrections shall assist counties in establishing

SENATE BILL 807

1 juvenile detention facilities and secured residential care centers for children and
2 youth under s. 938.22 by developing and promulgating a statewide plan for the
3 establishment and maintenance of suitable juvenile detention facilities reasonably
4 accessible to each court and secured residential care centers for children and youth
5 reasonably accessible to each county.

6 **SECTION 39.** 938.34 (2) (a) of the statutes is amended to read:

7 938.34 (2) (a) Place the juvenile under the supervision of an agency, the county
8 department, the department of corrections, if that department approves, or a
9 suitable adult, including a friend of the juvenile, under conditions prescribed by the
10 court, including reasonable rules for the juvenile's conduct, designed for the physical,
11 mental, and moral well-being and behavior of the juvenile.

12 **SECTION 40.** 938.34 (2) (a) of the statutes, as affected by 2017 Wisconsin Act ...
13 (this act), is amended to read:

14 938.34 (2) (a) Place the juvenile under the supervision of an agency, the county
15 department, ~~the department of corrections, if that department approves,~~ or a
16 suitable adult, including a friend of the juvenile, under conditions prescribed by the
17 court, including reasonable rules for the juvenile's conduct, designed for the physical,
18 mental, and moral well-being and behavior of the juvenile.

19 **SECTION 41.** 938.34 (2) (b) of the statutes is amended to read:

20 938.34 (2) (b) If the juvenile is placed in the juvenile's home under the
21 supervision of an agency, the county department, or the department of corrections,
22 order that agency or department to provide specified services to the juvenile and the
23 juvenile's family, including individual, family, or group counseling, homemaker or
24 parent aide services, respite care, housing assistance, child care, or parent skills
25 training.

SENATE BILL 807

1 **SECTION 42.** 938.34 (2) (b) of the statutes, as affected by 2017 Wisconsin Act ...
2 (this act), is amended to read:

3 938.34 **(2)** (b) If the juvenile is placed in the juvenile's home under the
4 supervision of an agency, or the county department, ~~or the department of corrections~~,
5 order that agency or department to provide specified services to the juvenile and the
6 juvenile's family, including individual, family, or group counseling, homemaker or
7 parent aide services, respite care, housing assistance, child care, or parent skills
8 training.

9 **SECTION 43.** 938.34 (4m) (intro.) of the statutes is amended to read:

10 938.34 **(4m)** CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a juvenile
11 correctional facility or a secured residential care center for children and youth under
12 the supervision of the county department or the department of corrections if all of the
13 following apply:

14 **SECTION 44.** 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin
15 Act ... (this act), is amended to read:

16 938.34 **(4m)** CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a juvenile
17 ~~correctional facility or a~~ secured residential care center for children and youth under
18 the supervision of the county department ~~or the department of corrections~~ if all of the
19 following apply:

20 **SECTION 45.** 938.357 (3) of the statutes is renumbered 938.357 (3) (intro.) and
21 amended to read:

22 938.357 **(3)** PLACEMENT IN JUVENILE CORRECTIONAL FACILITY. (intro.) Subject to
23 subs. (4) (b) ~~and~~, (c), and (d), and (5) (e), if the proposed change in placement would
24 involve placing a juvenile in a juvenile correctional facility or a secured residential
25 care center for children and youth, notice shall be given as provided in sub. (1) (am)

SENATE BILL 807

1 1. A hearing shall be held, unless waived by the juvenile, parent, guardian, and legal
2 custodian, before the court makes a decision on the request. The juvenile is entitled
3 to counsel at the hearing, and any party opposing or favoring the proposed new
4 placement may present relevant evidence and cross-examine witnesses. The
5 proposed new placement may be approved only if the court finds, on the record, that
6 the conditions set forth in s. 938.34 (4m) (a) and (b) have been met. Notwithstanding
7 s. 938.34 (4m), the court may order placement in a Type 1 juvenile correctional
8 facility, for a juvenile who was adjudicated delinquent under s. 938.34 (4m), if the
9 court finds that all of the following apply:

10 **SECTION 46.** 938.357 (3) (a) and (b) of the statutes are created to read:

11 938.357 (3) (a) The juvenile is placed at a secured residential care center for
12 children and youth and his or her behavior presents a serious problem for the
13 juvenile or others in the secured residential care center for children and youth.

14 (b) All other placement options have been exhausted, including placement in
15 at least one other secured residential care center for children and youth, if available.

16 **SECTION 47.** 938.357 (4) (title) of the statutes is repealed and recreated to read:

17 938.357 (4) (title) CHANGE IN PLACEMENT WITHOUT A HEARING.

18 **SECTION 48.** 938.357 (4) (a) of the statutes is renumbered 938.357 (4) (am) and
19 amended to read:

20 938.357 (4) (am) When the juvenile is placed with the department of
21 corrections, that department may, after an examination under s. 938.50, place the
22 juvenile in a juvenile correctional facility or a secured residential care center for
23 children and youth or on community supervision or aftercare supervision, either
24 immediately or after a period of placement in a juvenile correctional facility or a
25 secured residential care center for children and youth. The department of

SENATE BILL 807

1 corrections shall send written notice of the change in placement to the parent,
2 guardian, legal custodian, county department designated under s. 938.34 (4n), if any,
3 and committing court. If the department of corrections places a juvenile in a Type 2
4 juvenile correctional facility operated by a child welfare agency, that department
5 shall reimburse the child welfare agency at the rate established under s. 49.343 that
6 is applicable to the type of placement that the child welfare agency is providing for
7 the juvenile. If the department of corrections places a juvenile in a secured
8 residential care center for children and youth under this paragraph, the department
9 of corrections shall contract with the operating entity for the care and services
10 provided under s. 301.08. A juvenile who is placed in a Type 2 juvenile correctional
11 facility or a secured residential care center for children and youth under this
12 paragraph remains under the supervision of the department of corrections, remains
13 subject to the rules and discipline of that department, and is considered to be in
14 custody, as defined in s. 946.42 (1) (a).

