



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2670/1
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2005 ASSEMBLY BILL 443

May 26, 2005 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT to repeal** 48.396 (2) (f), 51.01 (14p), 301.01 (3p), 301.08 (1) (b) 4., 938.02
2 (15p), 938.18 (1) (b), 938.357 (4) (d), 938.396 (1m) (d) and 938.396 (6); **to**
3 **renumber** 938.396 (1b), 938.396 (1d), 938.396 (1r), 938.396 (1t), 938.396 (1x),
4 938.396 (2) (ag), 938.396 (2) (am), 938.396 (2) (c), 938.396 (2) (d), 938.396 (2)
5 (dm), 938.396 (2) (dr), 938.396 (2) (e), 938.396 (2) (fm), 938.396 (2) (g), 938.396
6 (2) (gm), 938.396 (2) (h), 938.396 (2) (i), 938.396 (5) (a) 1. to 5., 938.396 (5) (c)
7 (intro.), 1 and 2. and 938.396 (5) (d) and (e); **to renumber and amend** 16.99
8 (3r), 48.02 (16), 51.01 (14m), 165.85 (2) (e), 165.85 (2) (f), 301.01 (3m), 938.02
9 (15m), 938.02 (16), 938.06 (5), 938.17 (2) (d), 938.18 (1) (a), 938.183 (2), 938.20
10 (8), 938.243 (1m), 938.245 (1), 938.273 (1), 938.275 (2) (a), 938.29 (1g), 938.295
11 (1), 938.295 (2) (b), 938.299 (1) (ar), 938.30 (4m), 938.30 (5) (e) 1., 938.315 (1)
12 (a), 938.315 (1) (b), 938.315 (1) (c), 938.315 (1) (d), 938.315 (1) (dm), 938.315 (1)
13 (e), 938.315 (1) (f), 938.315 (1) (fm), 938.315 (1) (h), 938.315 (1) (i), 938.32 (1) (b)
14 1., 938.32 (1) (c) 1., 938.335 (3g), 938.335 (3m) (a), 938.355 (6) (a), 938.396 (1),

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1 938.396 (1g), 938.396 (1m) (a), 938.396 (1m) (am), 938.396 (1m) (ar), 938.396
2 (1m) (b), 938.396 (1m) (c), 938.396 (1p), 938.396 (2) (a), 938.396 (2) (b), 938.396
3 (2) (em), 938.396 (2) (f), 938.396 (2) (j), 938.396 (2m) (a), 938.396 (2m) (b),
4 938.396 (5) (a) (intro.), 938.396 (5) (b), 938.396 (5) (bm), 938.396 (5) (c) 3.,
5 938.396 (7) (a), 938.396 (7) (am), 938.396 (7) (ar), 938.396 (7) (b), 938.396 (7)
6 (bm), 938.396 (7) (c), 938.396 (8), 938.396 (9) and 938.49 (2); **to consolidate,**
7 **renumber and amend** 938.50 (1) and (2); **to amend** 16.27 (7), 16.51 (7), 16.971
8 (13), 16.99 (2g), 16.997 (2) (b) and (f), 19.35 (1) (am) 2. c., 20.410 (3) (c) and (jv),
9 20.505 (4) (tw) (title), 46.057 (1), 46.22 (1) (c) 1. b., 46.22 (1) (c) 1. c., 48.067 (2),
10 48.208 (intro.), 48.209 (intro.), (1) (intro.) and (a) and (2), 48.23 (1m) (a), 48.236
11 (4) (a), 48.366 (1) (a) and (b), 48.366 (8), 48.38 (2) (intro.) and (g) and (3), 48.396
12 (1), 48.66 (1) (b) and (c), 48.66 (2m) (am) 1. and (bm), 48.715 (6), 48.78 (2) (b),
13 48.981 (1) (b), 49.35 (1) (b), 50.39 (3), 51.01 (14k), 51.05 (2), 51.30 (4) (b) 9., 51.30
14 (5) (d), 51.35 (3) (a) and (c), 51.35 (3) (e) and (g), 59.24, 77.52 (2) (a) 10., 101.123
15 (1) (bg), 101.123 (1) (j), (2) (br), (3) (gg) and (4) (a) 2., 115.31 (1) (b), 115.76 (10),
16 115.81 (1) (b), 118.125 (1) (a), 118.125 (2) (cg), 118.125 (2) (d), 118.125 (2) (e),
17 118.125 (2) (L), 118.125 (3), 118.125 (4), 118.125 (5) (b), 118.125 (7), 118.127 (1),
18 118.127 (2), 118.15 (1) (cm) 1., 118.15 (5) (b) 2., 146.82 (2) (a) 18m., 157.065 (2)
19 (a) 4. c., 165.55 (15), 165.76 (1) (a) and (2) (b) 2., 165.76 (2) (b) 5., 165.85 (3) (d),
20 175.35 (1) (ag), 230.36 (1m) (b) 3. (intro.), 230.36 (2m) (a) 20., 252.15 (1) (ab) and
21 (2) (a) 7. a., 252.15 (5) (a) 19., 301.01 (2) (b), 301.01 (3k), 301.01 (4), 301.027,
22 301.03 (10) (d), (e) and (f), 301.032 (1) (b), 301.08 (1) (b) 3., 301.19 (1) (b),
23 301.205, 301.26 (2) (c), 301.26 (4) (cm) 1. and 2., 301.26 (4) (d) 2. and 3., 301.26
24 (7) (b) 3., 301.263 (3), 301.36 (1), 301.37 (1), 301.37 (5), 301.45 (1g) (b) and (bm),
25 (3) (a) 2. and (5) (a) 2., 302.11 (10), 302.18 (7), 302.255, 302.386 (1), (2) (intro.),

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1 (3) (a) and (5) (c) and (d), 938.01 (2) (f), 938.01 (2) (g), 938.02 (5), 938.02 (7),
2 938.02 (15d), 938.02 (15g), 938.02 (19), 938.02 (19r), 938.02 (20), 938.028,
3 938.03 (title), 938.03 (1), 938.03 (2), 938.06 (1) (a), 938.06 (1) (am) and (b),
4 938.06 (2) and (3), 938.067 (intro.), 938.067 (2) and (3), 938.067 (5), 938.067 (7),
5 938.067 (9), 938.069 (1) (intro.), (c), (dj) and (e), 938.07 (2) and (3), 938.08 (1) and
6 (2), 938.08 (3), 938.09 (1) to (6), 938.10, 938.12, 938.125 (intro.) and (2), 938.13,
7 938.135, 938.15, 938.17 (title) and (1) (intro.) and (c), 938.17 (2) (a) 2. d. and 3.,
8 938.17 (2) (b) to (cm), 938.17 (2) (h) 1. and 2., 938.17 (2) (i) 1., 2m. and 3g., 938.18
9 (2), 938.18 (3) (a), (b) and (c), 938.18 (4) (a) and (b), 938.18 (5) (a), 938.18 (5) (b),
10 938.18 (6), 938.183 (1) (a) and (am), 938.183 (1m) (intro.) and (c) 1. and 2.,
11 938.183 (3), 938.185 (2), 938.19 (1) (b) and (c), 938.19 (1) (d) 1., 6. and 7., 938.19
12 (1m) and (2), 938.20 (2) (cm) and (d), 938.20 (3), 938.20 (5), 938.20 (7) (a) and
13 (b), 938.20 (7) (c) 1., 1m. and 2., 938.205, 938.207 (1) (c), (cm) and (f) and (2),
14 938.208 (1) (intro.) and (2), 938.208 (3), (4) and (5), 938.209 (1) (a) 5., 938.209
15 (1) (b), 938.21 (1), 938.21 (2) (b), (c) and (d), 938.21 (3) (b), (d) and (e), 938.21 (4)
16 (intro.), 938.21 (4) (a) and (4m), 938.21 (5) (b) 1. and 3., 938.21 (5) (c) and (d) 1.,
17 938.21 (6), 938.21 (7), 938.22 (title), 938.22 (1) (a), (b) and (c), 938.22 (2) (a) and
18 (b), 938.22 (3), 938.22 (7) (a) and (b), 938.222 (1), 938.222 (2) (a) 1. and 2.,
19 938.223 (2) (a) 1. and 2., 938.223 (3), 938.224 (1), 938.23 (1g) and (1m) (a), (am)
20 and (b) 2., 938.23 (3), (4) and (5), 938.235 (3) (a) and (b) (intro.), 938.235 (7) and
21 (8) (b), 938.24 (1), 938.24 (2) and (2m), 938.24 (4) and (5), 938.24 (6) and (7),
22 938.243 (1) (intro.), (am), (c) and (h), 938.243 (3), 938.245 (1m), 938.245 (2) (a)
23 2., 3. and 4., 938.245 (2) (a) 5. a., am. and c., 938.245 (2) (a) 7., 938.245 (2) (a)
24 8. c., 938.245 (2g) to (4), 938.245 (6) to (9), 938.25 (1) to (2m), 938.25 (3), 938.255
25 (1) (intro.), (c) and (cm), 938.255 (3), 938.265, 938.27 (3) (a) 1., 938.27 (4m), (5)

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1 and (6), 938.275 (1) (c), 938.275 (2) (b) and (c), 938.275 (2) (cg) 3., 938.28, 938.29
2 (1), 938.29 (1m), 938.293 (1), 938.293 (3), 938.295 (1c) (intro.), 938.295 (1g),
3 938.295 (2) (a), 938.295 (3), 938.296 (2m) (b), 938.2965 (2), 938.297 (2) to (4),
4 938.299 (1) (am), 938.299 (1) (b), 938.299 (4) (b) and (5), 938.299 (9) (a) and (b),
5 938.30 (2), 938.30 (4) (a), (bm) and (c), 938.30 (5) (a) 2., (c) (intro.) and (d) (intro.),
6 938.30 (6) (b) and (c) and (7), 938.30 (8) (b) and (9), 938.31 (7), 938.315 (1)
7 (intro.), 938.32 (1) (a) and (am), 938.32 (1) (b) 1m., 938.32 (1) (b) 2., 938.32 (1)
8 (c) 2., 938.32 (1) (c) 3. and (d), 938.32 (1d), 938.32 (1g) (intro.) and (b), 938.32
9 (1m) (intro.), (a) and (c), 938.32 (1p), 938.32 (1r), 938.32 (1t) (a) 1., 1m. and 3.
10 and (b), 938.32 (1v) and (1x), 938.32 (2) (a), (3) and (4), 938.32 (5) (a) and (6),
11 938.33 (1) (intro.), (b), (c) and (f), 938.33 (3) (intro.) and (a), 938.33 (3r), 938.33
12 (4m) (intro.), 938.335 (1), 938.335 (3m) (am), 938.335 (3m) (b), 938.34 (2) (a) and
13 (b), 938.34 (2g) (intro.) and (a), 938.34 (2m) (a) and (c), 938.34 (3) (a), (b) and (e),
14 938.34 (4d), 938.34 (4h) (a) and (b), 938.34 (4m) (intro.), (a) and (b) (intro.),
15 938.34 (4n) (intro.) and (b), 938.34 (5) (a), (am) and (c), 938.34 (5g) (b), 938.34
16 (6r) (a) and (b) and (6s), 938.34 (7d) (a) 2., 3. and 4., 938.34 (8), 938.34 (8d) (c)
17 and (d), 938.34 (13r), (13t), (14d) and (14q), 938.34 (14r) (a), 938.34 (15) (b),
18 938.34 (16), 938.342 (1d) (intro.), 938.342 (1g) (intro.) and (b), 938.342 (1g) (f)
19 1. and 2., 938.342 (1m), (1r) and (2), 938.343 (2), 938.343 (2m) (a), 938.343 (2m)
20 (b), 938.343 (4), (5), (6) and (7), 938.343 (8), 938.343 (9), 938.344 (2) (a), (b) and
21 (c), 938.344 (2b) (a), (b) and (c), 938.344 (2d) (a), (b) and (c), 938.344 (2e) (a) 1.,
22 2. and 3., (b) and (c), 938.344 (2g) (a) 1. and 4. a. and b. and (d), 938.345 (1)
23 (intro.), (a), (d), (e) and (g), 938.345 (2), 938.345 (3) (a) (intro.) and (c), 938.346
24 (1) (a), 938.346 (1) (b), 938.346 (1) (d) 2., 938.346 (1m) and (2), 938.35 (1m) and
25 (2), 938.355 (1), 938.355 (2) (b) 1., 1m., 4m., 5., 6. and 6r., 938.355 (2c) (a) (intro.)

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1 and (b), 938.355 (2d) (a) 1., 938.355 (2d) (c) 1., 938.355 (2e) (b), 938.355 (2m),
2 938.355 (3) (b) 1. and 1m., 938.355 (4), 938.355 (4m), 938.355 (6) (an), 938.355
3 (6) (b), 938.355 (6) (cm), 938.355 (6d) (a) 1. and 2. and (b) 1. and 2., 938.355 (6d)
4 (c) 1. and 2. and (d), 938.355 (6g) (a) and (b) (intro.), 938.355 (6m) (a) (intro.),
5 (ag) and (am), 938.355 (6m) (cm), 938.355 (7), 938.357 (1) (am) 1. and 3., 938.357
6 (1) (c) and (2), 938.357 (2m) and (2r), 938.357 (2v) (a) 1., 2. and 3. and (b),
7 938.357 (2v) (c) 1., 938.357 (3), 938.357 (4) (a) and (b) 1., 2. and 3., 938.357 (4)
8 (c) 1., 2. and 3., 938.357 (4d) (a) and (am), 938.357 (4g) (a), (b), (c) (intro.) and
9 (d), 938.357 (5) (a), (c), (d), (e) and (f), 938.357 (5m) (a) and (b), 938.357 (6),
10 938.36 (1) (b), 938.36 (2), 938.361 (2) (a) 2., 938.361 (2) (am), (b) and (c), 938.362
11 (3), 938.362 (4) (a), 938.363, 938.364, 938.365 (1) and (1m), 938.365 (2g) (b) 2.
12 and (c), 938.365 (2m) (a), (ad) 1. and (ag), 938.365 (5) and (6), 938.368 (2) (intro.),
13 938.371, 938.38 (2) (intro.), (3) (a) and (b) and (4) (ar) and (h) (intro.), 938.38 (5)
14 (a), 938.39, 938.44, 938.45 (1), 938.45 (1m) (a), (1r), (2) and (3), 938.48 (1),
15 938.48 (2), 938.48 (3) and (4), 938.48 (4m) (d), (5) and (6), 938.48 (14) and (16),
16 938.49 (1), 938.505 (2), 938.51 (1) (intro.), 938.51 (1m), 938.51 (2), 938.51 (4)
17 (intro.), 938.52 (1) (d), (2) and (4), 938.53, 938.533, 938.534 (1) (a) and (b) 1., 2.
18 and 4., 938.534 (1) (c) and (d) and (2), 938.535, 938.538 (3) (a) 1., 1m., 1p. and
19 2., 938.538 (4), (5) (b) and (c), (6) and (6m) (b), 938.539 (1), 938.539 (2) to (5),
20 938.57 (1) (b), (c), (cm), (d) and (2), 938.57 (4), 938.59 (1), 938.78 (2) (a), (ag) and
21 (am), 938.78 (2) (b) 1. and (3), 938.795 (1) to (4), 938.992 (3), 940.225 (5) (ab),
22 946.42 (1) (a), 946.44 (2) (c) and (d), 946.45 (2) (c) and (d), 948.50 (4) (b), 968.255
23 (7) (b), 970.032 (1), 973.013 (3m), 976.08, 980.015 (2) (b), 980.02 (1) (b) 2., (2) (ag)
24 and (4) (am) and (b) and 980.04 (1); and *to create* 938.01 (1) (title) and (2) (title),
25 938.067 (1) (title), 938.067 (4) (title), 938.067 (6) (title), (6g) (title) and (6m)

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1 (title), 938.067 (8) (title) and (8m) (title), 938.069 (2) (title), (3) (title) and (4)
2 (title), 938.17 (2) (a) (title), 938.17 (2) (d) (title), 938.17 (2) (e) (title), (f) (title)
3 and (g) (title), 938.17 (2) (h) (title), 938.17 (2) (i) (title), 938.18 (2m) (title), 938.18
4 (3) (intro.), 938.18 (4) (title), 938.18 (5) (title), 938.18 (5) (am), 938.18 (7) (title),
5 (8) (title) and (9) (title), 938.183 (1) (title), 938.183 (4) (title), 938.185 (1) (title),
6 938.185 (3) (title) and (4) (title), 938.19 (1) (title), 938.19 (3) (title), 938.20 (2)
7 (title), 938.20 (4) (title), 938.20 (6) (title) and (7) (title), 938.20 (8) (title), 938.20
8 (8) (c), 938.207 (1) (title), 938.208 (6) (title), 938.209 (1) (title), 938.209 (2m)
9 (title) and (3) (title), 938.22 (1) (title), 938.22 (2) (title), 938.22 (5) (title) and (7)
10 (title), 938.222 (2) (title), 938.223 (1) (title), 938.223 (2) (title), 938.224 (2) (title),
11 (3) (title) and (4) (title), 938.237 (1) (title), (2) (title) and (3) (title), 938.24 (1m)
12 (title), 938.24 (2r) (title) and (3) (title), 938.24 (5m) (title), 938.243 (4) (title),
13 938.245 (2) (title), 938.245 (2) (a) (title), 938.245 (2) (a) 1. (title), 938.245 (2) (a)
14 5. (title), 938.245 (2) (a) 6. (title), 938.245 (2) (a) 8. (title), 938.245 (2) (a) 9m.
15 (title), (b) (title) and (c) (title), 938.245 (5) (title), 938.25 (4) (title), (5) (title) and
16 (6) (title), 938.255 (2) (title), 938.255 (4) (title), 938.263 (1) (title), 938.263 (2)
17 (title), 938.27 (1) (title), (2) (title) and (3) (title), 938.27 (4) (title), 938.27 (7)
18 (title) and (8) (title), 938.273 (1) (title), 938.273 (2) (title) and (3) (title), 938.275
19 (1) (title), 938.275 (2) (title), 938.29 (2) (title), 938.293 (2) (title), 938.295 (1)
20 (title), 938.295 (2) (title), 938.295 (4) (title), 938.296 (1) (title) and (2) (title),
21 938.296 (2m) (title), 938.296 (3) (title), (4) (title), (5) (title) and (6) (title),
22 938.2965 (1) (title), 938.297 (1) (title), 938.297 (5) (title), (6) (title) and (7) (title),
23 938.299 (1) (title), 938.299 (4) (title), 938.299 (6) (title), (7) (title), (8) (title) and
24 (9) (title), 938.30 (1) (title), 938.30 (3) (title) and (4) (title), 938.30 (5) (title),
25 938.30 (6) (title), 938.30 (8) (title), 938.30 (10) (title), 938.31 (1) (title), (2) (title)

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1 and (4) (title), 938.315 (2) (title), (2m) (title) and (3) (title), 938.32 (1) (title),
2 938.32 (1t) (title), 938.32 (2) (title), 938.32 (5) (title), 938.335 (3) (title), 938.335
3 (3m) (title), 938.335 (3r) (title), (4) (title) and (5) (title), 938.343 (1) (title),
4 938.343 (2m) (title), 938.343 (3) (title) and (3m) (title), 938.343 (10) (title),
5 938.344 (2) (title), 938.344 (2b) (title), 938.344 (2d) (title), 938.344 (2e) (title),
6 938.344 (2g) (title), 938.344 (2m) (title) and (3) (title), 938.345 (3) (title), 938.346
7 (1) (title), 938.346 (3) (title), (4) (title) and (5) (title), 938.35 (1) (title), 938.355
8 (6) (a) (title), 938.355 (6) (c), 938.355 (6) (d) (title) and (e) (title), 938.355 (6m)
9 (b) (title), 938.355 (6m) (c) (title), 938.356 (1) (title) and (2) (title), 938.357 (1)
10 (title) and (a) (title), 938.357 (1) (am) (title), 938.357 (2v) (title) and (a) (title),
11 938.357 (2v) (c) (title), 938.357 (4) (title), 938.357 (4d) (title), 938.357 (4g) (title),
12 938.357 (4m) (title) and (5) (title), 938.357 (5m) (title), 938.36 (1) (title), 938.36
13 (3) (title), 938.361 (1) (title) and (2) (title), 938.362 (1) (title) and (2) (title),
14 938.362 (4) (title), 938.365 (2) (title) and (2g) (title), 938.365 (2m) (title), 938.365
15 (3) (title) and (4) (title), 938.365 (7) (title), 938.368 (1) (title), 938.37 (1) (title)
16 and (3) (title), 938.373 (1) (title), 938.373 (2) (title), 938.396 (1) (title), 938.396
17 (1) (b) 5., 938.396 (1) (c) (intro.), 938.396 (1j) (title), 938.396 (2g) (intro.), 938.396
18 (2g) (ag) (title), 938.396 (2g) (am) (title), 938.396 (2g) (c) (title), 938.396 (2g) (d)
19 (title), 938.396 (2g) (dm) (title), 938.396 (2g) (dr) (title), 938.396 (2g) (e) (title),
20 938.396 (2g) (fm) (title), 938.396 (2g) (g) (title), 938.396 (2g) (gm) (title), 938.396
21 (2g) (h) (title), 938.396 (2g) (i) (title), 938.396 (2g) (m) (title), 938.396 (3) (title),
22 938.396 (4) (title), 938.45 (1m) (title), 938.48 (4m) (title), 938.48 (13) (title),
23 938.505 (1) (title), 938.51 (1d) (title) and (1g) (title), 938.51 (1r) (title), 938.51
24 (3) (title), 938.534 (1) (title), 938.539 (6) (title), 938.549 (1) (title), (2) (title) and
25 (3) (title), 938.57 (1) (title), 938.57 (3) (title), 938.59 (2) (title) and 938.78 (1)

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1 (title) and (2) (title) of the statutes; **relating to:** reorganizing, making
 2 nonsubstantive editorial changes to, revising and creating titles in, clarifying
 3 ambiguous language in, and making minor substantive changes to the Juvenile
 4 Justice Code.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on the Recodification of Ch. 938, stats., the Juvenile Justice Code.

The special committee is directed to recodify ch. 938, stats., the Juvenile Justice Code. The special committee is instructed that the recodification may include a study of the possible reorganization of certain parts of the chapter to fit in a logical manner with the rest of the chapter, renumbering and retitling of certain sections and subsections, consolidating related provisions, modernizing language, resolving ambiguities in language, codifying court decisions, and making minor substantive changes.

The bill:

1. Reorganizes individual sections, or portions of sections, in ch. 938, stats., by combining them with other sections, dividing single sections into 2 or more sections, and internally reorganizing single sections.
2. Makes nonsubstantive editorial changes to modernize language and for consistency with current drafting style.
3. Revises section titles, where appropriate, and provides for subsection titles throughout the chapter.
4. Clarifies ambiguous language.
5. Makes substantive changes the special committee concluded are relatively noncontroversial.

The special committee explicitly intends that, unless expressly noted, the bill makes no substantive changes in the statutory provisions treated by this bill. Substantive changes in the bill are identified by NOTES to the provisions substantively affected. If a question arises about the effect of any modification made by this bill, the special committee intends that the revisions in the bill be construed to have the same effect as the prior statutes.

5 **SECTION 1.** 16.27 (7) of the statutes is amended to read:
 6 16.27 (7) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES. No
 7 payment under sub. (6) may be made to a prisoner who is imprisoned in a state prison

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1 under s. 302.01 or to a person placed at a ~~secured~~ juvenile correctional facility, as
2 defined in s. 938.02 ~~(15m), (10p), or a secured child-caring institution~~ residential care
3 center for children and youth, as defined in s. 938.02 (15g), ~~or a secured group home,~~
4 ~~as defined in s. 938.02 (15p).~~

NOTE: See the NOTES to s. 938.02 (15g), (15m) (renumbered to (10p)), and (15p),
stats., as affected by this bill.

5 **SECTION 2.** 16.51 (7) of the statutes is amended to read:

6 16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
7 JUVENILES IN ~~SECURED~~ JUVENILE CORRECTIONAL FACILITIES. Receive, examine,
8 determine, and audit claims, duly certified and approved by the department of
9 corrections, from the county clerk of any county in behalf of the county, which are
10 presented for payment to reimburse the county for certain expenses incurred or paid
11 by it in reference to all matters growing out of actions and proceedings involving
12 prisoners in state prisons, as defined in s. 302.01, or juveniles in ~~secured~~ juvenile
13 correctional facilities, as defined in s. 938.02 ~~(15m)~~ (10p), including prisoners or
14 juveniles transferred to a mental health institute for observation or treatment, when
15 the proceedings are commenced in counties in which the prisons or ~~secured~~ juvenile
16 correctional facilities are located by a district attorney or by the prisoner or juvenile
17 as a postconviction remedy or a matter involving the prisoner's status as a prisoner
18 or the juvenile's status as a resident of a ~~secured~~ juvenile correctional facility and for
19 certain expenses incurred or paid by it in reference to holding those juveniles in
20 secure custody while those actions or proceedings are pending. Expenses shall only
21 include the amounts that were necessarily incurred and actually paid and shall be
22 no more than the legitimate cost would be to any other county had the offense or
23 crime occurred therein.

ASSEMBLY BILL 443**SECTION 3**

1 **SECTION 3.** 16.971 (13) of the statutes is amended to read:

2 16.971 **(13)** Provide ~~secured~~ juvenile correctional facilities, school districts,
3 and cooperative educational service agencies with telecommunications access under
4 s. 16.997 and contract with telecommunications providers to provide that access.

5 **SECTION 4.** 16.99 (2g) of the statutes is amended to read:

6 16.99 **(2g)** “Educational agency” means a school district, charter school
7 sponsor, ~~secured~~ juvenile correctional facility, private school, cooperative
8 educational service agency, technical college district, private college, public library
9 system, public library board, public museum, the Wisconsin Center for the Blind and
10 Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and
11 Hard of Hearing.

12 **SECTION 5.** 16.99 (3r) of the statutes is renumbered 16.99 (3b) and amended to
13 read:

14 16.99 **(3b)** “~~Secured~~ Juvenile correctional facility” means the Southern Oaks
15 Girls School, the Ethan Allen School, ~~the Youth Leadership Training Center,~~ and the
16 Lincoln Hills School.

NOTE: Deletes reference to the Youth Leadership Training Center because the center no longer exists.

17 **SECTION 6.** 16.997 (2) (b) and (f) of the statutes are amended to read:

18 16.997 **(2)** (b) Establish eligibility requirements for an educational agency to
19 participate in the program established under sub. (1), including a requirement that
20 a charter school sponsor use data lines and video links to benefit pupils attending the
21 charter school and a requirement that Internet access to material that is harmful to
22 children, as defined in s. 948.11 (1) (b), is blocked on the computers of ~~secured~~

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1 juvenile correctional facilities that are served by data links and video links
2 subsidized under this section.

3 (f) Ensure that ~~secured~~ juvenile correctional facilities that receive access under
4 this section to data lines and video links use them only for educational purposes.

5 **SECTION 7.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

6 19.35 (1) (am) 2. c. Endanger the security, including the security of the
7 population or staff, of any state prison under s. 302.01, jail, as defined in s. 165.85
8 (2) (bg), ~~secured~~ juvenile correctional facility, as defined in s. 938.02 (~~15m~~) (10p),
9 ~~secured child-caring institution~~ residential care center for children and youth, as
10 defined in s. 938.02 (15g), ~~secured group home~~, as defined in s. 938.02 (15p), mental
11 health institute, as defined in s. 51.01 (12), center for the developmentally disabled,
12 as defined in s. 51.01 (3), or facility, specified under s. 980.065, for the institutional
13 care of sexually violent persons.

14 **SECTION 8.** 20.410 (3) (c) and (jv) of the statutes are amended to read:

15 20.410 (3) (c) *Reimbursement claims of counties containing secured juvenile*
16 *correctional facilities.* The amounts in the schedule to pay all valid claims made by
17 county clerks of counties containing state juvenile correctional ~~institutions~~ facilities
18 as provided in s. 16.51 (7).

19 (jv) *Secure detention services.* All moneys received from counties under s.
20 938.224 (3) (a) for holding juveniles in secure custody in ~~secured~~ juvenile correctional
21 facilities under s. 938.224 (1).

22 **SECTION 9.** 20.505 (4) (tw) (title) of the statutes is amended to read:

23 20.505 (4) (tw) (title) *Telecommunications access; secured juvenile correctional*
24 *facilities.*

25 **SECTION 10.** 46.057 (1) of the statutes is amended to read:

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

19 **SECTION 11.** 46.22 (1) (c) 1. b. of the statutes is amended to read:

20 46.22 (1) (c) 1. b. ‘State institutions.’ The Mendota Mental Health Institute,
21 the Winnebago Mental Health Institute, centers for the developmentally disabled,
22 and Type 1 secured juvenile correctional facilities, as defined in s. 938.02 (19).

23 **SECTION 12.** 46.22 (1) (c) 1. c. of the statutes is amended to read:

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1 46.22 (1) (c) 1. c. ‘Other institution.’ University of Wisconsin Hospitals and
2 Clinics and ~~secured child caring institutions~~ residential care centers for children and
3 youth, as defined in s. 938.02 (15g).

4 **SECTION 13.** 48.02 (16) of the statutes is renumbered 48.02 (10r) and amended
5 to read:

6 48.02 (10r) “Secure Juvenile detention facility” means a locked facility
7 approved by the department of corrections under s. 301.36 for the secure, temporary
8 holding in custody of children.

9 **SECTION 14.** 48.067 (2) of the statutes is amended to read:

10 48.067 (2) Interview, unless impossible, any child or expectant mother of an
11 unborn child who is taken into physical custody and not released, and when
12 appropriate interview other available concerned parties. If the child cannot be
13 interviewed, the intake worker shall consult with the child’s parent or a responsible
14 adult. If an adult expectant mother of an unborn child cannot be interviewed, the
15 intake worker shall consult with an adult relative or friend of the adult expectant
16 mother. No child may be placed in a ~~secure~~ juvenile detention facility unless the child
17 has been interviewed in person by an intake worker, except that if the intake worker
18 is in a place which is distant from the place where the child is or the hour is
19 unreasonable, as defined by written court intake rules, and if the child meets the
20 criteria under s. 48.208, the intake worker, after consulting by telephone with the
21 law enforcement officer who took the child into custody, may authorize the secure
22 holding of the child while the intake worker is en route to the in-person interview
23 or until 8 a.m. of the morning after the night on which the child was taken into
24 custody.

25 **SECTION 15.** 48.208 (intro.) of the statutes is amended to read:

ASSEMBLY BILL 443**SECTION 15**

1 **48.208 Criteria for holding a child in a secure juvenile detention**
2 **facility.** (intro.) A child may be held in a secure juvenile detention facility if the
3 intake worker determines that one of the following conditions applies:

4 **SECTION 16.** 48.209 (intro.), (1) (intro.) and (a) and (2) of the statutes are
5 amended to read:

6 **48.209 Criteria for holding a child in a county jail.** (intro.) Subject to the
7 provisions of s. 48.208, a county jail may be used as a secure juvenile detention
8 facility if the criteria under either sub. (1) or (2) are met:

9 **(1)** (intro.) There is no other secure juvenile detention facility approved by the
10 department of corrections or a county which is available and:

11 **(a)** The jail meets the standards for secure juvenile detention facilities
12 established by the department of corrections;

13 **(2)** The child presents a substantial risk of physical harm to other persons in
14 the secure juvenile detention facility, as evidenced by previous acts or attempts,
15 which can only be avoided by transfer to the jail. The provisions conditions of sub.
16 (1) (a) to (e) shall be met. The child shall be given a hearing and transferred only upon
17 order of the judge.

18 **SECTION 17.** 48.23 (1m) (a) of the statutes is amended to read:

19 48.23 **(1m)** (a) Any child held in a secure juvenile detention facility shall be
20 represented by counsel at all stages of the proceedings, but a child 15 years of age or
21 older may waive counsel if the court is satisfied that the waiver is knowingly and
22 voluntarily made and the court accepts the waiver.

23 **SECTION 18.** 48.236 (4) (a) of the statutes is amended to read:

24 48.236 **(4)** (a) Inspect any reports and records relating to the child who is the
25 subject of the proceeding, the child's family, and any other person residing in the

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1 same home as the child that are relevant to the subject matter of the proceeding,
2 including records discoverable under s. 48.293, examination reports under s. 48.295
3 (2), law enforcement reports and records under ss. 48.396 (1) and 938.396 (1) (a),
4 court records under ss. 48.396 (2) (a) and 938.396 (2) (a), social welfare agency
5 records under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and
6 records under s. 48.981 (7) (a) 11r., and pupil records under s. 118.125 (2) (L). The
7 order shall also require the custodian of any report or record specified in this
8 paragraph to permit the court-appointed special advocate to inspect the report or
9 record on presentation by the court-appointed special advocate of a copy of the order.
10 A court-appointed special advocate that obtains access to a report or record
11 described in this paragraph shall keep the information contained in the report or
12 record confidential and may disclose that information only to the court. If a
13 court-appointed special advocate discloses any information to the court under this
14 paragraph, the court-appointed special advocate shall also disclose that information
15 to all parties to the proceeding. If a court-appointed special advocate discloses
16 information in violation of the confidentiality requirement specified in this
17 paragraph, the court-appointed special advocate is liable to any person damaged as
18 a result of that disclosure for such damages as may be proved and, notwithstanding
19 s. 814.04 (1), for such costs and reasonable actual attorney fees as may be incurred
20 by the person damaged.

21 **SECTION 19.** 48.366 (1) (a) and (b) of the statutes are amended to read:

22 48.366 (1) (a) Subject to par. (c), if the person committed any crime specified
23 under s. 940.01, 940.02, 940.05, 940.21, 940.225 (1) (a) to (c), 948.03, or 948.04, is
24 adjudged delinquent on that basis, and is placed in a secured juvenile correctional

ASSEMBLY BILL 443**SECTION 19**

1 facility under s. 48.34 (4m), 1993 stats., the court shall enter an order extending its
2 jurisdiction as follows:

3 (b) Subject to par. (c), if the person committed a crime specified in s. 940.20 (1)
4 or 946.43 while placed in a secured juvenile correctional facility and is adjudged
5 delinquent on that basis following transfer of jurisdiction under s. 970.032, the court
6 shall enter an order extending its jurisdiction until the person reaches 21 years of
7 age or until termination of the order under sub. (6), whichever occurs earlier.

8 **SECTION 20.** 48.366 (8) of the statutes is amended to read:

9 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections
10 may transfer a person subject to an order between secured juvenile correctional
11 facilities. After the person attains the age of 17 years, the department of corrections
12 may place the person in a state prison named in s. 302.01, except that the department
13 of corrections may not place any person under the age of 18 years in the correctional
14 institution authorized in s. 301.16 (1n). ~~If the person is 15 years of age or over, the~~
15 ~~department of corrections may transfer the person to the Racine youthful offender~~
16 ~~correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ If the
17 department of corrections places a person subject to an order under this section in
18 a state prison, that department shall provide services for that person from the
19 appropriate appropriation under s. 20.410 (1). The department of corrections may
20 transfer a person placed in a state prison under this subsection to or between state
21 prisons named in s. 302.01 without petitioning for revision of the order under sub.
22 (5) (a), except that the department of corrections may not transfer any person under
23 the age of 18 years to the correctional institution authorized in s. 301.16 (1n).

NOTE: See the NOTE to s. 938.357 (4) (d), stats., as affected by this bill.

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1 **SECTION 21.** 48.38 (2) (intro.) and (g) and (3) of the statutes are amended to
2 read:

3 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
4 for each child living in a foster home, treatment foster home, group home, residential
5 care center for children and youth, ~~secure~~ juvenile detention facility, or shelter care
6 facility, the agency that placed the child or arranged the placement or the agency
7 assigned primary responsibility for providing services to the child under s. 48.355
8 shall prepare a written permanency plan, if any of the following conditions exists,
9 and, for each child living in the home of a relative other than a parent, that agency
10 shall prepare a written permanency plan, if any of the conditions specified in pars.
11 (a) to (e) exists:

12 (g) The child's parent is placed in a foster home, treatment foster home, group
13 home, residential care center for children and youth, ~~secure~~ juvenile detention
14 facility, or shelter care facility and the child is residing with that parent.

15 (3) TIME. Subject to s. 48.355 (2d) (c) 1., the agency shall file the permanency
16 plan with the court within 60 days after the date on which the child was first removed
17 from his or her home, except that if the child is held for less than 60 days in a ~~secure~~
18 juvenile detention facility, juvenile portion of a county jail, or a shelter care facility,
19 no permanency plan is required if the child is returned to his or her home within that
20 period.

