



1995 ASSEMBLY BILL 600

October 5, 1995 - Introduced by Representatives LADWIG, COGGS, GUNDERSON, OLSEN, GROTHMAN, WALKER, OWENS, F. LASEE, GREEN, GARD, SCHNEIDERS, PORTER, HAHN, MUSSER, JENSEN, ZIEGELBAUER, KREUSER, KRUSICK, LA FAVE, RILEY, TURNER and WIRCH, cosponsored by Senators RUDE, DARLING and A. LASEE. Referred to Committee on Children and Families.

1 **AN ACT** *to repeal* 48.533 (1); *to renumber and amend* 304.07; *to amend* 46.03
2 (6) (a), 46.03 (7) (e), 46.03 (32), 46.049, 46.10 (2), 46.18 (1), 46.20 (1), 46.21 (1m)
3 (title), 46.21 (1m) (b), 46.21 (2) (a), 46.21 (2) (k), 46.21 (4), 46.21 (6), 46.22 (1)
4 (c) 1. b., 46.26 (2) (c), 46.26 (3) (c), 46.26 (3) (d), 46.26 (4) (cm) 1., 46.26 (4) (d)
5 2., 46.26 (4) (d) 3., 46.26 (4) (d) 4., 48.02 (15m), 48.023 (4), 48.08 (3) (a) (intro.),
6 48.08 (3) (b), 48.34 (4m) (intro.), 48.355 (4) (a), 48.357 (4), 48.357 (4g) (a), 48.357
7 (4m), 48.366 (8), 48.49, 48.50 (1), 48.505, 48.51 (1) (intro.), 48.53 (title), 48.532
8 (2), 48.533 (2), 48.533 (3), 48.57 (1) (b), 48.57 (1) (c), 48.59 (1), 48.595, 48.78 (2)
9 (d) (intro.), 48.78 (3), 63.03 (2) (y), 101.123 (1) (i), 101.123 (4) (bm), 118.125 (4),
10 230.36 (1), 230.36 (3) (c) (intro.), 301.36 (1), 301.37 (1), 302.18 (7), 302.31 and
11 973.013 (3m); *to repeal and recreate* 46.03 (6) (a), 46.26 (3) (d), 46.26 (4) (cm)
12 1., 48.02 (15m), 48.355 (4) (a), 48.50 (1), 48.51 (1) (intro.), 48.78 (3) and 118.125
13 (4); and *to create* 46.21 (1) (e), 46.21 (1) (f), 46.21 (1m) (ar), 46.21 (3p), 48.57
14 (1) (cm), 48.57 (1) (dm), 48.57 (1) (k), 48.57 (1) (L), 48.585, 48.587, 48.591,
15 48.593, 59.031 (2) (bm) 1. f. and 101.123 (4) (am) 1m. of the statutes; **relating**

1 **to:** authorizing counties to establish juvenile secured correctional facilities and
2 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and social services (DHSS) is authorized to operate or contract for secured correctional facilities for holding in secure custody children who have been adjudicated delinquent and placed in a secured correctional facility by a court assigned to exercise jurisdiction under the children's code (juvenile court). Currently, a juvenile court may place a child in a secured correctional facility only if the child has been adjudicated delinquent for committing an act that would be punishable by a sentence of 6 months or more if committed by an adult and has been found to be a danger to the public and in need of restrictive custodial treatment.

This bill authorizes the county board of supervisors (county board) of any county, or the county boards of any 2 or more counties jointly, to establish or contract for a secured correctional facility for holding in secure custody children who have been adjudicated delinquent and whose legal custody is transferred to the county department of human services or social services (county department) for placement in a county secured correctional facility.

Under current law, the services of a secured correctional facility are funded by the community youth and family aids (youth aids) program under which DHSS allocates various state and federal funds to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services and DHSS charges counties for their use of services provided by DHSS at a per person daily assessment rate for those services. This bill requires DHSS to reimburse counties for the cost of program services, including basic care and supervision costs, provided for a child who is placed in a county secured correctional facility. DHSS must provide that reimbursement from youth aids funds at the same per person daily assessment rate that DHSS charges to counties for the care of children who are placed in secured correctional facilities operated by DHSS.

Under current law, DHSS may operate a boot camp program for children who have been adjudicated delinquent and placed in a secured correctional facility. This bill authorizes a county that establishes a secured correctional facility to provide a boot camp program for children who are placed at that facility.

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

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

3 **SECTION 1.** 46.03 (6) (a) of the statutes is amended to read:

1 46.03 (6) (a) ~~Execute~~ Except as provided in s. 48.585, execute the laws relating
2 to the detention, reformation and correction of delinquents.

3 **SECTION 2.** 46.03 (6) (a) of the statutes, as affected by 1993 Wisconsin Act 377
4 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

5 46.03 (6) (a) Except as provided in ss. 48.537 and 48.585, execute the laws
6 relating to the detention, reformation and correction of delinquents.

7 **SECTION 3.** 46.03 (7) (e) of the statutes is amended to read:

8 46.03 (7) (e) Administer the juvenile offender review program in the division
9 of youth services in the department. The program shall be responsible for decisions
10 regarding case planning and the release of juvenile offenders from juvenile
11 correctional institutions operated or contracted for by the department to aftercare
12 and corrective sanctions placements.

13 **SECTION 4.** 46.03 (32) of the statutes is amended to read:

14 46.03 (32) REIMBURSEMENT TO VISITING FAMILIES. The department may
15 reimburse families visiting girls at a secured correctional facility that is operated or
16 contracted for by the department. If the department decides to provide the
17 reimbursement, it shall establish criteria for the level of reimbursement, which shall
18 include family income and size and other relevant factors.

19 **SECTION 5.** 46.049 of the statutes, as affected by 1993 Wisconsin Act 385, is
20 amended to read:

21 **46.049 Training school for delinquent boys.** The department, with the
22 approval of the governor, may purchase or accept a gift of land for a suitable site for
23 an additional training school for delinquent boys and erect and equip such buildings
24 as it deems necessary at such time as funds may be allocated for that purpose by the
25 building commission. The training school or other additional facilities for delinquent

1 boys financed by the authorized 1965-67 building program shall be located north of
2 a line between La Crosse and Manitowoc. The department shall operate and
3 maintain the institution for the treatment of delinquent boys who are placed in a
4 secured correctional facility under the supervision of the department under s. 48.34
5 (4m). All laws pertaining to the care of children received under s. 48.34 shall apply.
6 Officers and employes of the institution are subject to the same laws as apply to other
7 facilities described in s. 48.52.