15 **SECTION 49.** 938.357 (4) (ab) of the statutes is created to read:

16 938.357 (4) (ab) In this subsection, “operating entity” means either the county
17 department or the child welfare agency, whichever entity operates a secured
18 residential care center for children and youth.

19 **SECTION 50.** 938.357 (4) (am) of the statutes, as affected by 2017 Wisconsin Act
20 (this act), is amended to read:

21 938.357 (4) (am) When the juvenile is placed with the department of
22 corrections, that department may, after an examination under s. 938.50, place the
23 juvenile in a juvenile correctional facility or a secured residential care center for
24 children and youth or on community supervision ~~or aftercare supervision~~, either
25 immediately or after a period of placement in a juvenile correctional facility or a

SENATE BILL 807

1 secured residential care center for children and youth. The department of
2 corrections shall send written notice of the change in placement to the parent,
3 guardian, legal custodian, county department designated under s. 938.34 (4n), if any,
4 and committing court. If the department of corrections places a juvenile in a Type 2
5 juvenile correctional facility operated by a child welfare agency, that department
6 shall reimburse the child welfare agency at the rate established under s. 49.343 that
7 is applicable to the type of placement that the child welfare agency is providing for
8 the juvenile. If the department of corrections places a juvenile in a secured
9 residential care center for children and youth under this paragraph, the department
10 of corrections shall contract with the operating entity for the care and services
11 provided under s. 301.09. A juvenile who is placed in a Type 2 juvenile correctional
12 facility or a secured residential care center for children and youth under this
13 paragraph remains under the supervision of the department of corrections, remains
14 subject to the rules and discipline of that department, and is considered to be in
15 custody, as defined in s. 946.42 (1) (a).

16 **SECTION 51.** 938.357 (4) (b) 1. of the statutes is amended to read:

17 938.357 (4) (b) 1. If a juvenile whom the department of corrections has placed
18 in a Type 2 juvenile correctional facility operated by a child welfare agency violates
19 a condition of his or her placement in the Type 2 juvenile correctional facility, the
20 child welfare agency operating the Type 2 juvenile correctional facility shall notify
21 the department of corrections and that department, after consulting with the child
22 welfare agency, may place the juvenile in a Type 1 juvenile correctional facility or
23 secured residential care center for children and youth under the supervision of the
24 department, without a hearing under sub. (1) (am) 2.

25 **SECTION 52.** 938.357 (4) (b) 2. of the statutes is amended to read:

SENATE BILL 807

1 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential
2 care center for children and youth under s. 938.34 (4d) violates a condition of his or
3 her placement in the Type 2 residential care center for children and youth, the child
4 welfare agency operating the Type 2 residential care center for children and youth
5 shall notify the county department that has supervision over the juvenile ~~and, if the~~
6 ~~county department agrees to a change in placement under this subdivision, the child~~
7 ~~welfare agency shall notify the department of corrections, and that.~~ The county
8 department, after consulting with the child welfare agency, may place the juvenile
9 in a ~~Type 1 juvenile correctional facility under the supervision of the department of~~
10 ~~corrections~~ secured residential care center for children and youth, without a hearing
11 under sub. (1) (am) 2., for not more than 10 days. ~~If a juvenile is placed in a Type 1~~
12 ~~juvenile correctional facility under this subdivision, the county department that has~~
13 ~~supervision over the juvenile shall reimburse the child welfare agency operating the~~
14 ~~Type 2 residential care center for children and youth in which the juvenile was~~
15 ~~placed at the rate established under s. 49.343, and that child welfare agency shall~~
16 ~~reimburse the department of corrections at the rate specified in s. 301.26 (4) (d) 2.~~
17 ~~or 3., whichever is applicable, for the cost of the juvenile's care while placed in a~~
18 Type 1 juvenile correctional facility.

19 **SECTION 53.** 938.357 (4) (b) 4. of the statutes is amended to read:

20 938.357 (4) (b) 4. A juvenile may seek review of a decision of the department
21 of corrections or the county department under subd. 1. or 2. only by the common law
22 writ of certiorari.

23 **SECTION 54.** 938.357 (4) (c) 1. of the statutes is amended to read:

24 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility
25 operated by a child welfare agency under par. (a) ~~(a)~~ (am) and it appears that a less

SENATE BILL 807

1 restrictive placement would be appropriate for the juvenile, the department of
2 corrections, after consulting with the child welfare agency that is operating the
3 Type 2 juvenile correctional facility, may place the juvenile in a less restrictive
4 placement, and may return the juvenile to the Type 2 juvenile correctional facility
5 without a hearing under sub. (1) (am) 2. The rate for each type of placement shall
6 be established by the department of children and families, in consultation with the
7 department of corrections, in the manner provided in s. 49.343.

8 **SECTION 55.** 938.357 (4) (d) of the statutes is created to read:

9 938.357 (4) (d) 1. If a juvenile under the supervision of the department of
10 corrections is placed in a secured residential care center for children and youth and
11 the juvenile's behavior presents a serious problem for the juvenile or others in the
12 secured residential care center for children and youth, the operating entity shall
13 notify the department of corrections and the department of corrections, after
14 consulting with the operating entity, may place the juvenile in a secured residential
15 care center for children and youth that offers more appropriate care and services
16 without a hearing under sub. (1) (am) 2. if the receiving operating entity agrees. The
17 department of corrections shall send written notice of the change in placement to the
18 parent, guardian, legal custodian, county department designated under s. 938.34
19 (4n), if any, and committing court. If the department of corrections places a juvenile
20 in a secured residential care center for children and youth under this subdivision, the
21 department of corrections shall contract with the operating entity for the care and
22 services provided under s. 301.08. A juvenile who is placed in a secured residential
23 care center for children and youth under this subdivision remains under the
24 supervision of the department of corrections, remains subject to the rules and

SENATE BILL 807

1 discipline of that department, and is considered to be in custody, as defined in s.
2 946.42 (1) (a).