21 **SECTION 22.** 48.396 (1) of the statutes is amended to read:

22 48.396 (1) Law enforcement officers' records of children shall be kept separate
23 from records of adults. Law enforcement officers' records of the adult expectant
24 mothers of unborn children shall be kept separate from records of other adults. Law
25 enforcement officers' records of children and the adult expectant mothers of unborn

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1 children shall not be open to inspection or their contents disclosed except under sub.
2 (1b), (1d), or (5) or s. 48.293 or by order of the court. This subsection does not apply
3 to the representatives of newspapers or other reporters of news who wish to obtain
4 information for the purpose of reporting news without revealing the identity of the
5 child or adult expectant mother involved, to the confidential exchange of information
6 between the police and officials of the school attended by the child or other law
7 enforcement or social welfare agencies, or to children 10 years of age or older who are
8 subject to the jurisdiction of the court of criminal jurisdiction. A public school official
9 who obtains information under this subsection shall keep the information
10 confidential as required under s. 118.125 and a private school official who obtains
11 information under this subsection shall keep the information confidential in the
12 same manner as is required of a public school official under s. 118.125. A law
13 enforcement agency that obtains information under this subsection shall keep the
14 information confidential as required under this subsection and s. 938.396 (1) (a). A
15 social welfare agency that obtains information under this subsection shall keep the
16 information confidential as required under ss. 48.78 and 938.78.

17 **SECTION 23.** 48.396 (2) (f) of the statutes is repealed.

NOTE: Repeals s. 48.396 (2) (f), stats., and places the substance of that provision
into s. 938.396 (2) (em), stats., because s. 48.396 (2) (f), stats., is outmoded with the advent
of ch. 938 in that ch. 938 covers juveniles who are in need of protection or services based
on a delinquent act.

18 **SECTION 24.** 48.66 (1) (b) and (c) of the statutes are amended to read:

19 48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections
20 may license a child welfare agency to operate a secured ~~child caring institution~~
21 residential care center for children and youth, as defined in s. 938.02 (15g), for
22 holding in secure custody juveniles who have been convicted under s. 938.183 or
23 adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or (4m) and referred to

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1 the child welfare agency by the court or the department of corrections and to provide
2 supervision, care and maintenance for those juveniles. ~~The department of~~
3 ~~corrections may also license not more than 5 county departments, as defined in s.~~
4 ~~938.02 (2g), or not more than 5 consortia of county departments to operate not more~~
5 ~~than 5 group homes that have been licensed under par. (a) as secured group homes,~~
6 ~~as defined in s. 938.02 (15p), for holding in secure custody juveniles who have been~~
7 ~~convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4m)~~
8 ~~and referred to the county department by the court and to provide supervision, care~~
9 ~~and maintenance for those juveniles.~~

10 (c) A license issued under par. (a) or (b), other than a license to operate a foster
11 home, treatment foster home, or secured child caring institution or secured group
12 home residential care center for children and youth, is valid until revoked or
13 suspended. A license issued under this subsection to operate a foster home,
14 treatment foster home, or secured child caring institution or secured group home
15 residential care center for children and youth may be for any term not to exceed 2
16 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

NOTE: Repeals the last sentence in s. 48.66 (1) (b), stats., to reflect the deletion of
references to secure group homes. See the NOTE to s. 938.02 (15p), stats., as affected by
this bill.

17 **SECTION 25.** 48.66 (2m) (am) 1. and (bm) of the statutes are amended to read:

18 48.66 **(2m)** (am) 1. Except as provided in subd. 2., the department of corrections
19 shall require each applicant for a license under sub. (1) (b) to operate a secured ~~child~~
20 ~~caring institution~~ residential care center for children and youth who is an individual
21 to provide that department with the applicant's social security number when
22 initially applying for or applying to renew the license.

ASSEMBLY BILL 443**SECTION 25**

1 (bm) If an applicant who is an individual fails to provide the applicant's social
2 security number to the department of corrections, that department may not issue or
3 renew a license under sub. (1) (b) to operate a secured ~~child caring institution~~
4 residential care center for children and youth to or for the applicant unless the
5 applicant does not have a social security number and the applicant submits a
6 statement made or subscribed under oath or affirmation as required under par. (am)
7 2.

8 **SECTION 26.** 48.715 (6) of the statutes is amended to read:

9 48.715 (6) The department of health and family services shall deny, suspend,
10 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
11 probationary license under s. 48.69 to operate a child welfare agency, group home,
12 shelter care facility, or day care center, and the department of corrections shall deny,
13 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)
14 (b) to operate a secured ~~child caring institution~~ residential care center for children
15 and youth, for failure of the applicant or licensee to pay court-ordered payments of
16 child or family support, maintenance, birth expenses, medical expenses, or other
17 expenses related to the support of a child or former spouse or for failure of the
18 applicant or licensee to comply, after appropriate notice, with a subpoena or warrant
19 issued by the department of workforce development or a county child support agency
20 under s. 59.53 (5) and related to paternity or child support proceedings, as provided
21 in a memorandum of understanding entered into under s. 49.857. Notwithstanding
22 s. 48.72, an action taken under this subsection is subject to review only as provided
23 in the memorandum of understanding entered into under s. 49.857 and not as
24 provided in s. 48.72.

25 **SECTION 27.** 48.78 (2) (b) of the statutes is amended to read:

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1 48.78 (2) (b) Paragraph (a) does not apply to the confidential exchange of
2 information between an agency and another social welfare agency, a law
3 enforcement agency, a public school, or a private school regarding an individual in
4 the care or legal custody of the agency. A social welfare agency that obtains
5 information under this paragraph shall keep the information confidential as
6 required under this section and s. 938.78. A law enforcement agency that obtains
7 information under this paragraph shall keep the information confidential as
8 required under ss. 48.396 (1) and 938.396 (1) (a). A public school that obtains
9 information under this paragraph shall keep the information confidential as
10 required under s. 118.125, and a private school that obtains information under this
11 paragraph shall keep the information confidential in the same manner as is required
12 of a public school under s. 118.125.

13 **SECTION 28.** 48.981 (1) (b) of the statutes is amended to read:

14 48.981 (1) (b) “Community placement” means probation; extended supervision;
15 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
16 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 ~~child~~
17 ~~earing institution~~ residential care center for children and youth or a Type 2 ~~secured~~
18 juvenile correctional facility authorized under s. 938.539 (5); conditional release
19 under s. 971.17; supervised release under s. 980.06 or 980.08; participation in the
20 community residential confinement program under s. 301.046, the halfway house
21 program under s. 301.0465, the intensive sanctions program under s. 301.048, the
22 corrective sanctions program under s. 938.533, the intensive supervision program
23 under s. 938.534, or the serious juvenile offender program under s. 938.538; or any
24 other placement of an adult or juvenile offender in the community under the custody
25 or supervision of the department of corrections, the department of health and family

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1 services, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 or any
2 other person under contract with the department of corrections, the department of
3 health and family services, or a county department under s. 46.215, 46.22, 46.23,
4 51.42, or 51.437 to exercise custody or supervision over the offender.

5 **SECTION 29.** 49.35 (1) (b) of the statutes is amended to read:

6 49.35 (1) (b) All records of the department and all county records relating to
7 programs under this subchapter and aid under s. 49.18, 1971 stats., s. 49.20, 1971
8 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973, shall be open
9 to inspection at all reasonable hours by authorized representatives of the federal
10 government. Notwithstanding s. ~~ss. 48.396 (2) and 938.396 (2)~~, all county records
11 relating to the administration of the services and public assistance specified in this
12 paragraph shall be open to inspection at all reasonable hours by authorized
13 representatives of the department.

14 **SECTION 30.** 50.39 (3) of the statutes is amended to read:

15 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
16 and 252.10, ~~secured~~ juvenile correctional facilities as defined in s. 938.02 ~~(15m)~~
17 (10p), correctional institutions governed by the department of corrections under s.
18 301.02, and the offices and clinics of persons licensed to treat the sick under chs. 446,
19 447, and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not
20 abridge the rights of the medical examining board, physical therapists affiliated
21 credentialing board, podiatrists affiliated credentialing board, dentistry examining
22 board, pharmacy examining board, chiropractic examining board, and board of
23 nursing in carrying out their statutory duties and responsibilities.

24 **SECTION 31.** 51.01 (14k) of the statutes is amended to read:

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1 51.01 (14k) “Secured ~~child-caring institution~~ residential care center for
2 children and youth” has the meaning given in s. 938.02 (15g).

3 **SECTION 32.** 51.01 (14m) of the statutes is renumbered 51.01 (10m) and
4 amended to read:

5 51.01 (10m) “Secured Juvenile correctional facility” has the meaning given in
6 s. 938.02 (~~15m~~) (10p).

7 **SECTION 33.** 51.01 (14p) of the statutes is repealed.

NOTE: Deletes the definition of “secured group home” in s. 51.01 (14p), stats. See
the NOTE to s. 938.02 (15p), stats., as affected by this bill.

8 **SECTION 34.** 51.05 (2) of the statutes is amended to read:

9 51.05 (2) ADMISSIONS AUTHORIZED BY COUNTIES. The department may not accept
10 for admission to a mental health institute any resident person, except in an
11 emergency, unless the county department under s. 51.42 in the county where the
12 person has legal residency authorizes the care, ~~as provided in~~ under s. 51.42 (3) (as).
13 Patients who are committed to the department under s. 975.01, 1977 stats., or s.
14 975.02, 1977 stats., or s. 971.14, 971.17, 975.06, or 980.06, admitted by the
15 department under s. 975.17, 1977 stats., or are transferred from a secured juvenile
16 correctional facility, or a secured ~~child-caring institution~~ or a secured ~~group home~~
17 residential care center for children and youth to a state treatment facility under s.
18 51.35 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are
19 not subject to this section.

20 **SECTION 35.** 51.30 (4) (b) 9. of the statutes is amended to read:

21 51.30 (4) (b) 9. To a facility which is to receive an individual who is involuntarily
22 committed under this chapter, ch. 48, 938, 971, or 975 upon transfer of the individual
23 from one treatment facility to another. Release of records under this subdivision

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1 shall be limited to such treatment records as are required by law, a record or
2 summary of all somatic treatments, and a discharge summary. The discharge
3 summary may include a statement of the patient's problem, the treatment goals, the
4 type of treatment which has been provided, and recommendation for future
5 treatment, but it may not include the patient's complete treatment record. The
6 department shall promulgate rules to implement this subdivision.

7 **SECTION 36.** 51.30 (5) (d) of the statutes is amended to read:

8 51.30 (5) (d) *Other juvenile records.* ~~Section 48.78 does~~ Sections 48.78 and
9 938.78 do not apply to records covered by this section.

10 **SECTION 37.** 51.35 (3) (a) and (c) of the statutes are amended to read:

11 51.35 (3) (a) A licensed psychologist of a ~~secured juvenile~~ juvenile correctional facility,
12 or a secured child-caring institution, or a secured group-home residential care center
13 for children and youth, or a licensed physician of the department of corrections, who
14 has reason to believe that any individual confined in the ~~secured juvenile~~ juvenile
15 correctional facility, or secured child-caring institution, or secured group-home
16 residential care center for children and youth is, in his or her opinion, in need of
17 services for developmental disability, alcoholism, or drug dependency or in need of
18 psychiatric services, and who has obtained voluntary consent to make a transfer for
19 treatment, shall make a report, in writing, to the superintendent of the ~~secured~~ secured
20 juvenile correctional facility, or secured child-caring institution, or secured group
21 home residential care center for children and youth, stating the nature and basis of
22 the belief and verifying the consent. In the case of a minor age 14 or older who is in
23 need of services for developmental disability or who is in need of psychiatric services,
24 the minor and the minor's parent or guardian shall consent unless the minor is
25 admitted under s. 51.13 (1) (c) 1. In the case of a minor age 14 or older who is in need

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1 of services for alcoholism or drug dependency or a minor under the age of 14 who is
2 in need of services for developmental disability, alcoholism, or drug dependency or
3 in need of psychiatric services, only the minor's parent or guardian need consent
4 unless the minor is admitted under s. 51.13 (1) (c). The superintendent shall inform,
5 orally and in writing, the minor and the minor's parent or guardian, that transfer
6 is being considered and shall inform them of the basis for the request and their rights
7 as provided in s. 51.13 (3). If the department of corrections, upon review of a request
8 for transfer, determines that transfer is appropriate, that department shall
9 immediately notify the department of health and family services and, if the
10 department of health and family services consents, the department of corrections
11 may immediately transfer the individual. The department of health and family
12 services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise
13 jurisdiction under chs. 48 and 938 of the county where the treatment facility is
14 located.

15 (c) A licensed psychologist of a secured juvenile correctional facility, or a
16 secured ~~child caring institution, or a secured group home,~~ residential care center for
17 children and youth or a licensed physician of the department of corrections, who has
18 reason to believe that any individual confined in the secured juvenile correctional
19 facility, or secured ~~child caring institution, or secured group home~~ residential care
20 center for children and youth, in his or her opinion, is ~~mentally ill, drug dependent,~~
21 ~~or developmentally disabled~~ has a mental illness, drug dependency, or
22 developmental disability and is dangerous as described in s. 51.20 (1) (a) 2., or is an
23 alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written
24 report with the superintendent of the secured juvenile correctional facility, or
25 secured ~~child caring institution, or secured group home~~ residential care center for

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1 children and youth, stating the nature and basis of the belief. If the superintendent,
2 upon review of the allegations in the report, determines that transfer is appropriate,
3 he or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
4 exercise jurisdiction under ~~ch. 48~~ chs. 48 and 938 of the county where the secured
5 juvenile correctional facility, or secured ~~child caring institution~~, ~~or~~ secured group
6 home residential care center for children and youth is located. The court shall hold
7 a hearing according to procedures provided in s. 51.20 or 51.45 (13).

8 **SECTION 38.** 51.35 (3) (e) and (g) of the statutes are amended to read:

9 51.35 (3) (e) The department of corrections may authorize emergency transfer
10 of an individual from a ~~secured juvenile~~ correctional facility, or a secured ~~child caring~~
11 ~~institution~~, ~~or~~ a secured group home residential care center for children and youth
12 to a state treatment facility if there is cause to believe that the individual is ~~mentally~~
13 ~~ill, drug dependent or developmentally disabled~~ has a mental illness, drug
14 dependency, or developmental disability and exhibits conduct ~~which~~ that constitutes
15 a danger as described under s. 51.20 (1) (a) 2. a., b., c., or d. to the individual or to
16 others, ~~is mentally ill~~ has a mental illness, is dangerous, and satisfies the standard
17 under s. 51.20 (1) (a) 2. e., or is an alcoholic and is dangerous as provided in s. 51.45
18 (13) (a) 1. and 2. The custodian of the sending ~~secured juvenile~~ correctional facility,
19 ~~or~~ secured ~~child caring institution~~ ~~or~~ secured group home residential care center for
20 children and youth shall execute a statement of emergency detention or petition for
21 emergency commitment for the individual and deliver it to the receiving state
22 treatment facility. The department of health and family services shall file the
23 statement or petition with the court within 24 hours after the subject individual is
24 received for detention or commitment. The statement or petition shall conform to s.
25 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director

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1 of the receiving facility may file a petition for continued commitment under s. 51.20
2 (1) or 51.45 (13) or may return the individual to the secured juvenile correctional
3 facility, or secured ~~child caring institution or secured group home~~ residential care
4 center for children and youth from which the transfer was made. As an alternative
5 to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except
6 that no individual may be released without the approval of the court ~~which~~ that
7 directed confinement in the secured juvenile correctional facility, or secured ~~child~~
8 ~~caring institution or secured group home~~ residential care center for children and
9 youth.

10 (g) A minor 14 years of age or older who is transferred to a treatment facility
11 under par. (a) for the purpose of receiving services for developmental disability or
12 psychiatric services may request in writing a return to the secured juvenile
13 correctional facility, or secured ~~child caring institution, or secured group home~~
14 residential care center for children and youth. In the case of a minor 14 years of age
15 or older who is transferred to a treatment facility under par. (a) for the purpose of
16 receiving services for alcoholism or drug dependency or a minor under 14 years of
17 age, who is transferred to a treatment facility under par. (a) for the purpose of
18 receiving services for developmental disability, alcoholism, or drug dependency, or
19 psychiatric services, the parent or guardian may make the request. Upon receipt of
20 a request for return from a minor 14 years of age or older, the director shall
21 immediately notify the minor's parent or guardian. The minor shall be returned to
22 the secured juvenile correctional facility, or secured ~~child caring institution, or~~
23 ~~secured group home~~ residential care center for children and youth within 48 hours
24 after submission of the request unless a petition or statement is filed for emergency

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1 detention, emergency commitment, involuntary commitment, or protective
2 placement.

3 **SECTION 39.** 59.24 of the statutes is amended to read:

4 **59.24 Clerks of counties containing state institutions to make claims**
5 **in certain cases.** The clerk of any county ~~which~~ that is entitled to reimbursement
6 under s. 16.51 (7) shall make a certified claim against the state, without direction
7 from the board, in all cases ~~where~~ in which the reimbursement is directed in s. 16.51
8 (7), upon forms prescribed by the department of administration. The forms shall
9 contain information required by the clerk and shall be filed annually with the
10 department of corrections on or before June 1. If the claims are approved by the
11 department of corrections, they shall be certified to the department of
12 administration and paid from the appropriation made by s. 20.410 (1) (c), if the claim
13 is for reimbursement of expenses involving a prisoner in a state prison named in s.
14 302.01, or from the appropriation under s. 20.410 (3) (c), if the claim is for
15 reimbursement of expenses involving a juvenile in a ~~secured~~ juvenile correctional
16 facility, as defined in s. 938.02 ~~(15m)~~ (10p).

17 **SECTION 40.** 77.52 (2) (a) 10. of the statutes is amended to read:

18 77.52 (2) (a) 10. Except for installing or applying tangible personal property
19 ~~which~~ that, when installed or applied, will constitute an addition or capital
20 improvement of real property, the repair, service, alteration, fitting, cleaning,
21 painting, coating, towing, inspection, and maintenance of all items of tangible
22 personal property unless, at the time of ~~such~~ that repair, service, alteration, fitting,
23 cleaning, painting, coating, towing, inspection, or maintenance, a sale in this state
24 of the type of property repaired, serviced, altered, fitted, cleaned, painted, coated,
25 towed, inspected, or maintained would have been exempt to the customer from sales

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1 taxation under this subchapter, other than the exempt sale of a motor vehicle or truck
2 body to a nonresident under s. 77.54 (5) (a) and other than nontaxable sales under
3 s. 77.51 (14r). For purposes of this paragraph, the following items shall be considered
4 to have retained their character as tangible personal property, regardless of the
5 extent to which any such item is fastened to, connected with, or built into real
6 property: furnaces, boilers, stoves, ovens, including associated hoods and exhaust
7 systems, heaters, air conditioners, humidifiers, dehumidifiers, refrigerators,
8 coolers, freezers, water pumps, water heaters, water conditioners and softeners,
9 clothes washers, clothes dryers, dishwashers, garbage disposal units, radios and
10 radio antennas, incinerators, television receivers and antennas, record players, tape
11 players, jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,
12 bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,
13 electronic dust collectors, grills and rotisseries, bar equipment, intercoms,
14 recreational, sporting, gymnasium and athletic goods and equipment including by
15 way of illustration but not of limitation bowling alleys, golf practice equipment, pool
16 tables, punching bags, ski tows, and swimming pools; equipment in offices, business
17 facilities, schools, and hospitals but not in residential facilities including personal
18 residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em),
19 state institutions, as defined under s. 101.123 (1) (i), Type 1 ~~secured~~ juvenile
20 correctional facilities, as defined in s. 938.02 (19), or similar facilities including, by
21 way of illustration but not of limitation, lamps, chandeliers, and fans, venetian
22 blinds, canvas awnings, office and business machines, ice and milk dispensers,
23 beverage-making equipment, vending machines, soda fountains, steam warmers
24 and tables, compressors, condensing units and evaporative condensers, pneumatic
25 conveying systems; laundry, dry cleaning, and pressing machines, power tools,

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1 burglar alarm and fire alarm fixtures, electric clocks and electric signs. "Service"
2 does not include services performed by veterinarians. The tax imposed under this
3 subsection applies to the repair, service, alteration, fitting, cleaning, painting,
4 coating, towing, inspection, or maintenance of items listed in this subdivision,
5 regardless of whether the installation or application of tangible personal property
6 related to the items is an addition to or a capital improvement of real property, except
7 that the tax imposed under this subsection does not apply to the original installation
8 or the complete replacement of an item listed in this subdivision, if such ~~that~~ that
9 installation or replacement is a real property construction activity under s. 77.51 (2).

10 **SECTION 41.** 101.123 (1) (bg) of the statutes is amended to read:

11 101.123 (1) (bg) "Jail" means a county jail, rehabilitation facility established
12 by s. 59.53 (8), county house of correction under s. 303.16, or secure juvenile
13 detention facility, as defined in s. 48.02 ~~(16)~~ (10r).

14 **SECTION 42.** 101.123 (1) (j), (2) (br), (3) (gg) and (4) (a) 2. of the statutes are
15 amended to read:

16 101.123 (1) (j) "Type 1 ~~secured~~ juvenile correctional facility" has the meaning
17 given in s. 938.02 (19).

18 (2) (br) Notwithstanding par. (a) and sub. (3), no person may smoke in any
19 enclosed, indoor area of a Type 1 ~~secured~~ juvenile correctional facility or on the
20 grounds of a Type 1 ~~secured~~ juvenile correctional facility.

21 (3) (gg) A Type 2 ~~secured~~ juvenile correctional facility, as defined in s. 938.02
22 (20).

23 (4) (a) 2. A person in charge or his or her agent may not designate an entire
24 building as a smoking area or designate any smoking areas in the state capitol
25 building, in the immediate vicinity of the state capitol, in a Type 1 ~~secured~~ juvenile

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1 correctional facility, on the grounds of a Type 1 ~~secured~~ juvenile correctional facility,
2 in a motor bus, hospital, or physician's office or on the premises, indoors or outdoors,
3 of a day care center when children who are receiving day care services are present,
4 in a residence hall or dormitory that is owned or operated by the Board of Regents
5 of the University of Wisconsin System, or in any location that is 25 feet or less from
6 such a residence hall or dormitory, except that in a hospital or a unit of a hospital that
7 has as its primary purpose the care and treatment of mental illness, alcoholism, or
8 drug abuse a person in charge or his or her agent may designate one or more enclosed
9 rooms with outside ventilation as smoking areas for the use of adult patients who
10 have the written permission of a physician. Subject to this subdivision and sub. (3)
11 (b), a person in charge or his or her agent may not designate an entire room as a
12 smoking area.

13 **SECTION 43.** 115.31 (1) (b) of the statutes is amended to read:

14 115.31 (1) (b) "Educational agency" means a school district, cooperative
15 educational service agency, state correctional institution under s. 302.01, ~~secured~~
16 juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~ (10p), ~~secured child-caring~~
17 ~~institution~~ residential care center for children and youth, as defined in s. 938.02
18 (15g), the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin
19 Educational Services Program for the Deaf and Hard of Hearing, the Mendota
20 Mental Health Institute, the Winnebago Mental Health Institute, a state center for
21 the developmentally disabled, a private school, or a private, nonprofit, nonsectarian
22 agency under contract with a school board under s. 118.153 (3) (c).

23 **SECTION 44.** 115.76 (10) of the statutes is amended to read:

24 115.76 (10) "Local educational agency", except as otherwise provided, means
25 the school district in which the child with a disability resides, the department of

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1 health and family services if the child with a disability resides in an institution or
2 facility operated by the department of health and family services, or the department
3 of corrections if the child with a disability resides in a Type 1 ~~secured~~ juvenile
4 correctional facility, as defined in s. 938.02 (19), or a Type 1 prison, as defined in s.
5 301.01 (5).

6 **SECTION 45.** 115.81 (1) (b) of the statutes is amended to read:

7 115.81 (1) (b) "Responsible local educational agency" means the local
8 educational agency that was responsible for providing a free, appropriate public
9 education to the child before the placement of the child in a residential care center
10 for children and youth except that if the child resided in an institution or facility
11 operated by the department of health and family services, a Type 1-~~secured~~ juvenile
12 correctional facility, as defined in s. 938.02 (19), or a Type 1 prison, as defined in s.
13 301.01 (5), before the placement of the child in a residential care center for children
14 and youth, "responsible local educational agency" means the school district in which
15 the residential care center for children and youth is located.

16 **SECTION 46.** 118.125 (1) (a) of the statutes is amended to read:

17 118.125 (1) (a) "Behavioral records" means those pupil records ~~which~~ that
18 include psychological tests, personality evaluations, records of conversations, any
19 written statement relating specifically to an individual pupil's behavior, tests
20 relating specifically to achievement or measurement of ability, the pupil's physical
21 health records other than his or her immunization records or any lead screening
22 records required under s. 254.162, law enforcement officers' records obtained under
23 s. 48.396 (1) or 938.396 (1) ~~or (1m) (b) 2. or (c) 3.~~, and any other pupil records that are
24 not progress records.

25 **SECTION 47.** 118.125 (2) (cg) of the statutes is amended to read:

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1 118.125 (2) (cg) The school district clerk or his or her designee shall provide a
2 law enforcement agency with a copy of a pupil's attendance record if the law
3 enforcement agency certifies in writing that the pupil is under investigation for
4 truancy or for allegedly committing a criminal or delinquent act and that the law
5 enforcement agency will not further disclose the pupil's attendance record except as
6 permitted under s. 938.396 (1) ~~to~~ ~~(1x)~~ (a). A school district clerk or designee who
7 discloses a copy of a pupil's attendance record to a law enforcement agency for
8 purposes of a truancy investigation shall notify the pupil's parent or guardian of that
9 disclosure as soon as practicable after that disclosure.

10 **SECTION 48.** 118.125 (2) (d) of the statutes is amended to read:

11 118.125 (2) (d) Pupil records shall be made available to persons employed by
12 the school district which the pupil attends who are required by the department under
13 s. 115.28 (7) to hold a license and other school district officials who have been
14 determined by the school board to have legitimate educational interests, including
15 safety interests, in the pupil records. Law enforcement officers' records obtained
16 under s. 938.396 ~~(1m)~~ (1) (c) 3. shall be made available as provided in s. 118.127 (2).
17 A school board member or an employee of a school district may not be held personally
18 liable for any damages caused by the nondisclosure of any information specified in
19 this paragraph unless the member or employee acted with actual malice in failing
20 to disclose the information. A school district may not be held liable for any damages
21 caused by the nondisclosure of any information specified in this paragraph unless
22 the school district or its agent acted with gross negligence or with reckless, wanton,
23 or intentional misconduct in failing to disclose the information.

24 **SECTION 49.** 118.125 (2) (e) of the statutes is amended to read:

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1 118.125 (2) (e) Upon the written permission of an adult pupil, or the parent or
2 guardian of a minor pupil, the school shall make available to the person named in
3 the permission the pupil's progress records or such portions of the pupil's behavioral
4 records as determined by the person authorizing the release. Law enforcement
5 officers' records obtained under s. 48.396 (1) or 938.396 (1) ~~or (1m) (b) 2. or (c) 3.~~ may
6 not be made available under this paragraph unless specifically identified by the
7 adult pupil or by the parent or guardian of a minor pupil in the written permission.

8 **SECTION 50.** 118.125 (2) (L) of the statutes is amended to read:

9 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
10 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b),
11 938.396 ~~(1m) (e) or (1) (d)~~, or 938.78 (2) (b) 2. after making a reasonable effort to notify
12 the pupil's parent or legal guardian.

13 **SECTION 51.** 118.125 (3) of the statutes is amended to read:

14 118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in
15 writing specifying the content of pupil records and the time during which pupil
16 records shall be maintained. No behavioral records may be maintained for more than
17 one year after the pupil ceases to be enrolled in the school, unless the pupil specifies
18 in writing that his or her behavioral records may be maintained for a longer period.
19 A pupil's progress records shall be maintained for at least 5 years after the pupil
20 ceases to be enrolled in the school. A school board may maintain the records on
21 microfilm, on an optical disk, or in electronic format if authorized under s. 19.21 (4)
22 (c), or in such other form as the school board deems appropriate. A school board shall
23 maintain law enforcement officers' records obtained under s. 48.396 (1) or 938.396
24 (1) ~~or (1m) (b) 2. or (c) 3.~~ separately from a pupil's other pupil records. Rules adopted

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1 under this subsection shall be published by the school board as a class 1 notice under
2 ch. 985.

3 **SECTION 52.** 118.125 (4) of the statutes is amended to read:

4 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
5 transfer to another school or school district all pupil records relating to a specific
6 pupil if the transferring school district has received written notice from the pupil if
7 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
8 pupil intends to enroll in the other school or school district or written notice from the
9 other school or school district that the pupil has enrolled or from a court that the pupil
10 has been placed in a secured juvenile correctional facility, as defined in s. 938.02
11 ~~(15m), (10p), or a secured child caring institution~~ residential care center for children
12 and youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in s.~~
13 ~~938.02 (15p).~~ In this subsection, “school” and “school district” include any secured
14 juvenile correctional facility, ~~secured child caring institution, secured group home~~
15 residential care center for children and youth, adult correctional institution, mental
16 health institute, or center for the developmentally disabled, that provides an
17 educational program for its residents instead of or in addition to that which is
18 provided by public and private schools.

19 **SECTION 53.** 118.125 (5) (b) of the statutes is amended to read:

20 118.125 (5) (b) Law enforcement officers’ records obtained under s. 48.396 (1)
21 or 938.396 (1) ~~or (1m), (b) 2. or (c) 3. and~~ records of the court assigned to exercise
22 jurisdiction under chs. 48 and 938 ~~obtained under s. 938.396 (7) (a), (am), (ar), (b),~~
23 ~~or (bm), and records~~ or of a municipal court obtained under s. 938.396 (7) ~~(ar)~~ (2g) (m)
24 may not be used by a school district as the sole basis for expelling or suspending a

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1 pupil or as the sole basis for taking any other disciplinary action, including action
2 under the school district's athletic code, against a pupil.

3 **SECTION 54.** 118.125 (7) of the statutes is amended to read:

4 118.125 (7) DISCLOSURE OF LAW ENFORCEMENT UNIT RECORDS. A school board shall
5 treat law enforcement unit records of juveniles in the same manner as a law
6 enforcement agency is required to treat law enforcement officers' records of juveniles
7 under s. 938.396 (1) ~~to (1x) and (5) (a)~~.

8 **SECTION 55.** 118.127 (1) of the statutes is amended to read:

9 118.127 (1) Upon receipt of information from a law enforcement agency under
10 s. 48.396 (1) or 938.396 (1) ~~or (1m) (b) 2. or (c) 3.~~, the school district administrator or
11 private school administrator who receives the information shall notify any pupil
12 named in the information, and the parent or guardian of any minor pupil named in
13 the information, of the information.

14 **SECTION 56.** 118.127 (2) of the statutes is amended to read:

15 118.127 (2) A school district or private school may disclose information from
16 law enforcement officers' records obtained under s. 938.396 ~~(1m) (1) (c) 3.~~ only to
17 persons employed by the school district who are required by the department under
18 s. 115.28 (7) to hold a license, to persons employed by the private school as teachers,
19 and to other school district or private school officials who have been determined by
20 the school board or governing body of the private school to have legitimate
21 educational interests, including safety interests, in that information. In addition, if
22 that information relates to a pupil of the school district or private school, the school
23 district or private school may also disclose that information to those employees of the
24 school district or private school who have been designated by the school board or
25 governing body of the private school to receive that information for the purpose of

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1 providing treatment programs for pupils enrolled in the school district or private
2 school. A school district may not use law enforcement officers' records obtained
3 under s. 938.396 ~~(1m)~~ (1) (c) 3. as the sole basis for expelling or suspending a pupil
4 or as the sole basis for taking any other disciplinary action, including action under
5 the school district's athletic code, against a pupil.

6 **SECTION 57.** 118.15 (1) (cm) 1. of the statutes is amended to read:

7 118.15 **(1)** (cm) 1. Upon the child's request and with the approval of the child's
8 parent or guardian, any child who is 17 years of age or over shall be excused by the
9 school board from regular school attendance if the child began a program leading to
10 a high school equivalency diploma in a ~~secured~~ juvenile correctional facility, as
11 defined in s. 938.02 ~~(15m)~~ (10p), a ~~secured child-caring institution~~ residential care
12 center for children and youth, as defined in s. 938.02 (15g), a ~~secure~~ juvenile
13 detention facility, as defined in s. 938.02 ~~(16)~~ (10r), or a juvenile portion of a county
14 jail, and the child and his or her parent or guardian agree under subd. 2. that the
15 child will continue to participate in such a program. For purposes of this subdivision,
16 a child is considered to have begun a program leading to a high school equivalency
17 diploma if the child has received a passing score on a minimum of one of the 5 content
18 area tests given under the general educational development test or has
19 demonstrated under a course of study meeting the standards established under s.
20 115.29 (4) for the granting of a declaration of equivalency to high school graduation
21 a level of proficiency in a minimum of one of the 5 content areas specified in s. 118.33
22 (1) (a) 1. that is equivalent to the level of proficiency that he or she would have
23 attained if he or she had satisfied the requirements under s. 118.33 (1) (a) 1.

24 **SECTION 58.** 118.15 (5) (b) 2. of the statutes is amended to read:

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1 118.15 (5) (b) 2. In a prosecution under par. (a), if the defendant proves that he
2 or she is unable to comply with the law because of the disobedience of the child, the
3 action shall be dismissed and the child shall be referred to the court assigned to
4 exercise jurisdiction under ~~ch. 48~~ chs. 48 and 938.

NOTE: Amends s. 118.15 (5) (b) 2., stats., to add a necessary cross-reference to the
juvenile court under ch. 938, stats., the Juvenile Justice Code.

5 **SECTION 59.** 146.82 (2) (a) 18m. of the statutes is amended to read:

6 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
7 or juvenile who has been placed in a foster home, treatment foster home, group home,
8 residential care center for children and youth, or ~~a secured~~ juvenile correctional
9 facility, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom
10 placement in a foster home, treatment foster home, group home, residential care
11 center for children and youth, or ~~secured~~ juvenile correctional facility is
12 recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to
13 an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4)
14 (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for
15 preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or
16 938.365 (2g), to an agency responsible for preparing a permanency plan under s.
17 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e),
18 or 938.38 regarding the child or juvenile, or to an agency that placed the child or
19 juvenile or arranged for the placement of the child or juvenile in any of those
20 placements and, by any of those agencies, to any other of those agencies and, by the
21 agency that placed the child or juvenile or arranged for the placement of the child or
22 juvenile in any of those placements, to the foster parent or treatment foster parent
23 of the child or juvenile or the operator of the group home, residential care center for

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1 children and youth, or ~~secured~~ juvenile correctional facility in which the child or
2 juvenile is placed, as provided in s. 48.371 or 938.371.

3 **SECTION 60.** 157.065 (2) (a) 4. c. of the statutes is amended to read:

4 157.065 (2) (a) 4. c. A Type 1 ~~secured~~ juvenile correctional facility, as defined
5 in s. 938.02 (19);

6 **SECTION 61.** 165.55 (15) of the statutes is amended to read:

7 165.55 (15) The state fire marshal, any deputy fire marshal, any fire chief, or
8 his or her designee may obtain information relating to a juvenile from a law
9 enforcement agency, a court assigned to exercise jurisdiction under chs. 48 and 938
10 or an agency, as defined in s. 938.78 (1), as provided in ss. 938.396 ~~(1x)~~ and ~~(2)~~ (1) (c)
11 8. and (2g) (j) and 938.78 (2) (b) 1. and may obtain information relating to a pupil from
12 a public school as provided in ss. 118.125 (2) (ch) and (L) and 938.396 ~~(1m)~~ (1) (d).

13 **SECTION 62.** 165.76 (1) (a) and (2) (b) 2. of the statutes are amended to read:

14 165.76 (1) (a) Is in a ~~secured~~ juvenile correctional facility, as defined in s. 938.02
15 ~~(15m)~~ (10p), or a secured child caring institution residential care center for children
16 and youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in s.~~
17 ~~938.02 (15p)~~, or on probation, extended supervision, parole, supervision, or aftercare
18 supervision on or after August 12, 1993, for any violation of s. 940.225 (1) or (2),
19 948.02 (1) or (2), or 948.025.