8 **SECTION 6.** 46.10 (2) of the statutes, as affected by 1993 Wisconsin Acts 479,
9 section 8, and 481, section 9, is amended to read:

10 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
11 including but not limited to a person admitted, committed or placed under s. 975.01,
12 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 48.34 (4m),
13 48.357 (4) and (5) (e), 48.366, 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45
14 (10), (11), (12) and (13), 55.05, 55.06, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06,
15 receiving care, maintenance, services and supplies provided by any institution in
16 this state including university of Wisconsin hospital and clinics, in which the state
17 is chargeable with all or part of the person's care, maintenance, services and
18 supplies, any person receiving care and services from a county department
19 established under s. 51.42 or 51.437 or from a facility established under s. 48.585 or
20 49.175, and any person receiving treatment and services from a public or private
21 agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's
22 property and estate, including the homestead, and the spouse of the person, and the
23 spouse's property and estate, including the homestead, and, in the case of a minor
24 child, the parents of the person, and their property and estates, including their
25 homestead, and, in the case of a foreign child described in s. 48.839 (1) who became

1 dependent on public funds for his or her primary support before an order granting
2 his or her adoption, the resident of this state appointed guardian of the child by a
3 foreign court who brought the child into this state for the purpose of adoption, and
4 his or her property and estate, including his or her homestead, shall be liable for the
5 cost of the care, maintenance, services and supplies in accordance with the fee
6 schedule established by the department under s. 46.03 (18). If a spouse, widow or
7 minor, or an incapacitated person may be lawfully dependent upon the property for
8 their support, the court shall release all or such part of the property and estate from
9 the charges that may be necessary to provide for those persons. The department
10 shall make every reasonable effort to notify the liable persons as soon as possible
11 after the beginning of the maintenance, but the notice or the receipt thereof is not
12 a condition of liability.

13 **SECTION 7.** 46.18 (1) of the statutes is amended to read:

14 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, tuberculosis
15 hospital or sanatorium, or similar institution, or county secured correctional facility,
16 as defined in s. 48.02 (15m), shall, subject to regulations approved by the county
17 board, be managed by a board of trustees, electors of the county, chosen by ballot by
18 the county board. At its annual meeting, the county board shall appoint an uneven
19 number of trustees, from 3 to 9 at the option of the board, for staggered 3-year terms
20 ending the first Monday in January. Any vacancy shall be filled for the unexpired
21 term by the county board; but the chairperson of the county board may appoint a
22 trustee to fill the vacancy until the county board acts.

23 **SECTION 8.** 46.20 (1) of the statutes is amended to read:

24 46.20 (1) Any 2 or more counties may jointly, by majority vote of all the
25 members of each county board, provide for a county home, infirmary, hospital,

1 tuberculosis hospital or sanatorium, or similar institution, county secured
2 correctional facility, as defined in s. 48.02 (15m), or juvenile detention home, which
3 shall be established, maintained and operated pursuant to all the statutes relating
4 to the establishment, maintenance and operation of similar institutions,
5 respectively, by any single county whose population is less than 250,000, except as
6 otherwise provided in this section; and in all respects, except as herein specified,
7 each such institution shall be the county institution of each of the counties so joining.

8 **SECTION 9.** 46.21 (1) (e) of the statutes is created to read:

9 46.21 (1) (e) "Secured correctional facility" has the meaning given in s. 48.02
10 (15m).

11 **SECTION 10.** 46.21 (1) (f) of the statutes is created to read:

12 46.21 (1) (f) "Superintendent" means the superintendent of the county secured
13 correctional facility who is appointed under sub. (1m) (ar).

14 **SECTION 11.** 46.21 (1m) (title) of the statutes is amended to read:

15 46.21 (1m) (title) DIRECTOR AND ADMINISTRATOR AND SUPERINTENDENT;
16 APPOINTMENTS.

17 **SECTION 12.** 46.21 (1m) (ar) of the statutes is created to read:

18 46.21 (1m) (ar) The county executive shall appoint under ss. 63.01 to 63.17 a
19 superintendent of the county secured correctional facility. The appointment shall be
20 made on the basis of recognized and demonstrated public interest in and knowledge
21 of the problems of juvenile corrections, and with due regard to training, experience,
22 executive and administrative ability and efficiency, and general qualifications and
23 fitness for performing the duties of the office. The superintendent shall file an official
24 oath and bond in the amount determined by the county board of supervisors. The
25 county board of supervisors may create positions to assist the superintendent. The

1 superintendent shall be appointed by the county executive in the unclassified civil
2 service and is subject to confirmation by the county board of supervisors under s.
3 59.031 (2) (bm).

4 **SECTION 13.** 46.21 (1m) (b) of the statutes is amended to read:

5 46.21 (1m) (b) Provisions shall be made in the organization of the ~~office~~ offices
6 of the director ~~and in the office of,~~ the administrator and the superintendent for the
7 devolution of the director's ~~or,~~ the administrator's or the superintendent's authority
8 in the case of his or her temporary absence, illness or other disability to act.

9 **SECTION 14.** 46.21 (2) (a) of the statutes is amended to read:

10 46.21 (2) (a) Shall adopt policies for the management, operation, maintenance
11 and improvement of the county hospital; the county secured correctional facility; the
12 detention center; the probation section of the children's court center; the provision
13 and maintenance of the physical facilities for the children's court and its intake
14 section under the supervision and operation of the judges assigned to exercise
15 jurisdiction under ch. 48 and as provided in s. 48.06 (1); the mental health complex;
16 the county department of human services; the central service departments; and all
17 buildings and land used in connection with any institution under this section. The
18 powers and duties of the county board of supervisors are policy forming only, and not
19 administrative or executive.

20 **SECTION 15.** 46.21 (2) (k) of the statutes is amended to read:

21 46.21 (2) (k) Shall make sufficient appropriation annually for the support,
22 maintenance, salaries, repairs and improvements to the county department of
23 human services and the institutions. The appropriations shall be used subject to the
24 order of the director ~~or,~~ administrator or superintendent and as the policies adopted
25 by the county board of supervisors provide. The director ~~or,~~ administrator or

1 superintendent may not incur any expense or contract for new buildings, additions
2 to present buildings or the purchase of land until the county board of supervisors has
3 appropriated or provided for the money to defray such expense.

4 **SECTION 16.** 46.21 (3p) of the statutes is created to read:

5 46.21 (3p) POWERS AND DUTIES OF THE SUPERINTENDENT. All of the administrative
6 and executive powers and duties of managing, operating, maintaining and
7 improving the county secured correctional facility and other institutions and
8 departments that the county board of supervisors may place under the jurisdiction
9 of the superintendent are vested in the superintendent, subject to the policies and
10 in accordance with the principles adopted by the county board of supervisors.

11 **SECTION 17.** 46.21 (4) of the statutes is amended to read:

12 46.21 (4) MANAGEMENT PERSONNEL. The director may appoint personnel to
13 manage the county department of human services ~~and~~, the administrator may
14 appoint personnel to manage the county hospital and the superintendent may
15 appoint personnel to manage the county secured correctional facility, in accordance
16 with ordinances of the county board of supervisors.

17 **SECTION 18.** 46.21 (6) of the statutes is amended to read:

18 46.21 (6) REPORTS; EXPENDITURES. The director ~~and~~, the administrator and the
19 superintendent shall submit annually to the county board of supervisors reports,
20 including itemized statements of receipts and disbursements, at the times and in the
21 manner that the county board of supervisors specifies and as are required to comply
22 with applicable federal statutes and regulations and state statutes and rules.
23 Disbursements shall be made in the manner that the county board of supervisors
24 adopts, consistent with sound accounting and auditing procedure and with

1 applicable federal statutes and regulations, state statutes and rules and
2 requirements of the county auditor and county department of administration.