3 2. If a juvenile under the supervision of a county department is placed in a
4 secured residential care center for children and youth and the juvenile's behavior
5 presents a serious problem for the juvenile or others in the secured residential care
6 center for children and youth, the supervising county department, after consulting
7 with the operating entity, may transfer the juvenile to a different secured residential
8 care center for children and youth that offers more appropriate care and services
9 without a hearing under sub. (1) (am) 2. if the receiving operating entity agrees. The
10 supervising county department shall send written notice of the change in placement
11 to the parent, guardian, legal custodian, county department designated under s.
12 938.34 (4n), if any, and committing court. If a county department places a juvenile
13 in a secured residential care center for children and youth under this subdivision, the
14 county department shall contract with the operating entity for the care and services
15 provided. If a county department places a juvenile in a secured residential care
16 center for children and youth under this subdivision, the juvenile remains under the
17 supervision of the placing county department, remains subject to the rules and
18 discipline of that county department, and is considered to be in custody, as defined
19 in s. 946.42 (1) (a).

20 3. A juvenile may seek review of a decision by the department of corrections or
21 county department under subd. 1. or 2. only by the common law writ of certiorari.

22 **SECTION 56.** 938.357 (4m) of the statutes, as affected by 2015 Wisconsin Act 55,
23 section 4671bm, is amended to read:

24 938.357 (4m) **RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.**
25 The department of corrections shall try to release a juvenile to community

SENATE BILL 807

1 supervision ~~or~~ and the county department shall try to release a juvenile to aftercare
2 supervision under sub. (4) within 30 days after the date on which ~~that the~~
3 department of corrections or county department determines the juvenile is eligible
4 for the release.

5 **SECTION 57.** 938.48 (3) of the statutes is amended to read:

6 938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over
7 juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n),
8 or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed
9 by the court. Except as provided in s. 938.505 (2), a court may not direct the
10 department to administer psychotropic medications to juveniles who receive special
11 treatment or care under this subsection.

12 **SECTION 58.** 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act
13 (this act), is amended to read:

14 938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over
15 juveniles transferred to it by the court under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n),
16 or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed
17 by the court. Except as provided in s. 938.505 (2), a court may not direct the
18 department to administer psychotropic medications to juveniles who receive special
19 treatment or care under this subsection.

20 **SECTION 59.** 938.48 (4) of the statutes is amended to read:

21 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
22 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or
23 (4n), or 938.357 (3) or (4), including serving those juveniles in their own homes,
24 placing them in licensed foster homes or licensed group homes under s. 48.63 or in
25 independent living situations as provided in s. 938.34 (3) (e), contracting for their

SENATE BILL 807

1 care by licensed child welfare agencies, or replacing them in juvenile correctional
2 facilities or secured residential care centers for children and youth in accordance
3 with rules promulgated under ch. 227, except that the department may not purchase
4 the educational component of private day treatment programs for a juvenile in its
5 custody unless the department, the school board, as defined in s. 115.001 (7), and the
6 state superintendent of public instruction all determine that an appropriate public
7 education program is not available for the juvenile. Disputes between the
8 department and the school district shall be resolved by the state superintendent of
9 public instruction.

10 **SECTION 60.** 938.48 (4) of the statutes, as affected by 2017 Wisconsin Act ...
11 (this act), is amended to read:

12 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
13 training for juveniles under its supervision under s. 938.183, 938.34 (4h), ~~(4m)~~, or
14 (4n), or 938.357 (3) or (4), including serving those juveniles in their own homes,
15 placing them in licensed foster homes or licensed group homes under s. 48.63 or in
16 independent living situations as provided in s. 938.34 (3) (e), contracting for their
17 care by licensed child welfare agencies, or replacing them in juvenile correctional
18 facilities or secured residential care centers for children and youth in accordance
19 with rules promulgated under ch. 227, except that the department may not purchase
20 the educational component of private day treatment programs for a juvenile in its
21 custody unless the department, the school board, as defined in s. 115.001 (7), and the
22 state superintendent of public instruction all determine that an appropriate public
23 education program is not available for the juvenile. Disputes between the
24 department and the school district shall be resolved by the state superintendent of
25 public instruction.

SENATE BILL 807**SECTION 61**

1 **SECTION 61.** 938.48 (4m) (b) of the statutes is amended to read:

2 938.48 **(4m)** (b) Was under the supervision of the department under s. 938.183,
3 938.34 (4h), (4m) or (4n) or 938.357 (3) or (4) when the person reached 17 years of age.

4 **SECTION 62.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act
5 (this act), is amended to read:

6 938.48 **(4m)** (b) Was under the supervision of the department under s. 938.183,
7 938.34 (4h), ~~(4m)~~ or (4n) or 938.357 (3) or (4) when the person reached 17 years of age.

8 **SECTION 63.** 938.48 (5) of the statutes is amended to read:

9 938.48 **(5)** MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious
10 training of a juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or
11 (4n), or 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the
12 juvenile's parents.

13 **SECTION 64.** 938.48 (5) of the statutes, as affected by 2017 Wisconsin Act ...
14 (this act), is amended to read:

15 938.48 **(5)** MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious
16 training of a juvenile under its supervision under s. 938.183, 938.34 (4h), ~~(4m)~~, or
17 (4n), or 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the
18 juvenile's parents.

19 **SECTION 65.** 938.48 (6) of the statutes is amended to read:

20 938.48 **(6)** EMERGENCY SURGERY. Consent to emergency surgery under the
21 direction of a licensed physician or surgeon for any juvenile under its supervision
22 under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) upon notification by
23 a licensed physician or surgeon of the need for the surgery and if reasonable effort,
24 compatible with the nature and time limitation of the emergency, has been made to
25 secure the consent of the juvenile's parent or guardian.

SENATE BILL 807

1 **SECTION 66.** 938.48 (6) of the statutes, as affected by 2017 Wisconsin Act ...
2 (this act), is amended to read:

3 938.48 **(6)** EMERGENCY SURGERY. Consent to emergency surgery under the
4 direction of a licensed physician or surgeon for any juvenile under its supervision
5 under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) upon notification by
6 a licensed physician or surgeon of the need for the surgery and if reasonable effort,
7 compatible with the nature and time limitation of the emergency, has been made to
8 secure the consent of the juvenile's parent or guardian.