20 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
21 juvenile correctional facility, ~~or a secured child caring institution or a secured group~~
22 ~~home~~ residential care center for children and youth, he or she shall provide the
23 specimen under par. (a) at the office of a county sheriff as soon as practicable after
24 release on parole, extended supervision, or aftercare supervision, as directed by his
25 or her probation, extended supervision, and parole agent or aftercare agent, except

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1 that the department of corrections ~~or the county department under s. 46.215, 46.22~~
2 ~~or 46.23~~ operating the secured group home in which the person is placed may require
3 the person to provide the specimen while he or she is in prison or in the secured
4 juvenile correctional facility, or ~~secured child-caring institution or secured group~~
5 home residential care center for children and youth.

6 **SECTION 63.** 165.76 (2) (b) 5. of the statutes is amended to read:

7 165.76 (2) (b) 5. Notwithstanding subs. 1. to 3., for persons who are subject
8 to sub. (1) and who are in prison, a ~~secured~~ juvenile correctional facility, or a secured
9 ~~child-caring institution~~ residential care center for children and youth or on
10 probation, extended supervision, parole, supervision, or aftercare supervision on
11 August 12, 1993, the departments of justice, corrections, and health and family
12 services shall cooperate to have these persons provide specimens under par. (a)
13 before July 1, 1998.

14 **SECTION 64.** 165.85 (2) (e) of the statutes is renumbered 165.85 (2) (br) and
15 amended to read:

16 165.85 (2) (br) “Secure Juvenile detention facility” has the meaning given in
17 s. 48.02 ~~(16)~~ (10r).

18 **SECTION 65.** 165.85 (2) (f) of the statutes is renumbered 165.85 (2) (bt) and
19 amended to read:

20 165.85 (2) (bt) “Secure Juvenile detention officer” means any person employed
21 by any political subdivision of the state or by any private entity contracting under
22 s. 938.222 to supervise, control, or maintain a ~~secure~~ juvenile detention facility or the
23 persons confined in a ~~secure~~ juvenile detention facility. “Secure Juvenile detention
24 officer” includes officers regardless of whether they have been sworn regarding their
25 duties or whether they serve on a full-time basis.

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1 **SECTION 66.** 165.85 (3) (d) of the statutes is amended to read:

2 165.85 (3) (d) Establish minimum curriculum requirements for preparatory
3 courses and programs, and recommend minimum curriculum requirements for
4 recertification and advanced courses and programs, in schools operated by or for this
5 state or any political subdivision of the state for the specific purpose of training law
6 enforcement recruits, law enforcement officers, tribal law enforcement recruits,
7 tribal law enforcement officers, jail officer recruits, jail officers, ~~secure~~ juvenile
8 detention officer recruits, or ~~secure~~ juvenile detention officers in areas of knowledge
9 and ability necessary to the attainment of effective performance as an officer, and
10 ranging from traditional subjects such as first aid, patrolling, statutory authority,
11 techniques of arrest, and firearms to subjects designed to provide a better
12 understanding of ever-increasing complex problems in law enforcement such as
13 human relations, civil rights, constitutional law, and supervision, control, and
14 maintenance of a jail or ~~secure~~ juvenile detention facility. The board shall appoint
15 a 13-member advisory curriculum committee consisting of 6 chiefs of police and 6
16 sheriffs to be appointed on a geographic basis of not more than one chief of police and
17 one sheriff from any one of the 8 state administrative districts together with the
18 director of training of the Wisconsin state patrol. This committee shall advise the
19 board in the establishment of the curriculum requirements.

20 **SECTION 67.** 175.35 (1) (ag) of the statutes is amended to read:

21 175.35 (1) (ag) "Criminal history record" includes information reported to the
22 department under s. 938.396 ~~(8)~~ (2g) (n) that indicates a person was adjudicated
23 delinquent for an act that if committed by an adult in this state would be a felony.

24 **SECTION 68.** 230.36 (1m) (b) 3. (intro.) of the statutes is amended to read:

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1 230.36 **(1m)** (b) 3. (intro.) A guard, institution aide, or other employee at the
2 University of Wisconsin Hospitals and Clinics or at a state penal or mental
3 institution, including a ~~secured~~ juvenile correctional facility, as defined in s. 938.02
4 ~~(15m)~~ (10p), and a state probation, extended supervision, and parole officer, at all
5 times while:

6 **SECTION 69.** 230.36 (2m) (a) 20. of the statutes is amended to read:

7 230.36 **(2m)** (a) 20. A guard or institutional aide or a state probation, extended
8 supervision, and parole officer or any other employee whose duties include
9 supervision and discipline of inmates or wards of the state at a state penal
10 institution, including a ~~secured~~ juvenile correctional facility, as defined in s. 938.02
11 ~~(15m)~~ (10p), or while on parole supervision or extended supervision outside of the
12 confines of the institutions, or supervision of persons placed on probation by a court
13 of record, or supervision and care of patients at a state mental institution, and the
14 University of Wisconsin Hospitals and Clinics.

15 **SECTION 70.** 252.15 (1) (ab) and (2) (a) 7. a. of the statutes are amended to read:

16 252.15 **(1)** (ab) "Affected person" means an emergency medical technician; first
17 responder; fire fighter; peace officer; correctional officer; person who is employed at
18 a ~~secured~~ juvenile correctional facility, as defined in s. 938.02 ~~(15m)~~, (10p), or a
19 ~~secured child caring institution~~ residential care center for children and youth, as
20 defined in s. 938.02 (15g), or a ~~secured group home~~, as defined in s. 938.02 ~~(15p)~~; state
21 patrol officer; jailer, keeper of a jail, or person designated with custodial authority
22 by the jailer or keeper; health care provider; employee of a health care provider; staff
23 member of a state crime laboratory; social worker; or employee of a school district,
24 cooperative educational service agency, charter school, private school, the Wisconsin

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1 Educational Services Program for the Deaf and Hard of Hearing, or the Wisconsin
2 Center for the Blind and Visually Impaired.

3 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an emergency
4 medical technician; first responder; fire fighter; peace officer; correctional officer;
5 person who is employed at a ~~secured juvenile~~ correctional facility, as defined in s.
6 938.02 (15m), (10p), or a secured ~~child caring institution~~ residential care center for
7 children and youth, as defined in s. 938.02 (15g), or a secured ~~group home~~, as defined
8 in s. 938.02 (15p); state patrol officer; jailer, keeper of a jail, or person designated with
9 custodial authority by the jailer or keeper, during the course of providing care or
10 services to an individual; a peace officer, correctional officer, state patrol officer,
11 jailer, or keeper of a jail, or person designated with custodial authority by the jailer
12 or keeper, while searching or arresting an individual or while controlling or
13 transferring an individual in custody; a health care provider or an employee of a
14 health care provider, during the course of providing care or treatment to an
15 individual or handling or processing specimens of body fluids or tissues of an
16 individual; a staff member of a state crime laboratory, during the course of handling
17 or processing specimens of body fluids or tissues of an individual; social worker; or
18 an employee of a school district, cooperative educational service agency, charter
19 school, private school, the Wisconsin Educational Services Program for the Deaf and
20 Hard of Hearing, or the Wisconsin Center for the Blind and Visually Impaired, while
21 performing employment duties involving an individual; who is significantly exposed
22 to the individual may subject the individual's blood to a test or a series of tests for
23 the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV
24 and may receive disclosure of the results.

25 **SECTION 71.** 252.15 (5) (a) 19. of the statutes is amended to read:

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1 252.15 (5) (a) 19. If the test was administered to a child who has been placed
2 in a foster home, treatment foster home, group home, residential care center for
3 children and youth, or secured juvenile correctional facility, as defined in s. 938.02
4 ~~(15m)~~ (10p), including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for
5 whom placement in a foster home, treatment foster home, group home, residential
6 care center for children and youth, or secured juvenile correctional facility is
7 recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to
8 an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4)
9 (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for
10 preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or
11 938.365 (2g), to an agency responsible for preparing a permanency plan under s.
12 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e),
13 or 938.38 regarding the child, or to an agency that placed the child or arranged for
14 the placement of the child in any of those placements and, by any of those agencies,
15 to any other of those agencies and, by the agency that placed the child or arranged
16 for the placement of the child in any of those placements, to the child's foster parent
17 or treatment foster parent or the operator of the group home, residential care center
18 for children and youth, or secured juvenile correctional facility in which the child is
19 placed, as provided in s. 48.371 or 938.371.

20 **SECTION 72.** 301.01 (2) (b) of the statutes is amended to read:

21 301.01 (2) (b) Any resident of a secured juvenile correctional facility, or a
22 ~~secured child caring institution or a secured group home~~ residential care center for
23 children and youth.

24 **SECTION 73.** 301.01 (3k) of the statutes is amended to read:

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1 301.01 (3k) “Secured ~~child-caring institution~~ residential care center for
2 children and youth” has the meaning given in s. 938.02 (15g).

3 **SECTION 74.** 301.01 (3m) of the statutes is renumbered 301.01 (1m) and
4 amended to read:

5 301.01 (1m) “Secured Juvenile correctional facility” has the meaning given in
6 s. 938.02 (~~15m~~) (10p).

7 **SECTION 75.** 301.01 (3p) of the statutes is repealed.

NOTE: Deletes the definition of “secured group home” in s. 301.01 (3p), stats. See
the NOTE to s. 938.02 (15p), stats., as affected by this bill.

8 **SECTION 76.** 301.01 (4) of the statutes is amended to read:

9 301.01 (4) “State correctional institution” means a state prison under s. 302.01
10 or a secured juvenile correctional facility operated by the department.

11 **SECTION 77.** 301.027 of the statutes is amended to read:

12 **301.027 Treatment program at one or more juvenile-secured**
13 **correctional facilities.** The department shall maintain a cottage-based intensive
14 alcohol and other drug abuse program at one or more juvenile secured correctional
15 facilities.

16 **SECTION 78.** 301.03 (10) (d), (e) and (f) of the statutes are amended to read:

17 301.03 (10) (d) Administer the office of juvenile offender review in the division
18 of juvenile corrections in the department. The office shall be responsible for decisions
19 regarding case planning, and the release of juvenile offenders from secured juvenile
20 correctional facilities or secured ~~child-caring institutions~~ residential care centers for
21 children and youth to aftercare placements and the transfer of juveniles to the
22 Racine youthful offender correctional facility named in s. 302.01 as provided in s.
23 938.357 (4) (d).

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1 (e) Provide educational programs in all ~~secured~~ juvenile correctional facilities
2 operated by the department.

3 (f) Provide health services and psychiatric services for residents of all ~~secured~~
4 juvenile correctional facilities operated by the department.

NOTE: Repeals language in s. 301.03 (10) (d), stats., relating to the authority of
DOC to place a juvenile who has been adjudged delinquent in a state prison. See the NOTE
to s. 938.357 (4) (d), stats., as affected by this bill.

5 **SECTION 79.** 301.032 (1) (b) of the statutes is amended to read:

6 301.032 (1) (b) All records of the department and all county records relating to
7 juvenile delinquency-related services shall be open to inspection at all reasonable
8 hours by authorized representatives of the federal government. Notwithstanding s.
9 ss. 48.396 (2) and 938.396 (2), all county records relating to the administration of
10 ~~such~~ those services shall be open to inspection at all reasonable hours by authorized
11 representatives of the department.

12 **SECTION 80.** 301.08 (1) (b) 3. of the statutes is amended to read:

13 301.08 (1) (b) 3. Contract with public, private, or voluntary agencies for the
14 supervision, maintenance, and operation of ~~secured~~ juvenile correctional facilities,
15 residential care centers for children and youth, as defined in s. 938.02 (15d), and
16 ~~secured child-caring institutions~~ residential care centers for children and youth for
17 the placement of juveniles who have been convicted under s. 938.183 or adjudicated
18 delinquent under s. 938.183 or 938.34 (4d), (4h), or (4m). The department may
19 designate a ~~secured~~ juvenile correctional facility, residential care center for children
20 and youth, or a ~~secured child-caring institution~~ residential care center for children
21 and youth contracted for under this subdivision as a Type 2 ~~secured~~ juvenile
22 correctional facility, as defined in s. 938.02 (20), and may designate a residential care
23 center for children and youth or ~~secured child-caring institution~~ residential care

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1 center for children and youth contracted for under this subdivision as a Type 2 ~~child~~
2 ~~earing institution~~ residential care center for children and youth, as defined in s.
3 938.02 (19r).

4 **SECTION 81.** 301.08 (1) (b) 4. of the statutes is repealed.

NOTE: Deletes s. 301.08 (1) (b) 4., stats., relating to contracts for secured group homes. The concept of "secured group home" is deleted in this bill. See the NOTE to s. 938.02 (15p), stats., as affected by this bill.

5 **SECTION 82.** 301.19 (1) (b) of the statutes is amended to read:

6 301.19 (1) (b) "Correctional facility" means an institution or facility, or a portion
7 of an institution or facility, that is used to confine juveniles alleged or found to be
8 delinquent or a prison, jail, house of correction, or lockup facility ~~but does not include~~
9 ~~a secured group home, as defined in s. 938.02 (15p).~~

NOTE: See the NOTE to s. 938.02 (15p), stats., as affected by this bill.

10 **SECTION 83.** 301.205 of the statutes is amended to read:

11 **301.205 Reimbursement to visiting families.** The department may
12 reimburse families visiting girls at a secured juvenile correctional facility. If the
13 department decides to provide the reimbursement, the department shall establish
14 criteria for the level of reimbursement, which shall include family income and size
15 and other relevant factors.

16 **SECTION 84.** 301.26 (2) (c) of the statutes is amended to read:

17 301.26 (2) (c) All funds to counties under this section shall be used to purchase
18 or provide juvenile delinquency-related services under ch. 938, except that no funds
19 to counties under this section may be used for purposes of land purchase, building
20 construction, or maintenance of buildings under s. 46.17, 46.175, or 301.37, for
21 reimbursement of costs under s. 938.209, for city lockups, or for reimbursement of
22 care costs in temporary shelter care under s. 938.22. Funds to counties under this

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1 section may be used for reimbursement of costs of program services, other than basic
2 care and supervision costs, in juvenile secure detention facilities.

3 **SECTION 85.** 301.26 (4) (cm) 1. and 2. of the statutes are amended to read:

4 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b), and (bm), the department
5 shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the
6 appropriations under s. 20.410 (3) (hm), (ho), and (hr) for the purpose of reimbursing
7 secured juvenile correctional facilities, secured child-caring institutions residential
8 care centers for children and youth, alternate care providers, aftercare supervision
9 providers, and corrective sanctions supervision providers for costs incurred
10 beginning on July 1, 1996, for the care of any juvenile 14 years of age or over who has
11 been placed in a secured juvenile correctional facility based on a delinquent act that
12 is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or s. 948.36,
13 1999 stats., or s. ~~939.31~~, 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305,
14 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1),
15 948.025 (1), or 948.30 (2), that is a conspiracy to commit any of those violations, or
16 that is an attempted violation of s. 943.32 (2) and for the care of any juvenile 10 years
17 of age or over who has been placed in a secured juvenile correctional facility or
18 secured child-caring institution residential care center for children and youth for
19 attempting or committing a violation of s. 940.01 or for committing a violation of s.
20 940.02 or 940.05.

21 2. Notwithstanding pars. (a), (b), and (bm), the department shall transfer funds
22 from the appropriation under s. 20.410 (3) (cg) to the appropriations under s. 20.410
23 (3) (hm), (ho), and (hr) for the purpose of reimbursing secured juvenile correctional
24 facilities, secured child-caring institutions residential care centers for children and
25 youth, alternate care providers, aftercare supervision providers, and corrective

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1 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
2 care of any juvenile 14 years of age or over and under 18 years of age who has been
3 placed in a secured juvenile correctional facility under s. 48.366 based on a
4 delinquent act that is a violation of s. 940.01, 940.02, 940.05, or 940.225 (1).

NOTE: For an explanation of the changes to s. 301.26 (4) (cm) 1., stats., see the NOTE following s. 938.34 (4h) (cm), stats., as affected by this bill.

5 **SECTION 86.** 301.26 (4) (d) 2. and 3. of the statutes are amended to read:

6 301.26 (4) (d) 2. Beginning on July 1, 2003, and ending on June 30, 2004, the
7 per person daily cost assessment to counties shall be \$183 for care in a Type 1 secured
8 juvenile correctional facility, as defined in s. 938.02 (19), \$183 for care for juveniles
9 transferred from a juvenile correctional institution under s. 51.35 (3), \$225 for care
10 in a residential care center for children and youth, \$142 for care in a group home for
11 children, \$47 for care in a foster home, \$88 for care in a treatment foster home, \$86
12 for departmental corrective sanctions services, and \$25 for departmental aftercare
13 services.

14 3. Beginning on July 1, 2004, and ending on June 30, 2005, the per person daily
15 cost assessment to counties shall be \$187 for care in a Type 1 secured juvenile
16 correctional facility, as defined in s. 938.02 (19), \$187 for care for juveniles
17 transferred from a juvenile correctional institution under s. 51.35 (3), \$239 for care
18 in a residential care center for children and youth, \$149 for care in a group home for
19 children, \$49 for care in a foster home, \$92 for care in a treatment foster home, \$87
20 for departmental corrective sanctions services, and \$26 for departmental aftercare
21 services.

22 **SECTION 87.** 301.26 (7) (b) 3. of the statutes is amended to read:

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1 301.26 (7) (b) 3. Each county's proportion of the number of juveniles statewide
2 who are placed in a secured juvenile correctional facility, or a secured child-caring
3 ~~institution or a secured group home~~ residential care center for children and youth
4 during the most recent 3-year period for which that information is available.

5 **SECTION 88.** 301.263 (3) of the statutes is amended to read:

6 301.263 (3) The department shall distribute 33% of the amounts distributed
7 under sub. (1) based on each county's proportion of the violent Part I juvenile arrests
8 reported statewide under the uniform crime reporting system of the office of justice
9 assistance in the department of administration, during the most recent 2-year
10 period for which that information is available. The department shall distribute 33%
11 of the amounts distributed under sub. (1) based on each county's proportion of the
12 number of juveniles statewide who are placed in a secured juvenile correctional
13 facility, or a secured child-caring ~~institution or a secured group home~~ residential care
14 center for children and youth during the most recent 2-year period for which that
15 information is available. The department shall distribute 34% of the amounts
16 distributed under sub. (1) based on each county's proportion of the total Part I
17 juvenile arrests reported statewide under the uniform crime reporting system of the
18 office of justice assistance, during the most recent 2-year period for which that
19 information is available.

20 **SECTION 89.** 301.36 (1) of the statutes is amended to read:

21 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
22 supervise all of the state prisons under s. 302.01, all secured juvenile correctional
23 facilities, all secured child-caring institutions, ~~all secured group homes~~ residential
24 care centers for children and youth, and all secure juvenile detention facilities and

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1 familiarize itself with all of the circumstances affecting their management and
2 usefulness.

3 **SECTION 90.** 301.37 (1) of the statutes is amended to read:

4 301.37 (1) The department shall fix reasonable standards and regulations for
5 the design, construction, repair, and maintenance of all houses of correction,
6 reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30,
7 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
8 lockup facilities, as defined in s. 302.30, work camps under s. 303.10, Huber facilities
9 under s. 303.09, and, after consulting with the department of health and family
10 services, all ~~secured group homes and secure~~ juvenile detention facilities, with
11 respect to their adequacy and fitness for the needs which they are to serve.

12 **SECTION 91.** 301.37 (5) of the statutes is amended to read:

13 301.37 (5) The department's standards and regulations under sub. (1) for
14 ~~secure~~ juvenile detention facilities apply to private ~~secure~~ juvenile detention
15 facilities used under s. 938.222. At least annually, the department shall inspect each
16 such private ~~secure~~ juvenile detention facility with respect to safety, sanitation,
17 adequacy, and fitness, report to the county board and the private entity operating the
18 private ~~secure~~ juvenile detention facility regarding any deficiency found and order
19 the necessary work to correct it. If within 6 months thereafter the work is not
20 commenced, or not completed within a reasonable period thereafter to the
21 satisfaction of the department, the department shall prohibit the use of the private
22 ~~secure~~ juvenile detention facility for purposes of s. 938.222 until the order is complied
23 with.

24 **SECTION 92.** 301.45 (1g) (b) and (bm), (3) (a) 2. and (5) (a) 2. of the statutes are
25 amended to read:

ASSEMBLY BILL 443**SECTION 92**

1 301.45 **(1g)** (b) Is in prison, a ~~secured juvenile~~ correctional facility, or a secured
2 ~~child-caring institution or a secured group-home~~ residential care center for children
3 and youth or is on probation, extended supervision, parole, supervision, or aftercare
4 supervision on or after December 25, 1993, for a sex offense.

5 (bm) Is in prison, a ~~secured juvenile~~ correctional facility, or a secured ~~child~~
6 ~~caring institution or a secured group-home~~ residential care center for children and
7 youth or is on probation, extended supervision, parole, supervision, or aftercare
8 supervision on or after December 25, 1993, for a violation, or for the solicitation,
9 conspiracy, or attempt to commit a violation, of a law of this state that is comparable
10 to a sex offense.

11 **(3)** (a) 2. If the person has been sentenced to prison or placed in a ~~secured~~
12 juvenile correctional facility; or a secured ~~child-caring institution or a secured group~~
13 ~~home~~ residential care center for children and youth, he or she is subject to this
14 subsection upon being released on parole, extended supervision, or aftercare
15 supervision.

16 **(5)** (a) 2. If the person has been sentenced to prison for a sex offense or placed
17 in a ~~secured juvenile~~ correctional facility; or a secured ~~child-caring institution or a~~
18 ~~secured group-home~~ residential care center for children and youth for a sex offense,
19 15 years after discharge from parole, extended supervision, or aftercare supervision
20 for the sex offense.

21 **SECTION 93.** 302.11 (10) of the statutes is amended to read:

22 302.11 **(10)** An inmate subject to an order under s. 48.366 ~~or 938.34 (4h)~~ is not
23 entitled to mandatory release and may be released or discharged only as provided
24 under s. 48.366 ~~or 938.538~~.

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NOTE: Deletes in s. 302.11 (10), stats., the reference to s. 938.34 (4h), stats., to reflect that this bill repeals the authority of the department of corrections (DOC) to place a juvenile who has been adjudicated delinquent in a state prison. See the NOTE to s. 938.357 (4) (d), stats., as affected by this bill.

1 **SECTION 94.** 302.18 (7) of the statutes is amended to read:

2 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep a
3 person under 15 years of age who has been sentenced to the Wisconsin state prisons
4 in a secured juvenile correctional facility or a secured ~~child-caring institution~~
5 residential care center for children and youth, but the department may transfer that
6 person to an adult correctional institution after the person attains 15 years of age.
7 The department may not transfer any person under 18 years of age to the
8 correctional institution authorized in s. 301.16 (1n).

9 **SECTION 95.** 302.255 of the statutes is amended to read:

10 **302.255 Interstate corrections compact; additional applicability.**
11 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order
12 under s. 48.366 who are confined to a state prison under s. 302.01 and persons subject
13 to an order under s. 938.34 (4h) who are 17 years of age or older.

NOTE: Deletes language in s. 302.255, stats., relating to the authority of DOC to place a juvenile who has been adjudicated delinquent in a state prison. See the NOTE to s. 938.357 (4) (d), stats., as affected by this bill.

14 **SECTION 96.** 302.386 (1), (2) (intro.), (3) (a) and (5) (c) and (d) of the statutes are
15 amended to read:

16 302.386 (1) Except as provided in sub. (5), liability for medical and dental
17 services furnished to residents housed in prisons identified in s. 302.01 or, in a
18 secured juvenile correctional facility as defined in s. 938.02 (15m), or in a secured
19 ~~child-caring institution~~, as defined in s. 938.02 (15g) residential care center for
20 children and youth, or to forensic patients in state institutions for those services
21 which ~~that~~ are not provided by employees of the department shall be limited to the

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1 amounts payable under ss. 49.43 to 49.47, except s. 49.468, for similar services. The
2 department may waive any such limit if it determines that needed services cannot
3 be obtained for the applicable amount. No provider of services may bill the resident
4 or patient for the cost of services exceeding the amount of the liability under this
5 subsection.

6 (2) (intro.) The liability of the state for medical and dental services under sub.
7 (1) does not extend to that part of the medical or dental services of a resident housed
8 in a prison identified in s. 302.01, a secured juvenile correctional facility as defined
9 ~~in s. 938.02 (15m)~~, or a secured ~~child caring institution, as defined in s. 938.02 (15g)~~
10 residential care center for children and youth, for which any of the following applies:

11 (3) (a) Except as provided in par. (b), the department may require a resident
12 housed in a prison identified in s. 302.01 or in a secured juvenile correctional facility,
13 ~~as defined in s. 938.02 (15m)~~, who receives medical or dental services to pay a
14 deductible, coinsurance, copayment, or similar charge upon the medical or dental
15 service that he or she receives. The department shall collect the allowable
16 deductible, coinsurance, copayment, or similar charge.

17 (5) (c) Any participant in the corrective sanctions program under s. 938.533
18 ~~unless he or she~~ the participant is placed in a Type 1 secured juvenile correctional
19 facility, as defined in s. 938.02 (19).

20 (d) Any participant in the serious juvenile offender program under s. 938.538
21 ~~unless he or she~~ the participant is placed in a Type 1 secured juvenile correctional
22 facility, as defined in s. 938.02 (19), ~~or in a Type 1 prison other than the institution~~
23 ~~authorized under s. 301.046 (1).~~

NOTE: Deletes language in s. 302.386 (5) (d), stats., relating to the authority of DOC to place a juvenile who has been adjudicated delinquent in a state prison. See the NOTE to s. 938.357 (4) (d), stats., as affected by this bill.

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1 **SECTION 97.** 938.01 (1) (title) and (2) (title) of the statutes are created to read:

2 938.01 (1) (title) TITLE.

3 (2) (title) LEGISLATIVE INTENT.

4 **SECTION 98.** 938.01 (2) (f) of the statutes is amended to read:

5 938.01 (2) (f) To respond to a juvenile offender's needs for care and treatment,
6 consistent with the prevention of delinquency, each juvenile's best interest and
7 protection of the public, by allowing the judge court to utilize the most effective
8 dispositional option.

9 **SECTION 99.** 938.01 (2) (g) of the statutes is amended to read:

10 938.01 (2) (g) To ensure that victims and witnesses of acts committed by
11 juveniles that result in proceedings under this chapter are, consistent with ~~the~~
12 ~~provisions of this chapter and the Wisconsin constitution, afforded the same rights~~
13 as victims and witnesses of crimes committed by adults, and are treated with dignity,
14 respect, courtesy, and sensitivity throughout ~~such~~ those proceedings.

15 **SECTION 100.** 938.02 (5) of the statutes is amended to read:

16 938.02 (5) ~~“Developmentally disabled” means having a developmental~~
17 ~~disability, as defined in “Developmental disability” has the meaning given in s. 51.01~~
18 (5).

19 **SECTION 101.** 938.02 (7) of the statutes is amended to read:

20 938.02 (7) “Group home” means any facility operated by a person required to
21 be licensed by the department of health and family services under s. 48.625 for the
22 care and maintenance of 5 to 8 juveniles.

NOTE: Clarifies that the department referred to in s. 938.02 (7), stats., is the
department of health and family services (DHFS), not DOC.

23 **SECTION 102.** 938.02 (15d) of the statutes is amended to read:

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1 938.02 (15d) “Residential care center for children and youth” means a facility
2 operated by a child welfare agency licensed under s. 48.60 for the care and,
3 maintenance, and treatment of persons residing in that facility.

NOTE: Adds “treatment” to the list of services in the definition of “residential care center for children and youth” in s. 938.02 (15d), stats., since these centers provide treatment as well as “care and maintenance”.

4 **SECTION 103.** 938.02 (15g) of the statutes is amended to read:

5 938.02 (15g) “Secured ~~child caring institution~~ residential care center for
6 children and youth” means a residential care center for children and youth operated
7 by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in secure
8 custody persons adjudged delinquent.

NOTE: Changes the term “secure child caring institution” to “secured” residential care center for children and youth” in s. 938.02 (15g), stats. The committee determined that “secured residential care center for children and youth” is a more appropriate term for these facilities.

9 **SECTION 104.** 938.02 (15m) of the statutes is renumbered 938.02 (10p) and
10 amended to read:

11 938.02 (10p) “Secured Juvenile correctional facility” means a correctional
12 institution operated or contracted for by the department of corrections or operated
13 by the department of health and family services for holding in secure custody persons
14 adjudged delinquent. “Secured Juvenile correctional facility” includes the Mendota
15 juvenile treatment center under s. 46.057 and a facility authorized under s. 938.533
16 (3) (b), 938.538 (4) (b), or 938.539 (5).

NOTE: Changes the term “secured correctional facility” to “juvenile correctional facility” in s. 938.02 (15m), stats., as renumbered to s. 938.02 (10p) by this bill. There does not appear to be any reason to use “secured correctional facility” instead of “juvenile correctional facility” in ch. 938, stats. “Juvenile correctional facility” is a more descriptive term for a facility that deals solely with juvenile offenders. “Secured correctional facility” does not indicate that the correctional facility is for juvenile offenders. The same comment applies to other facilities defined in this section, including “secure detention facility” in current s. 938.02 (16), stats., the “Type 1 secured correctional facility” in current s. 938.02 (19), stats., and “Type 2 secured correctional facility” in current s. 938.02

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(20), stats. These definitions are also revised to use “juvenile” instead of “secure” or “secured”.

1 **SECTION 105.** 938.02 (15p) of the statutes is repealed.

NOTE: Repeals the definition of “secured group home” in s. 938.02 (15p), stats. The committee determined that no secured group homes have been established since the concept was first recognized in the statutes and that the concept is unnecessary and unworkable.

2 **SECTION 106.** 938.02 (16) of the statutes is renumbered 938.02 (10r) and
3 amended to read:

4 938.02 (10r) “Secure Juvenile detention facility” means a locked facility
5 approved by the department under s. 301.36 for the secure, temporary holding in
6 custody of juveniles.

NOTE: See the NOTE to s. 938.02 (15m), stats., as renumbered to s. 938.02 (10p) by this bill.

7 **SECTION 107.** 938.02 (19) of the statutes is amended to read:

8 938.02 (19) “Type 1 secured juvenile correctional facility” means a secured
9 juvenile correctional facility, but excludes any correctional institution that meets the
10 criteria under sub. (15m) (10p) solely because of its status under s. 938.533 (3) (b),
11 938.538 (4) (b), or 938.539 (5).

NOTE: See the NOTE to s. 938.02 (15m), stats., as renumbered to s. 938.02 (10p) by this bill.

12 **SECTION 108.** 938.02 (19r) of the statutes is amended to read:

13 938.02 (19r) “Type 2 ~~child-caring institution~~ residential care center for
14 children and youth” means a residential care center for children and youth that is
15 designated by the department to provide care and maintenance for juveniles who
16 have been placed in the residential care center for children and youth under the
17 supervision of a county department under s. 938.34 (4d).

NOTE: See the NOTE to s. 938.02 (15g), stats., as affected by this bill.

18 **SECTION 109.** 938.02 (20) of the statutes is amended to read:

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1 938.02 (20) “Type 2 ~~secured~~ juvenile correctional facility” means a secured
2 juvenile correctional facility that meets the criteria under sub. (15m) (10p) solely
3 because of its status under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5).

NOTE: See the NOTE to s. 938.02 (15m), stats., as renumbered to s. 938.02 (10p) by
this bill.

4 **SECTION 110.** 938.028 of the statutes is amended to read:

5 **938.028 Custody of Indian children.** The Indian ~~child-welfare-act~~ Child
6 Welfare Act, 25 USC 1911 to 1963, supersedes the provisions of this chapter in any
7 child custody proceeding governed by that act.

8 **SECTION 111.** 938.03 (title) of the statutes is amended to read:

9 **938.03 (title) Time and place of court; absence or disability of judge;**
10 **court of record.**

11 **SECTION 112.** 938.03 (1) of the statutes is amended to read:

12 938.03 (1) TIME AND PLACE OF COURT. The judge court shall set apart a time and
13 place to hold court on juvenile matters.

14 **SECTION 113.** 938.03 (2) of the statutes is amended to read:

15 938.03 (2) ABSENCE OR DISABILITY OF JUDGE. In the case of the absence or
16 disability of the judge of a court assigned to exercise jurisdiction under this chapter
17 and ch. 48, another judge shall be assigned under s. 751.03 to act temporarily in the
18 judge’s place. If the judge assigned temporarily is from a circuit other than the one
19 for which elected, the judge shall receive expenses as provided under s. 753.073.

20 **SECTION 114.** 938.06 (1) (a) of the statutes is amended to read:

21 **938.06 (1) (a) 1.** In counties with a population of 500,000 or more, the county
22 board of supervisors shall provide the court with the services necessary for
23 investigating and supervising cases under this chapter by operating a children’s

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1 court center under the supervision of a director who is appointed as provided in s.
2 46.21 (1m) (a). ~~The Except as otherwise provided in this subsection, the director is~~
3 ~~the chief administrative officer of the center and of the intake and probation sections~~
4 ~~and secure juvenile detention facilities of the center except as otherwise provided in~~
5 ~~this subsection. The director is charged with administration of responsible for~~
6 ~~managing the personnel of, and administering the services of, the sections and ~~of~~ the~~
7 ~~secure juvenile detention facilities, and is responsible for supervising both the~~
8 ~~operation of the physical plant and the maintenance and improvement of the~~
9 ~~buildings and grounds of the center.~~

10 1m. The center under subd. 1. shall include investigative services, provided by
11 the county department, for all juveniles alleged to be in need of protection or services
12 ~~to be provided by the county department. The center shall also include the and the~~
13 ~~services of an assistant district attorney or assistant corporation counsel, or both,~~
14 ~~who shall be assigned to the center to provide investigative as well as and legal work~~
15 ~~in the cases under this chapter and ch. 48.~~

16 2. The chief judge of the judicial administrative district shall ~~formulate~~
17 establish written judicial ~~policy~~ policies governing intake and court services for
18 juvenile matters under this chapter and the director of the center shall be ~~charged~~
19 ~~with executing the judicial policy~~ execute the policies. The chief judge shall direct
20 and supervise the work of all personnel of the court, except the work of the district
21 attorney or corporation counsel assigned to the court. ~~The chief judge, and~~ may
22 delegate his or her supervisory functions.

23 3. The county board of supervisors shall ~~develop~~ establish policies and
24 ~~establish necessary rules for the management and administration of the nonjudicial~~
25 ~~operations of the children's court center. The director of the center shall report to,~~

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1 and is responsible to, the director of the county department ~~for the execution of all~~
2 ~~nonjudicial operational~~ relating to the center director's duty to execute the policies
3 and rules governing the center, including activities of probation officers whenever
4 they are not performing services for the court. The director of the center is also
5 responsible for ~~the preparation and submission~~ preparing and submitting to the
6 county board of supervisors of the annual budget for the center except for the judicial
7 functions or responsibilities which are delegated by law to the ~~judge or judges~~ court
8 and clerk of circuit court. The county board of supervisors ~~shall make provision in~~
9 ~~the organization of,~~ in organizing the office of director, shall provide for the
10 devolution of the director's authority in the case of temporary absence, illness,
11 disability to act, or a vacancy in position and shall establish the general
12 qualifications for the position. The county board of supervisors also has the authority
13 to investigate, arbitrate, and resolve any conflict in the administration of the center
14 as between judicial and nonjudicial operational policy and rules. The county board
15 of supervisors does not have authority over, and may not assert jurisdiction over, the
16 disposition of any case or juvenile after a written order is made under s. 938.21 or
17 if a petition is filed under s. 938.25.

18 4. All personnel of the intake and probation sections and of the secure juvenile
19 detention facilities shall be appointed under civil service by the director, except that
20 existing court service personnel having permanent civil service status may be
21 reassigned to any of the ~~respective~~ sections within the center specified in this
22 paragraph subdivision.

23 **SECTION 115.** 938.06 (1) (am) and (b) of the statutes are amended to read:

24 938.06 (1) (am) 1. All intake workers providing services under this chapter who
25 begin employment after May 15, 1980, shall have the qualifications required to

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1 perform entry level ~~social~~ case work in a county department and shall have
2 successfully completed 30 hours of intake training, approved or provided by the
3 department, prior to the completion of the first 6 months of employment in the
4 position. The department shall monitor compliance with this subdivision according
5 to rules promulgated by the department.

6 2. The department shall make training programs available annually that
7 permit intake workers providing services under this chapter to satisfy the
8 requirements ~~specified~~ under subd. 1.