3 **SECTION 19.** 46.22 (1) (c) 1. b. of the statutes is amended to read:

4 46.22 (1) (c) 1. b. State institutions. Mendota mental health institute,
5 Winnebago mental health institute, university of Wisconsin hospital and clinics,
6 centers for the developmentally disabled and secured correctional facilities, as
7 defined in s. 48.02 (15m), operated or contracted for by the department.

8 **SECTION 20.** 46.26 (2) (c) of the statutes is amended to read:

9 46.26 (2) (c) All funds to counties under this section shall be used to purchase
10 or provide juvenile delinquency-related services under ch. 48, except that no funds
11 to counties under this section may be used for purposes of land purchase, building
12 construction or maintenance of buildings under ss. 46.17 and, 46.175 and 48.585, for
13 reimbursement of costs under s. 48.209, for city lockups or for reimbursement of care
14 costs in temporary shelter care under s. 48.22. Funds to counties under this section
15 may be used for reimbursement of costs of program services, other than basic care
16 and supervision costs, in juvenile secure detention facilities. Funds to counties
17 under this section may be used for reimbursement of costs of program services,
18 including basic care and supervision costs, in juvenile correctional institutions that
19 are operated or contracted for by a county department under s. 46.215, 46.22 or 46.23.

20 **SECTION 21.** 46.26 (3) (c) of the statutes is amended to read:

21 46.26 (3) (c) Subject to pars. (dd), (de) and (dg), within the limits of the
22 appropriations under s. 20.435 (3) (cd) and (oo), the department of health and social
23 services shall allocate funds to each county for services under this section. If a county
24 department under s. 46.215, 46.22 or 46.23 operates or contracts for the provision of
25 a juvenile correctional institution, the department of health and social services shall

1 reimburse the county department for the cost of program services, including basic
2 care and supervision costs, provided for a child who is placed in that juvenile
3 correctional institution at the per person daily rate for care in a juvenile correctional
4 institution specified in sub. (4) (d) 2., 3. or 4., whichever is applicable.

5 **SECTION 22.** 46.26 (3) (d) of the statutes is amended to read:

6 46.26 (3) (d) Subject to pars. (dd), (de) and (dg), in addition to the funds
7 allocated under par. (c), the department of health and social services shall allocate
8 funds to counties under sub. (4) (b) 2. and shall consider each county's proportionate
9 use of applicable services of the department of health and social services under ss.
10 48.34 and 48.366 or the department of corrections under ss. 48.366 and 48.537 during
11 previous calendar years. If a county department under s. 46.215, 46.22 or 46.23
12 operates or contracts for the provision of a juvenile correctional institution, in
13 addition to the funds allocated under par. (c), the department of health and social
14 services shall allocate funds to that county department to cover any increases in the
15 per person daily rate for care in a juvenile correctional institution specified in sub.
16 (4) (d) 2. to 4.

17 **SECTION 23.** 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act 377
18 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

19 46.26 (3) (d) Subject to pars. (dd), (de) and (dg), in addition to the funds
20 allocated under par. (c), the department of health and social services shall allocate
21 funds to counties under sub. (4) (b) 2. and shall consider each county's proportionate
22 use of applicable services of the department of health and social services under ss.
23 48.34 and 48.366 or the department of corrections under ss. 48.366 and 48.537 during
24 previous calendar years. If a county department under s. 46.215, 46.22 or 46.23
25 operates or contracts for the provision of a juvenile correctional institution, in

1 addition to the funds allocated under par. (c), the department of health and social
2 services shall allocate funds to that county department to cover any increases in the
3 per person daily rate for care in a juvenile correctional institution specified in sub.
4 (4) (d) 2. to 4.

5 **SECTION 24.** 46.26 (4) (cm) 1. of the statutes is amended to read:

6 46.26 (4) (cm) 1. Notwithstanding pars. (a), (b) 1. and (bm), the department
7 shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the
8 appropriation under s. 20.435 (3) (hm) for the purpose of reimbursing juvenile
9 correctional institutions that are operated or contracted for by the department for
10 costs incurred beginning on January 1, 1995, for the care of any child who is placed
11 in a juvenile correctional facility that is operated or contracted for by the department
12 based on a delinquent act that is a violation of s. 940.01, 940.02, 940.03, 940.05,
13 940.225 (1) or 943.32 (2).

14 **SECTION 25.** 46.26 (4) (cm) 1. of the statutes, as affected by 1993 Wisconsin Act
15 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

16 46.26 (4) (cm) 1. Notwithstanding pars. (a), (b) 1. and (bm), but subject to par.
17 (dr), the department shall transfer funds from the appropriation under s. 20.435 (3)
18 (cg) to the appropriation under s. 20.435 (3) (hm) for the purpose of reimbursing
19 juvenile correctional institutions that are operated or contracted for by the
20 department for costs incurred beginning on January 1, 1995, for the care of any child
21 who is placed in a juvenile correctional facility that is operated or contracted for by
22 the department based on a delinquent act that is a violation of s. 940.01, 940.02,
23 940.03, 940.05, 940.225 (1) or 943.32 (2).

24 **SECTION 26.** 46.26 (4) (d) 2. of the statutes is amended to read:

1 46.26 (4) (d) 2. Beginning July 1, ~~1993~~ 1995, and ending December 31, ~~1993~~
2 1995, the per person daily cost assessment to counties shall be \$101.55 for care in a
3 departmental juvenile correctional institution, \$101.55 for care for children
4 transferred from a departmental juvenile correctional institution under s. 51.35 (3),
5 the dollar amount set by the department of corrections by rule for maintaining a
6 prisoner in an adult correctional institution, \$131.65 for care in a child caring
7 institution, \$92.03 for care in a group home for children, \$21.02 for care in a foster
8 home, \$58.37 for care in a treatment foster home and \$11.57 for departmental
9 aftercare services.

10 **SECTION 27.** 46.26 (4) (d) 3. of the statutes is amended to read:

11 46.26 (4) (d) 3. In calendar year ~~1994~~ 1996, the per person daily cost assessment
12 to counties shall be \$111.73 for care in a departmental juvenile correctional
13 institution, \$111.73 for care for children transferred from a departmental juvenile
14 correctional institution under s. 51.35 (3), the dollar amount set by the department
15 of corrections by rule for maintaining a prisoner in an adult correctional institution,
16 \$141.05 for care in a child caring institution, \$98.47 for care in a group home for
17 children, \$22.49 for care in a foster home, \$62.46 for care in a treatment foster home,
18 \$66.75 for departmental corrective sanctions services and \$12.96 for departmental
19 aftercare services.

20 **SECTION 28.** 46.26 (4) (d) 4. of the statutes is amended to read:

21 46.26 (4) (d) 4. Beginning January 1, ~~1995~~ 1997, and ending June 30, ~~1995~~
22 1997, the per person daily cost assessment to counties shall be \$115.68 for care in a
23 departmental juvenile correctional institution, \$115.68 for care for children
24 transferred from a departmental juvenile correctional institution under s. 51.35 (3),
25 the dollar amount set by the department of corrections by rule for maintaining a

1 prisoner in an adult correctional institution, \$146.07 for care in a child caring
2 institution, \$101.92 for care in a group home for children, \$23.28 for care in a foster
3 home, \$64.65 for care in a treatment foster home, \$66.75 for departmental corrective
4 sanctions services and \$12.96 for departmental aftercare services.