9 **SECTION 67.** 938.48 (14) of the statutes is amended to read:

10 938.48 **(14)** SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay
11 maintenance, tuition, and related expenses from the appropriation under s. 20.410
12 (3) (ho) for persons who, when they attained 17 years of age, were students regularly
13 attending a school, college, or university or regularly attending a course of vocational
14 or technical training designed to prepare them for gainful employment, and who
15 upon attaining that age were under the supervision of the department under s.
16 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) as a result of a judicial
17 decision.

18 **SECTION 68.** 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act ...
19 (this act), is amended to read:

20 938.48 **(14)** SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay
21 maintenance, tuition, and related expenses from the appropriation under s. 20.410
22 (3) (ho) for persons who, when they attained 17 years of age, were students regularly
23 attending a school, college, or university or regularly attending a course of vocational
24 or technical training designed to prepare them for gainful employment, and who
25 upon attaining that age were under the supervision of the department under s.

SENATE BILL 807

1 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) as a result of a judicial
2 decision.

3 **SECTION 69.** 938.485 (5) of the statutes is renumbered 938.485 (5) (a) and
4 amended to read:

5 938.485 (5) (a) Establish and enforce standards for services under s. 938.183,
6 938.34, or 938.345, other than juvenile ~~correctional~~ services provided by the
7 department of corrections.

8 **SECTION 70.** 938.485 (5) (b) and (c) of the statutes are created to read:

9 938.485 (5) (b) The standards established by the department under par. (a)
10 shall include monthly and annual reporting requirements by counties on population
11 data, performance measures including recidivism, costs, and other appropriate data
12 for secured residential care centers for children and youth.

13 (c) The department shall base the standards it establishes for services for
14 juveniles in secured residential care centers for children and youth on the
15 recommendations provided by the juvenile corrections study committee under
16 section 90 (6) (c) 1. of 2017 Wisconsin Act (this act).

17 **SECTION 71.** 938.49 (title) of the statutes is amended to read:

18 **938.49 (title) Notification by court of placement with a county**
19 **department or the department of corrections; transfer of reports and**
20 **records.**

21 **SECTION 72.** 938.49 (1) of the statutes is amended to read:

22 938.49 (1) NOTICE TO COUNTY DEPARTMENT OR DEPARTMENT OF CORRECTIONS OF
23 PLACEMENT. When a court places a juvenile in a juvenile correctional facility under
24 the supervision of a county department or the department of corrections or a secured
25 residential care center for children and youth under the supervision of the

SENATE BILL 807

1 ~~department of corrections~~ a county department, the court shall immediately notify
2 ~~that the county department or the department of corrections~~ of that action. The court
3 shall, in accordance with procedures established by the department of corrections,
4 provide transportation for the juvenile to a receiving center designated by ~~that the~~
5 county department or the department of corrections or deliver the juvenile to
6 personnel of ~~that the county department or the department of corrections~~.

7 **SECTION 73.** 938.49 (2) (intro.) of the statutes is amended to read:

8 938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court
9 places a juvenile in a juvenile correctional facility or a secured residential care center
10 for children and youth under the supervision of the department of corrections or a
11 county department, the court and all other public agencies shall immediately do all
12 of the following:

13 **SECTION 74.** 938.49 (2) (a) of the statutes is amended to read:

14 938.49 (2) (a) Transfer to the department of corrections or the county
15 department a copy of the report submitted to the court under s. 938.33 or, if the report
16 was presented orally, a transcript of the report and all other pertinent data in their
17 possession.

18 **SECTION 75.** 938.505 (1) of the statutes is amended to read:

19 938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY
20 DEPARTMENT. When a juvenile is placed under the supervision of the department of
21 corrections under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (3), (4), or (5) (e) or
22 under the supervision of a county department under s. 938.34 (4m) or (4n), the
23 department of corrections or county department, whichever has supervision over the
24 juvenile, shall have the right and duty to protect, train, discipline, treat, and confine
25 the juvenile and to provide food, shelter, legal services, education, and ordinary

SENATE BILL 807

1 medical and dental care for the juvenile, subject to the rights, duties, and
2 responsibilities of the guardian of the juvenile and subject to any residual parental
3 rights and responsibilities and the provisions of any court order.

4 **SECTION 76.** 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act ...
5 (this act), is amended to read:

6 **938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY**
7 **DEPARTMENT.** When a juvenile is placed under the supervision of the department of
8 corrections under s. 938.183, 938.34 (4h), ~~(4m)~~ or (4n), or 938.357 (3), (4), or (5) (e)
9 or under the supervision of a county department under s. 938.34 (4m) or (4n), the
10 department of corrections or county department, whichever has supervision over the
11 juvenile, shall have the right and duty to protect, train, discipline, treat, and confine
12 the juvenile and to provide food, shelter, legal services, education, and ordinary
13 medical and dental care for the juvenile, subject to the rights, duties, and
14 responsibilities of the guardian of the juvenile and subject to any residual parental
15 rights and responsibilities and the provisions of any court order.

16 **SECTION 77.** 938.52 (2) (a) and (c) of the statutes are amended to read:

17 **938.52 (2) (a)** In addition to facilities and services under sub. (1), the
18 department of corrections may use other facilities and services under its jurisdiction.
19 The department of corrections may contract for and pay for the use of other public
20 facilities or private facilities for the care and treatment of juveniles in its care.
21 Placement of a juvenile in a private or public facility that is not under the jurisdiction
22 of the department of corrections does not terminate that department's supervision
23 over the juvenile under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4).
24 Placements in institutions for persons with a mental illness or development

SENATE BILL 807

1 disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am)
2 and ch. 51.

3 (c) The department of corrections may inspect any facility it is using and
4 examine and consult with persons under its supervision under s. 938.183, 938.34
5 (4h), (4m), or (4n), or 938.357 (3) or (4) who have been placed in the facility.