9 (b) Notwithstanding par. (a), the county board of supervisors may ~~institute~~
10 make changes in the administration of services to the children's court center in order
11 to qualify for the maximum amount of federal and state aid as provided in sub. (4)
12 and s. 46.495.

NOTE: Replaces "social work" with "case work" in s. 938.06 (1) (am) 1., stats., relating to intake worker qualifications. The committee found that this provision is sometimes interpreted to mean that an intake worker must have a degree in social work and be licensed as a social worker, but that many staff who perform intake work are not social workers, but: (1) have degrees from 4 year accredited colleges in other human service related fields such as criminal justice, sociology, and psychology; and (2) are trained upon hire to perform in accordance with state law and practice standards.

13 **SECTION 116.** 938.06 (2) and (3) of the statutes are amended to read:

14 938.06 (2) COUNTIES WITH A POPULATION UNDER 500,000. (a) In counties having
15 less than 500,000 population, the county board of supervisors shall authorize the
16 county department or the court, or both, to provide intake services ~~required by~~ under
17 s. 938.067 and the staff needed ~~to carry out the objectives and provisions of this~~
18 chapter to provide dispositional services under s. 938.069. Intake services ~~under this~~
19 ~~chapter~~ shall be provided by employees of the court or the county department and
20 may not be subcontracted to other individuals or agencies, except as provided in par.
21 (am). Intake workers shall be governed in their intake work, including their

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1 responsibilities for recommending ~~requesting~~ the filing of a petition and entering
2 into a deferred prosecution agreement, by general written policies ~~which shall be~~
3 ~~formulated~~ established by the circuit judges for the county, subject to the approval
4 of the chief judge of the judicial administrative district.

5 (am) 1. ~~Notwithstanding par. (a), any A county which that~~ had intake services
6 under this chapter subcontracted from the county sheriff's department on
7 April 1, 1980, may continue to subcontract those intake services from the county
8 sheriff's department.

9 2. ~~Notwithstanding par. (a), any A county in which the county sheriff's~~
10 ~~department operates a secure juvenile detention facility may subcontract intake~~
11 ~~services under this chapter from the county sheriff's department as provided in this~~
12 ~~subdivision. If a county subcontracts intake services under this chapter from the~~
13 ~~county sheriff's department subdivision, employees of the county sheriff's~~
14 ~~department who staff the secure juvenile detention facility may make secure custody~~
15 ~~determinations under s. 938.208 between the hours of 6 p.m. and 6 a.m. and any~~
16 ~~determination under s. 938.208 made by an employee of the county sheriff's~~
17 ~~department~~ Such a determination shall be reviewed by an intake worker employed
18 by the court or county department within 24 hours after ~~that determination~~ it is
19 made.

20 (b) 1. All intake workers providing services under this chapter who begin
21 employment after May 15, 1980, excluding county sheriff's department employees
22 who provide intake services under par. (am) 2., shall have the qualifications required
23 to perform entry level ~~social~~ case work in a county department. All intake workers
24 providing services under this chapter who begin employment after May 15, 1980,
25 including county sheriff's department employees who provide intake services under

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1 par. (am) 2., shall have successfully completed 30 hours of intake training approved
2 or provided by the department prior to the completion of the first 6 months of
3 employment in the position. The department shall monitor compliance with this
4 subdivision according to rules promulgated by the department.

5 2. The department shall make training programs available annually that
6 permit intake workers providing services under this chapter to satisfy the
7 requirements ~~specified~~ under subd. 1.

8 **(3) INTAKE SERVICES.** The court or county department responsible for providing
9 intake services under s. 938.067 shall specify one or more persons to provide intake
10 services. If there is more than one ~~such worker person~~, one of the ~~workers persons~~
11 shall be designated as chief ~~worker~~ and shall supervise the other workers persons.

NOTE: Changes, in the last sentence in s. 938.06 (2) (a), stats., “recommending” to
“requesting” in order to conform with language in current ss. 938.067 (6) and 938.24 (3)
and (5), stats.

In addition see the NOTE to s. 938.06 (1) (am) 1., stats., as affected by this bill. The
same comments apply to s. 938.06 (2) (b) 1., stats., as affected by this bill.

12 **SECTION 117.** 938.06 (5) of the statutes is renumbered 938.06 (5) (a) (intro.) and
13 amended to read:

14 938.06 **(5)** (a) (intro.) The county board of supervisors of any county may, by
15 resolution, authorize the court to use do any of the following:

16 1. Use placement in a secure juvenile detention facility or juvenile portion of
17 the county jail as a disposition under s. 938.34 (3) (f), as a sanction under s. 938.355
18 (6m) (a) 1g., or as a place of short-term detention under s. 938.355 (6d) (a) 1. or 2.
19 or (b) 1. or 2. or 938.534 (1) (b) 1. or 2. ~~or to use~~

20 2. Use commitment to a county department under s. 51.42 or 51.437 for special
21 treatment or care in an inpatient facility, as defined in s. 51.01 (10), as a disposition
22 under s. 938.34 (6) (am).

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1 **(b)** The use by the court of a disposition under s. 938.34 (3) (f) or (6) (am), a
2 sanction under s. 938.355 (6m) (a) 1g., or short-term detention under s. 938.355 (6d)
3 (a) 1. or 2. or (b) 1. or 2. or 938.534 (1) (b) 1. or 2. is subject to any resolution adopted
4 under ~~this subsection~~ par. (a).

5 **SECTION 118.** 938.067 (intro.) of the statutes is amended to read:

6 **938.067 Powers and duties of intake workers.** (intro.) To carry out the
7 objectives and provisions of this chapter but subject to its limitations, intake workers
8 shall do all of the following:

9 **SECTION 119.** 938.067 (1) (title) of the statutes is created to read:

10 938.067 (1) (title) SCREENING.

11 **SECTION 120.** 938.067 (2) and (3) of the statutes are amended to read:

12 938.067 (2) INTERVIEWING. Interview, ~~unless impossible~~ if possible, any juvenile
13 who is taken into physical custody and not released, and ~~where,~~ if appropriate,
14 ~~interview~~ other available concerned parties. If the juvenile cannot be interviewed,
15 the intake worker shall consult with the juvenile's parent or a responsible adult. No
16 juvenile may be placed in a secure juvenile detention facility unless the juvenile has
17 been interviewed in person by an intake worker, except that if the intake worker is
18 in a place which is distant from the place where the juvenile is or the hour is
19 unreasonable, as defined by written court intake rules, and if the juvenile meets the
20 criteria under s. 938.208, the intake worker, after consulting by telephone with the
21 law enforcement officer who took the juvenile into custody, may authorize the secure
22 holding of the juvenile while the intake worker is en route to the in-person interview
23 or until 8 a.m. of the morning after the night on which the juvenile was taken into
24 custody.

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1 **(3) WHETHER JUVENILE SHOULD BE HELD.** Determine whether the juvenile shall
2 be held under s. 938.205 and such policies as the judge shall promulgate promulgated
3 under s. 938.06 (1) or (2).

4 **SECTION 121.** 938.067 (4) (title) of the statutes is created to read:

5 938.067 (4) (title) **WHERE JUVENILE SHOULD BE HELD.**

6 **SECTION 122.** 938.067 (5) of the statutes is amended to read:

7 938.067 (5) **CRISIS COUNSELING.** Provide any necessary crisis counseling during
8 the intake process ~~when such counseling appears to be necessary.~~

9 **SECTION 123.** 938.067 (6) (title), (6g) (title) and (6m) (title) of the statutes are
10 created to read:

11 938.067 (6) (title) **REQUEST FOR PETITION; DEFERRED PROSECUTION.**

12 **(6g)** (title) **VICTIMS' RIGHTS.**

13 **(6m)** (title) **MULTIDISCIPLINARY SCREEN.**

14 **SECTION 124.** 938.067 (7) of the statutes is amended to read:

15 938.067 (7) **REFERRALS.** Make referrals of cases to other agencies if their
16 assistance ~~appears to be~~ is needed or desirable.

17 **SECTION 125.** 938.067 (8) (title) and (8m) (title) of the statutes are created to
18 read:

19 938.067 (8) (title) **INTERIM RECOMMENDATIONS.**

20 **(8m)** (title) **TAKING JUVENILES INTO CUSTODY.**

21 **SECTION 126.** 938.067 (9) of the statutes is amended to read:

22 938.067 (9) **OTHER FUNCTIONS.** Perform any other functions ordered by the
23 court, and, when the court or chief judge requests, assist the court or chief judge of
24 the judicial administrative district in developing written policies or carrying out its
25 other duties ~~when the court or chief judge so requests.~~

ASSEMBLY BILL 443**SECTION 127**

1 **SECTION 127.** 938.069 (1) (intro.), (c), (dj) and (e) of the statutes are amended
2 to read:

3 938.069 (1) DUTIES. (intro.) ~~The Subject to sub. (2), the~~ staff of the department,
4 the court, a county department, or a licensed child welfare agency designated by the
5 court to carry out the objectives and provisions of this chapter shall:

6 (c) Make an affirmative effort, and investigate and develop resources, to obtain
7 necessary or desired services for the juvenile and the juvenile's family and
8 ~~investigate and develop resources toward that end.~~

9 (dj) Provide aftercare services for a juvenile ~~who has been~~ released from a
10 ~~secured juvenile~~ correctional facility, or a secured child caring institution or a
11 secured group home residential care center for children and youth.

12 (e) Perform any other court-ordered functions consistent with this chapter
13 ~~which are ordered by the court.~~

14 **SECTION 128.** 938.069 (2) (title), (3) (title) and (4) (title) of the statutes are
15 created to read:

16 938.069 (2) (title) AGENCY APPROVAL NEEDED.

17 (3) (title) INTAKE SERVICES.

18 (4) (title) QUALIFICATIONS OF DISPOSITION STAFF.

19 **SECTION 129.** 938.07 (2) and (3) of the statutes are amended to read:

20 938.07 (2) LICENSED CHILD WELFARE AGENCY. The court may request the services
21 of a child welfare agency licensed under s. 48.60 in accordance with procedures
22 established by that agency. ~~The child welfare~~ agency shall receive no compensation
23 for these services but may be reimbursed out of funds made available to the court for
24 the actual and necessary expenses incurred in the performance of duties for the
25 court.

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1 **(3) COUNTY DEPARTMENT IN POPULOUS COUNTIES.** In counties having a population
2 of 500,000 or more, the court may order the director of the county department may
3 ~~be ordered by the court~~ to provide services for furnishing emergency shelter care
4 services to any juvenile whose need therefor for the services, either by reason of need
5 of protection and services or delinquency, is determined by the intake worker under
6 s. 938.205. The court may authorize the director to appoint members of the county
7 department to furnish emergency shelter care services for the juvenile. The
8 emergency shelter care may be provided as ~~specified in~~ under s. 938.207.

9 **SECTION 130.** 938.08 (1) and (2) of the statutes are amended to read:

10 **938.08 (1) INVESTIGATIONS; REPORTS.** ~~It is the duty of each~~ A person appointed
11 to furnish services to the court as ~~provided in~~ under ss. 938.06 and 938.07 ~~to shall~~
12 make ~~such~~ any investigations and exercise ~~such~~ any discretionary powers as ~~that~~ the
13 ~~judge~~ court may direct, ~~to keep a written record of such~~ the investigations, and ~~to~~
14 submit a report to the ~~judge~~ court. The person shall keep informed concerning the
15 conduct and condition of the juvenile under the person's supervision and shall report
16 ~~thereon~~ on the conduct and condition as the ~~judge~~ court directs.

17 **(2) POWER TO TAKE JUVENILE INTO CUSTODY; LIMITS.** Except as provided in sub.
18 (3) and ss. 938.355 (6d) and 938.534 (1), ~~any~~ a person authorized to provide or
19 providing intake or dispositional services for the court under s. 938.067 or 938.069
20 has the power of police officers and deputy sheriffs only for the purpose of taking a
21 juvenile into physical custody when the juvenile comes voluntarily ~~or~~, is suffering
22 from illness or injury, or is in immediate danger from his or her surroundings and
23 removal from the surroundings is necessary.

24 **SECTION 131.** 938.08 (3) of the statutes is amended to read:

ASSEMBLY BILL 443**SECTION 131**

1 938.08 (3) CONDITIONS FOR CERTAIN OTHER PERSONS TO TAKE JUVENILE INTO
2 CUSTODY. (a) In addition to the law enforcement authority ~~specified in~~ under sub. (2),
3 department personnel designated by the department, personnel of an agency
4 contracted with under s. 301.08 (1) (b) 3. and designated by agreement between the
5 agency and the department, and personnel of a county contracted with under s.
6 301.08 (1) (b) 4. and designated by agreement between the county and the
7 department have the power of law enforcement authorities to take a juvenile into
8 physical custody under the following conditions:

9 1. If they are in prompt pursuit of a juvenile who has run away from a secured
10 juvenile correctional facility, or a residential care center for children and youth, ~~or~~
11 ~~a secured group home.~~

12 2. If the juvenile has failed to return to a secured juvenile correctional facility,
13 or a residential care center for children and youth, ~~or a secured group home~~ after any
14 authorized absence.

15 (b) A juvenile who is taken into custody under par. (a) may be returned directly
16 to the ~~secured~~ juvenile correctional facility, or residential care center for children and
17 youth, ~~or secured group home~~ and shall have a hearing regarding placement ~~in a~~
18 ~~disciplinary cottage~~ or in disciplinary status in accordance with ch. 227.

NOTE: Deletes the reference to "disciplinary cottage" in s. 938.08 (3) (b), stats.,
because it is an outdated concept.

19 **SECTION 132.** 938.09 (1) to (6) of the statutes are amended to read:

20 938.09 (1) DELINQUENCY. By the district attorney, in any matter arising under
21 s. 938.12.

22 (2) CIVIL LAW VIOLATION. By the district attorney or, if designated by the county
23 board of supervisors, by the corporation counsel, in any matter concerning a civil law

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1 violation arising under s. 938.125. If the county board transfers this authority to or
2 from the district attorney on or after May 11, 1990, the board may do so only if the
3 action is effective on September 1 of an odd-numbered year and the board notifies
4 the department of administration of that change by January 1 of that odd-numbered
5 year.

6 (3) MUNICIPAL ORDINANCE VIOLATION. By the city, village, or town attorney, in
7 any matter concerning a city, village, or town ordinance violation, respectively,
8 arising under s. 938.125.

9 (4) COUNTY ORDINANCE VIOLATION. By any an appropriate person designated by
10 the county board of supervisors in any matter concerning a ~~noncity~~ county ordinance
11 violation arising under s. 938.125.

12 (5) JUVENILE IN NEED OF PROTECTION OR SERVICES. By the district attorney or, if
13 designated by the county board of supervisors, by the corporation counsel, in any
14 matter arising under s. 938.13. If the county board transfers this authority to or from
15 the district attorney on or after May 11, 1990, the board may do so only if the action
16 is effective on September 1 of an odd-numbered year and the board notifies the
17 department of administration of that change by January 1 of that odd-numbered
18 year.

19 (6) INTERSTATE COMPACT. By any an appropriate person designated by the
20 county board of supervisors in any matter arising under s. 938.14.

21 **SECTION 133.** 938.10 of the statutes is amended to read:

22 **938.10 Power of the judge to act as intake worker.** The duties of the intake
23 worker may be carried out from time to time by the judge at his or her discretion, but
24 except that if a request to file a petition is made, a citation is issued, or a deferred

ASSEMBLY BILL 443**SECTION 133**

1 prosecution agreement is entered into, the judge shall be is disqualified from
2 participating further in the proceedings.

3 **SECTION 134.** 938.12 of the statutes is amended to read:

4 **938.12 Jurisdiction over juveniles alleged to be delinquent.** (1) IN
5 GENERAL. The court has exclusive jurisdiction, except as provided in ss. 938.17,
6 938.18, and 938.183, over any juvenile 10 years of age or ~~over~~ older who is alleged
7 to be delinquent.

8 (2) SEVENTEEN-YEAR OLDS. ~~If a court proceeding has been commenced under this~~
9 ~~section before a~~ petition alleging that a juvenile is delinquent is filed before the
10 juvenile is 17 years of age, but the juvenile becomes 17 years of age before admitting
11 the facts of the petition at the plea hearing or if the juvenile denies the facts, before
12 an adjudication, the court retains jurisdiction over the case.

NOTE: Clarifies, in s. 938.12 (2), stats., that a delinquency proceeding is commenced
when a delinquency petition is filed. [*D.W.B. v. State*, 158 Wis. 2d 398, 401, 462 N.W.2d
520, 521 (1990).]

13 **SECTION 135.** 938.125 (intro.) and (2) of the statutes are amended to read:

14 **938.125 Jurisdiction over juveniles alleged to have violated civil laws**
15 **or ordinances.** (intro.) The court has exclusive jurisdiction over ~~any a~~ a juvenile
16 alleged to have violated a law punishable by forfeiture or a county, town, or other
17 municipal ordinance, except as follows:

18 (2) ~~That the~~ The court has exclusive jurisdiction over ~~any a~~ a juvenile alleged to
19 have violated an ordinance enacted under s. 118.163 (2) only if evidence is provided
20 by the school attendance officer that the activities under s. 118.16 (5) have been
21 completed or were not required to be completed as provided in s. 118.16 (5m).

22 **SECTION 136.** 938.13 of the statutes is amended to read:

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1 **938.13 Jurisdiction over juveniles alleged to be in need of protection**
2 **or services.** The court has exclusive original jurisdiction over a juvenile alleged to
3 be in need of protection or services which can be ordered by the court, ~~and if any of~~
4 the following conditions applies:

5 (4) UNCONTROLLABLE. ~~Whose~~ The juvenile's parent or guardian signs the
6 petition requesting jurisdiction under this subsection and is unable or needs
7 assistance to control the juvenile.

8 (6) HABITUALLY TRUANT FROM SCHOOL. ~~Who~~ Except as provided under s. 938.17
9 (2), the juvenile is habitually truant from school, ~~if and~~ and evidence is provided by the
10 school attendance officer that the activities under s. 118.16 (5) have been completed
11 or were not required to be completed as provided in s. 118.16 (5m), ~~except as provided~~
12 under s. 938.17 (2).

13 (6m) SCHOOL DROPOUT. ~~Who~~ The juvenile is a school dropout, as defined in s.
14 118.153 (1) (b).

15 (7) HABITUALLY TRUANT FROM HOME. ~~Who~~ The juvenile is habitually truant from
16 home and either the juvenile ~~or,~~ a parent, or guardian, or a relative in whose home
17 the juvenile resides signs the petition requesting jurisdiction and attests in court
18 that reconciliation efforts have been attempted and have failed.

19 (12) DELINQUENT ACT BEFORE AGE 10. ~~Who, being~~ The juvenile is under 10 years
20 of age, and has committed a delinquent act as defined in s. 938.12.

21 (14) NOT RESPONSIBLE OR NOT COMPETENT. ~~Who~~ The juvenile has been
22 determined, under s. 938.30 (5) (c), to be not responsible for a delinquent act by
23 reason of mental disease or defect or ~~who~~ has been determined, under s. 938.30 (5)
24 (d), to be not competent to proceed.

25 **SECTION 137.** 938.135 of the statutes is amended to read:

ASSEMBLY BILL 443**1 938.135 Referral of juveniles to proceedings under ch. 51 or 55. (1)**

2 JUVENILE WITH DEVELOPMENTAL DISABILITY, MENTAL ILLNESS, OR ALCOHOL OR DRUG

3 DEPENDENCY. If a juvenile alleged to be delinquent or in need of protection or services

4 is before the court and it appears that the juvenile is developmentally disabled,

5 mentally ill or to have a developmental disability or mental illness or to be drug

6 dependent or suffers suffering from alcoholism, the court may proceed under ch. 51

7 or 55.

8 **(2) ADMISSIONS, PLACEMENTS, AND COMMITMENTS TO INPATIENT FACILITIES.** Any

9 voluntary or involuntary admissions, placements, or commitments of a juvenile

10 made in or to an inpatient facility, as defined in s. 51.01 (10), other than a

11 commitment under s. 938.34 (6) (am) shall be, are governed by ch. 51 or 55.

12 **SECTION 138.** 938.15 of the statutes is amended to read:

13 **938.15 Jurisdiction of other courts to determine legal custody.** Nothing

14 contained in s. ~~938.12, 938.13 or 938.14~~ this chapter deprives other courts another

15 court of the right to determine the legal custody of juveniles a juvenile by habeas

16 corpus or to determine the legal custody or guardianship of juveniles a juvenile if the

17 legal custody or guardianship is incidental to the determination of causes an action

18 pending in the ~~other courts~~ that court. But the jurisdiction of the court assigned to

19 exercise jurisdiction under this chapter and ch. 48 is paramount in all cases involving

20 juveniles alleged to come within the provisions of ss. 938.12 to 938.14.

21 **SECTION 139.** 938.17 (title) and (1) (intro.) and (c) of the statutes are amended

22 to read:

23 **938.17 (title) Jurisdiction over traffic, boating, snowmobile, and**

24 **all-terrain vehicle violations and over civil law and ordinance violations.**

25 **(1) TRAFFIC, BOATING, SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS. (intro.)**

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1 Except for violations of ss. 342.06 (2) and 344.48 (1), and violations of ss. 30.67 (1)
2 and 346.67 (1) when death or injury occurs, courts of criminal and civil jurisdiction
3 ~~shall~~ have exclusive jurisdiction in proceedings against juveniles 16 years of age or
4 older for violations of s. 23.33, of ss. 30.50 to 30.80, of chs. 341 to 351, and of traffic
5 regulations, as defined in s. 345.20, and nonmoving traffic violations, as defined in
6 s. 345.28 (1). A juvenile charged with a traffic, boating, snowmobile, or all-terrain
7 vehicle offense in a court of criminal or civil jurisdiction shall be treated as an adult
8 before the trial of the proceeding except that the juvenile may be held in secure
9 custody only in a secure juvenile detention facility. A juvenile convicted of a traffic,
10 boating, snowmobile, or all-terrain vehicle offense in a court of criminal or civil
11 jurisdiction shall be treated as an adult for sentencing purposes except as follows:

12 (c) If the court of civil or criminal jurisdiction orders the juvenile to serve a
13 period of incarceration of 6 months or more, that court shall petition the court
14 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more
15 of the dispositions ~~provided in~~ under s. 938.34, including placement of the juvenile
16 in a ~~secured~~ juvenile correctional facility, ~~a secured child caring institution~~ or a
17 ~~secured group home under s. 938.34 (4m)~~ residential care center for children and
18 youth, if appropriate.

19 **SECTION 140.** 938.17 (2) (a) (title) of the statutes is created to read:

20 938.17 (2) (a) (title) *Concurrent municipal and juvenile court jurisdiction;*
21 *ordinance violations.*

22 **SECTION 141.** 938.17 (2) (a) 2. d. and 3. of the statutes are amended to read:

23 938.17 (2) (a) 2. d. If the municipality specified under subd. 2. b. or c. has not
24 adopted an ordinance under s. 118.163, the municipal court that may exercise
25 jurisdiction under subd. 1. is the municipal court that is located in the municipality

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1 where the juvenile resides, if that municipality has adopted an ordinance under s.
2 118.163.

3 3. When a juvenile is alleged to have violated a municipal ordinance, ~~the~~
4 juvenile one of the following may be occur:

5 a. Issued The juvenile may be issued a citation directing the juvenile to appear
6 in municipal court or make a deposit or stipulation and deposit in lieu of appearance;

7 b. Issued The juvenile may be issued a citation directing the juvenile to appear
8 in the court assigned to exercise jurisdiction under this chapter and ch. 48 or make
9 a deposit or stipulation and deposit in lieu of appearance as provided in s. 938.237;
10 or,

11 c. Referred The juvenile may be referred to intake for a determination whether
12 a petition should be filed in the court assigned to exercise jurisdiction under this
13 chapter and ch. 48 pursuant to under s. 938.125.

14 **SECTION 142.** 938.17 (2) (b) to (cm) of the statutes are amended to read:

15 938.17 (2) (b) *Juvenile court jurisdiction; civil law and ordinance violations.*

16 When a juvenile 12 years of age or older is alleged to have violated a civil law
17 punishable by a forfeiture or ~~where a juvenile is alleged to have violated a municipal~~
18 ordinance but there is no municipal court in the municipality, ~~the juvenile~~ one of the
19 following may be occur:

20 1. Issued The juvenile may be issued a citation directing the juvenile to appear
21 in the court assigned to exercise jurisdiction under this chapter and ch. 48 or make
22 a deposit or stipulation and deposit in lieu of appearance as provided in s. 938.237;
23 or,

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1 2. ~~Referred~~ The juvenile may be referred to intake for a determination whether
2 a petition under s. 938.125 should be filed in the court assigned to exercise
3 jurisdiction under this chapter and ch. 48 ~~pursuant to s. 938.125~~.

4 (c) Citation procedures. The citation procedures described in ch. 800 ~~shall~~
5 govern proceedings involving juveniles in municipal court, except that this chapter
6 ~~shall govern~~ governs the taking and holding of a juvenile in custody and par. (cg) ~~shall~~
7 ~~govern~~ governs the issuing of a summons to the juvenile's parent, guardian, or legal
8 custodian. When a juvenile is before the court assigned to exercise jurisdiction under
9 this chapter and ch. 48 upon a citation alleging that the juvenile ~~to have~~ violated a
10 civil law or municipal ordinance, the procedures specified in s. 938.237 ~~shall~~ apply.
11 If a citation is issued to a juvenile, the issuing agency shall notify the juvenile's
12 parent, guardian, and legal custodian within 7 days. The agency issuing a citation
13 to a juvenile who is 12 to 15 years of age for a violation of s. 125.07 (4) (a) or (b),
14 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2), or 961.575 (2) or an ordinance
15 conforming to one of those statutes shall send a copy to an intake worker under s.
16 938.24 for informational purposes only.

17 (cg) Summons procedures. After a citation is issued, unless the juvenile and
18 his or her parent, guardian, and legal custodian voluntarily appear, the municipal
19 court may issue a summons requiring the parent, guardian ~~and,~~ or legal custodian
20 of the juvenile to appear personally at any hearing involving the juvenile and, if the
21 court so orders, to bring the juvenile before the court at a time and place stated.
22 Section 938.273 ~~shall govern~~ governs the service of a summons under this
23 paragraph, except that the expense of service or publication of a summons and of the
24 travelling expenses and fees ~~as allowed in ch. 885~~ of a person summoned allowed in
25 ch. 885 shall be a charge on the municipality of the court issuing the summons when

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1 approved by the court. If any person summoned under this paragraph fails without
2 reasonable cause to appear, he or she may be proceeded against for contempt of court
3 under s. 785.06. If a summons cannot be served or if the person served fails to obey
4 the summons or if it appears to the court that the service will be ineffectual, a *capias*
5 may be issued for the juvenile and for the parent, guardian ~~and,~~ or legal custodian.

6 (cm) *Authorization for dispositions and sanctions.* A city, village, or town may
7 adopt an ordinance or bylaw specifying which of the dispositions under ss. 938.343
8 and 938.344 and sanctions under s. 938.355 (6) (d) and (6m) the municipal court of
9 that city, village, or town is authorized to impose or to petition the court assigned to
10 exercise jurisdiction under this chapter and ch. 48 to impose. The use by the court
11 of those dispositions and sanctions is subject to any ordinance or bylaw adopted
12 under this paragraph.

13 **SECTION 143.** 938.17 (2) (d) (title) of the statutes is created to read:

14 938.17 (2) (d) (title) *Disposition; ordinance violations generally.*

15 **SECTION 144.** 938.17 (2) (d) of the statutes is renumbered 938.17 (2) (d) 1. and
16 amended to read:

17 938.17 (2) (d) 1. If a municipal court finds that the juvenile violated a municipal
18 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
19 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2),
20 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
21 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
22 imposed by the municipal court, the court may not impose a jail sentence but may
23 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
24 years, or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for
25 not more than 2 years.

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1 2. If a court suspends a license or privilege under ~~this section~~ subd. 1., the court
2 shall immediately take possession of the applicable license and forward it to the
3 department that issued the license, together with the notice of suspension ~~clearly~~
4 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
5 the forfeiture is paid during the period of suspension, the court shall immediately
6 notify the department, which shall ~~thereupon~~ then return the license to the person.

7 **SECTION 145.** 938.17 (2) (e) (title), (f) (title) and (g) (title) of the statutes are
8 created to read:

9 938.17 (2) (e) (title) *Disposition; alcohol and drug ordinance violations.*

10 (f) (title) *Notice to victims.*

11 (g) (title) *Disposition; truancy or school dropout ordinance violations.*

12 **SECTION 146.** 938.17 (2) (h) (title) of the statutes is created to read:

13 938.17 (2) (h) (title) *Sanctions; dispositional order violations generally.*

14 **SECTION 147.** 938.17 (2) (h) 1. and 2. of the statutes are amended to read:

15 938.17 (2) (h) 1. If a juvenile who has violated a municipal ordinance, other
16 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or
17 her dispositional order, the municipal court may impose on the juvenile any of the
18 sanctions specified in s. 938.355 (6) (d) 2. to 5. that are authorized under par. (cm)
19 except for monitoring by an electronic monitoring system ~~or~~. The municipal court
20 may also petition the court assigned to exercise jurisdiction under this chapter and
21 ch. 48 to impose on the juvenile the sanction specified in s. 938.355 (6) (d) 1. or home
22 detention with monitoring by an electronic monitoring system as specified in s.
23 938.355 (6) (d) 3., if authorized under par. (cm),. A sanction may be imposed under
24 this subdivision only if at the time of judgment the court explained the conditions to
25 the juvenile and informed the juvenile of the possible sanctions under s. 938.355 (6)

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1 (d) that are authorized under par. (cm) for a violation or if before the violation the
2 juvenile has acknowledged in writing that he or she has read, or has had read to him
3 or her, those conditions and possible sanctions and that he or she understands those
4 conditions and possible sanctions.

5 2. A motion requesting the municipal court to impose or petition for a sanction
6 may be brought by the person or agency primarily responsible for the provision of
7 dispositional services, the municipal attorney, or the court that entered the
8 dispositional order. If the court initiates the motion, that court is ~~disqualified from~~
9 holding ~~may not hold~~ a hearing on the motion. Notice of the motion shall be given
10 to the juvenile and the juvenile's parent, guardian, or legal custodian.

11 **SECTION 148.** 938.17 (2) (i) (title) of the statutes is created to read:

12 938.17 (2) (i) (title) *Sanctions; truancy or school dropout dispositional order*
13 *violations.*

14 **SECTION 149.** 938.17 (2) (i) 1., 2m. and 3g. of the statutes are amended to read:

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

24 2m. If a juvenile who has violated a municipal ordinance enacted under s.
25 118.163 (2) violates a condition of his or her dispositional order, the municipal court

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1 may impose on the juvenile any of the sanctions specified in s. 938.355 (6m) (a) that
2 are authorized under par. (cm) except for the sanction specified in s. 938.355 (6m) (a)
3 1g. ~~or~~ The municipal court may also petition the court assigned to exercise
4 jurisdiction under this chapter and ch. 48 to impose on the juvenile the sanction
5 specified in s. 938.355 (6m) (a) 1g., if authorized under par. (cm), A sanction may
6 be imposed under this subdivision only if at the time of judgment the court explained
7 the conditions to the juvenile and informed the juvenile of the possible sanctions
8 under s. 938.355 (6m) (a) that are authorized under par. (cm) for a violation or if
9 before the violation the juvenile has acknowledged in writing that he or she has read,
10 or has had read to him or her, those conditions and possible sanctions and that he or
11 she understands those conditions and possible sanctions.

12 3g. A motion requesting the municipal court to impose or petition for a sanction
13 may be brought by the person or agency primarily responsible for the provision of
14 dispositional services, the municipal attorney, or the court that entered the
15 dispositional order. If the court initiates the motion, that court ~~is disqualified from~~
16 ~~holding~~ may not hold a hearing on the motion. Notice of the motion shall be given
17 to the juvenile and the juvenile's parent, guardian, or legal custodian.

18 **SECTION 150.** 938.18 (1) (a) of the statutes is renumbered 938.18 (1) and
19 amended to read:

20 938.18 (1) WAIVER OF JUVENILE COURT JURISDICTION; CONDITIONS FOR. Subject to
21 s. 938.183, a juvenile or district attorney may apply to petition requesting the court
22 to waive its jurisdiction under this chapter ~~in~~ may be filed if the juvenile meets any
23 of the following ~~situations~~ conditions:

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1 (a) ~~If the~~ The juvenile is alleged to have violated s. 940.03, 940.06, 940.225 (1)
2 or (2), 940.305, 940.31, 943.10 (2), 943.32 (2), or 961.41 (1) on or after the juvenile's
3 14th birthday.

4 (b) ~~If the~~ The juvenile is alleged to have committed, ~~on or after the juvenile's~~
5 14th birthday, a violation, on or after the juvenile's 14th birthday at the request of
6 or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would constitute
7 a felony under chs. 939 to 948 or 961 if committed by an adult.

8 (c) ~~If the~~ The juvenile is alleged to have violated any state criminal law on or
9 after the juvenile's 15th birthday.

10 **SECTION 151.** 938.18 (1) (b) of the statutes is repealed.

11 **SECTION 152.** 938.18 (2) of the statutes is amended to read:

12 938.18 (2) PETITION. ~~The waiver hearing shall be brought on by filing a petition~~
13 ~~alleging delinquency drafted under s. 938.255 and a petition for waiver of~~
14 jurisdiction which may be filed by the district attorney or the juvenile or may be
15 initiated by the court and shall contain a brief statement of the facts supporting the
16 request for waiver. The petition for waiver of jurisdiction shall be accompanied by
17 or filed after the filing of a petition alleging delinquency and shall be filed prior to
18 the plea hearing, except that if the juvenile denies the facts of the petition and
19 becomes 17 years of age before an adjudication, the petition for waiver of jurisdiction
20 may be filed at any time prior to the adjudication. If the court initiates the petition
21 for waiver of jurisdiction, the judge shall disqualify himself or herself from any future
22 proceedings on the case.

NOTE: Creates a provision in s. 938.18 (2), stats., based on current s. 938.18 (1) (b),
stats., which is repealed in this bill.

23 **SECTION 153.** 938.18 (2m) (title) of the statutes is created to read:

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1 938.18 **(2m)** (title) AGENCY REPORT.

2 **SECTION 154.** 938.18 (3) (intro.) of the statutes is created to read:

3 938.18 **(3)** RIGHTS OF JUVENILE. (intro.) All of the following apply at a waiver
4 hearing under this section:

5 **SECTION 155.** 938.18 (3) (a), (b) and (c) of the statutes are amended to read:

6 938.18 **(3)** (a) The juvenile shall be represented by counsel ~~at the waiver~~
7 ~~hearing.~~ Written notice of the time, place, and purpose of the hearing shall be given
8 to the juvenile, any parent, guardian, or legal custodian, and counsel at least 3 days
9 prior to the hearing. The notice shall contain a statement of the requirements of s.
10 938.29 (2) with regard to substitution of the judge. ~~Where~~ If parents entitled to notice
11 have the same address, notice to one constitutes notice to the other. Counsel for the
12 juvenile shall have access to the social records and other reports ~~consistent with~~
13 under s. 938.293.

14 (b) The juvenile has the right to present testimony on his or her own behalf
15 including expert testimony and has the right to cross-examine witnesses ~~at the~~
16 ~~hearing.~~

17 (c) The juvenile does not have the right to a jury ~~at a hearing under this section.~~

18 **SECTION 156.** 938.18 (4) (title) of the statutes is created to read:

19 938.18 **(4)** (title) PROSECUTIVE MERIT; CONTESTED OR UNCONTESTED PETITION.

20 **SECTION 157.** 938.18 (4) (a) and (b) of the statutes are amended to read:

21 938.18 **(4)** (a) The court shall determine whether the matter has prosecutive
22 merit before proceeding to determine if it should waive jurisdiction. If the court
23 determines that the matter does not have prosecutive merit, the court shall deny the
24 petition for waiver.

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1 (b) If a petition for waiver of jurisdiction is contested, the district attorney shall
2 present relevant testimony and the court, after taking relevant that testimony which
3 ~~the district attorney shall present~~ and considering other relevant evidence, shall
4 base its decision whether to waive jurisdiction on the criteria specified in sub. (5).

NOTE: Clarifies s. 938.18 (4) (a), stats., by providing that the juvenile court must deny the petition for waiver if it determines that the matter does not have prosecutive merit.