5 **SECTION 29.** 48.02 (15m) of the statutes is amended to read:

6 48.02 (15m) "Secured correctional facility" means a correctional institution
7 operated or contracted for by the department or a county department for holding in
8 secure custody persons adjudged delinquent. "Secured correctional facility" includes
9 the facility at which ~~the~~ a juvenile boot camp program under s. 48.532 or 48.585 (3)
10 is operated.

11 **SECTION 30.** 48.02 (15m) of the statutes, as affected by 1993 Wisconsin Act 377
12 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

13 48.02 (15m) "Secured correctional facility" means a correctional institution
14 operated or contracted for by the department of health and social services, the
15 department of corrections or a county department for holding in secure custody
16 persons adjudged delinquent. "Secured correctional facility" includes the facility at
17 which the juvenile boot camp program under s. 48.532 or 48.585 (3) is operated.

18 **SECTION 31.** 48.023 (4) of the statutes, as affected by 1993 Wisconsin Act 385,
19 is amended to read:

20 48.023 (4) The rights and responsibilities of legal custody except when legal
21 custody has been vested in another person or when the child is under the supervision
22 of the department or a county department under s. 48.34 (4m) or (4n) ~~or the~~
23 ~~supervision of a county department under s. 48.34 (4n).~~

24 **SECTION 32.** 48.08 (3) (a) (intro.) of the statutes is amended to read:

1 48.08 (3) (a) (intro.) In addition to the law enforcement authority specified in
2 sub. (2), department of health and social services personnel designated by that
3 department, ~~personnel of a nonprofit corporation operating a secured correctional~~
4 ~~facility for girls designated by agreement between that nonprofit corporation and the~~
5 ~~department of health and social services, county department personnel designated~~
6 ~~by that county department~~ and department of corrections personnel designated by
7 agreement between the department of health and social services and the department
8 of corrections have the power of law enforcement authorities to take a child into
9 physical custody under the following conditions:

10 **SECTION 33.** 48.08 (3) (b) of the statutes is amended to read:

11 48.08 (3) (b) A child who has run away from or failed to return to a secured
12 correctional facility operated or contracted for by the department and who has been
13 taken into custody under par. (a) may be returned directly to the secured correctional
14 facility and shall have a hearing regarding placement in a disciplinary cottage or in
15 disciplinary status in accordance with ch. 227. A child who has run away from or
16 failed to return to a secured correctional facility operated or contracted for by a
17 county department and who has been taken into custody under par. (a) may be
18 returned directly to the secured correctional facility and shall have a hearing
19 regarding placement in a disciplinary cottage or in disciplinary status in accordance
20 with rules promulgated by the department.

21 **SECTION 34.** 48.34 (4m) (intro.) of the statutes, as affected by 1993 Wisconsin
22 Act 385, is amended to read:

23 48.34 (4m) (intro.) Place the child in a secured correctional facility under the
24 supervision of the department or a county department, but only if:

1 **SECTION 35.** 48.355 (4) (a) of the statutes, as affected by 1993 Wisconsin Act 385,
2 is amended to read:

3 48.355 (4) (a) Except as provided under par. (b) or s. 48.368, all orders under
4 this section shall terminate at the end of one year unless the judge specifies a shorter
5 period of time. Except if s. 48.368 applies, extensions or revisions shall terminate
6 at the end of one year unless the judge specifies a shorter period of time. No extension
7 under s. 48.365 of an original dispositional order may be granted for a child who is
8 under the supervision of the department or a county department under s. 48.34 (4m)
9 or (4n) ~~or under the supervision of a county department under s. 48.34 (4n)~~ if the child
10 is 18 years of age or older when the original dispositional order terminates. Any
11 order made before the child reaches the age of majority shall be effective for a time
12 up to one year after its entry unless the judge specifies a shorter period of time.

13 **SECTION 36.** 48.355 (4) (a) of the statutes, as affected by 1993 Wisconsin Acts
14 377 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

15 48.355 (4) (a) Except as provided under par. (b) or s. 48.368, all orders under
16 this section shall terminate at the end of one year unless the judge specifies a shorter
17 period of time. Except if s. 48.368 applies, extensions or revisions shall terminate
18 at the end of one year unless the judge specifies a shorter period of time. No extension
19 under s. 48.365 of an original dispositional order may be granted for a child whose
20 legal custody has been transferred to the department of corrections under s. 48.34
21 (4g) or who is under the supervision of the department of health and social services
22 or a county department under s. 48.34 (4m) or (4n) if the child is 18 years of age or
23 older when the original dispositional order terminates. Any order made before the
24 child reaches the age of majority shall be effective for a time up to one year after its
25 entry unless the judge specifies a shorter period of time.

1 **SECTION 37.** 48.357 (4) of the statutes, as affected by 1993 Wisconsin Act 385,
2 is amended to read:

3 48.357 (4) When ~~the~~ a child is placed with the department, the department
4 may, after an examination under s. 48.50, place the child in a secured correctional
5 facility that is operated or contracted for by the department or on aftercare or
6 corrective sanctions supervision, either immediately or after a period of placement
7 in a secured correctional facility. When a child is placed with a county department,
8 the county department may, after an examination under s. 48.59, place the child in
9 a secured correctional facility that is operated or contracted for by the county
10 department or place the child on aftercare supervision, either immediately or after
11 a period of placement in a secured correctional facility. The department or county
12 department shall send written notice of the change to the parent, guardian, legal
13 custodian, county department designated under s. 48.34 (4n), if any, and committing
14 court.

15 **SECTION 38.** 48.357 (4g) (a) of the statutes, as created by 1993 Wisconsin Act
16 385, is amended to read:

17 48.357 (4g) (a) Not later than 120 days after the date on which the child is
18 placed in a secured correctional facility under the supervision of the department, or
19 not less than 30 days before the date on which the department determines that the
20 child is eligible for release to aftercare supervision, whichever is earlier, the aftercare
21 provider designated under s. 48.34 (4n) shall prepare an aftercare plan for the child.
22 If the aftercare provider designated under s. 48.34 (4n) is a county department, that
23 county department shall submit the aftercare plan to the department within the time
24 limits specified in this paragraph, unless the department waives those time limits
25 under par. (b).

1 **SECTION 39.** 48.357 (4m) of the statutes is amended to read:

2 48.357 (4m) The department shall try to release a child to aftercare or
3 corrective sanctions supervision under sub. (4), and a county department shall try
4 to release a child to aftercare supervision under sub. (4), within 30 days after the date
5 the department or county department determines the child is eligible for the release.

6 **SECTION 40.** 48.366 (8) of the statutes, as affected by 1993 Wisconsin Act 385,
7 is amended to read:

8 48.366 (8) **TRANSFER TO OR BETWEEN FACILITIES.** The department may transfer
9 a person subject to an order between secured correctional facilities that are operated
10 or contracted for by the department. A county department may transfer a person
11 subject to an order between secured correctional facilities that are operated or
12 contracted for by the county department. After the person attains the age of 18 years,
13 the department or county department may, after consulting with the department of
14 corrections, place the person in a state prison named in s. 302.01. The department
15 of corrections may transfer a person placed in a state prison under this subsection
16 to or between state prisons named in s. 302.01 without petitioning for revision of the
17 order under sub. (5) (a).