6 **SECTION 78.** 938.52 (2) (a) and (c) of the statutes, as affected by 2017 Wisconsin
7 Act (this act), are amended to read:

8 938.52 (2) (a) In addition to facilities and services under sub. (1), the
9 department of corrections may use other facilities and services under its jurisdiction.
10 The department of corrections may contract for and pay for the use of other public
11 facilities or private facilities for the care and treatment of juveniles in its care.
12 Placement of a juvenile in a private or public facility that is not under the jurisdiction
13 of the department of corrections does not terminate that department's supervision
14 over the juvenile under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4).
15 Placements in institutions for persons with a mental illness or development
16 disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am)
17 and ch. 51.

18 (c) The department of corrections may inspect any facility it is using and
19 examine and consult with persons under its supervision under s. 938.183, 938.34
20 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) who have been placed in the facility.

21 **SECTION 79.** 938.53 of the statutes is amended to read:

22 **938.53 Duration of control of department of corrections over**
23 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent
24 who has been placed under the supervision of the department of corrections under
25 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) shall be discharged as soon

SENATE BILL 807

1 as that department determines that there is a reasonable probability that
2 departmental supervision is no longer necessary for the rehabilitation and
3 treatment of the juvenile or for the protection of the public.

4 **SECTION 80.** 938.53 of the statutes, as affected by 2017 Wisconsin Act ... (this
5 act), is amended to read:

6 **938.53 Duration of control of department of corrections over**
7 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent
8 who has been placed under the supervision of the department of corrections under
9 s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) shall be discharged as soon
10 as that department determines that there is a reasonable probability that
11 departmental supervision is no longer necessary for the rehabilitation and
12 treatment of the juvenile or for the protection of the public.

13 **SECTION 81.** 938.535 of the statutes is amended to read:

14 **938.535 Early release and intensive supervision program; limits.** The
15 department of corrections or a county department may establish a program for the
16 early release and intensive supervision of juveniles who have been placed in a
17 juvenile correctional facility or a secured residential care center for children and
18 youth under s. 938.183 ~~or~~, 938.34 (4m), or 938.357 (3). The program may not include
19 any juveniles who have been placed in a juvenile correctional facility or a secured
20 residential care center for children and youth as a result of a delinquent act involving
21 the commission of a violent crime as defined in s. 969.035, but not including the crime
22 specified in s. 948.02 (1).

23 **SECTION 82.** 938.539 (2) of the statutes is amended to read:

24 **938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT OF CORRECTIONS**
25 **CONTROL.** A juvenile who is placed in a Type 2 juvenile correctional facility under s.

SENATE BILL 807

1 938.357 (4) ~~(a)~~ (am) or who, having been so placed, is replaced in a less restrictive
2 placement under s. 938.357 (4) (c) is under the supervision and control of the
3 department of corrections, is subject to the rules and discipline of that department,
4 and is considered to be in custody, as defined in s. 946.42 (1) (a).

5 **SECTION 83.** 938.539 (3) of the statutes is amended to read:

6 938.539 (3) VIOLATION OF CONDITION OF PLACEMENT. Notwithstanding ss. 938.19
7 to 938.21, if a juvenile placed in a Type 2 residential care center for children and
8 youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 juvenile correctional
9 facility under s. 938.357 (4) ~~(a)~~ (am) or (c) violates a condition of his or her placement
10 in the center or facility, the juvenile may be placed in a Type 1 juvenile correctional
11 facility as provided in s. 938.357 (4) (b) 1. or in a secured residential care center for
12 children and youth as provided in s. 938.357 (4) (b) 2. This subsection does not
13 preclude a juvenile who has violated a condition of the juvenile's placement in a Type
14 2 juvenile correctional facility or a Type 2 residential care center for children and
15 youth from being taken into and held in custody under ss. 938.19 to 938.21.

16 **SECTION 84.** 938.539 (4) of the statutes is amended to read:

17 938.539 (4) ESCAPE OR ABSENCE. A juvenile placed in a Type 2 residential care
18 center for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2
19 juvenile correctional facility under s. 938.357 (4) ~~(a)~~ (am) or (c) who intentionally fails
20 to remain within the extended limits of his or her placement or to return within the
21 time prescribed by the administrator of the center or facility is considered an escape
22 under s. 946.42 (3) (c).

23 **SECTION 85.** 938.539 (5) of the statutes is amended to read:

24 938.539 (5) OPERATION AS TYPE 2 PLACEMENT. With respect to a juvenile who is
25 placed in a ~~secured~~ residential care center for children and youth under s. 938.34 (4d)

SENATE BILL 807**SECTION 85**

1 or 938.357 (4) ~~(a)~~ (am) or in a less restrictive placement under s. 938.357 (4) (c), the
2 child welfare agency operating the center in which the juvenile is placed, and the
3 person operating any less restrictive placement in which the juvenile is placed, shall
4 operate that center or less restrictive placement as a Type 2 residential care center
5 for children and youth or a Type 2 juvenile correctional facility. This subsection does
6 not preclude a child welfare agency or other person from placing in a residential care
7 center for children and youth or less restrictive placement in which a juvenile is
8 placed under s. 938.34 (4d) or 938.357 (4) ~~(a)~~ (am) or (c) a juvenile who is not placed
9 under s. 938.34 (4d) or 938.357 (4) ~~(a)~~ (am) or (c).

10 **SECTION 86.** 938.54 of the statutes is amended to read:

11 **938.54 Records.** The department of corrections shall keep a complete record
12 on each juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n) or
13 938.357 (3) or (4). This record shall include the information received from the court,
14 the date of reception, all available data on the personal and family history of the
15 juvenile, the results of all tests and examinations given the juvenile, and a complete
16 history of all placements of the juvenile while under the supervision of the
17 department of corrections.

18 **SECTION 87.** 938.54 of the statutes, as affected by 2017 Wisconsin Act ... (this
19 act), is amended to read:

20 **938.54 Records.** The department of corrections shall keep a complete record
21 on each juvenile under its supervision under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n) or
22 938.357 (3) or (4). This record shall include the information received from the court,
23 the date of reception, all available data on the personal and family history of the
24 juvenile, the results of all tests and examinations given the juvenile, and a complete

SENATE BILL 807

1 history of all placements of the juvenile while under the supervision of the
2 department of corrections.