5 **SECTION 158.** 938.18 (5) (title) of the statutes is created to read:

6 938.18 (5) (title) CRITERIA FOR WAIVER.

7 **SECTION 159.** 938.18 (5) (a) of the statutes is amended to read:

8 938.18 (5) (a) The personality ~~and prior record~~ of the juvenile, including
9 whether the juvenile is ~~mentally ill or developmentally disabled~~, whether the court
10 has ~~previously waived its jurisdiction over the juvenile~~, whether the juvenile has
11 ~~been previously convicted following a waiver of the court's jurisdiction or has been~~
12 ~~previously found delinquent~~, whether such conviction or delinquency involved the
13 ~~infliction of serious bodily injury~~, the juvenile's motives and attitudes has a mental
14 illness or developmental disability, the juvenile's physical and mental maturity, and
15 the juvenile's pattern of living, ~~prior offenses~~, prior treatment history, and apparent
16 potential for responding to future treatment.

NOTE: The stricken language beginning with "whether the court..." is included in s. 938.18 (5) (am), stats., as created by this bill.

17 **SECTION 160.** 938.18 (5) (am) of the statutes is created to read:

18 938.18 (5) (am) The prior record of the juvenile, including whether the court has
19 previously waived its jurisdiction over the juvenile, whether the juvenile has been
20 previously convicted following a waiver of the court's jurisdiction or has been
21 previously found delinquent, whether such conviction or delinquency involved the

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1 infliction of serious bodily injury, the juvenile's motives and attitudes, and the
2 juvenile's prior offenses.

3 **SECTION 161.** 938.18 (5) (b) of the statutes is amended to read:

4 938.18 (5) (b) The type and seriousness of the offense, including whether it was
5 against persons or property, and the extent to which it was committed in a violent,
6 aggressive, premeditated or willful manner, ~~and its prosecutive merit.~~

NOTE: Deletes the reference to "prosecutive merit" in s. 938.18 (5) (b), stats.,
because the determination of whether the matter before the court has prosecutive merit
is governed by s. 938.18 (4) (a), stats.

7 **SECTION 162.** 938.18 (6) of the statutes is amended to read:

8 938.18 (6) DECISION ON WAIVER. After considering the criteria under sub. (5),
9 the court shall state its finding with respect to the criteria on the record, and, if the
10 court determines on the record that it there is established by clear and convincing
11 evidence that it ~~would be~~ is contrary to the best interests of the juvenile or of the
12 public to hear the case, the court shall enter an order waiving jurisdiction and
13 referring the matter to the district attorney for appropriate proceedings in the court
14 of criminal jurisdiction, ~~and the.~~ After the order, the court of criminal jurisdiction
15 ~~thereafter~~ has exclusive jurisdiction.

16 **SECTION 163.** 938.18 (7) (title), (8) (title) and (9) (title) of the statutes are
17 created to read:

18 938.18 (7) (title) JUVENILE WHO ABSCONDS.

19 (8) (title) TRANSFER TO ADULT FACILITY; BAIL.

20 (9) (title) CRIMINAL CHARGE.

21 **SECTION 164.** 938.183 (1) (title) of the statutes is created to read:

22 938.183 (1) (title) JUVENILES UNDER ADULT COURT JURISDICTION.

23 **SECTION 165.** 938.183 (1) (a) and (am) of the statutes are amended to read:

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1 938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is
2 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured juvenile
3 correctional facility, a secure juvenile detention facility, ~~a secured child caring~~
4 ~~institution~~ or a secured group home residential care center for children and youth
5 or who has been adjudicated delinquent and who is alleged to have committed a
6 violation of s. 940.20 (2m).

7 (am) A juvenile who is alleged to have attempted or committed a violation of
8 s. 940.01 or to have committed a violation of s. 940.02 or 940.05 on or after the
9 juvenile's 10th birthday, ~~but before the juvenile's 15th birthday.~~

NOTE: This language is deleted to reflect the reorganization of s. 938.183 (1m) and
(2), stats., by this bill.

10 **SECTION 166.** 938.183 (1m) (intro.) and (c) 1. and 2. of the statutes are amended
11 to read:

12 938.183 (1m) CRIMINAL PENALTIES AND PROCEDURES. (intro.) Notwithstanding
13 subchs. IV to VI, a juvenile described in sub. (1) is subject to the procedures specified
14 in chs. 967 to 979 and the criminal penalties ~~provided~~ for the crime that the juvenile
15 is alleged to have committed except as follows:

16 (c) 1. ~~The Except as provided in subd. 3., the~~ court of criminal jurisdiction finds
17 that the juvenile has committed a lesser offense or a joined offense that is not a
18 violation of s. 940.20 (1) or (2m) or 946.43 under the circumstances described in sub.
19 (1) (a), that is not an attempt to violate s. 940.01 under the circumstances described
20 in sub. (1) (am), that is not a violation of s. 940.02 or 940.05 under the circumstances
21 described in sub. (1) (am), and that is not an offense for which the court assigned to
22 exercise jurisdiction under this chapter and ch. 48 may waive its jurisdiction over the
23 juvenile under s. 938.18.

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1 2. The Except as provided in subd. 3., the court of criminal jurisdiction finds
2 that the juvenile has committed a lesser offense or a joined offense that is a violation
3 of s. 940.20 (1) or (2m) or 946.43 under the circumstances described in sub. (1) (a),
4 that is an attempt to violate s. 940.01 under the circumstances described in sub. (1)
5 (am), that is a violation of s. 940.02 or 940.05 under the circumstances described in
6 sub. (1) (am), or that is an offense for which the court assigned to exercise jurisdiction
7 under this chapter and ch. 48 may waive its jurisdiction over the juvenile under s.
8 938.18 and the court of criminal jurisdiction, after considering the criteria specified
9 in s. 938.18 (5), determines that the juvenile has proved by clear and convincing
10 evidence that it would be in the best interests of the juvenile and of the public to
11 adjudge the juvenile to be delinquent and impose a disposition specified in s. 938.34.

12 **SECTION 167.** 938.183 (2) of the statutes is renumbered 938.183 (1m) (c) 3. and
13 amended to read:

14 938.183 (1m) (c) 3. ~~Notwithstanding ss. 938.12 (1) and 938.18, courts of~~
15 ~~criminal jurisdiction have exclusive original jurisdiction over~~ For a juvenile who is
16 alleged to have attempted or committed a violation of s. 940.01 or to have committed
17 a violation of s. 940.02 or 940.05 on or after the juvenile's 15th birthday.
18 ~~Notwithstanding ss. 938.12 (1) and 938.18, courts of criminal jurisdiction also have~~
19 ~~exclusive original jurisdiction over a juvenile specified in the preceding sentence who~~
20 is alleged to have attempted or committed a violation of any state law in addition to
21 the violation alleged under the preceding sentence if the violation alleged under this
22 sentence and the violation alleged under the preceding sentence may be joined under
23 s. 971.12 (1). ~~Notwithstanding subchs. IV to VI, a juvenile who is alleged to have~~
24 attempted or committed a violation of s. 940.01 or to have committed a violation of
25 s. 940.02 or 940.05 on or after the juvenile's 15th birthday and a juvenile who is

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1 alleged to have attempted or committed a violation of any state criminal law, if that
2 violation and an attempt to commit a violation of s. 940.01 or the commission of a
3 violation of s. 940.01, 940.02 or 940.05 may be joined under s. 971.12 (1), is subject
4 to the procedures specified in chs. 967 to 979 and the criminal penalties provided for
5 the crime that the juvenile is alleged to have committed, except that the court of
6 criminal jurisdiction shall, in lieu of convicting the juvenile, adjudge the juvenile to
7 be delinquent and impose a disposition specified in s. 938.34 if, the court of criminal
8 jurisdiction finds that the juvenile has committed a lesser offense than the offense
9 alleged under this subsection or has committed an offense that is joined under s.
10 971.12 (1) to an attempt to commit a violation of s. 940.01 or to the commission of a
11 violation of s. 940.01, 940.02 or 940.05, but has not attempted to commit a violation
12 of s. 940.01 or committed a violation of s. 940.01, 940.02, or 940.05, and the court of
13 criminal jurisdiction, after considering the criteria specified in under s. 938.18 (5),
14 determines that the juvenile has proved by clear and convincing evidence that it
15 would be in the best interests of the juvenile and of the public to adjudge the juvenile
16 to be delinquent and impose a disposition specified in under s. 938.34.

17 **SECTION 168.** 938.183 (3) of the statutes is amended to read:

18 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. When a juvenile who is subject
19 to a criminal penalty under sub. (1m) ~~or (2)~~ or s. 938.183 (2), 2003 stats., attains the
20 age of 17 years, the department may place the juvenile in a state prison named in s.
21 302.01, except that the department may not place any person under the age of 18
22 years in the correctional institution authorized in s. 301.16 (1n). ~~If a juvenile who~~
23 ~~is subject to a criminal penalty under sub. (1m) or (2) is 15 years of age or over, the~~
24 ~~department may transfer the juvenile to the Racine youthful offender correctional~~
25 ~~facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ A juvenile who is subject

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1 to a criminal penalty under sub. (1m) ~~or (2)~~ or under s. 938.183 (2), 2003 stats., for
2 an act committed before December 31, 1999, is eligible for parole under s. 304.06.

NOTE: Deletes the second-to-last sentence because the authority to transfer juveniles to the Racine Youthful Offender Correctional Facility under s. 938.357 (4) (d), stats., is repealed in this bill. See the NOTE to s. 938.357 (4) (d), stats., as affected by this bill.

3 **SECTION 169.** 938.183 (4) (title) of the statutes is created to read:

4 938.183 (4) (title) CHILD SUPPORT.

5 **SECTION 170.** 938.185 (1) (title) of the statutes is created to read:

6 938.185 (1) (title) PROCEEDINGS GENERALLY.

7 **SECTION 171.** 938.185 (2) of the statutes is amended to read:

8 938.185 (2) REVISION AND EXTENSION OF ORDERS. Venue for any proceeding under
9 s. 938.363 or 938.365 shall be in the county where the dispositional order was issued,
10 unless the juvenile's county of residence has changed, or the parent of the juvenile
11 has resided in a different county of this state for at least 6 months. In either case,
12 the court may, upon a motion and for good cause shown, transfer the case, along with
13 all appropriate records, to the county of residence of the juvenile or parent.

14 **SECTION 172.** 938.185 (3) (title) and (4) (title) of the statutes are created to read:

15 938.185 (3) (title) SEX OFFENDER REGISTRY VIOLATIONS.

16 (4) (title) AMERICAN INDIAN JUVENILES.

17 **SECTION 173.** 938.19 (1) (title) of the statutes is created to read:

18 938.19 (1) (title) CRITERIA.

19 **SECTION 174.** 938.19 (1) (b) and (c) of the statutes are amended to read:

20 938.19 (1) (b) A capias issued by a judge court under s. 938.28.

21 (c) ~~An A court order of the judge if made upon there is~~ a showing satisfactory
22 ~~to the judge~~ that the welfare of the juvenile demands that the juvenile be

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1 immediately removed from his or her present custody. The order shall specify that
2 the juvenile be held in custody under s. 938.207.

3 **SECTION 175.** 938.19 (1) (d) 1., 6. and 7. of the statutes are amended to read:

4 938.19 (1) (d) 1. A capias or a warrant for the juvenile's apprehension has been
5 issued in this state, or ~~that~~ the juvenile is a fugitive from justice.

6 6. The juvenile has violated a condition of court-ordered supervision or
7 aftercare supervision administered by the department or a county department, a
8 condition of the juvenile's placement in a Type 2 ~~secured~~ juvenile correctional facility
9 or a Type 2 ~~child caring institution~~ residential care center for children and youth, or
10 a condition of the juvenile's participation in the intensive supervision program under
11 s. 938.534.

12 7. The juvenile has violated the conditions of an order under s. 938.21 (4) or ~~the~~
13 ~~conditions~~ of an order for temporary physical custody issued by an intake worker.

14 **SECTION 176.** 938.19 (1m) and (2) of the statutes are amended to read:

15 938.19 (1m) TRUANCY. A juvenile who is absent from school without an
16 acceptable excuse under s. 118.15 may be taken into custody by an individual
17 designated under s. 118.16 (2m) (a) if the school attendance officer of the school
18 district in which the juvenile resides, or the juvenile's parent, guardian, or legal
19 custodian, requests that the juvenile be taken into custody. The request shall
20 specifically identify the juvenile.

21 (2) NOTIFICATION OF PARENT, GUARDIAN, LEGAL CUSTODIAN. When a juvenile is
22 taken into physical custody ~~as provided in~~ under this section, the person taking the
23 juvenile into custody shall immediately attempt to notify the parent, guardian, and
24 legal custodian of the juvenile by the most practical means. The person taking the
25 juvenile into custody shall continue such attempt until the parent, guardian, and

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1 legal custodian of the juvenile are notified, or the juvenile is delivered to an intake
2 worker under s. 938.20 (3), whichever occurs first. If the juvenile is delivered to the
3 intake worker before the parent, guardian, and legal custodian are notified, the
4 intake worker, or another person at his or her direction, shall continue the attempt
5 to notify until the parent, guardian, and legal custodian of the juvenile are notified.

6 **SECTION 177.** 938.19 (3) (title) of the statutes is created to read:

7 938.19 (3) (title) NOT AN ARREST.

8 **SECTION 178.** 938.20 (2) (title) of the statutes is created to read:

9 938.20 (2) (title) RELEASE OF JUVENILE.

10 **SECTION 179.** 938.20 (2) (cm) and (d) of the statutes are amended to read:

11 938.20 (2) (cm) If the juvenile has violated a condition of aftercare supervision
12 administered by the department or a county department, a condition of the juvenile's
13 placement in a Type 2 ~~secured juvenile~~ correctional facility or a Type 2 ~~child caring~~
14 ~~institution residential care center for children and youth~~, or a condition of the
15 juvenile's participation in the intensive supervision program under s. 938.534, the
16 person who took the juvenile into custody may release the juvenile to the department
17 or county department, whichever has supervision over the juvenile.

18 (d) If the juvenile is a runaway, the person who took the juvenile into custody
19 may release the juvenile to a home ~~authorized~~ under s. 48.227.

20 **SECTION 180.** 938.20 (3) of the statutes is amended to read:

21 938.20 (3) NOTIFICATION TO PARENT, GUARDIAN, LEGAL CUSTODIAN OF RELEASE. If
22 the juvenile is released under sub. (2) (b) to (d) or (g), the person who took the juvenile
23 into custody shall immediately notify the juvenile's parent, guardian, and legal
24 custodian of the time and circumstances of the release and the person, if any, to whom
25 the juvenile was released. If the juvenile is not released under sub. (2), the person

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1 who took the juvenile into custody shall arrange in a manner determined by the court
2 and law enforcement agencies for the juvenile to be interviewed by the intake worker
3 under s. 938.067 (2), ~~and. The person who took the juvenile into custody shall make~~
4 a statement in writing with supporting facts of the reasons why the juvenile was
5 taken into physical custody and shall give ~~any juvenile 10 years of age or older~~ a copy
6 of the statement ~~in addition to giving a copy to the intake worker. When and to any~~
7 juvenile 10 years of age or older. If the intake interview is not done in person, the
8 report may be read to the intake worker.

9 **SECTION 181.** 938.20 (4) (title) of the statutes is created to read:

10 938.20 (4) (title) DELIVERY TO HOSPITAL OR PHYSICIAN.

11 **SECTION 182.** 938.20 (5) of the statutes is amended to read:

12 938.20 (5) (title) EMERGENCY DETENTION OF JUVENILE. If the juvenile is believed
13 to have a mental illness or developmental disability or to be ~~mentally ill~~, drug
14 dependent ~~or developmentally disabled~~, and exhibits conduct ~~which~~ that constitutes
15 a substantial probability of physical harm to the juvenile or to others, or a very
16 substantial probability of physical impairment or injury to the juvenile exists due to
17 the impaired judgment of the juvenile, and if the standards of s. 51.15 are met, the
18 person taking the juvenile into physical custody, the intake worker, or other
19 appropriate person shall proceed under s. 51.15.

20 **SECTION 183.** 938.20 (6) (title) and (7) (title) of the statutes are created to read:

21 938.20 (6) (title) DELIVERY OF INTOXICATED JUVENILE.

22 (7) (title) DUTIES OF INTAKE WORKER.

23 **SECTION 184.** 938.20 (7) (a) and (b) of the statutes are amended to read:

24 938.20 (7) (a) When a juvenile who is possibly involved in a delinquent act is
25 interviewed by an intake worker, the intake worker shall inform ~~any~~ the juvenile

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1 possibly involved in a delinquent act of his or her right to counsel and the right
2 against self-incrimination.

3 (b) The intake worker shall review the need to hold the juvenile in custody and
4 shall make every effort to release the juvenile from custody as provided in par. (c).
5 The intake worker shall base his or her decision as to whether to release the juvenile
6 or to continue to hold the juvenile in custody on the criteria ~~specified in~~ under s.
7 938.205 and criteria established under s. 938.06 (1) or (2).

8 **SECTION 185.** 938.20 (7) (c) 1., 1m. and 2. of the statutes are amended to read:

9 938.20 (7) (c) 1. To a parent, guardian, or legal custodian, or, to a responsible
10 adult if the parent, guardian, or legal custodian is unavailable, unwilling, or unable
11 to provide supervision for the juvenile, ~~release the juvenile to a responsible adult,~~
12 ~~counseling or warning the juvenile as may be appropriate;~~ or, if the juvenile is 15
13 years of age or older, ~~release the juvenile~~ without immediate adult supervision,
14 ~~counseling or warning the juvenile as may be appropriate.~~

15 1m. In the case of a juvenile who has violated a condition of aftercare
16 supervision administered by the department or a county department, a condition of
17 the juvenile's placement in a Type 2 ~~secured juvenile~~ juvenile correctional facility or a Type
18 ~~2 child caring institution~~ residential care center for children and youth, or a condition
19 of the juvenile's participation in the intensive supervision program under s. 938.534,
20 to the department or county department, whichever has supervision of the juvenile.

21 2. In the case of a runaway juvenile, to a home authorized under s. 48.227.

22 **SECTION 186.** 938.20 (8) (title) of the statutes is created to read:

23 938.20 (8) (title) NOTIFICATION THAT HELD IN CUSTODY.

24 **SECTION 187.** 938.20 (8) of the statutes is renumbered 938.20 (8) (a) and
25 amended to read:

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1 938.20 (8) (a) If a juvenile is held in custody, the intake worker shall notify the
2 juvenile's parent, guardian, and legal custodian of the reasons for holding the
3 juvenile in custody and of the juvenile's whereabouts unless there is reason to believe
4 that notice would present imminent danger to the juvenile. ~~If a juvenile who has~~
5 ~~violated a condition of aftercare supervision administered by the department or a~~
6 ~~county department, a condition of the juvenile's placement in a Type 2 secured~~
7 ~~correctional facility or a Type 2 child caring institution, or a condition of the juvenile's~~
8 ~~participation in the intensive supervision program under s. 938.534 is held in~~
9 ~~custody, the intake worker shall also notify the department or county department,~~
10 ~~whichever has supervision over the juvenile, of the reasons for holding the juvenile~~
11 ~~in custody, of the juvenile's whereabouts, and of the time and place of the detention~~
12 ~~hearing required under s. 938.21.~~ The parent, guardian, and legal custodian shall
13 also be notified of the time and place of the detention hearing required under s.
14 938.21, the nature and possible consequences of ~~that~~ the hearing, and the right to
15 present and cross-examine witnesses at the hearing. If the parent, guardian, or
16 legal custodian is not immediately available, the intake worker or another person
17 designated by the court shall provide notice as soon as possible. ~~When~~

18 **(b)** If the juvenile is alleged to have committed a delinquent act, the juvenile
19 shall receive the same notice about the detention hearing as the parent, guardian,
20 or legal custodian. The intake worker shall notify both the juvenile and the juvenile's
21 parent, guardian, or legal custodian.

NOTE: The stricken language in s. 938.20 (8) (a), stats., is included in new s. 938.20
(8) (c), stats., as created by this bill.

22 **SECTION 188.** 938.20 (8) (c) of the statutes is created to read:

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1 938.20 (8) (c) If a juvenile who has violated a condition of aftercare supervision
2 administered by the department or a county department, a condition of the juvenile's
3 placement in a Type 2 juvenile correctional facility or a Type 2 residential care center
4 for children and youth, or a condition of the juvenile's participation in the intensive
5 supervision program under s. 938.534 is held in custody, the intake worker shall also
6 notify the department or county department, whichever has supervision over the
7 juvenile, of the reasons for holding the juvenile in custody, of the juvenile's
8 whereabouts, and of the time and place of the detention hearing required under s.
9 938.21.

10 **SECTION 189.** 938.205 of the statutes is amended to read:

11 **938.205 Criteria for holding a juvenile in physical custody. (1) CRITERIA.**

12 A juvenile may be held under s. 938.207, 938.208, or 938.209 (1) if the intake worker
13 determines that there is probable cause to believe the juvenile is within the
14 jurisdiction of the court and if probable cause exists to believe any of the following:

15 (a) That the juvenile ~~is not held he or she~~ will commit injury to the person or
16 property of others if not held.

17 (b) That the parent, guardian, or legal custodian of the juvenile or other
18 responsible adult is neglecting, refusing, unable, or unavailable to provide adequate
19 supervision and care and that services to ensure the juvenile's safety and well-being
20 are not available or would be inadequate.

21 (c) That the juvenile will run away or be taken away so as to be unavailable for
22 proceedings of the court or its officers, proceedings of the division of hearings and
23 appeals in the department of administration for revocation of aftercare supervision,
24 or action by the department or county department relating to a violation of a
25 condition of the juvenile's placement in a Type 2 ~~secured~~ juvenile correctional facility

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1 or a Type 2 child-caring institution residential care center for children and youth or
2 a condition of the juvenile's participation in the intensive supervision program under
3 s. 938.534.

4 (2) APPLICABILITY. The criteria for holding a juvenile in custody ~~specified in~~
5 under this section shall govern the decision of all persons responsible for determining
6 whether the action is appropriate.

7 **SECTION 190.** 938.207 (1) (title) of the statutes is created to read:

8 938.207 (1) (title) WHERE MAY BE HELD.

9 **SECTION 191.** 938.207 (1) (c), (cm) and (f) and (2) of the statutes are amended
10 to read:

11 938.207 (1) (c) A licensed foster home or a licensed treatment foster home
12 provided if the placement does not violate the conditions of the license.

13 (cm) A licensed group home ~~provided that~~ if the placement does not violate the
14 conditions of the license.

15 (f) The home of a person not a relative, ~~if the placement does not exceed 30 days,~~
16 ~~though the placement may be extended for an additional 30 days for cause by the~~
17 ~~court, and if the person has not had a foster home or treatment foster home license~~
18 ~~refused, revoked, or suspended within the last previous 2 years. Such a placement~~
19 ~~may not exceed 30 days, unless the placement is extended by the court for cause for~~
20 ~~an additional 30 days.~~

21 (2) PAYMENT. If a facility listed in sub. (1) (b) to (k) is used to hold juveniles a
22 juvenile in custody, or if supervisory services of a home detention program are
23 provided to juveniles a juvenile held under sub. (1) (a), ~~its authorized rate shall be~~
24 ~~paid by the county~~ shall pay the facility's authorized rate for the care of the juvenile.
25 If no authorized rate has been established, the court shall fix a reasonable sum to be

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1 ~~fixed by the court shall~~ be paid by the county for the supervision or care of the
2 juvenile.

3 **SECTION 192.** 938.208 (1) (intro.) and (2) of the statutes are amended to read:

4 938.208 (1) DELINQUENT ACT AND RISK OF HARM OR RUNNING AWAY. (intro.)
5 Probable cause exists to believe that the juvenile has committed a delinquent act and
6 either presents a substantial risk of physical harm to another person or a substantial
7 risk of running away so as to be unavailable for a court hearing, a revocation of
8 aftercare supervision hearing, or action by the department or county department
9 relating to a violation of a condition of the juvenile's placement in a Type 2 secured
10 juvenile correctional facility or a Type 2 ~~child caring institution~~ residential care
11 center for children and youth or a condition of the juvenile's participation in the
12 intensive supervision program under s. 938.534. For juveniles who have been
13 adjudged delinquent, the delinquent act referred to in this section may be the act for
14 which the juvenile was adjudged delinquent. If the intake worker determines that
15 any of the following conditions applies, the juvenile is considered to present a
16 substantial risk of physical harm to another person:

17 (2) RUNAWAY FROM ANOTHER STATE OR SECURE CUSTODY. Probable cause exists to
18 believe that the juvenile is a fugitive from another state or has run away from a
19 secured juvenile correctional facility, ~~a secured child caring institution~~ or a secured
20 ~~group home~~ residential care center for children and youth and there has been no
21 reasonable opportunity to return the juvenile.

22 **SECTION 193.** 938.208 (3), (4) and (5) of the statutes are amended to read:

23 938.208 (3) PROTECTIVE CUSTODY. The juvenile consents in writing to being held
24 in order to protect him or her from an imminent physical threat from another and
25 such secure custody is ordered by the judge court in a protective order.

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1 **(4) RUNAWAY FROM NONSECURE CUSTODY.** Probable cause exists to believe that the
2 juvenile, having been placed in nonsecure custody by an intake worker under s.
3 938.207 or by the ~~judge or circuit court commissioner~~ under s. 938.21 (4), has run
4 away or committed a delinquent act and no other suitable alternative exists.

5 **(5) RUNAWAY FROM ANOTHER COUNTY.** Probable cause exists to believe that the
6 juvenile has been adjudged or alleged to be delinquent and has run away from
7 another county and would run away from nonsecure custody pending his or her
8 return. A juvenile may be held in secure custody under this subsection for no more
9 than 24 hours after the end of the day that the decision to hold the juvenile was made
10 unless an extension of those 24 hours is ordered by the ~~judge~~ court for good cause
11 shown. Only one extension may be ordered ~~by the judge.~~

12 **SECTION 194.** 938.208 (6) (title) of the statutes is created to read:

13 938.208 **(6)** (title) SUBJECT TO JURISDICTION OF ADULT COURT.

14 **SECTION 195.** 938.209 (1) (title) of the statutes is created to read:

15 938.209 **(1)** (title) COUNTY JAIL.

16 **SECTION 196.** 938.209 (1) (a) 5. of the statutes is amended to read:

17 938.209 **(1)** (a) 5. The ~~judge~~ court reviews the status of the juvenile every 3 days.

18 **SECTION 197.** 938.209 (1) (b) of the statutes is amended to read:

19 938.209 **(1)** (b) The juvenile presents a substantial risk of physical harm to
20 other persons in the ~~secure~~ juvenile detention facility, as evidenced by previous acts
21 or attempts, which can only be avoided by transfer to the jail. The conditions of par.
22 (a) 1. to 5. shall be met. The juvenile shall be given a hearing and may be transferred
23 only upon a court order of ~~the judge.~~

24 **SECTION 198.** 938.209 (2m) (title) and (3) (title) of the statutes are created to
25 read:

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1 938.209 **(2m)** (title) MUNICIPAL LOCKUP.

2 **(3)** (title) JUVENILES UNDER ADULT COURT JURISDICTION.

3 **SECTION 199.** 938.21 (1) of the statutes is amended to read:

4 938.21 **(1)** HEARING; WHEN HELD. (a) If a juvenile who has been taken into
5 custody is not released under s. 938.20, a hearing to determine whether to continue
6 to hold the juvenile ~~shall continue to be held~~ in custody under the criteria of ss.
7 938.205 to 938.209 (1) shall be conducted ~~by the judge or circuit court commissioner~~
8 by the court within 24 hours after the end of the day ~~that~~ on which the decision to
9 hold the juvenile was made, excluding Saturdays, Sundays, and legal holidays. By
10 the time of the hearing a petition under s. 938.25 or a request for a change in
11 placement under s. 938.357, a request for a revision of the dispositional order under
12 s. 938.363, or a request for an extension of a dispositional order under s. 938.365 shall
13 be filed, except that no petition or request need be filed ~~where~~ if a juvenile is taken
14 into custody under s. 938.19 (1) (b) or (d) 2., 6., or 7. or ~~where~~ if the juvenile is a
15 runaway from another state, in which case a written statement of the reasons for
16 holding a juvenile in custody shall be substituted if the petition is not filed. If no
17 hearing has been held within 24 hours or if no petition, request, or statement has
18 been filed at the time of the hearing, the juvenile shall be released except as provided
19 in par. (b). ~~A parent not present at the hearing~~ The court shall be granted grant a
20 rehearing upon request of a parent not present at the hearing for good cause shown.

21 (b) If no petition or request has been filed by the time of the hearing, a juvenile
22 may be held in custody with the approval of the ~~judge or circuit court commissioner~~
23 court for an additional 48 hours from the time of the hearing only if, as a result of the
24 facts brought forth at the hearing, the ~~judge or circuit court commissioner~~ court
25 determines that probable cause exists to believe that the juvenile is an imminent

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1 danger to himself or herself or to others, or that probable cause exists to believe that
2 the parent, guardian, or legal custodian of the juvenile or other responsible adult is
3 neglecting, refusing, unable, or unavailable to provide adequate supervision and
4 care. The extension may be granted only once for any petition. ~~In the event of failure~~
5 ~~to file~~ If a petition or request is not filed within the 48-hour extension period
6 ~~provided for in~~ under this paragraph, the ~~judge or circuit court commissioner~~ court
7 shall order the juvenile's immediate release from custody.

NOTE: Modifies s. 938.21 (1) (a), stats., so that a request for a change in placement, a request for a revision of the dispositional order, or a request for an extension of a dispositional order may be filed instead of a delinquency or juvenile in need of protection or services (JIPS) petition.

8 **SECTION 200.** 938.21 (2) (b), (c) and (d) of the statutes are amended to read:

9 938.21 (2) (b) A copy of the petition or request shall be given to the juvenile at
10 or prior to the time of the hearing. Prior notice of the hearing shall be given to the
11 juvenile's parent, guardian, and legal custodian and to the juvenile ~~in accordance~~
12 ~~with~~ under s. 938.20 (8).

13 (c) Prior to the commencement of the hearing, the ~~juvenile shall be informed~~
14 ~~by the judge or circuit court commissioner~~ court shall inform the juvenile of the
15 allegations that have been or may be made, the nature and possible consequences of
16 this hearing as compared to possible future hearings, the provisions of s. 938.18 if
17 applicable, the right to counsel under s. 938.23 regardless of ability to pay if the
18 juvenile is not yet represented by counsel, the right to remain silent, the fact that the
19 silence may not be adversely considered by the ~~judge or circuit court commissioner~~
20 court, the right to confront and cross-examine witnesses, and the right to present
21 witnesses.

22 (d) If the juvenile is not represented by counsel at the hearing and the juvenile
23 is continued in custody as a result of the hearing, the juvenile may request through

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1 counsel subsequently appointed or retained or through a guardian ad litem that the
2 order to hold in custody be reheard. If the request is made, a rehearing shall take
3 place as soon as possible. ~~Whether or not counsel was present, any~~ An order to hold
4 the juvenile in custody shall be ~~subject to rehearing~~ reheard for good cause whether
5 or not counsel was present.

6 **SECTION 201.** 938.21 (3) (b), (d) and (e) of the statutes are amended to read:

7 938.21 **(3)** (b) If present at the hearing, a copy of the petition or request shall
8 be given to the parent, guardian, or legal custodian, and to the juvenile if he or she
9 is 12 years of age or older, before the hearing begins. Prior notice of the hearing shall
10 be given to the juvenile's parent, guardian, and legal custodian and to the juvenile
11 if he or she is 12 years of age or older ~~in accordance with~~ under s. 938.20 (8).

12 (d) Prior to the commencement of the hearing, the court shall inform the
13 parent, guardian, or legal custodian ~~shall be informed by the court~~ of the allegations
14 that have been made or may be made, the nature and possible consequences of this
15 hearing as compared to possible future hearings, the right to confront and
16 cross-examine witnesses, and the right to present witnesses.

17 (e) If the parent, guardian, or legal custodian or the juvenile is not represented
18 by counsel at the hearing and the juvenile is continued in custody as a result of the
19 hearing, the parent, guardian, legal custodian, or juvenile may request through
20 counsel subsequently appointed or retained or through a guardian ad litem that the
21 order to hold the juvenile in custody be reheard. If the request is made, a rehearing
22 shall take place as soon as possible. ~~Any~~ An order to hold the juvenile in custody shall
23 be ~~subject to rehearing~~ reheard for good cause, whether or not counsel was present.

24 **SECTION 202.** 938.21 (4) (intro.) of the statutes is amended to read:

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1 938.21 (4) ~~ORDER TO CONTINUE IN CUSTODY.~~ (intro.) If the ~~judge or circuit court~~
2 ~~commissioner~~ court finds that the juvenile should be continued in custody under the
3 criteria of s. 938.205, ~~he or she~~ the court shall enter one of the following orders:

4 **SECTION 203.** 938.21 (4) (a) and (4m) of the statutes are amended to read:

5 938.21 (4) (a) Place the juvenile with a parent, guardian, legal custodian, or
6 other responsible person and may impose reasonable restrictions on the juvenile's
7 travel, association with other persons, or places of abode during the period of
8 placement, including a condition requiring the juvenile to return to other custody as
9 requested; or subject the juvenile to the supervision of an agency agreeing to
10 supervise the juvenile. Reasonable restrictions may be placed upon the conduct of
11 the parent, guardian, legal custodian, or other responsible person which may be
12 necessary to ensure the safety of the juvenile.

13 **(4m)** ELECTRONIC MONITORING. ~~The judge or circuit court commissioner may~~
14 ~~include in an~~ An order under sub. (4) (a) or (b) may include a condition that the
15 juvenile be monitored by an electronic monitoring system.

16 **SECTION 204.** 938.21 (5) (b) 1. and 3. of the statutes are amended to read:

17 938.21 (5) (b) 1. A finding that continued placement of the juvenile in his or her
18 home would be contrary to the welfare of the juvenile. Unless the ~~judge or circuit~~
19 ~~court commissioner~~ court finds that any of the circumstances specified in s. 938.355
20 (2d) (b) 1. to 4. applies, the order shall in addition include a finding as to whether the
21 person who took the juvenile into custody and the intake worker have made
22 reasonable efforts to prevent the removal of the juvenile from the home, while
23 assuring that the juvenile's health and safety are the paramount concerns, and a
24 finding as to whether the person who took the juvenile into custody and the intake
25 worker have made reasonable efforts to make it possible for the juvenile to return

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1 safely home ~~or, if,~~ If for good cause shown sufficient information is not available for
2 the judge ~~or circuit court commissioner~~ court to make a finding as to whether those
3 reasonable efforts were made to prevent the removal of the juvenile from the home,
4 the order shall include a finding as to whether those reasonable efforts were made
5 to make it possible for the juvenile to return safely home and an order for the county
6 department or agency primarily responsible for providing services to the juvenile
7 under the custody order to file with the court sufficient information for the judge ~~or~~
8 ~~circuit court commissioner~~ court to make a finding as to whether those reasonable
9 efforts were made to prevent the removal of the juvenile from the home by no later
10 than 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of the
11 order.

12 3. If the judge ~~or circuit court commissioner~~ court finds that any of the
13 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
14 a determination that the county department or agency primarily responsible for
15 providing services under the custody order is not required to make reasonable efforts
16 with respect to the parent to make it possible for the juvenile to return safely to his
17 or her home.

NOTE: Revises s. 938.21 (5) (b) 1., stats., by specifying that the 5-day time limit in which to make a finding following the custody hearing as to whether reasonable efforts were made to prevent removal of the juvenile from the home excludes Saturdays, Sundays, and legal holidays.

18 **SECTION 205.** 938.21 (5) (c) and (d) 1. of the statutes are amended to read:

19 938.21 (5) (c) The judge ~~or circuit court commissioner~~ court shall make the
20 findings specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances
21 specific to the juvenile and shall document or reference the specific information on
22 which those findings are based in the custody order. A custody order that merely
23 references par. (b) 1. or 3. without documenting or referencing that specific

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1 information in the custody order or an amended custody order that retroactively
2 corrects an earlier custody order that does not comply with this paragraph is not
3 sufficient to comply with this paragraph.

4 (d) 1. If the ~~judge or circuit court commissioner~~ court finds that any of the
5 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
6 the ~~judge or circuit court commissioner~~ court shall hold a hearing within 30 days
7 after the date of that finding to determine the permanency plan for the juvenile. If
8 a hearing is held under this subdivision, the agency responsible for preparing the
9 permanency plan shall file the permanency plan with the court not less than 5 days
10 before the date of the hearing.