18 **SECTION 41.** 48.49 of the statutes, as affected by 1993 Wisconsin Act 385, is
19 amended to read:

20 **48.49 Notification by court of placement with department;**
21 **information for department.** (1) When the court places a child in a secured
22 correctional facility under the supervision of the department, the court shall
23 immediately notify the department of that action. The court shall, in accordance
24 with procedures established by the department, provide transportation for the child

1 to a receiving center designated by the department or deliver the child to personnel
2 of the department.

3 (2) When the court places a child in a secured correctional facility under the
4 supervision of the department, the court shall also immediately transfer to the
5 department a copy of the report submitted to it under s. 48.33 and shall immediately
6 notify the child's last school district in writing of its obligation under s. 118.125 (4).

7 (3) The court and all other public agencies shall furnish the department on
8 request all pertinent data in their possession regarding a child who has been placed
9 in a secured correctional facility under the supervision of the department, including
10 the information specified in sub. (2), within 5 working days of the request.

11 **SECTION 42.** 48.50 (1) of the statutes is amended to read:

12 48.50 (1) The department shall examine every child whose legal custody is
13 transferred to it by the court to determine the type of placement best suited to the
14 child and, in the case of a child who has violated a state law, to the protection of the
15 public. This examination shall include an investigation of the personal and family
16 history of the child and his or her environment, any physical or mental examinations
17 considered necessary and the evaluation under s. 48.533 (1) ~~or~~ (2) to determine
18 whether the child is eligible for corrective sanctions supervision. A child who is
19 examined under this subsection shall be screened to determine whether the child is
20 in need of special treatment or care because of alcohol or other drug abuse, mental
21 illness or severe emotional disturbance.

22 **SECTION 43.** 48.50 (1) of the statutes, as affected by 1993 Wisconsin Acts 385
23 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

24 48.50 (1) The department shall examine every child who is placed under its
25 supervision under s. 48.34 (4m) or (4n) or whose legal custody is transferred to it by

1 the court to determine the type of placement best suited to the child and, in the case
2 of a child who has violated a state law, to the protection of the public. This
3 examination shall include an investigation of the personal and family history of the
4 child and his or her environment, any physical or mental examinations considered
5 necessary to determine the type of placement that is necessary for the child and the
6 evaluation under s. 48.533 (2) to determine whether the child is eligible for corrective
7 sanctions supervision. A child who is examined under this subsection shall be
8 screened to determine whether the child is in need of special treatment or care
9 because of alcohol or other drug abuse, mental illness or severe emotional
10 disturbance.

11 **SECTION 44.** 48.505 of the statutes, as created by 1993 Wisconsin Act 385, is
12 amended to read:

13 **48.505 (title) Children placed in a departmental secured correctional**
14 **facility.** The department shall have the right and duty to protect, train, discipline,
15 treat and confine a child who is placed in a secured correctional facility under the
16 supervision of the department under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366, and
17 to provide food, shelter, legal services, education and ordinary medical and dental
18 care for the child, subject to the rights, duties and responsibilities of the guardian of
19 the child and subject to any residual parental rights and responsibilities and the
20 provisions of any court order.

21 **SECTION 45.** 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Act
22 385, is amended to read:

23 48.51 (1) (intro.) At least 15 days prior to the date of release of a child from a
24 secured correctional facility that is operated or contracted for by the department, the
25 department shall:

1 **SECTION 46.** 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Act
2 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

3 48.51 (1) (intro.) At least 15 days prior to the date of release of a child from a
4 secured correctional facility that is operated or contracted for by the department or
5 a placement in the community under the corrective sanctions program or the
6 youthful offender program, the department of health and social services or the
7 department of corrections shall:

8 **SECTION 47.** 48.53 (title) of the statutes is amended to read:

9 **48.53 (title) Duration of departmental control over delinquents.**

10 **SECTION 48.** 48.532 (2) of the statutes is amended to read:

11 48.532 (2) PROGRAM ELIGIBILITY. The department may place in the a juvenile
12 boot camp program any child ~~whose legal custody has been transferred to the~~
13 ~~department under s. 48.34 (4m) for placement~~ who has been placed in a secured
14 correctional facility under the supervision of the department.

15 **SECTION 49.** 48.533 (1) of the statutes is repealed.

16 **SECTION 50.** 48.533 (2) of the statutes is amended to read:

17 48.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
18 20.435 (3) (a), the department shall provide \$433,500, and from the appropriation
19 under s. 20.435 (3) (hr), the department shall provide \$2,192,900, for a corrective
20 sanctions program, beginning on July 1, 1994, to serve an average daily population
21 of 105 children, or an average daily population of more ~~that~~ than 105 children if the
22 appropriation under s. 20.435 (3) (hr) is supplemented under s. 13.101 or 16.515 and
23 the positions for the program are increased under s. 13.101 or 16.505 (2), in not less
24 than 3 counties, including Milwaukee county. The juvenile offender review program
25 in the division of youth services in the department shall evaluate and select for

1 participation in the program children who have been placed in a secured correctional
2 facility under the supervision of the department under s. 48.34 (4m). The
3 department shall place a program participant in the community, provide intensive
4 surveillance of that participant and provide an average of \$5,000 per year per
5 participant to purchase community-based treatment services for each participant.
6 The department shall make the intensive surveillance required under this
7 subsection available 24 hours a day, 7 days a week, and may purchase or provide
8 electronic monitoring for the intensive surveillance of program participants. The
9 department shall provide a report center in Milwaukee county to provide on-site
10 programming after school and in the evening for children from Milwaukee county
11 who are placed in the corrective sanctions program. A contact worker providing
12 services under the program shall have a case load of approximately 10 children and,
13 during the initial phase of placement in the community under the program of a child
14 who is assigned to that contact worker, shall have not less than one face-to-face
15 contact per day with that child. Case management services under the program shall
16 be provided by a corrective sanctions agent who shall have a case load of
17 approximately 15 children. The department shall promulgate rules to implement
18 the program.

19 **SECTION 51.** 48.533 (3) of the statutes, as affected by 1993 Wisconsin Act 385,
20 is amended to read:

21 48.533 (3) INSTITUTIONAL STATUS. A participant in the ~~pilot program under sub.~~
22 ~~(1) or the program under sub. (2)~~ remains under the supervision of the department,
23 remains subject to the rules and discipline of that department and is considered to
24 be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 48.19 to 48.21, if
25 a child violates a condition of that child's participation in the ~~pilot program under~~

1 sub. (1) ~~or the program~~ under sub. (2) the department may, without a hearing, take
2 the child into custody and return the child to placement in a secured correctional
3 facility for up to 72 hours as a sanction for that violation. If the child is returned to
4 a secured correctional facility, for longer than 72 hours, the child is entitled to a
5 hearing under s. 48.357 (5). If a child runs away from the child's placement in the
6 community while participating in the ~~pilot program under sub. (1) or the program~~
7 under sub. (2), that child is considered to have escaped in violation of s. 946.42 (3)
8 (c).