3 **SECTION 88.** 938.59 (1) of the statutes is amended to read:

4 938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall
5 investigate the personal and family history and environment of any juvenile
6 transferred to its legal custody or placed under its supervision under s. 938.34 (2),
7 (4d), (4m), or (4n) and make any physical or mental examinations of the juvenile
8 considered necessary to determine the type of care necessary for the juvenile. The
9 county department shall screen a juvenile who is examined to determine whether the
10 juvenile is in need of special treatment or care because of alcohol or other drug abuse,
11 mental illness, or severe emotional disturbance. The county department shall keep
12 a complete record of the information received from the court, the date of reception,
13 all available data on the personal and family history of the juvenile, the results of all
14 tests and examinations given the juvenile, and a complete history of all placements
15 of the juvenile while in the legal custody or under the supervision of the county
16 department.

17 **SECTION 89.** 938.595 of the statutes is amended to read:

18 **938.595 Duration of control of county departments over delinquents.**
19 A juvenile who has been adjudged delinquent and placed under the supervision of
20 a county department under s. 938.34 (2), (4d), (4m), or (4n) shall be discharged as
21 soon as the county department determines that there is a reasonable probability that
22 it is no longer necessary either for the rehabilitation and treatment of the juvenile
23 or for the protection of the public that the county department retain supervision.

24 **SECTION 90. Nonstatutory provisions.**

25 (1) TRANSFER OF JUVENILES.

SENATE BILL 807

1 (a) Upon the establishment of the Type 1 juvenile correctional facilities under
2 subsection (7) and the secured residential care centers for children and youth under
3 subsection (4), the department of corrections shall begin to transfer each juvenile
4 held in secure custody at the Lincoln Hills School and Copper Lake School to the
5 appropriate Type 1 juvenile correctional facility or secured residential care center for
6 children and youth. No juvenile may be transferred to a Type 1 juvenile correctional
7 facility until the department of corrections determines the facility to be ready to
8 accept juveniles, and no juvenile may be transferred to a secured residential care
9 center for children and youth until the entity operating the facility determines it to
10 be ready to accept juveniles. The transfers may occur in phases. The department
11 shall transfer all juveniles under this subsection no later than July 1, 2020.

12 (b) On July 1, 2020, all juveniles that were under the supervision of the
13 department of corrections under section 938.34 (2) or (4m) of the statutes are under
14 the supervision of the county department of the county of the court that adjudicated
15 the juvenile delinquent under section 938.34 (2) or (4m) of the statutes.

16 (2) CLOSURE AND CONVERSION OF FACILITIES. Upon the earlier of the date that all
17 juveniles have been transferred to secured residential care centers for children and
18 youth and Type 1 juvenile correctional facilities under subsection (1) and July 1,
19 2020, the department of corrections shall permanently close the Type 1 juvenile
20 correctional facilities housed at the Lincoln Hills School and Copper Lake School in
21 the town of Irma, Lincoln County. No later than July 1, 2020, the department of
22 corrections shall submit a report to the joint committee on finance on the feasibility
23 of converting these facilities into an alcohol and other drug abuse treatment facility
24 for adults or a correctional treatment facility for the treatment of substance abuse

SENATE BILL 807

1 of inmates transferred from Wisconsin state prisons under section 302.05 of the
2 statutes.

3 (3) JUVENILE CORRECTIONS GRANT COMMITTEE.

4 (a) *Committee; members.* There is created in the department of corrections a
5 juvenile corrections grant committee consisting of the following members:

6 1. The governor, or his or her designee.

7 2. The secretary of corrections, or his or her designee.

8 3. The secretary of children and families, or his or her designee.

9 4. Three senators appointed by the president of the senate or the appointed
10 senator's designee.

11 5. Three representatives to the assembly appointed by the speaker of the
12 assembly or that appointed representative's designee.

13 6. One representative of a nonprofit that focuses on best practices for holding
14 juveniles in secure custody, appointed by the governor.

15 (b) *Duties.* The juvenile corrections grant committee shall establish and
16 administer the juvenile corrections grant program under subsection (4).

17 (c) *Termination.* The juvenile corrections grant committee terminates on the
18 earlier of the date on which all projects funded with grants under subsection (4) are
19 completed or on July 1, 2020.

20 (4) JUVENILE CORRECTIONS GRANT PROGRAM.

21 (a) *Grants.* Under the juvenile corrections grant program, a county may apply
22 to the juvenile corrections grant committee for a grant to pay 95 percent of the costs
23 of establishing or constructing a secured residential care center for children and
24 youth, including expanding or remodeling an existing facility into a secured
25 residential care center for children and youth.

SENATE BILL 807

1 (b) *Multicounty coordination.* Multiple counties may coordinate to submit one
2 grant application for construction or establishment of a secured residential care
3 center for children and youth that will hold juveniles from all of the cooperating
4 counties.

5 (c) *Requirements.* The juvenile corrections grant committee shall establish
6 requirements, guidelines, and criteria for the grant proposals and for awarding the
7 grants. The committee shall require that, in developing a grant application, the
8 county or counties consider best practices in designing and operating facilities that
9 hold juveniles in secure custody and the feasibility of developing an existing facility
10 into the secured residential care center for children and youth, and solicit input on
11 the design of the secured residential care center for children and youth from judges
12 at the court assigned to exercise jurisdiction under chapters 48 and 938 of the
13 statutes for that county or, for multicounty grant applications under par. (b), at the
14 court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes for
15 each county. The juvenile corrections grant committee shall favor proposals that
16 utilize existing facilities that consider proximity to the populations of juveniles the
17 facility would serve and shall encourage multicounty coordination by favoring
18 applications under paragraph (b).

19 (d) *Deadline.* Grant applications are due no later than March 31, 2019.
20 Between that date and June 30, 2019, the juvenile corrections grant committee may
21 work with applicants to modify their applications in order to increase the likelihood
22 of being awarded a grant.

23 (e) *Statewide plan.* The juvenile corrections grant committee shall develop a
24 statewide plan that recommends which grant applications to approve. The
25 committee shall consult with the departments of corrections and children and

SENATE BILL 807

1 families on the statewide plan and may not recommend approval of an application
2 unless the department of corrections approves the plans and specifications for the
3 site and the design and construction of the proposed secured residential care center
4 for children and youth under section 301.37 of the statutes.