11 **SECTION 206.** 938.21 (6) of the statutes is amended to read:

12 938.21 (6) AMENDMENT OF ORDER. An order ~~placing a juvenile under sub. (4) (a)~~
13 ~~on conditions specified in this section may at any time be amended~~ at any time, with
14 notice, so as to ~~return~~ place the juvenile ~~to~~ in another form of custody for failure to
15 conform to the conditions originally imposed. A juvenile may be transferred to secure
16 custody if he or she meets the criteria of s. 938.208.

17 **SECTION 207.** 938.21 (7) of the statutes is amended to read:

18 938.21 (7) DEFERRED PROSECUTION. If the ~~judge or circuit court commissioner~~
19 court determines that the best interests of the juvenile and the public are served, ~~he~~
20 ~~or she~~ the court may enter a consent decree under s. 938.32 or ~~order~~ dismiss the
21 petition ~~dismissed~~ and refer the matter to the intake worker for deferred prosecution
22 in accordance with s. 938.245.

23 **SECTION 208.** 938.22 (title) of the statutes is amended to read:

24 **938.22 (title) Establishment of county or County and private juvenile**
25 **facilities.**

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1 **SECTION 209.** 938.22 (1) (title) of the statutes is created to read:

2 938.22 (1) (title) ESTABLISHMENT AND POLICIES.

3 **SECTION 210.** 938.22 (1) (a), (b) and (c) of the statutes are amended to read:

4 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of any
5 a county may establish a ~~secured group home or a secure juvenile~~ detention facility
6 in accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or
7 more counties may jointly establish a ~~secured group home or a secure juvenile~~
8 detention facility in accordance with ss. 46.20, 301.36, and 301.37. The county board
9 of supervisors of any a county may establish a shelter care facility in accordance with
10 ss. 46.16 and 46.17 or the county boards of supervisors for 2 or more counties may
11 jointly establish a shelter care facility in accordance with ss. 46.16, 46.17, and 46.20.
12 A private entity may establish a secure juvenile detention facility in accordance with
13 ss. 301.36 and 301.37 and contract with one or more county boards of supervisors
14 under s. 938.222 ~~for holding to hold~~ juveniles in the private secure juvenile detention
15 facility.

16 (b) Subject to sub. (3) (ar), in counties having a population of less than 500,000,
17 the nonjudicial operational policies of a public ~~secured group home, secure juvenile~~
18 detention facility or shelter care facility shall be determined by the county board of
19 supervisors or, in the case of a public ~~secured group home, secure juvenile~~ detention
20 facility or shelter care facility established by 2 or more counties, by the county boards
21 of supervisors for the 2 or more counties jointly. Those policies shall be executed by
22 the superintendent appointed under sub. (3) (a).

23 (c) In counties having a population of 500,000 or more, the nonjudicial
24 operational policies of a public ~~secured group home, secure juvenile~~ detention facility
25 and the detention section of the children's court center shall be established by the

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1 county board of supervisors, and the ~~execution thereof~~ policies shall be the
2 responsibility of ~~executed by~~ the director of the children's court center.

3 **SECTION 211.** 938.22 (2) (title) of the statutes is created to read:

4 938.22 (2) (title) PLANS AND REQUIREMENTS.

5 **SECTION 212.** 938.22 (2) (a) and (b) of the statutes are amended to read:

6 938.22 (2) (a) Counties shall submit plans for ~~the secured group home, secure~~
7 a juvenile detention facility or juvenile portion of the county jail to the department
8 of corrections and submit plans for ~~the a~~ shelter care facility to the department of
9 health and family services. A private entity that proposes to establish a secure
10 juvenile detention facility shall submit plans for the ~~secure detention~~ facility to the
11 department of corrections. The applicable department shall review the submitted
12 plans. A county or a private entity may not implement ~~any such~~ a plan unless the
13 applicable department has approved the plan. The department of corrections shall
14 promulgate rules establishing minimum requirements for the approval of ~~the~~ and
15 operation of ~~secured group homes, secure~~ juvenile detention facilities and the
16 juvenile portion of county jails. The plans and rules shall be designed to protect the
17 health, safety, and welfare of the juveniles placed in those facilities.

18 (b) If the department approves, a secure juvenile detention facility or a
19 holdover room may be ~~a part of~~ located in a public building in which there is a jail
20 or other facility for the detention of adults if the secure juvenile detention facility or
21 holdover room is ~~so~~ physically segregated from the jail or other facility so that
22 juveniles may enter the secure juvenile detention facility or holdover room ~~may be~~
23 entered without passing through areas where adults are confined and ~~that~~ juveniles
24 detained in the secure juvenile detention facility or holdover room cannot
25 communicate with or view adults confined ~~therein~~ in the jail or other facility.

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1 **SECTION 213.** 938.22 (3) of the statutes is amended to read:

2 938.22 (3) SUPERVISION OF FACILITY. (a) In counties having a population of less
3 than 500,000, public ~~secured group homes, secure~~ juvenile detention facilities and
4 public shelter care facilities shall be in the charge of a superintendent. The county
5 board of supervisors or, where 2 or more counties operate joint public ~~secured group~~
6 ~~homes, secure~~ juvenile detention facilities or shelter care facilities, the county boards
7 of supervisors for the 2 or more counties jointly shall appoint the superintendent and
8 other necessary personnel for the care and education of the juveniles placed in those
9 facilities, subject to par. (am) and to civil service regulations in counties having civil
10 service.

11 (am) If a ~~secure~~ juvenile detention facility or holdover room is part of a public
12 building in which there is a jail or other facility for the detention of adults, the sheriff
13 or other keeper of the jail or other facility for the detention of adults may nominate
14 persons ~~to be considered under par. (a)~~ for the position of superintendent of the
15 ~~secure~~ juvenile detention facility or holdover room. Nominees under this paragraph
16 shall have demonstrated administrative abilities and ~~a demonstrated~~ interest in ~~the~~
17 ~~problems of juvenile justice and the welfare of juveniles.~~

18 (ar) Notwithstanding sub. (1) (b), if a ~~secure~~ juvenile detention facility or
19 holdover room is ~~part of~~ located in a public building in which there is a jail or other
20 facility for the detention of adults, the sheriff or other keeper of the jail or other
21 facility for the detention of adults shall determine the security and emergency
22 response policies of that ~~secure~~ juvenile detention facility or holdover room ~~relating~~
23 ~~to security and emergency response and shall determine~~ the procedures for
24 implementing those policies.

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1 (b) In counties having a population of 500,000 or more, the director of the
2 children's court center shall be in charge of and responsible for public secured group
3 homes, secure juvenile detention facilities, the secure juvenile detention section of
4 the center, and the personnel assigned to this section, including a detention
5 supervisor or superintendent. The director of the children's court center may also
6 serve as superintendent of detention if the county board of supervisors so
7 determines.

8 (bm) A private secure juvenile detention facility shall be in the charge of a
9 superintendent appointed by the private entity operating the secure detention
10 facility.

11 (c) ~~All superintendents~~ A superintendent appointed under par. (a), (b), or (bm)
12 after May 1, 1992, shall, within one year after that appointment, successfully
13 complete an administrative training program approved or provided by the
14 department of justice.

15 **SECTION 214.** 938.22 (5) (title) and (7) (title) of the statutes are created to read:

16 938.22 (5) (title) COUNTY CONTRACTS WITH PRIVATE FACILITIES.

17 (7) (title) LICENSING OF SHELTER CARE FACILITIES.

18 **SECTION 215.** 938.22 (7) (a) and (b) of the statutes are amended to read:

19 938.22 (7) (a) No person may establish a shelter care facility without first
20 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
21 operate a shelter care facility, a person must meet the minimum requirements for a
22 license established by the department of health and family services under s. 48.67,
23 meet the requirements specified in s. 48.685, and pay the license fee under par. (b).
24 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until
25 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

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1 (b) Before the department of health and family services may issue a license
2 under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility ~~must~~
3 shall pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15 per
4 juvenile, based on the number of juveniles that the shelter care facility is licensed
5 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66
6 (1) (a) shall pay the fee ~~under this paragraph~~ by the continuation date of the license.
7 A new shelter care facility shall pay the fee ~~under this paragraph~~ by no later than
8 30 days before the opening of the shelter care facility.

9 **SECTION 216.** 938.222 (1) of the statutes is amended to read:

10 938.222 (1) USES OF FACILITIES. The county board of supervisors of ~~any a~~ county
11 may contract with a private entity that operates a secure juvenile detention facility
12 for the use of the ~~secure detention facility for the holding of to hold~~ juveniles who
13 meet the criteria under s. 48.208, 938.17 (1), 938.183 (1m) (a), or 938.208 or who are
14 subject to a disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s.
15 938.355 (6) (d) 1., or short-term detention under s. 938.355 (6d) or 938.534 (1).

16 **SECTION 217.** 938.222 (2) (title) of the statutes is created to read:

17 938.222 (2) (title) CONTRACT REQUIREMENTS.

18 **SECTION 218.** 938.222 (2) (a) 1. and 2. of the statutes are amended to read:

19 938.222 (2) (a) 1. That the private secure juvenile detention facility meet or
20 exceed the minimum requirements for the approval and operation of a secure
21 juvenile detention facility established by the department by ~~rules promulgated rule~~
22 under s. 938.22 (2) (a) and that the private secure juvenile detention facility be
23 approved by the department under s. 301.36.

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1 2. That the private ~~secure~~ juvenile detention facility provide educational
2 programming, health care, and other care that is equivalent to that which a juvenile
3 would receive ~~if held~~ in a public ~~secure~~ juvenile detention facility.

4 **SECTION 219.** 938.223 (1) (title) of the statutes is created to read:

5 938.223 (1) (title) USES OF FACILITIES.

6 **SECTION 220.** 938.223 (2) (title) of the statutes is created to read:

7 938.223 (2) (title) CONTRACT REQUIREMENTS.

8 **SECTION 221.** 938.223 (2) (a) 1. and 2. of the statutes are amended to read:

9 938.223 (2) (a) 1. That the Minnesota ~~secure~~ juvenile detention facility meet
10 or exceed the minimum requirements for the approval and operation of a Wisconsin
11 ~~secure~~ juvenile detention facility established by the department by ~~rules~~
12 ~~promulgated~~ rule under s. 938.22 (2) (a) and that the Minnesota ~~secure~~ juvenile
13 detention facility be approved by the department under s. 301.36.

14 2. That the Minnesota ~~secure~~ juvenile detention facility provide educational
15 programming, health care, and other care that is equivalent to that which a juvenile
16 would receive ~~if held~~ in a Wisconsin ~~secure~~ juvenile detention facility.

17 **SECTION 222.** 938.223 (3) of the statutes is amended to read:

18 938.223 (3) MINNESOTA JUVENILES IN WISCONSIN FACILITIES. The county board
19 of supervisors of ~~any a~~ county that operates a ~~secure~~ juvenile detention facility may
20 contract with one or more counties in Minnesota for the use of the ~~secure~~ juvenile
21 detention facility operated by the Wisconsin county for the holding of juveniles
22 transferred to that ~~secure~~ juvenile detention facility by the Minnesota county.

23 **SECTION 223.** 938.224 (1) of the statutes is amended to read:

24 938.224 (1) USES OF FACILITIES. The county board of supervisors of ~~any a~~ county
25 may contract with the department for the use of a ~~secured~~ juvenile correctional

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1 facility operated by the department for the holding of juveniles who meet the criteria
2 under s. 48.208, 938.17 (1), 938.183 (1m) (a), or 938.208 or who are subject to a
3 disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355 (6) (d)
4 1., or short-term detention under s. 938.355 (6d) or 938.534 (1).

5 **SECTION 224.** 938.224 (2) (title), (3) (title) and (4) (title) of the statutes are
6 created to read:

7 938.224 (2) (title) CONTRACT REQUIREMENTS.

8 (3) (title) ADDITIONAL REQUIREMENTS.

9 (4) (title) SUPERVISION AND CONTROL OF JUVENILES.

10 **SECTION 225.** 938.23 (1g) and (1m) (a), (am) and (b) 2. of the statutes are
11 amended to read:

12 938.23 (1g) DEFINITION. In this section, "counsel" means an attorney acting as
13 adversary counsel who.

14 (1j) DUTIES OF COUNSEL. Counsel shall advance and protect the legal rights of
15 the party represented, and who. Counsel may not act as guardian ad litem for any
16 party in the same proceeding.

17 (1m) (a) Any A juvenile alleged to be delinquent under s. 938.12 or held in a
18 secure juvenile detention facility shall be represented by counsel at all stages of the
19 proceedings, but a. A juvenile 15 years of age or older may waive counsel if the court
20 is satisfied that the waiver is knowingly and voluntarily made and the court accepts
21 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured
22 juvenile correctional facility, a secured child caring institution or a secured group
23 home residential care center for children and youth, transfer supervision of the
24 juvenile to the department for participation in the serious juvenile offender program,
25 or transfer jurisdiction over the juvenile to adult court.

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1 (am) A juvenile subject to a sanction under s. 938.355 (6) (a) ~~shall be~~ is entitled
2 to representation by counsel at the hearing under s. 938.355 (6) (c).

3 (b) 2. If the petition is contested, the court may not place the juvenile outside
4 his or her home unless the juvenile is represented by counsel at the fact-finding
5 hearing and subsequent proceedings. If the petition is not contested, the court may
6 not place the juvenile outside his or her home unless the juvenile is represented by
7 counsel at the hearing at which the placement is made. For a juvenile under 12 years
8 of age, the judge court may appoint a guardian ad litem instead of counsel.

9 **SECTION 226.** 938.23 (3), (4) and (5) of the statutes are amended to read:

10 938.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings~~
11 ~~under s. 938.13 as provided in this subsection,~~ at any time, upon request or on its own
12 motion, the court may appoint counsel for the juvenile or any party, unless the
13 juvenile or the party has or wishes to retain counsel of his or her own choosing. The
14 court may not appoint counsel for any party other than the juvenile in a proceeding
15 under s. 938.13.

16 (4) PROVIDING COUNSEL. ~~In any situation under this section in which~~ If a
17 juvenile has a right to be represented by counsel or is provided counsel at the
18 discretion of the court under this section and counsel is not knowingly and
19 voluntarily waived, the court shall refer the juvenile to the state public defender and
20 counsel shall be appointed by the state public defender under s. 977.08 without a
21 determination of indigency. In any other situation under this section in which a
22 person has a right to be represented by counsel or is provided counsel at the
23 discretion of the court, competent and independent counsel shall be provided and
24 reimbursed in any manner suitable to the court regardless of the person's ability to
25 pay, except that the court may not order a person who files a petition under s. 813.122

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1 or 813.125 to reimburse counsel for the juvenile who is named as the respondent in
2 that petition.

3 **(5) COUNSEL OF OWN CHOOSING.** ~~Regardless of any provision of this section~~
4 Notwithstanding subs. (3) and (4), any party is entitled to retain counsel of his or her
5 own choosing at his or her own expense in any proceeding under this chapter.

6 **SECTION 227.** 938.235 (3) (a) and (b) (intro.) of the statutes are amended to read:

7 938.235 **(3)** (a) The guardian ad litem shall be an advocate for the best interests
8 of the person for whom the appointment is made. The guardian ad litem shall
9 function independently, in the same manner as an attorney for a party to the action,
10 and shall consider, but shall not be bound by, the wishes of ~~such~~ the person or the
11 positions of others as to the best interests of ~~such~~ the person. If the guardian ad litem
12 determines that the best interests of the person are substantially inconsistent with
13 the person's wishes of ~~such person~~, the guardian ad litem shall so inform the court
14 and the court may appoint counsel to represent ~~that~~ the person. The guardian ad
15 litem has none of the rights or duties of a general guardian.

16 (b) (intro.) In addition to any other duties and responsibilities ~~required~~ of a
17 guardian ad litem, a guardian ad litem appointed for a juvenile who is the subject
18 of a proceeding under s. 938.13 shall do all of the following:

19 **SECTION 228.** 938.235 (7) and (8) (b) of the statutes are amended to read:

20 938.235 **(7) TERMINATION AND EXTENSION OF APPOINTMENT.** The appointment of
21 a guardian ad litem under sub. (1) terminates upon the entry of the court's final order
22 or upon the termination of any appeal in which the guardian ad litem participates.
23 The guardian ad litem may appeal, ~~may~~ participate in an appeal, ~~or may~~ do neither.
24 If an appeal is taken by any party and the guardian ad litem chooses not to
25 participate in ~~that~~ the appeal, he or she shall file with the appellate court a statement

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1 of reasons for not participating. Irrespective of the guardian ad litem's decision not
2 to participate in an appeal, the appellate court may order the guardian ad litem to
3 participate in the appeal. At any time, the guardian ad litem, any party, or the person
4 for whom the appointment is made may request in writing or on the record that the
5 court extend or terminate the appointment or reappointment. The court may extend
6 that appointment, or reappoint a guardian ad litem appointed under this section,
7 after the entry of the final order or after the termination of the appeal, but the court
8 shall specifically state the scope of the responsibilities of the guardian ad litem
9 during the period of ~~that~~ the extension or reappointment.

10 (8) (b) The court may order either or both of the parents of a juvenile for whom
11 a guardian ad litem is appointed under this chapter to pay all or any part of the
12 compensation of the guardian ad litem. ~~In addition, upon~~ Upon motion by the
13 guardian ad litem, the court may order either or both of the parents of the juvenile
14 to pay the fee for an expert witness used by the guardian ad litem, if the guardian
15 ad litem shows that the use of the expert is necessary to assist the guardian ad litem
16 in performing his or her functions or duties under this chapter. If one or both of the
17 parents are indigent or if the court determines that it would be unfair to a parent to
18 require him or her to pay, the court may order the county of venue to pay the
19 compensation and fees, in whole or in part. If the court orders the county of venue
20 to pay ~~because a parent is indigent~~, the court may also order either or both of the
21 parents to reimburse the county, in whole or in part, for the payment.

22 **SECTION 229.** 938.237 (1) (title), (2) (title) and (3) (title) of the statutes are
23 created to read:

24 938.237 (1) (title) CITATION FORM.

25 (2) (title) PROCEDURES.

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1 **(3)** (title) DISPOSITION.

2 **SECTION 230.** 938.24 (1) of the statutes is amended to read:

3 938.24 **(1)** REFERRAL OF INFORMATION TO INTAKE WORKER; INQUIRY. Except when
4 a citation has been issued under s. 938.17 (2), information indicating that a juvenile
5 should be referred to the court as delinquent, in need of protection or services, or in
6 violation of a civil law or a county, town, or municipal ordinance shall be referred to
7 ~~the an~~ intake worker, ~~who.~~ The intake worker shall conduct an intake inquiry on
8 behalf of the court to determine whether the available facts establish prima facie
9 jurisdiction and to determine the best interests of the juvenile and of the public with
10 regard to any action to be taken.

11 **SECTION 231.** 938.24 (1m) (title) of the statutes is created to read:

12 938.24 **(1m)** (title) COUNSELING.

13 **SECTION 232.** 938.24 (2) and (2m) of the statutes are amended to read:

14 938.24 **(2)** MULTIDISCIPLINARY SCREENS; INTAKE CONFERENCES. (a) As part of the
15 intake inquiry the intake worker, after providing notice to the juvenile, parent,
16 guardian, and legal custodian, may conduct multidisciplinary screens and intake
17 conferences ~~with notice to the juvenile, parent, guardian and legal custodian.~~ If sub.
18 (2m) applies and if the juvenile has not refused to participate under par. (b), the
19 intake worker shall conduct a multidisciplinary screen under s. 938.547 ~~if the~~
20 ~~juvenile has not refused to participate under par. (b).~~

21 (b) No juvenile or other person may be compelled by an intake worker to appear
22 at any conference, participate in a multidisciplinary screen, produce any papers, or
23 visit any place ~~by an intake worker.~~

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1 **(2m)** MULTIDISCIPLINARY SCREEN; PILOT PROGRAM. (a) In counties that have a
2 pilot program under s. 938.547, a multidisciplinary screen shall be conducted for a
3 juvenile who is or does any of the following:

4 1. ~~Any juvenile alleged~~ Alleged to have committed a violation specified under
5 ch. 961.

6 2. ~~Any juvenile alleged~~ Alleged to be delinquent or in need of protection and
7 services ~~who and~~ has at least 2 prior adjudications for a violation of s. 125.07 (4) (a)
8 or (b), 125.085 (3) (b), or 125.09 (2) or a local ordinance that strictly conforms to any
9 of those sections.

10 3. ~~Any juvenile alleged~~ Alleged to have committed any offense ~~which that~~
11 appears to the intake worker to be directly motivated by the juvenile's need to
12 purchase or otherwise obtain alcohol beverages, controlled substances, or controlled
13 substance analogs.

14 4. ~~Any juvenile~~ Twelve years of age or older ~~who and~~ requests and consents
15 to a multidisciplinary screen.

16 5. ~~Any juvenile who consents~~ Consents to a multidisciplinary screen requested
17 by his or her parents.

18 (b) The multidisciplinary screen may be conducted by an intake worker for any
19 reason other than those specified ~~in the criteria under~~ in par. (a).

20 **SECTION 233.** 938.24 (2r) (title) and (3) (title) of the statutes are created to read:

21 938.24 **(2r)** (title) AMERICAN INDIAN JUVENILE; NOTIFICATION OF TRIBAL COURT.

22 **(3)** (title) REQUEST FOR PETITION.

23 **SECTION 234.** 938.24 (4) and (5) of the statutes are amended to read:

24 938.24 **(4)** DEFERRED PROSECUTION AGREEMENT OR CASE CLOSURE. If the intake
25 worker determines as a result of the intake inquiry that the case should be subject

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1 to a deferred prosecution agreement, or should be closed, the intake worker shall so
2 proceed. If a petition has been filed, a deferred prosecution agreement may not be
3 entered into or a case may not be closed unless the petition is withdrawn by the
4 district attorney, corporation counsel or other official specified in s. 938.09, or is
5 dismissed by the judge court.

6 **(5) REQUEST FOR PETITION, DEFERRED PROSECUTION, OR CASE CLOSURE; TIME**
7 **PERIODS.** The intake worker shall request that a petition be filed, enter into a deferred
8 prosecution agreement, or close the case within 40 days ~~or sooner~~ of receipt of referral
9 information. Before entering into a deferred prosecution agreement, the intake
10 worker shall comply with s. 938.245 (1m), if applicable. If the case is closed or a
11 deferred prosecution agreement is entered into, the district attorney, corporation
12 counsel, or other official under s. 938.09 shall receive written notice of such that
13 action. If the case is closed, the known victims of the juvenile's alleged act shall
14 receive notice as provided under sub. (5m), if applicable. A notice of deferred
15 prosecution of an alleged delinquency case shall include a summary of the facts
16 surrounding the allegation and a list of the juvenile's prior intake referrals and
17 dispositions. If a law enforcement officer has made a recommendation concerning
18 the juvenile, the intake worker shall forward ~~this~~ the recommendation to the district
19 attorney under s. 938.09. Notwithstanding the requirements of this section, the
20 district attorney may initiate a delinquency petition under s. 938.25 within 20 days
21 after notice that the case has been closed or that a deferred prosecution agreement
22 has been entered into. The judge court shall grant appropriate relief as provided in
23 s. 938.315 (3) with respect to any such petition ~~which~~ that is not referred or filed
24 within the time limits specified ~~within~~ in this subsection. Failure to object ~~if~~ to the

ASSEMBLY BILL 443**SECTION 234**

1 fact that a petition is not referred or filed within a time limit specified in this
2 subsection waives that time limit.

3 **SECTION 235.** 938.24 (5m) (title) of the statutes is created to read:

4 938.24 (5m) (title) CASE CLOSURE; INFORMATION TO VICTIMS.

5 **SECTION 236.** 938.24 (6) and (7) of the statutes are amended to read:

6 938.24 (6) WRITTEN POLICIES. The intake worker shall perform his or her
7 responsibilities under this section under general written policies ~~which the judge~~
8 ~~shall promulgate~~ promulgated under s. 938.06 (1) or (2).

9 (7) NO INTAKE INQUIRY OR REVIEW FOR CITATIONS. If a citation is issued to a
10 juvenile, the citation ~~shall~~ is not be the subject of ~~an intake to an~~ inquiry or a review
11 by an intake worker for the purpose of recommending deferred prosecution.

12 **SECTION 237.** 938.243 (1) (intro.), (am), (c) and (h) of the statutes are amended
13 to read:

14 938.243 (1) INFORMATION TO JUVENILE AND PARENTS; BASIC RIGHTS. (intro.) Before
15 conferring with the parent or juvenile during the intake inquiry, the intake worker
16 shall personally inform a juvenile alleged to have committed a delinquent act, ~~and~~
17 ~~parents and juveniles~~ a juvenile 10 years of age or ~~over~~ older who ~~are~~ is the focus of
18 an inquiry regarding the need for protection or services under s. 938.13 (4), (6), (6m),
19 or (7), and the parents of those juveniles of all of the following:

20 (am) What allegations ~~could~~ may be in the petition to the court.

21 (c) The right to remain silent ~~and,~~ the fact that in a delinquency proceeding the
22 silence of the juvenile ~~shall~~ is not to be adversely considered by the court ~~although,~~
23 and the fact that in a nondelinquency proceeding the silence of any party may be
24 relevant in ~~any nondelinquency~~ the proceeding.

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1 (h) The right to have the allegations of the petition proved by clear and
2 convincing evidence unless the juvenile ~~comes~~ is within the court's jurisdiction under
3 s. 938.12 or 938.13 (12), in which case the standard of proof ~~shall be~~ is beyond a
4 reasonable doubt.

5 **SECTION 238.** 938.243 (1m) of the statutes is renumbered 938.243 (1m) (intro.)
6 and amended to read:

7 **938.243 (1m) DISCLOSURE OF INFORMATION FOR USE IN CIVIL DAMAGES ACTION.**
8 (intro.) If the juvenile who is the subject of the intake inquiry is alleged to have
9 committed an act ~~which~~ that resulted in personal injury or damage to or loss of the
10 property of another, the intake worker shall inform the juvenile's parents in writing
11 of ~~the~~ all of the following:

12 (a) The possibility of disclosure of the identity of the juvenile and the parents,
13 of the juvenile's police records, and of the outcome of proceedings against the juvenile
14 for use in civil actions for damages against the juvenile or the parents ~~and of the,~~

15 (b) The parents' potential liability for acts of their juveniles.

16 **SECTION 239.** 938.243 (3) of the statutes is amended to read:

17 **938.243 (3) INFORMATION WHEN JUVENILE NOT AT INTAKE CONFERENCE OR HAS NOT**
18 **HAD CUSTODY HEARING.** If the juvenile has not had a hearing under s. 938.21 and was
19 not present at an intake conference under s. 938.24, the intake worker shall ~~inform~~
20 notify the juvenile, parent, guardian, and legal custodian as appropriate of their
21 basic rights under this section. ~~This~~ The notice shall be given verbally, either in
22 person or by telephone, and in writing. ~~This~~ The notice shall be given ~~so as in~~
23 sufficient time to allow the juvenile, parent, guardian, or legal custodian ~~sufficient~~
24 ~~time~~ to prepare for the plea hearing. This subsection does not apply to cases of
25 deferred prosecution under s. 938.245.

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1 **SECTION 240.** 938.243 (4) (title) of the statutes is created to read:

2 938.243 (4) (title) APPLICABILITY.

3 **SECTION 241.** 938.245 (1) of the statutes is renumbered 938.245 (1) (intro.) and
4 is amended to read:

5 938.245 (1) WHEN AVAILABLE. (intro.) The An intake worker may enter into a
6 written deferred prosecution agreement with all parties as provided in this section
7 if ~~the~~ all of the following apply:

8 (a) The intake worker has determined that neither the interests of the juvenile
9 nor of the public require filing of a petition for circumstances relating to s. 938.12,
10 938.125, 938.13, or 938.14. ~~Deferred prosecution shall be available only if the~~

11 (b) The facts persuade the intake worker that the jurisdiction of the court, if
12 sought, would exist ~~and upon consent of the.~~

13 (c) The juvenile, parent, guardian and legal custodian consent.

14 **SECTION 242.** 938.245 (1m) of the statutes is amended to read:

15 938.245 (1m) VICTIMS; RIGHT TO CONFER WITH INTAKE WORKER. If a juvenile is
16 alleged to be delinquent under s. 938.12 or to be in need of protection or services
17 under s. 938.13 (12), an intake worker shall, as soon as practicable but ~~in any event~~
18 before entering into a deferred prosecution agreement under sub. (1), offer all of the
19 victims of the juvenile's alleged act who have so requested ~~the opportunity~~ an
20 opportunity to confer with the intake worker concerning the proposed deferred
21 prosecution agreement. The duty to offer an opportunity to confer under this
22 subsection does not limit the obligation of the intake worker to perform his or her
23 responsibilities under this section.

24 **SECTION 243.** 938.245 (2) (title) of the statutes is created to read:

25 938.245 (2) (title) CONTENTS OF AGREEMENT.

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1 **SECTION 244.** 938.245 (2) (a) (title) of the statutes is created to read:

2 938.245 (2) (a) (title) *Specific conditions.*

3 **SECTION 245.** 938.245 (2) (a) 1. (title) of the statutes is created to read:

4 938.245 (2) (a) 1. (title) 'Counseling.'

5 **SECTION 246.** 938.245 (2) (a) 2., 3. and 4. of the statutes are amended to read:

6 938.245 (2) (a) 2. 'Compliance with obligations.' That the juvenile and a parent,
7 guardian ~~and,~~ or legal custodian abide by such obligations, including supervision,
8 curfews, and school attendance requirements, as will tend to ensure the juvenile's
9 rehabilitation, protection, or care.

10 3. 'Alcohol and other drug abuse assessment.' That the juvenile submit to an
11 alcohol and other drug abuse assessment that ~~conforms to~~ meets the criteria
12 ~~specified~~ under s. 938.547 (4) and that is conducted by an approved treatment facility
13 for an examination of the juvenile's use of alcohol beverages, controlled substances,
14 or controlled substance analogs and any medical, personal, family, or social effects
15 caused by its use, if the multidisciplinary screen ~~conducted~~ under s. 938.24 (2) shows
16 that the juvenile is at risk of having needs and problems related to the use of alcohol
17 beverages, controlled substances, or controlled substance analogs and its medical,
18 personal, family, or social effects.

19 4. 'Alcohol and other drug abuse treatment and education.' That the juvenile
20 participate in an alcohol and other drug abuse outpatient treatment program, a
21 court-approved pupil assistance program provided by the juvenile's school board, or
22 a court-approved alcohol or other drug abuse education program, if an alcohol and
23 other drug abuse assessment ~~conducted~~ under subd. 3. recommends outpatient
24 treatment, intervention, or education. The juvenile's participation in a

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1 court-approved pupil assistance program ~~under this subdivision~~ is subject to the
2 approval of the juvenile's school board.

3 **SECTION 247.** 938.245 (2) (a) 5. (title) of the statutes is created to read:

4 938.245 (2) (a) 5. (title) 'Restitution.'

5 **SECTION 248.** 938.245 (2) (a) 5. a., am. and c. of the statutes are amended to
6 read:

7 938.245 (2) (a) 5. a. That the juvenile participate in a restitution project if the
8 act for which the ~~deferred prosecution~~ agreement is being entered into ~~has~~ resulted
9 in damage to the property of another, or in actual physical injury to another
10 excluding pain and suffering. Subject to subd. 5. c., the ~~deferred prosecution~~
11 agreement may require the juvenile to repair the damage to property or to make
12 reasonable restitution for the damage or injury, either in the form of cash payments
13 or, if the victim agrees, the performance of services for the victim, or both, if the
14 intake worker, after taking into consideration the well-being and needs of the victim,
15 considers it beneficial to the well-being and behavior of the juvenile. ~~Any such~~
16 ~~deferred prosecution~~ The agreement shall include a determination that the juvenile
17 alone is financially able to pay or physically able to perform the services, may allow
18 up to the date of the expiration of the ~~deferred prosecution~~ agreement for the
19 payment or for the completion of the services, and may include a schedule for the
20 performance and completion of the services. Any recovery under this subd. 5. a. shall
21 be reduced by the amount recovered as ~~restitution~~ for the same act under subd. 5.
22 am.

23 am. That the parent who has custody, as defined in s. 895.035 (1), of the juvenile
24 make reasonable restitution for any damage to the property of another, or for any
25 actual physical injury to another excluding pain and suffering, resulting from the act

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1 for which the ~~deferred prosecution~~ agreement is being entered into. Except for
2 recovery for retail theft under s. 943.51, the maximum amount of any restitution
3 ordered under this subd. 5. am. for damage or injury resulting from any one act of
4 a juvenile or from the same act committed by 2 or more juveniles in the custody of
5 the same parent may not exceed \$5,000. Any order under this subd. 5. am. shall
6 include a finding that the parent ~~who has custody of the juvenile~~ is financially able
7 to pay the amount ordered and may allow up to the date of the expiration of the
8 ~~deferred prosecution~~ agreement for the payment. Any recovery under this subd. 5.
9 am. shall be reduced by the amount recovered as ~~restitution~~ for the same act under
10 subd. 5. a.

11 c. Under An agreement under this subdivision, ~~a deferred prosecution~~
12 ~~agreement~~ may ~~not~~ require a juvenile who is under 14 years of age to make not more
13 than \$250 in restitution or to perform not more than 40 total hours of services for the
14 victim as total restitution.

NOTE: Revises s. 948.245 (2) (a) 5. c., stats., to clarify that the maximum amount
of restitution in terms of monetary amount or services applies to all of the damage or
injuries from the act (or acts) that are the basis for the deferred prosecution agreement
(i.e., the amount does not apply per charge or per petition, but is the total amount that
can be required under the agreement).

The same change is made in ss. 938.32 (1t) (a) 3. and 938.34 (5) (c), stats.

15 **SECTION 249.** 938.245 (2) (a) 6. (title) of the statutes is created to read:

16 938.245 (2) (a) 6. (title) 'Supervised work program.'

17 **SECTION 250.** 938.245 (2) (a) 7. of the statutes is amended to read:

18 938.245 (2) (a) 7. Volunteers in probation. That the juvenile be placed with
19 a volunteers in probation program under ~~such~~ conditions as the intake worker
20 determines are reasonable and appropriate, if the juvenile is alleged to have
21 committed an act that would constitute a misdemeanor if committed by an adult, if
22 the chief judge of the judicial administrative district has approved under s. 973.11

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1 (2) a volunteers in probation program established in the juvenile's county of
2 residence, and if the intake worker determines that volunteer supervision under
3 that ~~volunteers in probation~~ program will likely benefit the juvenile and the
4 community. The conditions ~~that the~~ an intake worker may establish under this
5 subdivision may include, ~~but need not be limited to~~, a request to a volunteer to
6 ~~provide~~ be a role model for the juvenile ~~a role model~~, informal counseling, general
7 monitoring ~~and~~, monitoring of the conditions established by the intake worker, or
8 any combination of these functions, and any other deferred prosecution condition
9 that the intake worker may establish under this paragraph.

10 **SECTION 251.** 938.245 (2) (a) 8. (title) of the statutes is created to read:

11 938.245 (2) (a) 8. (title) 'Teen court program.'

12 **SECTION 252.** 938.245 (2) (a) 8. c. of the statutes is amended to read:

13 938.245 (2) (a) 8. c. The juvenile admits to the intake worker, ~~with~~ in the
14 presence of the juvenile's parent, guardian, or legal custodian ~~present~~, that the
15 juvenile committed the alleged delinquent act or civil law or ordinance violation.

16 **SECTION 253.** 938.245 (2) (a) 9m. (title), (b) (title) and (c) (title) of the statutes
17 are created to read:

18 938.245 (2) (a) 9m. (title) 'Youth report center.'

19 (b) (title) *No out-of-home placement; term of agreement.*

20 (c) (title) *Alcohol or other drug abuse treatment; informed consent.*

21 **SECTION 254.** 938.245 (2g) to (4) of the statutes are amended to read:

22 938.245 (2g) GRAFFITI VIOLATION. If the deferred prosecution agreement is
23 based on an allegation that the juvenile violated s. 943.017 and the juvenile has
24 attained ~~the minimum age at which a juvenile may be adjudicated delinquent~~ 10
25 years of age, the ~~deferred prosecution~~ agreement may require that the juvenile

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1 participate for not less than 10 hours nor more than 100 hours in a supervised work
2 program under s. 938.34 (5g) or perform not less than 10 hours nor more than 100
3 hours of other community service work, except that if the juvenile has not attained
4 14 years of age the maximum number of hours is 40.