9 **SECTION 52.** 48.57 (1) (b) of the statutes is amended to read:

10 48.57 (1) (b) To accept legal custody or supervision of children transferred to
11 it by the court under s. 48.355 and to provide special treatment and care if ordered
12 by the court. A court may not order a county department to administer psychotropic
13 medications to children who receive special treatment or care under this paragraph.

14 **SECTION 53.** 48.57 (1) (c) of the statutes is amended to read:

15 48.57 (1) (c) To provide appropriate protection and services for children in its
16 care, including providing services for children and their families in their own homes,
17 placing the children in licensed foster homes, licensed treatment foster homes or
18 licensed group homes in this state or another state within a reasonable proximity to
19 the agency with legal custody or contracting for services for them by licensed child
20 welfare agencies or replacing them in secured correctional facilities that are
21 operated by the county department, except that the county department shall may not
22 purchase the educational component of private day treatment programs unless the
23 county department, the school board as defined in s. 115.001 (7) and the state
24 superintendent of public instruction all determine that an appropriate public

1 education program is not available. Disputes between the county department and
2 the school district shall be resolved by the state superintendent of public instruction.

3 **SECTION 54.** 48.57 (1) (cm) of the statutes is created to read:

4 48.57 (1) (cm) To continue to provide appropriate care, training and services
5 to any person who meets all of the following qualifications:

6 1. Is at least 18 years of age.

7 2. Was in the legal custody of the county department or under its supervision
8 under s. 48.34 (4m) or (4n) when the person reached 18 years of age.

9 3. Is less than 19 years of age.

10 4. Is determined by the county department to be in need of care and services
11 designed to fit such person for gainful employment and has requested and consented
12 to receive such aid.

13 **SECTION 55.** 48.57 (1) (dm) of the statutes is created to read:

14 48.57 (1) (dm) To consent to emergency surgery under the direction of a licensed
15 physician or surgeon for any child in its legal custody or under its supervision under
16 s. 48.34 (4m) or (4n) upon notification by a licensed physician or surgeon of the need
17 for such surgery and if reasonable effort, compatible with the nature and time
18 limitation of the emergency, has been made to secure the consent of the child's parent
19 or guardian.

20 **SECTION 56.** 48.57 (1) (k) of the statutes is created to read:

21 48.57 (1) (k) To pay an allowance to children in its secured correctional facilities
22 and a cash grant to a child being discharged or released to aftercare supervision in
23 the community.

24 **SECTION 57.** 48.57 (1) (L) of the statutes is created to read:

1 48.57 (1) (L) To pay maintenance, tuition and related expenses for persons who
2 when they reached 18 years of age were students regularly attending a school, college
3 or university or regularly attending a course of vocational or technical training
4 designed to fit them for gainful employment, and who when reaching that age were
5 in the legal custody of the county department or under its supervision under s. 48.34
6 (4m) or (4n) as a result of a judicial decision.

7 **SECTION 58.** 48.585 of the statutes is created to read:

8 **48.585 County secured correctional facility.** (1) The county board of
9 supervisors of any county, or the county boards of supervisors of any 2 or more
10 counties jointly, may establish or contract for a secured correctional facility for the
11 care, treatment and supervision of children who are adjudicated delinquent and who
12 are placed in a secured correctional facility under the supervision of the county
13 department under s. 48.34 (4m). A secured correctional facility established or
14 contracted for under this subsection must be approved by the department of
15 corrections under s. 301.36 before any child may be placed in that secured
16 correctional facility.

17 (2) In counties with a population of 500,000 or more, a secured correctional
18 facility established under sub. (1) shall be governed under s. 46.21. In counties with
19 a population under 500,000, a secured correctional facility established under sub. (1)
20 shall be governed under ss. 46.18, 46.19 and 46.20.

21 (3) The county board of supervisors of a county that has established a secured
22 correctional facility governed under s. 46.21 or the board of trustees of a secured
23 correctional facility governed under ss. 46.18, 46.19 and 46.20 may provide a juvenile
24 boot camp program for children who are placed at the secured correctional facility.
25 The program shall provide participants with a structured and disciplined

1 environment, productive programs and work activities, training in the skills needed
2 to earn a lawful living, personal development and other counseling and substance
3 abuse treatment and education in preparation for release on aftercare supervision.

4 **SECTION 59.** 48.587 of the statutes is created to read:

5 **48.587 Notification by court of placement with county department;**
6 **information for county department.** (1) When the court places a child in a
7 secured correctional facility under the supervision of a county department, the court
8 shall immediately notify the county department of that action. The court shall, in
9 accordance with procedures established by the county department, provide
10 transportation for the child to a receiving center designated by the county
11 department or deliver the child to personnel of the county department.

12 (2) When the court places a child in a secured correctional facility under the
13 supervision of a county department, the court and all other public agencies shall also
14 immediately transfer to the county department a copy of the report submitted to the
15 court under s. 48.33 and all other pertinent data in their possession and shall
16 immediately notify the child's last school district in writing of its obligation under s.
17 118.125 (4).

18 **SECTION 60.** 48.59 (1) of the statutes, as affected by 1993 Wisconsin Act 385, is
19 amended to read:

20 48.59 (1) The county department shall investigate the personal and family
21 history and environment of any child transferred to its legal custody or placed under
22 its supervision under s. 48.34 (4m) or (4n) and make any physical or mental
23 examinations of the child considered necessary to determine the type of care
24 necessary for the child or placement that is best suited to the child and, in the case
25 of a child who has violated a state law, to the protection of the public. The county

1 department shall screen a child who is examined under this subsection to determine
2 whether the child is in need of special treatment or care because of alcohol or other
3 drug abuse, mental illness or severe emotional disturbance. The county department
4 shall keep a complete record of the information received from the court, the date of
5 reception, all available data on the personal and family history of the child, the
6 results of all tests and examinations given the child and a complete history of all
7 placements of the child while in the legal custody or under the supervision of the
8 county department.

9 **SECTION 61.** 48.591 of the statutes is created to read:

10 **48.591 Children placed in a county secured correctional facility.** The
11 county department shall have the right and duty to protect, train, discipline, treat
12 and confine a child who is placed in a secured correctional facility under the
13 supervision of the county department under s. 48.34 (4m), 48.357 (4) or (5) (e) or
14 48.366, and to provide food, shelter, legal services, education and ordinary medical
15 and dental care for the child, subject to the rights, duties and responsibilities of the
16 guardian of the child and subject to any residual parental rights and responsibilities
17 and the provisions of any court order.

18 **SECTION 62.** 48.593 of the statutes is created to read:

19 **48.593 Notification by county department of release of child from**
20 **correctional custody. (1)** At least 15 days prior to the date of release of a child from
21 a secured correctional facility that is operated or contracted for by the county
22 department, a county department shall:

23 (a) Notify all of the following local agencies in the community in which the child
24 will reside of the child's return to the community:

25 1. The law enforcement agencies.

1 2. The school district.

2 3. The county departments under ss. 51.42 and 51.437.

3 (b) Notify any known victim of an act for which the child has been found
4 delinquent of the child's release, if all of the following apply:

5 1. The commission of the act by the child is an act which, if committed by an
6 adult, would have been punishable as a crime against another person.