5 (f) *Plan approval.* No later than July 1, 2019, the juvenile corrections grant
6 committee shall submit the plan under paragraph (e) to the joint committee on
7 finance. If the cochairpersons of the joint committee on finance do not notify the
8 juvenile corrections grant committee secretary that the joint committee on finance
9 has scheduled a meeting for the purpose of reviewing the plan to be held within 14
10 working days after the date of submittal, the juvenile corrections grant committee
11 and the department of corrections shall implement the plan. If the cochairpersons
12 of the joint committee on finance notify the juvenile corrections grant committee that
13 the joint committee on finance has scheduled a meeting for the purpose of reviewing
14 the plan to be held within 14 working days after the date of the submittal, the
15 juvenile corrections grant committee may not implement the plan until it is approved
16 by the joint committee on finance, as submitted or as modified.

17 (g) *Grant issuance.* In implementing the plan under paragraph (e), the
18 department of corrections shall award the grants under the plan and the juvenile
19 corrections grant committee shall monitor the progress of the projects funded by the
20 grants to ensure compliance with the grant program and completion in time for the
21 deadline for transferring juveniles under subsection (1).

22 (5) EMERGENCY RULE MAKING.

23 (a) *Department of corrections.*

24 1. Using the procedure under section 227.24 of the statutes, the department of
25 corrections shall promulgate emergency rules under section 938.22 (2) (a) and 301.37

SENATE BILL 807

1 (1) of the statutes as needed to establish standards for the approval, design,
2 construction, repair, maintenance, and operation of secured residential care centers
3 for children and youth. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
4 the department is not required to provide evidence that promulgating a rule under
5 this subsection as an emergency rule is necessary for the preservation of the public
6 peace, health, safety, or welfare and is not required to provide a finding of emergency
7 for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c)
8 and (2) of the statutes, emergency rules promulgated under this subsection remain
9 in effect for 2 years after the date they become effective, or until the date on which
10 permanent rules take effect, whichever is sooner, and the effective period may not
11 be further extended under section 227.24 (2) of the statutes.

12 2. The department of corrections shall present the statement of scope of the
13 rules required under subdivision 1. to the department of administration for
14 gubernatorial approval under section 227.135 (2) of the statutes no later than than
15 August 24, 2018. Notwithstanding section 227.24 (1) (e) 1d. of the statutes, if the
16 governor does not disapprove the statement of scope of the rules under this
17 paragraph by the 7th day after the department presents the statement to the
18 governor, the statement is considered approved by the governor.

19 3. The department of corrections shall submit to the governor the rules
20 required under subdivision 1. in final draft form no later than December 17, 2018.
21 Notwithstanding section 227.24 (1) (e) 1g. of the statutes, if the governor does not
22 reject the rules under this paragraph by the 14th day after the rules are submitted
23 to the governor in final draft form, the rules are considered to be approved by the
24 governor.

25 (b) *Department of children and families.*

SENATE BILL 807

1 1. Using the procedure under section 227.24 of the statutes, the department of
2 children and families shall promulgate emergency rules under section 938.485 (5) of
3 the statutes to establish standards for services provided for juveniles in secured
4 residential care centers for children and youth. Notwithstanding section 227.24 (1)
5 (a) and (3) of the statutes, the department is not required to provide evidence that
6 promulgating a rule under this subdivision as an emergency rule is necessary for the
7 preservation of the public peace, health, safety, or welfare and is not required to
8 provide a finding of emergency for a rule promulgated under this paragraph.
9 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
10 promulgated under this paragraph remain in effect for 2 years after the date they
11 become effective, or until the date on which permanent rules take effect, whichever
12 is sooner, and the effective period may not be further extended under section 227.24
13 (2) of the statutes.

14 2. The department of children and families shall present the statement of scope
15 of the rules required under subdivision 1. to the department of administration for
16 gubernatorial approval under section 227.135 (2) of the statutes no later than August
17 24, 2018. Notwithstanding section 227.24 (1) (e) 1d. of the statutes, if the governor
18 does not disapprove the statement of scope of the rules under this paragraph by the
19 7th day after the department presents the statement to the governor, the statement
20 is considered approved by the governor.

21 3. The department of children and families shall submit to the governor the
22 rules required under subdivision 1. in final draft form no later than December 17,
23 2018. Notwithstanding section 227.24 (1) (e) 1g. of the statutes, if the governor does
24 not reject the rules under this paragraph by the 14th day after the rules are

SENATE BILL 807

1 submitted to the governor in final draft form, the rules are considered to be approved
2 by the governor.

3 (6) JUVENILE CORRECTIONS STUDY COMMITTEE.

4 (a) *Committee; members.* There is created in the department of children and
5 families a juvenile corrections study committee consisting of all of the following
6 members:

7 1. The secretary of corrections, or his or her designee.

8 2. The secretary of children and families, or his or her designee.

9 3. The secretary of health services, or his or her designee.

10 4. The superintendent of public instruction, or his or her designee.

11 5. The state public defender, or his or her designee.

12 6. Three representatives to the assembly appointed by the speaker of the
13 assembly or the appointed representative's designee.

14 7. Three senators appointed by the president of the senate or the appointed
15 senator's designee.

16 8. Two circuit court judges, appointed by the governor.

17 9. Two district attorneys, appointed by the governor.

18 10. Two representatives of law enforcement agencies in this state, appointed
19 by the governor.

20 11. One representative of a national organization that focuses on eliminating
21 race-based discrimination, appointed by the governor.

22 12. One representative of a nonprofit that focuses on issues relating to juvenile
23 justice, appointed by the governor.

24 13. One representative of a nonprofit that focuses on best practices for holding
25 juveniles in secure custody, appointed by the governor.

SENATE BILL 807

1 14. One representative of the county department of social services or human
2 services in the county with the highest percentage of juveniles under the supervision
3 of either the department of corrections or a county department under ch. 938,
4 appointed by the governor.