5 **(2v)** HABITUAL TRUANCY VIOLATION. If the deferred prosecution agreement is
6 based on an allegation that the juvenile has violated a municipal ordinance enacted
7 under s. 118.163 (2), the ~~deferred prosecution~~ agreement may require that the
8 juvenile's parent, guardian, or legal custodian attend school with the juvenile.

9 **(3)** OBLIGATIONS IN WRITING. The obligations imposed under a deferred
10 prosecution agreement and its effective date shall be set forth in writing. The intake
11 worker shall provide a copy of the agreement and order to the juvenile and a, to the
12 juvenile's parent, guardian, and legal custodian shall receive a copy of the agreement
13 and order, as shall, and to any agency providing services under the agreement.

14 **(4)** RIGHT TO TERMINATE OR OBJECT TO AGREEMENT. The intake worker shall
15 inform the juvenile and the juvenile's parent, guardian, and legal custodian in
16 writing of their right to terminate the deferred prosecution agreement at any time
17 or to object at any time to the fact or terms of the ~~deferred prosecution~~ agreement.
18 If there is an objection arises, the intake worker may alter the terms of the agreement
19 or request the district attorney or corporation counsel to file a petition. If the
20 ~~deferred prosecution~~ agreement is terminated the intake worker may request the
21 district attorney or corporation counsel to file a petition.

22 **SECTION 255.** 938.245 (5) (title) of the statutes is created to read:

23 938.245 **(5)** (title) TERMINATION UPON REQUEST.

24 **SECTION 256.** 938.245 (6) to (9) of the statutes are amended to read:

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1 938.245 (6) TERMINATION IF DELINQUENCY PETITION FILED. A deferred prosecution
2 agreement arising out of an alleged delinquent act is terminated if the district
3 attorney files a delinquency petition within 20 days after receipt of notice of the
4 deferred prosecution agreement under s. 938.24 (5). ~~In such case~~ If a petition is filed,
5 statements made to the intake worker during the intake inquiry are inadmissible.

6 (7) CANCELLATION BY INTAKE WORKER. (a) If at any time during the period of a
7 deferred prosecution agreement the intake worker determines that the obligations
8 imposed under it are not being met, the intake worker may cancel the deferred
9 prosecution agreement. Within 10 days after the cancellation of the deferred
10 prosecution agreement is cancelled, the intake worker shall notify the district
11 attorney, corporation counsel, or other official under s. 938.09 of the cancellation and
12 may request that a petition be filed. In delinquency cases, the district attorney may
13 initiate a petition within 20 days after the date of the notice regardless of whether
14 the intake worker has requested that a petition be filed. The judge court shall grant
15 appropriate relief as provided in s. 938.315 (3) with respect to any petition ~~which~~ that
16 is not filed within the time limit specified in this ~~subsection~~ paragraph. Failure to
17 object if a petition is not filed within the time limit specified in this ~~subsection~~
18 paragraph waives that time limit.

19 (b) In addition to the action taken under par. (a), if the intake worker cancels
20 a deferred prosecution agreement based on a determination that the juvenile's
21 parent, guardian, or legal custodian is not meeting the obligations imposed under the
22 agreement, the intake worker shall request the district attorney, corporation
23 counsel, or other official under s. 938.09 to file a petition requesting the court to order
24 the juvenile's parent, guardian, or legal custodian to show good cause for not meeting
25 the obligations ~~imposed under the agreement.~~ ~~If the district attorney, corporation~~

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1 ~~counsel or other official under s. 938.09 files.~~ If a petition under this paragraph is
2 filed and if the court finds prosecutive merit for the petition, the court shall grant an
3 order directing the parent, guardian, or legal custodian to show good cause, at a time
4 and place fixed by the court, for not meeting the obligations ~~imposed under the~~
5 ~~agreement.~~ If the parent, guardian or legal custodian does not show good cause ~~for~~
6 ~~not meeting the obligations imposed under the agreement,~~ the court may impose a
7 forfeiture not to exceed \$1,000.

8 (8) WHEN OBLIGATIONS MET. If the obligations imposed under the deferred
9 prosecution agreement are met, the intake worker shall so inform the juvenile and
10 a parent, guardian, and legal custodian in writing, ~~and no.~~ No petition may be filed
11 or citation issued on the charges that brought about the ~~deferred prosecution~~
12 ~~agreement nor may~~ and the charges may not be the sole basis for a petition under
13 s. 48.13, 48.133, 48.14, 938.13, or 938.14.

14 (9) WRITTEN POLICIES. The intake worker shall perform his or her
15 responsibilities under this section under general written policies ~~which the judge~~
16 ~~shall promulgate~~ promulgated under s. 938.06 (1) or (2).

17 **SECTION 257.** 938.25 (1) to (2m) of the statutes are amended to read:

18 938.25 (1) REQUIREMENTS; WHO MAY FILE. A petition initiating proceedings
19 under this chapter shall be signed by a person who has knowledge of the facts alleged
20 or is informed of them and believes them to be true. ~~If~~ The district attorney shall
21 prepare, sign, and file a petition under s. 938.12 ~~is to be filed,~~ it shall be prepared,
22 ~~signed and filed by the district attorney.~~ The district attorney, corporation counsel,
23 or other appropriate official specified under s. 938.09 may file ~~the~~ a petition ~~if the~~
24 ~~proceeding is~~ under s. 938.125 or 938.13. The counsel or guardian ad litem for a
25 parent, relative, guardian, or juvenile may file a petition under s. 938.13 or 938.14.

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1 The district attorney, corporation counsel or other appropriate person designated by
2 the court may initiate proceedings under s. 938.14 in a manner specified by the court.

3 (2) TIME LIMITS; REFERRAL BACK. (a) The district attorney, corporation counsel,
4 or other appropriate official shall file the petition, close the case, or refer the case
5 back to intake or, with notice to intake, the law enforcement agency investigating the
6 case within 20 days after the date that the intake worker's request was filed. A
7 referral back to intake or to the law enforcement agency investigating the case may
8 be made only when the district attorney, corporation counsel, or other appropriate
9 official decides not to file a petition or determines that further investigation is
10 necessary. If the case is referred back to intake upon a decision not to file a petition,
11 the intake worker shall close the case or enter into a deferred prosecution agreement
12 within 20 days after the date of the referral. If the case is referred back to intake or
13 to the law enforcement agency investigating the case for further investigation, the
14 appropriate agency or person shall complete the investigation within 20 days after
15 the date of the referral. If another referral is made to the district attorney,
16 corporation counsel, or other appropriate official by intake or by the law enforcement
17 agency investigating the case, it shall be considered a new referral to which the time
18 limits of this subsection shall apply. The time limits in this subsection may only be
19 extended by a judge court upon a showing of good cause under s. 938.315. If a petition
20 is not filed within the time ~~limitations set forth~~ limits in this subsection and the court
21 has not granted an extension, the petition shall be accompanied by a statement of
22 reasons for the delay. The court shall grant appropriate relief as provided in s.
23 938.315 (3) with respect to a petition ~~which~~ that is not filed within the time limits
24 specified in this paragraph. Failure to object if a petition is not filed within the time
25 limits ~~specified~~ in this paragraph waives those time limits.

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1 (b) In delinquency cases ~~where~~ in which there has been a case closure or
2 deferred prosecution agreement, the petition shall be filed within 20 days of after
3 receipt of the notice of the closure or ~~deferred prosecution~~ agreement. Failure to file
4 within those 20 days invalidates the petition and affirms the case closure or ~~deferred~~
5 ~~prosecution~~ agreement, except that the court shall grant appropriate relief as
6 provided in s. 938.315 (3) with respect to a petition that is not filed within the time
7 limit ~~specified~~ in this paragraph and that failure to object if a petition is not filed
8 within the time limit ~~specified~~ in this paragraph waives that time limit. If a petition
9 is filed within those 20 days or the time permitted by the court under s. 938.315 (3),
10 whichever is later, the district attorney shall notify the parties to the agreement and
11 the intake worker of the filing as soon as possible.

12 **(2g)** AMERICAN INDIAN JUVENILE: CONSULTATION WITH TRIBAL COURT. If the
13 circumstances described in s. 938.24 (2r) (a) apply, before filing a petition under s.
14 938.12 or 938.13 (12) the district attorney or corporation counsel shall determine
15 whether the intake worker has received notification under s. 938.24 (2r) (b) from a
16 tribal official that a petition relating to the alleged delinquent act has been or may
17 be filed in tribal court. If the intake worker has received that the notification or if
18 a tribal official has provided that the notification directly to the district attorney or
19 corporation counsel, the district attorney or corporation counsel shall attempt to
20 consult with appropriate tribal officials before filing a petition under s. 938.12 or
21 938.13 (12).

22 **(2m)** NOTICE TO VICTIMS IF NO PETITION FILED. If a juvenile is alleged to be
23 delinquent under s. 938.12 or to be in need of protection or services under s. 938.13
24 (12) and the district attorney or corporation counsel decides not to file a petition, the
25 district attorney or corporation counsel shall make a reasonable attempt to inform

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1 all of the known victims of the juvenile's act that a petition will not be filed against
2 the juvenile at that time.

3 **SECTION 258.** 938.25 (3) of the statutes is amended to read:

4 938.25 (3) COURT ORDER FOR FILING OF PETITION. If the district attorney,
5 corporation counsel, or other appropriate official under s. 938.09 refuses to file a
6 petition, any person may request the judge court to order that the petition be filed
7 and a hearing shall be held on the request. The judge court may order the filing of
8 the petition on his or her its own motion. The matter may not be heard by the judge
9 ~~who~~ court that orders the filing of a petition.

10 **SECTION 259.** 938.25 (4) (title), (5) (title) and (6) (title) of the statutes are
11 created to read:

12 938.25 (4) (title) TIME LIMIT ON PROSECUTION.

13 (5) (title) CITATION AS INITIAL PLEADING.

14 (6) (title) TEMPORARY RESTRAINING ORDER AND INJUNCTION.

15 **SECTION 260.** 938.255 (1) (intro.), (c) and (cm) of the statutes are amended to
16 read:

17 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
18 under this chapter, other than a petition initiating proceedings under s. 938.12,
19 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a
20 person under the age of 18". A petition initiating proceedings under s. 938.12,
21 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person
22 under the age of 17". A petition initiating proceedings under this chapter shall set
23 forth ~~with specificity~~ specify all of the following:

24 (c) Whether the juvenile is in custody; and, if so, the place where the juvenile
25 is being held and the time he or she was taken into custody unless there is reasonable

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1 cause to believe that such ~~disclosure~~ disclosures would result in imminent danger to
2 the juvenile or physical custodian.

3 (cm) If the petition is initiating proceedings other than proceedings under s.
4 938.12, 938.125 or 938.13 (12), whether the juvenile may be subject to the federal
5 Indian ~~child welfare act~~ Child Welfare Act, 25 USC 1901 to 1963.

6 **SECTION 261.** 938.255 (2) (title) of the statutes is created to read:

7 938.255 (2) (title) FACTS NOT KNOWN.

8 **SECTION 262.** 938.255 (3) of the statutes is amended to read:

9 938.255 (3) IF CERTAIN INFORMATION NOT STATED. If the information required
10 under sub. (1) (d) or (e) is not stated the petition shall be ~~dismissed or~~ amended under
11 s. 938.263 (2) or dismissed.

12 **SECTION 263.** 938.255 (4) (title) of the statutes is created to read:

13 938.255 (4) (title) COPY TO JUVENILE, PARENTS, AND OTHERS.

14 **SECTION 264.** 938.263 (1) (title) of the statutes is created to read:

15 938.263 (1) (title) TO CURE DEFECT.

16 **SECTION 265.** 938.263 (2) (title) of the statutes is created to read:

17 938.263 (2) (title) BEFORE OR AFTER PLEA.

18 **SECTION 266.** 938.265 of the statutes is amended to read:

19 **938.265 Consultation with victims.** In a case in which the juvenile is alleged
20 to be delinquent under s. 938.12 or to be in need of protection or services under s.
21 938.13 (12), the district attorney or corporation counsel shall, as soon as practicable
22 but ~~in any event~~ before the plea hearing under s. 938.30, offer all of the victims of the
23 juvenile's alleged act who have so requested ~~the opportunity~~ an opportunity to confer
24 with the district attorney or corporation counsel concerning the possible outcomes
25 of the proceeding against the juvenile, including potential plea agreements and

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1 recommendations that the district attorney or corporation counsel may make
2 concerning dispositions under s. 938.34 or 938.345. The duty to offer an opportunity
3 to confer under this section does not limit the obligation of the district attorney or
4 corporation counsel to exercise his or her discretion concerning the handling of the
5 proceeding against the juvenile.

6 **SECTION 267.** 938.27 (1) (title), (2) (title) and (3) (title) of the statutes are
7 created to read:

8 938.27 (1) (title) SUMMONS; WHEN ISSUED.

9 (2) (title) SUMMONS; NECESSARY PERSONS.

10 (3) (title) NOTICE OF HEARINGS.

11 **SECTION 268.** 938.27 (3) (a) 1. of the statutes is amended to read:

12 938.27 (3) (a) 1. The court shall also notify, under s. 938.273, the juvenile, any
13 parent, guardian, and legal custodian of the juvenile, any foster parent, treatment
14 foster parent or other physical custodian described in s. 48.62 (2) of the juvenile, and
15 any person specified in par. (b), if applicable, of all hearings involving the juvenile
16 under this subchapter, except hearings on motions for which notice ~~need only~~ must
17 be provided only to the juvenile and his or her counsel. ~~Where~~ If parents entitled to
18 notice have the same place of residence, notice to one ~~shall constitute~~ constitutes
19 notice to the other. The first notice to any interested party, foster parent, treatment
20 foster parent, or other physical custodian described in s. 48.62 (2) shall be written
21 in writing and may have a copy of the petition attached to it. ~~Thereafter,~~ notice of
22 Notices of subsequent hearings may be given by telephone at least 72 hours before
23 the time of the hearing. The person giving telephone notice shall place in the case
24 file a signed statement of the date and time notice was given and the person to whom
25 he or she spoke.

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1 **SECTION 269.** 938.27 (4) (title) of the statutes is created to read:

2 938.27 (4) (title) CONTENTS OF NOTICE.

3 **SECTION 270.** 938.27 (4m), (5) and (6) of the statutes are amended to read:

4 938.27 (4m) NOTICE TO VICTIMS. The district attorney or corporation counsel
5 shall make a reasonable attempt to contact any known victim or alleged victim of a
6 juvenile's act or alleged act to inform them of the right to receive notice of any hearing
7 under this chapter involving the juvenile. If a victim or alleged victim indicates that
8 he or she wishes to receive that notice of any hearing under this chapter involving
9 the juvenile, the district attorney or corporation counsel shall make a reasonable
10 attempt to notify, under s. 938.273, that victim or alleged victim of any hearing under
11 this chapter involving the juvenile. ~~Any failure~~ Failure to comply with this
12 subsection is not a ground for an appeal of a judgment or dispositional order or for
13 any court to reverse or modify a judgment or dispositional order.

14 (5) NOTICE TO BIOLOGICAL FATHERS. Subject to sub. (3) (b), the court shall make
15 every reasonable effort efforts to identify and notify any person who has filed a
16 declaration of interest under s. 48.025 and any person who has been adjudged to be
17 the biological father of the juvenile in a judicial proceeding unless the biological
18 father's rights have been terminated.

19 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a proceeding
20 is initiated under s. 938.14, all interested parties shall receive notice and appropriate
21 summons shall be issued in a manner specified by the court, ~~consistent with~~
22 ~~applicable governing statutes.~~ ~~In addition, if .~~ If the juvenile who is the subject of
23 the proceeding is in the care of a foster parent, treatment foster parent, or other
24 physical custodian described in s. 48.62 (2), the court shall give the foster parent,

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1 treatment foster parent, or other physical custodian notice and an opportunity to be
2 heard as provided in sub. (3) (a).

3 **SECTION 271.** 938.27 (7) (title) and (8) (title) of the statutes are created to read:
4 938.27 (7) (title) CITATIONS AS NOTICE.

5 (8) (title) REIMBURSE LEGAL COUNSEL COSTS IN CERTAIN CASES; NOTICE.

6 **SECTION 272.** 938.273 (1) (title) of the statutes is created to read:

7 938.273 (1) (title) METHODS OF SERVICE; CONTINUANCE.

8 **SECTION 273.** 938.273 (1) of the statutes is renumbered 938.273 (1) (a) and
9 amended to read:

10 938.273 (1) (a) Service of summons or notice required by s. 938.27 may be made
11 by mailing a copy thereof to the persons summoned or notified. If the persons, other
12 than a person specified in s. 938.27 (4m), fail to appear at the hearing or otherwise
13 to acknowledge service, a continuance shall be granted, except where the court
14 determines otherwise because the juvenile is in secure custody as provided under
15 par. (b), and service shall be made personally by delivering to the persons a copy of
16 the summons or notice; except that if the court is satisfied determines that it is
17 impracticable to serve the summons or notice personally, it may ~~make an order~~
18 ~~providing for the service of the summons or notice~~ by certified mail addressed to the
19 last-known addresses of the persons.

20 (b) The court may refuse to grant a continuance when the juvenile is being held
21 in secure custody, but ~~in such a case the court~~ if the court so refuses, it shall order
22 that service of notice of the next hearing be made personally or by certified mail to
23 the last-known address of the person who failed to appear at the hearing.

24 (c) Personal service shall be made at least 72 hours before ~~the time of the~~
25 hearing. Mail shall be sent at least 7 days before ~~the time of the hearing, except~~

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1 ~~where~~ that when the petition is filed under s. 938.13 and the person to be notified
2 lives outside the state, ~~in which case~~ the mail shall be sent at least 14 days before
3 ~~the time of~~ the hearing.

4 **SECTION 274.** 938.273 (2) (title) and (3) (title) of the statutes are created to read:

5 938.273 (2) (title) BY WHOM MADE.

6 (3) (title) EXPENSES; CHARGE ON COUNTY.

7 **SECTION 275.** 938.275 (1) (title) of the statutes is created to read:

8 938.275 (1) (title) EXPENSE OF CUSTODY, SERVICES, SANCTIONS, OR PLACEMENT.

9 **SECTION 276.** 938.275 (1) (c) of the statutes is amended to read:

10 938.275 (1) (c) If the court imposes a sanction on a juvenile as specified in s.
11 938.355 (6) (d) or (6m) (a) or (ag) or finds the juvenile in contempt under s. 938.355
12 (6g) (b) and orders a disposition under s. 938.34 or if the juvenile is placed in a secure
13 juvenile detention facility or place of nonsecure custody under s. 938.355 (6d) (a), (b),
14 or (c) or 938.534 (1) (b) or (c), the court shall order the parents of the juvenile to
15 contribute toward the cost of the sanction, disposition or placement the proportion
16 of the total amount which the court finds the parents are able to pay.

17 **SECTION 277.** 938.275 (2) (title) of the statutes is created to read:

18 938.275 (2) (title) LEGAL COUNSEL; INDIGENCY.

19 **SECTION 278.** 938.275 (2) (a) of the statutes is renumbered 938.275 (2) (a)
20 (intro.) and amended to read:

21 938.275 (2) (a) (intro.) If this the state or a county provides legal counsel to a
22 juvenile subject to a proceeding under s. 938.12 or 938.13, the court shall order the
23 juvenile's parent to reimburse the state or county ~~in accordance with~~ under par. (b)
24 or (c). The court may not order reimbursement if a either of the following apply:

25 1. A parent is the complaining or petitioning party ~~or if the~~

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1 2. The court finds that the interests of the parent and the interests of the
2 juvenile in the proceeding are substantially and directly adverse and that
3 reimbursement would be unfair to the parent.

4 (am) The court may not order reimbursement under par. (a) until the
5 completion of the proceeding or until the state or county is no longer providing the
6 juvenile with legal counsel in the proceeding.

7 **SECTION 279.** 938.275 (2) (b) and (c) of the statutes are amended to read:

8 938.275 (2) (b) If ~~this~~ the state provides the juvenile with legal counsel and the
9 court orders reimbursement under par. (a), the juvenile's parent may request the
10 state public defender to determine whether the parent is indigent as provided under
11 s. 977.07 and ~~to determine~~ the amount of reimbursement. If the parent is found not
12 to be indigent, the amount of reimbursement shall be the maximum amount
13 established by the public defender board. If the parent is found to be indigent in part,
14 the amount of reimbursement shall be the amount of partial payment determined
15 ~~in accordance with the~~ under rules of the public defender board promulgated under
16 s. 977.02 (3).

17 (c) If the county provides the juvenile with legal counsel and the court orders
18 reimbursement under par. (a), the court shall ~~either~~ make a determination of
19 indigency or ~~shall~~ appoint the county department to make the determination. If the
20 court or the county department finds that the parent is not indigent or is indigent
21 in part, the court shall establish the amount of reimbursement and ~~shall~~ order the
22 parent to pay it.

23 **SECTION 280.** 938.275 (2) (cg) 3. of the statutes is amended to read:

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1 938.275 (2) (cg) 3. The court's finding, under par. (a) 2., that the interests of the
2 parent and the juvenile are not substantially and directly adverse and that ordering
3 the payment of reimbursement would not be unfair to the parent.

4 **SECTION 281.** 938.28 of the statutes is amended to read:

5 **938.28 Failure to obey summons; capias.** If any person summoned under
6 this chapter fails without reasonable cause to appear, he or she may be proceeded
7 against for contempt of court. ~~In case under ch. 785. If the summons cannot be served~~
8 ~~or, if the parties served fail to obey respond to the same summons, or in any case when~~
9 ~~if it appears to the court that the service will be ineffectual, a capias may be issued~~
10 for the parent, guardian, and legal custodian or for the juvenile. Subchapter IV
11 governs the taking and holding of a juvenile in custody.

12 **SECTION 282.** 938.29 (1) of the statutes is amended to read:

13 938.29 (1) REQUEST FOR SUBSTITUTION. Except as provided in sub. (1g), the
14 juvenile, either before or during the plea hearing, may file a written request with the
15 clerk of the court or other person acting as the clerk for a substitution of the judge
16 assigned to the proceeding. ~~Upon Immediately upon~~ filing the written request, the
17 juvenile shall ~~immediately~~ mail or deliver a copy of the request to the judge named
18 therein in the request. In a proceeding under s. 938.12 or 938.13 (12), only the
19 juvenile may request a substitution of the judge. ~~Whenever~~ If the juvenile has the
20 right to request a substitution of judge, the juvenile's counsel or guardian ad litem
21 may file the request. Not more than one such written request may be filed in any one
22 proceeding, ~~nor may any~~ and no single request may name more than one judge. This
23 section ~~shall~~ does not apply to proceedings under s. 938.21.

24 **SECTION 283.** 938.29 (1g) of the statutes is renumbered 938.29 (1g) (intro.) and
25 amended to read:

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1 938.29 (1g) WHEN SUBSTITUTION REQUEST NOT PERMITTED. (intro.) The juvenile
2 may not request the substitution of a judge in a proceeding under s. 938.12 or 938.13
3 (12), and the juvenile and the juvenile's parent, guardian, or legal custodian may not
4 request the substitution of a judge in a proceeding under s. 938.13 (4), (6), (6m), or
5 (7), if ~~the~~ any of the following apply:

6 (a) The judge assigned to the proceeding has entered a dispositional order with
7 respect to the juvenile in a previous proceeding under s. 48.12, 1993 stats., s. 48.13
8 (4), (6), (6m), (7), or (12), 1993 stats., s. 938.12, or 938.13 (4), (6), (6m), (7), or (12) or
9 the

10 (b) The juvenile or the juvenile's parent, guardian, or legal custodian has
11 requested the substitution of a judge in a previous proceeding under s. 48.12, 1993
12 stats., s. 48.13 (4), (6), (6m), (7) or (12), 1993 stats., s. 938.12 or 938.13 (4), (6), (6m),
13 (7) or (12).

14 **SECTION 284.** 938.29 (1m) of the statutes is amended to read:

15 938.29 (1m) ASSIGNMENT OF NEW JUDGE. When the clerk receives a request for
16 substitution, the clerk shall immediately contact the judge whose substitution has
17 been requested for a determination of whether the request was made timely and in
18 proper form. Except as provided in sub. (2), if the request is found to be timely and
19 in proper form, the judge named in the request has no further jurisdiction and the
20 clerk shall request the assignment of another judge under s. 751.03. If no
21 determination is made within 7 days after receipt of the request for substitution, the
22 clerk shall refer the matter to the chief judge of the judicial administrative district
23 for determination of whether the request was made timely and in proper form and
24 for reassignment as necessary.

25 **SECTION 285.** 938.29 (2) (title) of the statutes is created to read:

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1 938.29 (2) (title) SUBSTITUTION OF JUDGE SCHEDULED TO CONDUCT WAIVER HEARING.

2 **SECTION 286.** 938.293 (1) of the statutes is amended to read:

3 938.293 (1) LAW ENFORCEMENT REPORTS. Copies of all law enforcement officer
4 reports, including ~~but not limited to~~ the officer's memorandum and witnesses'
5 statements, shall be made available upon request to counsel or guardian ad litem
6 prior to a plea hearing. The reports shall be available through the representative of
7 the public designated under s. 938.09. The juvenile, through counsel or guardian ad
8 litem, is the only party who shall have access to the reports in proceedings under s.
9 938.12, 938.125, or 938.13 (12). The identity of a confidential informant may be
10 withheld ~~pursuant to~~ under s. 905.10.

11 **SECTION 287.** 938.293 (2) (title) of the statutes is created to read:

12 938.293 (2) (title) RECORDS RELATING TO JUVENILE.

13 **SECTION 288.** 938.293 (3) of the statutes is amended to read:

14 938.293 (3) VIDEOTAPED ORAL STATEMENT. Upon request prior to the fact-finding
15 hearing, the district attorney shall disclose to the juvenile, and to the juvenile's
16 counsel or guardian ad litem, the existence of any videotaped oral statement of a
17 juvenile under s. 908.08 ~~which~~ that is within the possession, custody, or control of the
18 state and shall make reasonable arrangements for the requesting person to view the
19 ~~videotaped oral~~ statement. If, subsequent to compliance with this subsection, the
20 state obtains possession, custody, or control of ~~such a~~ the videotaped oral statement,
21 the district attorney shall promptly notify the requesting person of that fact and
22 make reasonable arrangements for the requesting person to view the videotaped ~~oral~~
23 statement.

24 **SECTION 289.** 938.295 (1) (title) of the statutes is created to read:

25 938.295 (1) (title) EXAMINATION OR ASSESSMENT OF JUVENILE OR PARENT.

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1 **SECTION 290.** 938.295 (1) of the statutes is renumbered 938.295 (1) (a) and
2 amended to read:

3 938.295 (1) (a) After the filing of a petition and upon a finding by the court that
4 reasonable cause exists to warrant ~~an~~ a physical, psychological, mental, or
5 developmental examination or an alcohol and other drug abuse assessment that
6 conforms to the criteria ~~specified~~ under s. 938.547 (4), the court may order ~~any a~~
7 juvenile ~~coming~~ within its jurisdiction to be examined as an outpatient by personnel
8 in an approved treatment facility for alcohol and other drug abuse, by a physician,
9 psychiatrist, or licensed psychologist, or by another expert appointed by the court
10 holding at least a master's degree in social work or another related field of child
11 development, in order that the juvenile's physical, psychological, alcohol or other
12 drug dependency, mental, or developmental condition may be considered. The court
13 may also order an examination or an alcohol and other drug abuse assessment that
14 conforms to the criteria ~~specified~~ under s. 938.547 (4) of a parent, guardian, or legal
15 custodian whose ability to care for a juvenile is at issue before the court.

16 **(b)** The court shall hear any objections by the juvenile and the juvenile's
17 parents, guardian, or legal custodian to the request under par. (a) for ~~such~~ an
18 examination or assessment before ordering the examination or assessment.

19 **(c)** The expenses of an examination, if approved by the court, shall be paid by
20 the county of the court ordering the examination. The payment for an alcohol and
21 other drug abuse assessment shall be in accordance with s. 938.361.

22 **SECTION 291.** 938.295 (1c) (intro.) of the statutes is amended to read:

23 938.295 (1c) REASONABLE CAUSE FOR ASSESSMENT; WHEN. (intro.) Reasonable
24 cause ~~is considered to exist~~ exists to warrant an alcohol and other drug abuse
25 assessment under sub. (1) if any of the following applies:

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1 **SECTION 292.** 938.295 (1g) of the statutes is amended to read:

2 938.295 **(1g)** REPORT OF RESULTS AND RECOMMENDATIONS. If the court orders an
3 alcohol or other drug abuse assessment under sub. (1), the approved treatment
4 facility shall, within 14 days after the court order, report the results of the
5 assessment to the court, except that, ~~upon request~~ if requested by the approved
6 ~~treatment~~ facility and if the juvenile is not held in secure or nonsecure custody, the
7 court may extend the period for assessment for not more than 20 additional working
8 days. The report shall include a recommendation as to whether the juvenile is in
9 need of treatment, intervention, or education relating to the use or abuse of alcohol
10 beverages, controlled substances, or controlled substance analogs and, if so, shall
11 recommend a service plan and appropriate treatment from an approved treatment
12 facility, intervention from a court-approved pupil assistance program, or education
13 from a court-approved alcohol or other drug abuse education program.

14 **SECTION 293.** 938.295 (2) (title) of the statutes is created to read:

15 938.295 **(2)** (title) NOT COMPETENT OR NOT RESPONSIBLE.

16 **SECTION 294.** 938.295 (2) (a) of the statutes is amended to read:

17 938.295 **(2)** (a) If there is probable cause to believe that the juvenile has
18 committed the alleged offense and if there is reason to doubt the juvenile's
19 competency to proceed, or upon entry of a plea under s. 938.30 (4) (c), the court shall
20 order the juvenile to be examined by a psychiatrist or licensed psychologist. ~~The~~ If
21 the cost of the examination, ~~if is~~ approved by the court, the cost shall be paid by the
22 county of the court ordering the examination, and the county may recover that cost
23 from the juvenile's parent or guardian as provided in par. (c). Evaluation shall be
24 made on an outpatient basis unless the juvenile presents a substantial risk of
25 physical harm to the juvenile or others; or the juvenile, parent, or guardian, and legal

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1 counsel or guardian ad litem, consent to an inpatient evaluation. ~~Any~~ An inpatient
2 evaluation shall be ~~for~~ completed in a specified period that is no longer than is
3 necessary to ~~complete the evaluation.~~

4 **SECTION 295.** 938.295 (2) (b) of the statutes is renumbered 938.295 (2) (b) 1. and
5 is amended to read:

6 938.295 (2) (b) 1. The examiner shall file a report of the examination with the
7 court by the date specified in the order. The court shall cause copies to be transmitted
8 to the district attorney or corporation counsel and to the juvenile's counsel or
9 guardian ad litem. The report shall describe the nature of the examination and,
10 identify the persons interviewed, the particular records reviewed, and any tests
11 administered to the juvenile and state in reasonable detail the facts and reasoning
12 upon which the examiner's opinions are based.

13 2. If the examination is ordered following a plea under s. 938.30 (4) (c), the
14 report shall also contain an opinion regarding whether the juvenile suffered from
15 mental disease or defect at the time of the commission of the act alleged in the
16 petition and, if so, whether this caused the juvenile to lack substantial capacity to
17 appreciate the wrongfulness of his or her conduct or to conform his or her conduct to
18 the requirements of the law.

19 3. If the examination is ordered following a finding that there is probable cause
20 to believe that the juvenile has committed the alleged offense and that there is reason
21 to doubt the juvenile's competency to proceed, the report shall also contain an opinion
22 regarding the juvenile's present mental capacity to understand the proceedings and
23 assist in his or her defense and, if the examiner reports that the juvenile lacks
24 competency to proceed, the examiner's opinion regarding the likelihood that the
25 juvenile, if provided treatment, may be restored to competency within the time

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1 specified in s. 938.30 (5) (e) 1. ~~The report shall also state in reasonable detail the facts~~
2 ~~and reasoning upon which the examiner's opinions are based.~~

3 **SECTION 296.** 938.295 (3) of the statutes is amended to read:

4 938.295 (3) OBJECTION TO A PARTICULAR PROFESSIONAL. If the juvenile or a parent
5 objects to a particular physician, psychiatrist, licensed psychologist, or other expert
6 as ~~required under this section~~, the court shall appoint a different physician,
7 psychiatrist, psychologist or other expert ~~as required under this section.~~

8 **SECTION 297.** 938.295 (4) (title) of the statutes is created to read:

9 938.295 (4) (title) TELEPHONE OR LIVE AUDIOVISUAL PROCEEDING.

10 **SECTION 298.** 938.296 (1) (title) and (2) (title) of the statutes are created to read:

11 938.296 (1) (title) DEFINITIONS.

12 (2) (title) SEXUALLY TRANSMITTED DISEASE TESTING.

13 **SECTION 299.** 938.296 (2m) (title) of the statutes is created to read:

14 938.296 (2m) (title) COMMUNICABLE DISEASE TESTING.

15 **SECTION 300.** 938.296 (2m) (b) of the statutes is amended to read:

16 938.296 (2m) (b) The district attorney or corporation counsel has probable
17 cause to believe that the act or alleged act of the juvenile that constitutes a violation
18 of s. 946.43 (2m) carried a potential for transmitting a communicable disease to the
19 victim or alleged victim and involved the juvenile's blood, semen, vomit, saliva, urine
20 or, feces, or other bodily substance of the juvenile.

21 **SECTION 301.** 938.296 (3) (title), (4) (title), (5) (title) and (6) (title) of the statutes
22 are created to read:

23 938.296 (3) (title) WHEN ORDER MAY BE SOUGHT.

24 (4) (title) DISCLOSURE OF SEXUALLY TRANSMITTED DISEASE TEST RESULTS.

25 (5) (title) DISCLOSURE OF COMMUNICABLE DISEASE TEST RESULTS.

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1 (6) (title) PAYMENT FOR TEST COSTS.

2 SECTION 302. 938.2965 (1) (title) of the statutes is created to read:

3 938.2965 (1) (title) DEFINITION.

4 SECTION 303. 938.2965 (2) of the statutes is amended to read:

5 938.2965 (2) COUNTY TO PROVIDE. If an area is available and use of the area is
6 practical, a county shall provide a waiting area for a victim or witness to use during
7 hearings under this chapter that if is separate from any area used by the juvenile,
8 the juvenile's relatives, and witnesses for the juvenile. If a separate waiting area is
9 not available or its use is not practical, a county shall provide other means to
10 minimize the contact between the victim or witness and the juvenile, the juvenile's
11 relatives, and witnesses for the juvenile during hearings under this chapter.

12 SECTION 304. 938.297 (1) (title) of the statutes is created to read:

13 938.297 (1) (title) MOTIONS ABLE TO BE DETERMINED WITHOUT TRIAL.

14 SECTION 305. 938.297 (2) to (4) of the statutes are amended to read:

15 938.297 (2) DEFENSES AND OBJECTIONS BASED ON PETITIONS FOR CITATION.

16 ~~Defenses~~ If defenses and objections based on defects in the institution of proceedings,
17 lack of probable cause on the face of the petition or citation, insufficiency of the
18 petition or citation, or invalidity in whole or in part of the statute on which the
19 petition or citation is founded ~~shall be~~ are not raised ~~not later than~~ within 10 days
20 after the plea hearing ~~or be deemed,~~ they are waived. Other motions capable of
21 determination without trial may be brought any time before trial.

22 (3) SUPPRESSION OF EVIDENCE. Motions to suppress evidence as ~~having been~~
23 illegally seized or statements as ~~having been~~ illegally obtained shall be made before
24 fact-finding on the issues. The court may ~~entertain~~ consider the motion at the
25 fact-finding hearing if it appears that a party is surprised by the attempt to

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1 introduce such ~~the~~ the evidence and that party waives jeopardy. Only the juvenile may
2 waive jeopardy in cases under s. 938.12, 938.125, or 938.13 (12).

3 **(4) PROPRIETY OF TAKING JUVENILE INTO CUSTODY.** Although the taking of a
4 juvenile into custody is not an arrest, it shall be considered an arrest for the purpose
5 of deciding motions which require a decision about the propriety of the taking into
6 custody, including ~~but not limited to~~ motions to suppress evidence as illegally seized,
7 motions to suppress statements as illegally obtained, and motions challenging the
8 lawfulness of the taking into custody.