7 2. The victim can be found.

8 3. The victim has sent in a request card under sub. (2).

9 (c) Notify, if the criteria in par. (b) are met, an adult member of the victim's
10 family or, if the victim is younger than 18 years old, the victim's parent or legal
11 guardian if the victim died as a result of the crime.

12 **(2)** A county department shall design and prepare cards for victims specified
13 in sub. (1) (b) and (c) to send to the county department. The cards shall have space
14 for these persons to provide their names and addresses and any other information
15 that the county department determines is necessary. The county department shall
16 provide the cards, without charge, to district attorneys. District attorneys shall
17 provide the cards, without charge, to victims specified in sub. (1) (b) and (c). These
18 persons may send completed cards to the county department.

19 **(3)** Timely release of a child shall not be prejudiced by the fact that the county
20 department did not notify the victims or the local agencies under sub. (1) within the
21 15 days.

22 **SECTION 63.** 48.595 of the statutes, as created by 1993 Wisconsin Act 385, is
23 amended to read:

24 **48.595 Duration of control of county departments over delinquents.**

25 Except as provided in s. 48.366, a child who has been adjudged delinquent and placed

1 under the supervision of a county department under s. 48.34 (4m) or (4n) shall be
2 discharged as soon as the county department determines that there is a reasonable
3 probability that it is no longer necessary either for the rehabilitation and treatment
4 of the child or for the protection of the public that the county department retain
5 supervision.

6 **SECTION 64.** 48.78 (2) (d) (intro.) of the statutes, as affected by 1993 Wisconsin
7 Act 385, is amended to read:

8 48.78 **(2)** (d) (intro.) Paragraph (a) does not prohibit the department or a county
9 department from disclosing information about an individual formerly under the
10 supervision of the department ~~under s. 48.34 (4m) or formerly under the supervision~~
11 ~~of the department~~ or county department under s. 48.34 (4m) or (4n) to the
12 department of corrections, if the individual is at the time of disclosure any of the
13 following:

14 **SECTION 65.** 48.78 (3) of the statutes is amended to read:

15 48.78 **(3)** If a child adjudged delinquent on the basis of a violation of s. 941.10,
16 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295,
17 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a),
18 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60,
19 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
20 correctional facility, has been allowed to leave a secured correctional facility for a
21 specified time period and is absent from the facility for more than 12 hours after the
22 expiration of the specified period or has run away from the child's placement in the
23 community while under corrective sanctions supervision, the department or a county
24 department may release the child's name and any information about the child the
25 department or county department determines to be necessary for the protection of

1 the public or to secure the child's return to the facility or placement. The department
2 shall promulgate rules establishing guidelines for the release of the child's name or
3 information about the child to the public.

4 **SECTION 66.** 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 377 and
5 1995 Wisconsin Act (this act), is repealed and recreated to read:

6 48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10,
7 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295,
8 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a),
9 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60,
10 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
11 correctional facility, has been allowed to leave a secured correctional facility for a
12 specified time period and is absent from the facility for more than 12 hours after the
13 expiration of the specified period or has run away from the child's placement in the
14 community while under corrective sanctions or youthful offender supervision, the
15 department of health and social services, the department of corrections or a county
16 department may release the child's name and any information about the child that
17 is necessary for the protection of the public or to secure the child's return to the
18 facility or placement. The department of health and social services shall promulgate
19 rules establishing guidelines for the release of the child's name or information about
20 the child to the public, except that the department of corrections shall promulgate
21 rules establishing guidelines for the release to the public of the name of a child, or
22 information about a child, who is a participant in the youthful offender program.

23 **SECTION 67.** 59.031 (2) (bm) 1. f. of the statutes is created to read:

24 59.031 (2) (bm) 1. f. The superintendent of the county secured correctional
25 facility, as defined in s. 48.02 (15m), under s. 46.21 (1m) (ar).

1 **SECTION 68.** 63.03 (2) (y) of the statutes is amended to read:

2 63.03 (2) (y) Any position of general manager under s. 27.03 (2), director under
3 s. 46.21 (1m) (a), superintendent under s. 46.21 (1m) (ar), department director under
4 s. 59.035, director of personnel under s. 63.02 (2) or county highway commissioner
5 under s. 83.01 (1).

6 **SECTION 69.** 101.123 (1) (i) of the statutes is amended to read:

7 101.123 (1) (i) "State institution" means a prison, a state secured correctional
8 facility, a mental health institute as defined in s. 51.01 (12) or a center for the
9 developmentally disabled as defined in s. 51.01 (3).

10 **SECTION 70.** 101.123 (4) (am) 1m. of the statutes is created to read:

11 101.123 (4) (am) 1m. The superintendent of a county secured correctional
12 facility or his or her designee may designate areas where smoking is permitted in a
13 county secured correctional facility, unless a fire marshall, law or resolution
14 prohibits smoking in the area. The superintendent or his or her designee may
15 designate an entire room as a smoking area in a county secured correctional facility
16 administered by the superintendent's county.

17 **SECTION 71.** 101.123 (4) (bm) of the statutes is amended to read:

18 101.123 (4) (bm) The person in charge of a state institution, county secured
19 correctional facility, jail or lockup facility, or his or her agent, shall post notice of the
20 designation of a smoking area under par. (am) in or near the area designated. If an
21 entire room is designated a smoking area, the person in charge or his or her agent
22 shall post notice of the designation conspicuously on or near all normally used
23 entrances to the room. If an entire building in a prison, secured correctional facility,
24 jail or lockup facility is designated a smoking area, the person in charge, or his or her
25 agent, shall post notice of the designation on or near all normally used entrances to

1 the building, but need not post notice of the designation on or near entrances to rooms
2 within the building.

3 **SECTION 72.** 118.125 (4) of the statutes, as affected by 1993 Wisconsin Act 385,
4 is amended to read:

5 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
6 transfer to another school or school district all pupil records relating to a specific
7 pupil if the transferring school district has received written notice from the pupil if
8 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
9 pupil intends to enroll in the other school or school district or written notice from the
10 other school or school district that the pupil has enrolled or from a court that the pupil
11 has been placed in a juvenile correctional facility. In this subsection, "school" and
12 "school district" include any state or county juvenile correctional facility which
13 provides an educational program for its residents instead of or in addition to that
14 which is provided by public and private schools.

15 **SECTION 73.** 118.125 (4) of the statutes, as affected by 1993 Wisconsin Acts 377
16 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

17 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
18 transfer to another school or school district all pupil records relating to a specific
19 pupil if the transferring school district has received written notice from the pupil if
20 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
21 pupil intends to enroll in the other school or school district or written notice from the
22 other school or school district that the pupil has enrolled or from a court that legal
23 custody of the pupil has been transferred to the department of corrections or that the
24 pupil has been placed in a juvenile correctional facility. In this subsection, "school"
25 and "school district" include any state or county juvenile correctional facility which

1 provides an educational program for its residents instead of or in addition to that
2 which is provided by public and private schools.