5 15. One representative of a county department of social services or human
6 services of a county not described in subdivision 14, appointed by the governor.

7 16. One citizen who either has been under the supervision of the department
8 of corrections under chapter 938 of the statutes or has had a close family member who
9 has been under the supervision of the department of corrections under chapter 938
10 of the statutes, appointed by the governor.

11 (b) *Staff.* The state agencies with membership on the committee shall provide
12 adequate staff to conduct the functions of the committee.

13 (c) *Duties.*

14 1. The juvenile corrections study committee shall research and develop
15 recommendations for rules governing the services and programming provided to
16 juveniles in secured residential care centers for children and youth. The committee
17 shall submit to the department of children and families its findings and
18 recommendations no later than September 1, 2018.

19 2. The juvenile corrections study committee shall study and develop
20 recommendations for the location of Type 1 juvenile correctional facilities under
21 section 301.16 (1w) (a) of the statutes based on space and security needs, cost,
22 proximity to the populations of juveniles the facilities would serve, and best practices
23 for holding juveniles in secure custody. In developing these recommendations, the
24 committee shall conduct an inventory of existing state-owned facilities that have the
25 capacity be used as Type 1 juvenile correctional facilities and shall favor the use of

SENATE BILL 807

1 existing facilities. The committee shall submit to the department of corrections its
2 recommendations for these facilities no later than November 1, 2018.

3 3. The juvenile corrections study committee shall review and make
4 recommendations for updating chapter DOC 346 of the Wisconsin Administrative
5 Code. The committee shall submit these recommendations to the department of
6 corrections no later than September 1, 2018.

7 (d) *Consultation.* The juvenile corrections study committee shall consult with
8 the Council of State Governments, if it agrees, to aid the committee's research and
9 development of recommendations under paragraph (c).

10 (e) *Termination.* The juvenile corrections study committee terminates on July
11 1, 2020.

12 (7) TYPE 1 JUVENILE CORRECTIONAL FACILITIES. The department of corrections
13 shall establish or construct the Type 1 juvenile correctional facilities under section
14 301.16 (1w) (a) of the statutes no later than July 1, 2020. The department shall
15 consider the recommendations of the juvenile corrections study committee under
16 subsection (6) (c) 2. in establishing or constructing these facilities.

17 (8) EMPLOYEES OF LINCOLN HILLS SCHOOL AND COPPER LAKE SCHOOL.

18 (a) *Type 1 juvenile correctional facility.* A classified employee who, on the date
19 the department of corrections begins accepting applications for a position at a Type
20 1 juvenile correctional facility established under subsection (7), is employed at the
21 Lincoln Hills School or Copper Lake School may apply to the department of
22 corrections to transfer to a position at the Type 1 juvenile correctional facility.
23 Notwithstanding section 230.29 of the statutes, the department of corrections may
24 transfer a classified employee who applies for a transfer under this paragraph to any
25 of the following positions without competitive procedures:

SENATE BILL 807

1 1. A position assigned to a class having the same or counterpart pay rate or pay
2 range as a class to which any of the employee's current positions at Lincoln Hills
3 School or Copper Lake School is assigned.

4 2. A position in a class having a lower pay rate or pay range maximum for which
5 the person is qualified to perform the work after the customary orientation provided
6 to newly hired workers in the position.

7 (b) *Secured residential care center for children and youth established by a*
8 *county.* An applicant for a position at a secured residential care center for children
9 and youth operated by a county who is employed at Lincoln Hills School or Copper
10 Lake School on the date that the county begins accepting applications for the position
11 may be selected by the county without regard to the requirements of any civil service
12 system under section 59.52 (8) of the statutes or subchapter I of chapter 63 of the
13 statutes that would otherwise apply to such employees or applicants.

14 (c) *Secured residential care center for children and youth established by a child*
15 *welfare agency.* If, prior to July 1, 2020, a county enters into a contract with a child
16 welfare agency under which the child welfare agency agrees to operate a new secured
17 residential care center for children and youth established under section 59.53 (8m)
18 of the statutes, the county shall include in the contract a requirement that the child
19 welfare agency grant an initial interview to any applicant for a position at the new
20 secured residential care center for children and youth who is an employee of Lincoln
21 Hills School or Copper Lake School on the date that the child welfare agency begins
22 accepting applications for that position.

SECTION 91. Initial applicability.

23 (1) The treatment of sections 938.34 (4m) (intro.) and 938.357 (4) (a), (ab), (b)
24 1., 2., and 4., (c) 1. and 4., and (d) of the statutes, the renumbering and amendment
25

SENATE BILL 807

1 of section 938.357 (3) of the statutes, and the creation of section 938.357 (3) (a) and
2 (b) of the statutes with respect to a county department's supervision of a juvenile,
3 first applies to a juvenile adjudicated delinquent by the court of the county and
4 placed at that county's secured residential care center for children and youth under
5 section 938.34 (4m) of the statutes.

6 **SECTION 92. Effective dates.** This act takes effect on the day after publication,
7 except as follows:

8 (1) The treatment of sections 46.011 (1p) (by SECTION 5), 48.023 (4) (by SECTION
9 11), 49.11 (1c) (by SECTION 17), 49.45 (25) (bj) (by SECTION 19), 301.01 (1n) (by SECTION
10 22), 301.03 (10) (d) (by SECTION 25), 301.20, 938.02 (4) (by SECTION 34), 938.34 (2) (a)
11 (by SECTION 40) and (b) (by SECTION 42) and (4m) (intro.) (by SECTION 44), 938. 357
12 (4) (am) (by SECTION 50), 938.48 (3) (by SECTION 58), (4) (by SECTION 60), (4m) (b) (by
13 SECTION 62), (5) (by SECTION 64), (6) (by SECTION 66), and (14) (by SECTION 68), 938.505
14 (1) (by SECTION 76), 938.52 (2) (a) and (c) (by SECTION 78), 938.53 (by SECTION 80), and
15 938.54 (by Section 87) of the statutes and the repeal of section 20.410 (4) (bm) of the
16 statutes takes effect on July 1, 2020.

17 **(END)**