3 **SECTION 74.** 230.36 (1) of the statutes is amended to read:

4 230.36 (1) If a conservation warden, conservation patrol boat captain,
5 conservation patrol boat engineer, state forest ranger, conservation field employe of
6 the department of natural resources who is subject to call for fire control duty,
7 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax
8 investigator employed by the department of revenue, special criminal investigation
9 agent employed by the department of justice, special tax agent, state drivers' license
10 examiner, state fair park police officer, university of Wisconsin system police officer
11 and other state facilities police officer and patrol officer, security officer, watcher,
12 engineer, engineering aide, building construction superintendent, fire fighter
13 employed at the Wisconsin veterans home, or guard or institutional aide or a state
14 probation and parole officer or any other employe whose duties include supervision
15 and discipline of inmates or wards of the state at a state penal institution, including
16 a state secured correctional facility, as defined in s. 48.02 (15m), or while on parole
17 supervision outside of the confines of the institutions, or supervision of persons
18 placed on probation by a court of record, or supervision and care of patients at a state
19 mental institution, and university of Wisconsin hospital and clinics suffers injury
20 while in the performance of his or her duties, as defined in subs. (2) and (3); or any
21 other state employe who is ordered by his or her appointing authority to accompany
22 any employe listed in this subsection while the listed employe is engaged in the
23 duties defined in sub. (3), or any other state employe who is ordered by his or her
24 appointing authority to perform the duties, when permitted, in lieu of the listed
25 employe and while so engaged in the duties defined in sub. (3), suffers injury as

1 defined in sub. (2) the employe shall continue to be fully paid by the employing
2 agency upon the same basis as paid prior to the injury, with no reduction in sick leave
3 credits, compensatory time for overtime accumulations or vacation and no reduction
4 in the rate of earning sick leave credit or vacation. The full pay shall continue while
5 the employe is unable to return to work as the result of the injury or until the
6 termination of his or her employment upon recommendation of the appointing
7 authority. At any time during the employe's period of disability the appointing
8 authority may order physical or medical examinations to determine the degree of
9 disability at the expense of the employing agency.

10 **SECTION 75.** 230.36 (3) (c) (intro.) of the statutes is amended to read:

11 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the
12 university of Wisconsin hospital and clinics or at a state penal or mental institution,
13 including a state secured correctional facility, as defined in s. 48.02 (15m), and a state
14 probation and parole officer, at all times while:

15 **SECTION 76.** 301.36 (1) of the statutes is amended to read:

16 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
17 supervise all of the state correctional institutions, all secured correctional facilities,
18 as defined in s. 48.02 (15m), and all secure detention facilities, as defined in s. 48.02
19 (16), and familiarize itself with all of the circumstances affecting their management
20 and usefulness. The department may take enforcement action as to a secured
21 correctional facility, secure detention facility or the juvenile portion of a county jail
22 only after consultation with the department of health and social services.

23 **SECTION 77.** 301.37 (1) of the statutes is amended to read:

24 301.37 (1) The department shall fix reasonable standards and regulations for
25 the design, construction, repair and maintenance of houses of correction,

1 reforestation camps maintained under s. 303.07, jails as defined in s. 302.30,
2 extensions of jails under s. 59.68 (7), rehabilitation facilities under s. 59.07 (76),
3 lockup facilities as defined in s. 302.30, Huber facilities under s. 303.09 and, after
4 consulting with the department of health and social services, secured correctional
5 facilities, as defined in s. 48.02 (15m), and secure detention facilities, as defined in
6 s. 48.02 (16), with respect to their adequacy and fitness for the needs which they are
7 to serve.

8 **SECTION 78.** 302.18 (7) of the statutes is amended to read:

9 302.18 (7) Except as provided in s. 973.013 (3m), the department of corrections
10 shall keep ~~all prisoners~~ a prisoner under 16 years of age in a secured juvenile
11 correctional ~~facilities~~ facility, but the department of health and social services or a
12 county department under s. 46.215, 46.22 or 46.23, whichever has supervision over
13 the prisoner, with the concurrence of the department of corrections, may transfer
14 ~~them to the prisoner to an adult correctional institutions~~ institution after they attain
15 he or she attains 16 years of age.

16 **SECTION 79.** 302.31 of the statutes, as affected by 1993 Wisconsin Act 385, is
17 amended to read:

18 **302.31 Use of jails.** The county jail may be used for the detention of persons
19 charged with crime and committed for trial; for the detention of persons committed
20 to secure their attendance as witnesses; to imprison persons committed pursuant to
21 a sentence or held in custody by the sheriff for any cause authorized by law; for the
22 detention of persons sentenced to imprisonment in state penal institutions or a
23 county house of correction, until they are removed to those institutions; for the
24 detention of persons participating in the intensive sanctions program; for the
25 temporary detention of persons in the custody of the department; and for other

1 detentions authorized by law. The county jail may be used for the temporary
2 placement of persons in the custody of the department, and persons who have
3 attained the age of 18 years but have not attained the age of 25 years who are under
4 the supervision of the department of health and social services or a county
5 department of human services or social services under s. 48.355 (4) 48.34 (4m) or (4n)
6 or 48.366 and who have been taken into custody pending revocation of aftercare
7 supervision under s. 48.357 (5) (e) or 48.366 (5) or corrective sanctions supervision
8 under s. 48.357 (5) (e).

9 **SECTION 80.** 304.07 of the statutes, as affected by 1993 Wisconsin Act 385, is
10 renumbered 48.525 and amended to read:

11 **48.525 Early release and intensive supervision program; limits.** The
12 department may establish a program for the early release and intensive supervision
13 of children who have been placed in a secured correctional facility under the
14 supervision of the department under s. 48.34 (4m). The program may not include any
15 children who have been placed in a secured correctional facility under the
16 supervision of the department as a result of a delinquent act involving the
17 commission of a violent crime as defined in s. 969.035, but not including the crime
18 specified in s. 948.02 (1).

19 **SECTION 81.** 973.013 (3m) of the statutes is amended to read:

20 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
21 to the Wisconsin state prisons, the department of corrections shall place the person
22 at a secured juvenile correctional facility, unless the department of health and social
23 services or the county operating the secured correctional facility, after consultation
24 with the department of corrections, determines that placement in an institution
25 under s. 302.01 is appropriate based on the person's prior record of adjustment in a

1 correctional setting, if any; the person's present and potential vocational and
2 educational needs, interests and abilities; the adequacy and suitability of available
3 facilities; the services and procedures available for treatment of the person within
4 the various institutions; the protection of the public; and any other considerations
5 promulgated by the department of health and social services by rule. This subsection
6 does not preclude the department of corrections from designating an adult
7 correctional institution as a reception center for the person and subsequently
8 transferring the person to a secured juvenile correctional facility. Section 302.11 and
9 ch. 304 apply to all persons placed in a secured juvenile correctional facility under
10 this subsection.

11 **SECTION 82. Effective dates.** This act takes effect on July 1, 1995, or on the
12 day after publication, whichever is later, except as follows:

13 (1) The repeal and recreation of sections 46.03 (6) (a), 46.26 (3) (d) and (4) (cm)
14 1., 48.02 (15m), 48.355 (4) (a), 48.50 (1), 48.51 (1) (intro.), 48.78 (3) and 118.125 (4)
15 of the statutes takes effect on December 1, 1995, or on the day after publication,
16 whichever is later.

17 **(END)**