9 **SECTION 306.** 938.297 (5) (title), (6) (title) and (7) (title) of the statutes are
10 created to read:

11 938.297 **(5)** (title) CONTINUATION IN CUSTODY IF MOTION TO DISMISS GRANTED.

12 **(6)** (title) SERVICE OF MOTION ON ATTORNEY.

13 **(7)** (title) ORAL ARGUMENT BY TELEPHONE.

14 **SECTION 307.** 938.299 (1) (title) of the statutes is created to read:

15 938.299 **(1)** (title) CLOSED HEARINGS; EXCEPTIONS.

16 **SECTION 308.** 938.299 (1) (am) of the statutes is amended to read:

17 938.299 **(1)** (am) Subject to s. 906.15, if a public hearing is not held, in addition
18 to persons permitted to attend under par. (a), a victim of a juvenile's act or alleged
19 act may attend any hearing under this chapter based upon the act or alleged act,
20 except that ~~a judge~~ the court may exclude a victim from any portion of a hearing
21 ~~which that~~ that deals with sensitive personal matters of the juvenile or the juvenile's
22 family and ~~which that~~ that does not directly relate to the act or alleged act committed
23 against the victim. A member of the victim's family and, at the request of the victim,
24 a representative of an organization providing support services to the victim, may
25 attend the hearing under this subsection.

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1 **SECTION 309.** 938.299 (1) (ar) of the statutes is renumbered 938.299 (1) (ar) 1.
2 and amended to read:

3 938.299 (1) (ar) 1. Notwithstanding par. (a) and except as provided under subd.
4 2., the general public may attend any hearing under this chapter relating to a
5 juvenile who has been alleged to be delinquent for committing a violation that would
6 be a felony if committed by an adult if the juvenile has been adjudicated delinquent
7 previously and that previous adjudication remains of record and unreversed or
8 relating to a juvenile who has been alleged to be delinquent for committing a
9 violation specified in s. 938.34 (4h) (a), ~~except that the~~.

10 2. The court shall exclude the general public from a hearing if the victim of a
11 sexual assault objects and may, in its discretion, exclude the general public from any
12 portion of a hearing ~~which~~ that deals with sensitive personal matters of the juvenile
13 or the juvenile's family and ~~which~~ that does not relate to the act or alleged act
14 committed by the juvenile or from any other hearing described in this paragraph.
15 If the court excludes the general public from a hearing described in this paragraph,
16 only those persons who are permitted under par. (a) or (am) to attend a hearing from
17 which the general public is excluded may attend.

18 **SECTION 310.** 938.299 (1) (b) of the statutes is amended to read:

19 938.299 (1) (b) Except as provided in par. (av) and s. 938.396, any person who
20 divulges any information ~~which~~ that would identify the juvenile or the family
21 involved in any proceeding under this chapter is subject to ch. 785. This paragraph
22 does not preclude a victim of the juvenile's act from commencing a civil action based
23 upon the juvenile's act.

24 **SECTION 311.** 938.299 (4) (title) of the statutes is created to read:

25 938.299 (4) (title) EVIDENTIARY RULES AT HEARINGS.

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1 **SECTION 312.** 938.299 (4) (b) and (5) of the statutes are amended to read:

2 938.299 (4) (b) Except as provided in s. 901.05, ~~neither common law nor~~ and
3 statutory rules of evidence are not binding at a waiver hearing under s. 938.18, a
4 hearing for a juvenile held in custody under s. 938.21, a hearing under s. 938.296 (4)
5 for a juvenile who is alleged to have violated s. 940.225, 948.02, 948.025, 948.05, or
6 948.06, a hearing under s. 938.296 (5) for a juvenile who is alleged to have violated
7 s. 946.43 (2m), a dispositional hearing, or any postdispositional hearing under this
8 chapter. At those hearings, the court shall admit all testimony having reasonable
9 probative value, but shall exclude immaterial, irrelevant, or unduly repetitious
10 testimony, or evidence that is inadmissible under s. 901.05. Hearsay evidence may
11 be admitted if it has demonstrable circumstantial guarantees of trustworthiness.
12 The court shall give effect to the rules of privilege recognized by law. The court shall
13 apply the basic principles of relevancy, materiality, and probative value to proof of
14 all questions of fact. Objections to evidentiary offers and offers of proof of evidence
15 not admitted may be made and shall be noted in the record.

16 **(5) TELEPHONE OR LIVE AUDIOVISUAL HEARINGS.** On request of any party, unless
17 good cause to the contrary is shown, any hearing under s. 938.209 (1) (a) 5. or 938.21
18 (1) may be held on the record by telephone or live audiovisual means or testimony
19 may be received by telephone or live audiovisual means ~~as prescribed in~~ under s.
20 807.13 (2). The request and the showing of good cause for not conducting the hearing
21 or admitting testimony by telephone or live audiovisual means may be made by
22 telephone.

23 **SECTION 313.** 938.299 (6) (title), (7) (title), (8) (title) and (9) (title) of the statutes
24 are created to read:

25 938.299 **(6)** (title) ESTABLISHMENT OF PATERNITY WHEN MAN ALLEGES PATERNITY.

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1 (7) (title) ESTABLISHMENT OF PATERNITY WHEN NO MAN ALLEGES PATERNITY.

2 (8) (title) TESTIMONY OF JUVENILE'S MOTHER RELATING TO PATERNITY.

3 (9) (title) AMERICAN INDIAN JUVENILE; TRIBAL COURT INVOLVEMENT.

4 **SECTION 314.** 938.299 (9) (a) and (b) of the statutes are amended to read:

5 938.299 (9) (a) If a petition under s. 938.12 or 938.13 (12) includes the
6 statement in s. 938.255 (1) (cr) 2. or if the court is informed during a proceeding under
7 s. 938.12 or 938.13 (12) that a petition relating to the delinquent act has been filed
8 in a tribe's court with respect to a juvenile to whom the circumstances specified in
9 s. 938.255 (1) (cr) 1. apply, the court shall stay the proceeding and communicate with
10 the tribal court in which the other proceeding is or may be pending to discuss which
11 court ~~may be~~ is the more appropriate forum.

12 (b) If the court and tribal court either mutually agree or agree under the terms
13 of an established judicial protocol applicable to the court that the tribal court ~~would~~
14 ~~be~~ is the more appropriate forum, the court shall dismiss the petition without
15 prejudice or stay the proceeding. The court's decision shall be based on the best
16 interests of the juvenile and of the public.

17 **SECTION 315.** 938.30 (1) (title) of the statutes is created to read:

18 938.30 (1) (title) TIME OF HEARING.

19 **SECTION 316.** 938.30 (2) of the statutes is amended to read:

20 938.30 (2) INFORMATION TO JUVENILE AND PARENTS; BASIC RIGHTS; SUBSTITUTION.

21 At or before the commencement of the hearing under this section the juvenile and
22 the parent, guardian, or legal custodian shall be advised of their rights as specified
23 in s. 938.243 and shall be informed that the hearing shall be to the court and that
24 a request for a substitution of judge under s. 938.29 must be made before the end of
25 the plea hearing or ~~be~~ is waived. Nonpetitioning parties, including the juvenile, shall

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1 be granted a continuance of the plea hearing if they wish to consult with an attorney
2 on the request for a substitution of a judge.

3 **SECTION 317.** 938.30 (3) (title) and (4) (title) of the statutes are created to read:

4 938.30 **(3)** (title) JUVENILE IN NEED OF PROTECTION OR SERVICES PROCEEDING;
5 POSSIBLE PLEAS.

6 **(4)** (title) DELINQUENCY AND CIVIL LAW OR ORDINANCE PROCEEDINGS; POSSIBLE
7 PLEAS.

8 **SECTION 318.** 938.30 (4) (a), (bm) and (c) of the statutes are amended to read:

9 938.30 **(4)** (a) Admit some or all of the facts alleged in the petition or citation,
10 ~~however, such a.~~ This plea is an admission only of the commission of the acts and does
11 not constitute an admission of delinquency.

12 (bm) Plead no contest to the allegations, ~~but only~~ if the court permits the
13 juvenile to enter that plea.

14 (c) ~~Except pursuant to~~ in the case of a petition or citation under s. 938.125, state
15 that he or she is not responsible for the acts alleged in the petition by reason of mental
16 disease or defect. This plea shall be joined with an admission under par. (a), a denial
17 under par. (b), or a plea of no contest under par. (bm).

18 **SECTION 319.** 938.30 (4m) of the statutes is renumbered 938.30 (4m) (intro.)
19 and amended to read:

20 938.30 **(4m)** COURT TO INQUIRE ABOUT NOTICE TO VICTIMS. (intro.) Before
21 accepting a plea under sub. (4) in a proceeding in which a juvenile is alleged to be
22 delinquent under s. 938.12 or to be in need of protection or services under s. 938.13
23 (12), the court shall inquire of the district attorney or corporation counsel ~~whether~~
24 he as to all of the following:

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1 ~~(a) Whether he or she has complied with s. ss. 938.265 and whether he or she~~
2 ~~has complied with s. 938.27 (4m), whether any.~~

3 ~~(b) Whether any of the known victims requested notice of the date, time, and~~
4 ~~place of the plea hearing and, if so, whether the district attorney or corporation~~
5 ~~counsel provided to the victim that notice of the date, time and place of the hearing.~~

6 **SECTION 320.** 938.30 (5) (title) of the statutes is created to read:

7 938.30 (5) (title) NOT COMPETENT OR NOT RESPONSIBLE.

8 **SECTION 321.** 938.30 (5) (a) 2., (c) (intro.) and (d) (intro.) of the statutes are
9 amended to read:

10 938.30 (5) (a) 2. If the juvenile denies the allegations in the petition or citation,
11 the court shall hold a fact-finding hearing on the allegations in the petition or
12 citation as provided under s. 938.31. ~~If, at the end of the fact-finding~~ after the
13 hearing, the court finds that the allegations in the petition have been proven, the
14 court shall immediately hold a hearing to determine whether the juvenile was not
15 responsible by reason of mental disease or defect.

16 (c) (intro.) If the court finds that the juvenile was not responsible by reason of
17 mental disease or defect, as described under s. 971.15 (1) and (2), the court shall
18 dismiss the petition with prejudice and ~~shall also~~ do one of the following:

19 (d) (intro.) If the court finds that the juvenile is not competent to proceed, as
20 described in s. 971.13 (1) and (2), the court shall suspend proceedings on the petition
21 and ~~shall also~~ do one of the following:

22 **SECTION 322.** 938.30 (5) (e) 1. of the statutes is renumbered 938.30 (5) (e) 1.
23 (intro.) and amended to read:

24 938.30 (5) (e) 1. (intro.) A juvenile who is not competent to proceed, as described
25 in s. 971.13 (1) and (2), but who is likely to become competent to proceed within 12

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1 months or within the time period of the maximum sentence that may be imposed on
2 an adult for the most serious delinquent act with which the juvenile is charged,
3 whichever is less, and who is committed under s. 51.20 following an order under par.
4 (d) 1. or who is placed under a dispositional order following an order under par. (d)
5 2., shall be periodically reexamined with written reports of those reexaminations to
6 be submitted to the court every 3 months and within 30 days before the expiration
7 of the juvenile's commitment or dispositional order. Each report shall indicate ~~either~~
8 ~~that the~~ one of the following:

9 a. That the juvenile has become competent,~~that the,~~

10 b. That the juvenile remains incompetent but that attainment of competence
11 is likely within the remaining period of the commitment or dispositional order ~~or that~~
12 ~~the,~~

13 c. That the juvenile has not made such progress that attainment of competency
14 is likely within the remaining period of the commitment or dispositional order.

15 **SECTION 323.** 938.30 (6) (title) of the statutes is created to read:

16 938.30 **(6)** (title) UNCONTESTED PETITIONS; DISPOSITION.

17 **SECTION 324.** 938.30 (6) (b) and (c) and (7) of the statutes are amended to read:

18 938.30 **(6)** (b) If it appears to the court that disposition of the case may include
19 placement of the juvenile outside the juvenile's home, the court shall order the
20 juvenile's parent to provide a statement of the income, assets, debts, and living
21 expenses of the juvenile and the juvenile's parent to the court or the designated
22 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
23 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
24 provide, without charge, to any parent ordered to provide a that statement of ~~income,~~
25 ~~assets, debts and living expenses~~ a document setting forth the percentage standard

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1 established by the department of workforce development under s. 49.22 (9) and
2 listing the factors that a court may consider under s. 301.12 (14) (c).

3 (c) If the court orders the juvenile’s parent to provide a statement of the income,
4 assets, debts, and living expenses of the juvenile and juvenile’s parent to the court
5 or if the court orders the juvenile’s parent to provide that statement to the designated
6 agency under s. 938.33 (1) and ~~that~~ the designated agency is not the county
7 department, the court shall also order the juvenile’s parent to provide ~~that~~ the
8 statement to the county department at least 5 days before the scheduled date of the
9 dispositional hearing or as otherwise ordered by the court. The county department
10 shall provide, without charge, to the parent a form on which to provide ~~that~~ the
11 statement, and the parent shall provide ~~that~~ the statement on ~~that~~ the form. The
12 county department shall use the information provided in the statement to determine
13 whether the department may claim federal foster care and adoption assistance
14 reimbursement under 42 USC 670 to 679a for the cost of providing care for the
15 juvenile.

16 **(7) CONTESTED PETITIONS OR CITATIONS; DATE FOR FACT-FINDING HEARING.** If the
17 petition or citation is contested, the court shall set a date for the fact-finding hearing
18 ~~which~~ that allows a reasonable time for the parties to prepare but is no more than
19 20 days from the plea hearing for a juvenile who is held in secure custody and no more
20 than 30 days from the plea hearing for a juvenile who is not held in secure custody.

NOTE: Provides, in s. 938.30 (6) (c), stats., that the statement of income, assets,
debts, and living expenses shall indicate those of the juvenile as well as the parent.

21 **SECTION 325.** 938.30 (8) (title) of the statutes is created to read:

22 938.30 **(8)** (title) **ADMISSION OR NO CONTEST PLEA; INQUIRIES REQUIRED.**

23 **SECTION 326.** 938.30 (8) (b) and (9) of the statutes are amended to read:

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1 938.30 (8) (b) Establish whether any promises or threats were made to elicit
2 a plea and alert explain to unrepresented parties to the possibility that a lawyer may
3 discover defenses or mitigating circumstances ~~which~~ that would not be apparent to
4 them.

5 **(9) HEARINGS CONDUCTED BY COURT COMMISSIONER; COURT TO REVIEW.** If a circuit
6 court commissioner conducts the plea hearing and accepts an admission of the
7 alleged facts in a petition brought under s. 938.12 or 938.13, the judge court shall
8 review the admission at the beginning of the dispositional hearing by addressing the
9 parties and making the inquires set forth in under sub. (8).

10 **SECTION 327.** 938.30 (10) (title) of the statutes is created to read:

11 938.30 (10) (title) TELEPHONE OR LIVE AUDIOVISUAL PARTICIPATION.

12 **SECTION 328.** 938.31 (1) (title), (2) (title) and (4) (title) of the statutes are
13 created to read:

14 938.31 (1) (title) DEFINITION.

15 **(2) (title) HEARING TO THE COURT; PROCEDURES.**

16 **(4) (title) FINDINGS BY COURT.**

17 **SECTION 329.** 938.31 (7) of the statutes is amended to read:

18 938.31 (7) DATE FOR DISPOSITIONAL HEARING. (a) At the close of the fact-finding
19 hearing, the court shall set a date for the dispositional hearing ~~which~~ that allows a
20 reasonable time for the parties to prepare but is no more than 10 days after the
21 fact-finding hearing for a juvenile in secure custody and no more than 30 days after
22 the fact-finding hearing for a juvenile not held in secure custody. If all parties
23 consent, the court may immediately proceed with a dispositional hearing.

24 (b) If it appears to the court that disposition of the case may include placement
25 of the juvenile outside the juvenile's home, the court shall order the juvenile's parent

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1 to provide a statement of the income, assets, debts, and living expenses of the
2 juvenile and the juvenile's parent, to the court or the designated agency under s.
3 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as
4 otherwise ordered by the court. The clerk of court shall provide, without charge, to
5 any parent ordered to provide a the statement of ~~income, assets, debts and living~~
6 ~~expenses~~ a document setting forth the percentage standard established by the
7 department of workforce development under s. 49.22 (9) and listing the factors that
8 a court may consider under s. 301.12 (14) (c).

9 (c) If the court orders the juvenile's parent to provide a statement of the income,
10 assets, debts, and living expenses of the juvenile and juvenile's parent to the court
11 or if the court orders the juvenile's parent to provide ~~that~~ the statement to the
12 designated agency under s. 938.33 (1) and ~~that~~ the designated agency is not the
13 county department, the court shall also order the juvenile's parent to provide ~~that~~ the
14 statement to the county department at least 5 days before the scheduled date of the
15 dispositional hearing or as otherwise ordered by the court. The county department
16 shall provide, without charge, to the parent a form on which to provide ~~that~~ the
17 statement, and the parent shall provide ~~that~~ the statement on ~~that~~ the form. The
18 county department shall use the information provided in the statement to determine
19 whether the department may claim federal foster care and adoption assistance
20 reimbursement under 42 USC 670 to 679a for the cost of providing care for the
21 juvenile.

NOTE: See the NOTE to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

22 **SECTION 330.** 938.315 (1) (intro.) of the statutes is amended to read:

23 938.315 (1) TIME PERIODS TO BE EXCLUDED. (intro.) The following time periods
24 shall be excluded in computing time requirements ~~within~~ under this chapter:

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1 **SECTION 331.** 938.315 (1) (a) of the statutes is renumbered 938.315 (1) (a)
2 (intro.) and amended to read:

3 938.315 (1) (a) (intro.) Any period of delay resulting from ~~other~~ any of the
4 following:

5 1. Other legal actions concerning the juvenile, including an examination under
6 s. 938.295 or a hearing related to the juvenile's mental condition, prehearing
7 motions, waiver motions, and hearings on other matters.

8 **SECTION 332.** 938.315 (1) (b) of the statutes is renumbered 938.315 (1) (a) 2. and
9 amended to read:

10 938.315 (1) (a) 2. ~~Any period of delay resulting from a~~ A continuance granted
11 at the request of or with the consent of the juvenile and counsel.

12 **SECTION 333.** 938.315 (1) (c) of the statutes is renumbered 938.315 (1) (a) 3. and
13 amended to read:

14 938.315 (1) (a) 3. ~~Any period of delay caused by the~~ The disqualification or
15 substitution of a judge or by any other transfer of the case or intake inquiry to a
16 different judge, intake worker or county.

17 **SECTION 334.** 938.315 (1) (d) of the statutes is renumbered 938.315 (1) (a) 4. and
18 amended to read:

19 938.315 (1) (a) 4. ~~Any period of delay resulting from a~~ A continuance granted
20 at the request of the representative of the public under s. 938.09 if the continuance
21 is granted because of the unavailability of evidence material to the case when he or
22 she has exercised due diligence to obtain the evidence and there are reasonable
23 grounds to believe that the evidence will be available at the later date, or to allow him
24 or her additional time to prepare the case and additional time is justified because of
25 the exceptional circumstances of the case.

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1 **SECTION 335.** 938.315 (1) (dm) of the statutes is renumbered 938.315 (1) (a) 5.
2 and amended to read:

3 938.315 (1) (a) 5. ~~Any period of delay resulting from court~~ Court congestion or
4 scheduling.

5 **SECTION 336.** 938.315 (1) (e) of the statutes is renumbered 938.315 (1) (a) 6. and
6 amended to read:

7 938.315 (1) (a) 6. ~~Any period of delay resulting from the~~ The imposition of a
8 consent decree.

9 **SECTION 337.** 938.315 (1) (f) of the statutes is renumbered 938.315 (1) (a) 7. and
10 amended to read:

11 938.315 (1) (a) 7. ~~Any period of delay resulting from the~~ The absence or
12 unavailability of the juvenile.

13 **SECTION 338.** 938.315 (1) (fm) of the statutes is renumbered 938.315 (1) (a) 8.
14 and amended to read:

15 938.315 (1) (a) 8. ~~Any period of delay resulting from the~~ The inability of the
16 court to provide the juvenile with notice of an extension hearing under s. 938.365 due
17 to the juvenile having run away or otherwise having made himself or herself
18 unavailable to receive that notice.

19 **SECTION 339.** 938.315 (1) (h) of the statutes is renumbered 938.315 (1) (a) 9. and
20 amended to read:

21 938.315 (1) (a) 9. ~~Any period of delay resulting from the~~ The need to appoint
22 a qualified interpreter.

23 **SECTION 340.** 938.315 (1) (i) of the statutes is renumbered 938.315 (1) (a) 10.
24 and amended to read:

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1 938.315 (1) (a) 10. ~~Any period of delay resulting from consultation~~ Consultation
2 under s. 938.24 (2r) or 938.25 (2g).

3 **SECTION 341.** 938.315 (2) (title), (2m) (title) and (3) (title) of the statutes are
4 created to read:

5 938.315 (2) (title) CONTINUANCE FOR GOOD CAUSE.

6 (2m) (title) WHEN NO CONTINUANCE, EXTENSION, OR EXCLUSION PERMITTED.

7 (3) (title) CONSEQUENCES OF FAILURE TO COMPLY WITH TIME LIMIT.

8 **SECTION 342.** 938.32 (1) (title) of the statutes is created to read:

9 938.32 (1) (title) WHEN ORDERED; TERMS; VICTIMS' RIGHTS; PROCEDURES.

10 **SECTION 343.** 938.32 (1) (a) and (am) of the statutes are amended to read:

11 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
12 to s. 938.12 or 938.13 and before the entry of judgment, the ~~judge or circuit~~
13 ~~commissioner~~ court may suspend the proceedings and place the juvenile under
14 supervision in the juvenile's own home or present placement. The court may
15 establish terms and conditions applicable to the parent, guardian, or legal custodian,
16 and to the juvenile, including any of the conditions specified in subs. (1d), (1g), (1m),
17 (1p), (1t), (1v), and (1x). The order under this section shall be known as a consent
18 decree and must be agreed to by the juvenile; the parent, guardian, or legal
19 custodian; and the person filing the petition under s. 938.25. If the consent decree
20 includes any conditions specified in sub. (1g), the consent decree shall include
21 provisions for payment of the services as specified in s. 938.361. The consent decree
22 shall be ~~reduced to~~ in writing and be given to the parties.

23 (am) Before entering into a consent decree in a case in which the juvenile is
24 alleged to be delinquent under s. 938.12 or to be in need of protection or services
25 under s. 938.13 (12), the district attorney or corporation counsel shall, as soon as

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1 practicable but ~~in any event~~ before agreeing to the consent decree, offer all of the
2 victims of the juvenile's alleged act who have so requested ~~the opportunity~~ an
3 opportunity to confer with the district attorney or corporation counsel concerning the
4 proposed consent decree. The duty to offer an opportunity to confer under this
5 paragraph does not limit the obligation of the district attorney or corporation counsel
6 to exercise his or her discretion concerning the handling of the proceeding against
7 the juvenile.

8 **SECTION 344.** 938.32 (1) (b) 1. of the statutes is renumbered 938.32 (1) (b)
9 (intro.) and amended to read:

10 938.32 (1) (b) (intro.) Before entering into a consent decree in a proceeding in
11 which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of
12 protection or services under s. 938.13 (12), the all of the following shall occur:

13 1g. The court shall determine whether a victim of the juvenile's act wants to
14 make a statement to the court. If a victim wants to make a statement, the court shall
15 allow the victim to make a statement in court or to submit a written statement to be
16 read to the court. The court may allow any other person to make or submit a
17 statement under this subdivision. Any statement made under this subdivision must
18 be relevant to the consent decree.

19 **SECTION 345.** 938.32 (1) (b) 1m. of the statutes is amended to read:

20 938.32 (1) (b) 1m. ~~Before entering into a consent decree in a proceeding in~~
21 ~~which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of~~
22 ~~protection or services under s. 938.13 (12), the~~ The court shall inquire of the district
23 attorney or corporation counsel whether he or she has complied with par. (am),
24 whether he or she has complied with subd. 2. and whether he or she has complied
25 with s. 938.27 (4m), whether any of the known victims requested notice of the date,

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1 time, and place of any hearing to be held on the consent decree, and, if so, whether
2 the district attorney provided to the victim notice of the date, time, and place of the
3 hearing.

4 **SECTION 346.** 938.32 (1) (b) 2. of the statutes is amended to read:

5 938.32 (1) (b) 2. ~~Before entering into a consent decree in a proceeding in which~~
6 ~~a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection~~
7 ~~or services under s. 938.13 (12), the~~ The district attorney or corporation counsel shall
8 make a reasonable attempt to contact any known victim to inform that person of the
9 right to make a statement under subd. 1. ~~1g.~~ Any failure to comply with this
10 subdivision is not a ground for discharge of the juvenile, parent, guardian, or legal
11 custodian from fulfilling the terms and conditions of the consent decree.

12 **SECTION 347.** 938.32 (1) (c) 1. of the statutes is renumbered 938.32 (1) (c) 1.
13 (intro.) and amended to read:

14 938.32 (1) (c) 1. (intro.) If at the time the consent decree is entered into the
15 juvenile is placed outside the home under a voluntary agreement under s. 48.63 or
16 is otherwise living outside the home without a court order and if the consent decree
17 maintains the juvenile in that placement or other living arrangement, the consent
18 decree shall include a all of the following:

19 a. A finding that placement of the juvenile in his or her home would be contrary
20 to the welfare of the juvenile, ~~a.~~

21 b. A finding as to whether the county department or the agency primarily
22 responsible for providing services to the juvenile has made reasonable efforts to
23 prevent the removal of the juvenile from the home, while assuring that the juvenile's
24 health and safety are the paramount concerns, unless the ~~judge or circuit court~~

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1 ~~commissioner~~ court finds that any of the circumstances specified in s. 938.355 (2d)

2 (b) 1. to 4. applies, ~~and a.~~

3 c. A finding as to whether the county department or agency has made
4 reasonable efforts to achieve the goal of the juvenile's permanency plan, unless
5 return of the juvenile to the home is the goal of the permanency plan and the judge
6 ~~or circuit court commissioner~~ court finds that any of the circumstances specified in
7 s. 938.355 (2d) (b) 1. to 4. applies.

8 **SECTION 348.** 938.32 (1) (c) 2. of the statutes is amended to read:

9 938.32 (1) (c) 2. If the ~~judge or circuit court commissioner~~ court finds that any
10 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
11 parent, the consent decree shall include a determination that the county department
12 or agency primarily responsible for providing services under the consent decree is not
13 required to make reasonable efforts with respect to the parent to make it possible for
14 the juvenile to return safely to his or her home.

15 **SECTION 349.** 938.32 (1) (c) 3. and (d) of the statutes are amended to read:

16 938.32 (1) (c) 3. The ~~judge or circuit court commissioner~~ court shall make the
17 findings specified in subds. 1. and 2. on a case-by-case basis based on circumstances
18 specific to the juvenile and shall document or reference the specific information on
19 which those findings are based in the consent decree. A consent decree that ~~merely~~
20 references subd. 1. or 2. without documenting or referencing that specific
21 information in the consent decree or an amended consent decree that retroactively
22 corrects an earlier consent decree that does not comply with this subdivision is not
23 sufficient to comply with this subdivision.

24 (d) 1. If the ~~judge or circuit court commissioner~~ court finds that any of the
25 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,

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1 the judge or circuit court commissioner court shall hold a hearing within 30 days
2 after the date of that finding to determine the permanency plan for the juvenile. If
3 a hearing is held under this subdivision, the The agency responsible for preparing
4 the permanency plan shall file the permanency plan with the court not less than 5
5 days before the date of the hearing.

6 2. If a hearing is held under subd. 1., at At least 10 days before the date of the
7 hearing under subd. 1., the court shall notify the juvenile, any parent, guardian, and
8 legal custodian of the juvenile, and any foster parent, treatment foster parent, or
9 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
10 and purpose of the hearing.

11 3. The court shall give a foster parent, treatment foster parent, or other
12 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
13 2. an opportunity to be heard at the hearing by permitting the foster parent,
14 treatment foster parent, or other physical custodian to make a written or oral
15 statement during the hearing, or to submit a written statement prior to the hearing,
16 relevant to the issues to be determined at the hearing. A The foster parent,
17 treatment foster parent, or other physical custodian ~~who receives a notice of a~~
18 ~~hearing under subd. 2. and an opportunity to be heard under this subdivision~~ does
19 not become a party to the proceeding on which the hearing is held solely on the basis
20 of receiving that the notice and having the opportunity to be heard.

21 **SECTION 350.** 938.32 (1d) of the statutes is amended to read:

22 938.32 (1d) VOLUNTEERS IN PROBATION PROGRAM. If the petition alleges that the
23 juvenile has committed an act that would constitute a misdemeanor if committed by
24 an adult, if the chief judge of the judicial administrative district has approved under
25 s. 973.11 (2) a volunteers in probation program established in the juvenile's county

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1 of residence, and if the ~~judge or circuit court commissioner~~ court determines that
2 volunteer supervision under that volunteers in probation program will likely benefit
3 the juvenile and the community, the ~~judge or circuit court commissioner~~ court may
4 establish as a condition under sub. (1) that the juvenile be placed with that
5 volunteers in probation program under such conditions as that the ~~judge or circuit~~
6 ~~court commissioner~~ court determines are reasonable and appropriate. ~~These~~ The
7 conditions may include, ~~but need not be limited to,~~ any of the following:

8 (a) A directive to a volunteer to ~~provide~~ be a role model for the juvenile ~~a role~~
9 ~~model,~~ informal counseling, general monitoring and, monitoring of the conditions
10 established by the ~~judge or circuit court commissioner~~ court, or any combination of
11 these functions.

12 (b) Any other conditions that the ~~judge or circuit court commissioner~~ court may
13 establish under this section.

14 **SECTION 351.** 938.32 (1g) (intro.) and (b) of the statutes are amended to read:

15 **938.32 (1g)** ALCOHOL OR OTHER DRUG ABUSE TREATMENT AND EDUCATION. (intro.)

16 If the petition alleges that the juvenile committed a violation specified under ch. 961
17 and if the multidisciplinary screen conducted under s. 938.24 (2) shows that the
18 juvenile is at risk of having needs and problems related to the use of alcohol
19 beverages, controlled substances, or controlled substance analogs and its medical,
20 personal, family, and social effects, the ~~judge or circuit court commissioner~~ court may
21 establish as a condition under sub. (1) any of the following:

22 (b) That the juvenile participate in a court-approved pupil assistance program
23 provided by the juvenile's school board or a court-approved alcohol or other drug
24 abuse education program. The juvenile's participation in a court-approved pupil

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1 assistance program ~~under this paragraph~~ is subject to the approval of the juvenile's
2 school board.

3 **SECTION 352.** 938.32 (1m) (intro.), (a) and (c) of the statutes are amended to
4 read:

5 938.32 (1m) TEEN COURT PROGRAM (intro.) ~~The judge or circuit court~~
6 ~~commissioner court~~ may establish as a condition under sub. (1) that the juvenile be
7 placed in a teen court program if all of the following conditions apply:

8 (a) The chief judge of the judicial administrative district has approved a teen
9 court program established in the juvenile's county of residence and the ~~judge or~~
10 ~~circuit court commissioner court~~ determines that participation in the ~~teen court~~
11 program will likely benefit the juvenile and the community.

12 (c) The juvenile admits or pleads no contest in open court, with in the presence
13 of the juvenile's parent, guardian or legal custodian present, to the allegations that
14 the juvenile committed the delinquent act.

15 **SECTION 353.** 938.32 (1p) of the statutes is amended to read:

16 938.32 (1p) PARTICIPATION IN YOUTH REPORT CENTER. ~~The judge or juvenile court~~
17 ~~commissioner court~~ may establish as a condition under sub. (1) that the juvenile
18 report to a youth report center after school, in the evening, on weekends, on other
19 nonschool days, or at any other time that the juvenile is not under immediate adult
20 supervision, for participation in the social, behavioral, academic, community service,
21 and other programming of the center. Section 938.34 (5g) applies to any community
22 service work performed by a juvenile under this subsection.

23 **SECTION 354.** 938.32 (1r) of the statutes is amended to read:

24 938.32 (1r) ALCOHOL AND OTHER DRUG ABUSE TREATMENT; INFORMED CONSENT. If
25 the conditions of the consent decree provide for an alcohol and other drug abuse

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1 outpatient treatment program under sub. (1g) (a), the juvenile or, if the juvenile has
2 not attained ~~the age of 12 years of age~~, the juvenile's parent, guardian, or legal
3 custodian shall execute an informed consent form that indicates that they are
4 voluntarily and knowingly entering into a consent decree for the provision of alcohol
5 and other drug abuse outpatient treatment.

6 **SECTION 355.** 938.32 (1t) (title) of the statutes is created to read:

7 938.32 (1t) (title) RESTITUTION.

8 **SECTION 356.** 938.32 (1t) (a) 1., 1m. and 3. and (b) of the statutes are amended
9 to read:

10 938.32 (1t) (a) 1. Subject to subd. 3., if the petition alleges that the juvenile
11 committed a delinquent act that has resulted in damage to the property of another,
12 or in actual physical injury to another excluding pain and suffering, the judge ~~or~~
13 ~~circuit court commissioner~~ court may require the juvenile as a condition of the
14 consent decree, to repair the damage to property or to make reasonable restitution
15 for the damage or injury, either in the form of cash payments or, if the victim agrees,
16 the performance of services for the victim, or both, if the judge ~~or circuit court~~
17 ~~commissioner~~ court, after taking into consideration the well-being and needs of the
18 victim, considers it beneficial to the well-being and behavior of the juvenile. Any
19 consent decree that includes a condition of restitution by a juvenile shall include a
20 finding that the juvenile alone is financially able to pay or physically able to perform
21 the services, may allow up to the date of the expiration of the consent decree for the
22 payment or for the completion of the services, and may include a schedule for the
23 performance and completion of the services. ~~Objection by~~ If the juvenile objects to
24 the amount of damages claimed shall entitle the juvenile to, a hearing on the
25 question of damages shall be held to determine the amount of damages before the an

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1 amount of restitution is made part of the consent decree. Any recovery under this
2 subdivision shall be reduced by the amount recovered as restitution for the same act
3 under subd. 1m.

4 1m. If the petition alleges that the juvenile has committed a delinquent act that
5 has resulted in damage to the property of another, or in actual physical injury to
6 another excluding pain and suffering, the ~~judge or circuit court commissioner~~ court
7 may require a parent who has custody, as defined in s. 895.035 (1), of the juvenile,
8 as a condition of the consent decree, to make reasonable restitution for the damage
9 or injury. Except for recovery for retail theft under s. 943.51, the maximum amount
10 of any restitution ordered under this subdivision for damage or injury resulting from
11 any one act of a juvenile or from the same act committed by 2 or more juveniles in
12 the custody of the same parent may not exceed \$5,000. Any consent decree that
13 includes a condition of restitution by a parent ~~who has custody of the juvenile~~ under
14 this subdivision shall include a finding that the parent ~~who has custody of the~~
15 ~~juvenile~~ is financially able to pay the amount ordered and may allow up to the date
16 of the expiration of the consent decree for the payment. ~~Objection by~~ If the parent
17 objects to the amount of damages claimed ~~shall entitle the parent to,~~ a hearing on
18 ~~the question of damages~~ shall be held to determine the amount of damages before the
19 an amount of restitution is made part of the consent decree. Any recovery under this
20 subdivision shall be reduced by the amount recovered as restitution for the same act
21 under subd. 1.

22 3. Under this paragraph, a ~~judge or circuit court commissioner~~ court may not
23 order a juvenile who is under 14 years of age to make not more than \$250 in
24 restitution or to perform not more than 40 total hours of services for the victim as
25 total restitution under the consent decree.

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1 (b) The ~~judge court~~ may require the juvenile to participate in a supervised work
2 program or other community service work under s. 938.34 (5g) as a condition of the
3 consent decree.

NOTE: Clarifies, in s. 938.32 (1t) (a) 3., stats., that a juvenile under 14 years of age may not be ordered to make more than \$250 in restitution or perform more than 40 hours of service as total restitution for each consent decree.

4 **SECTION 357.** 938.32 (1v) and (1x) of the statutes are amended to read:

5 938.32 (1v) PARENTAL SCHOOL ATTENDANCE. If the petition alleges that the
6 juvenile is in need of protection or services under s. 938.13 (6), the ~~judge or circuit~~
7 ~~court commissioner court~~ may ~~establish~~ require as a condition under sub. (1) that the
8 juvenile's parent, guardian, or legal custodian attend school with the juvenile.

9 (1x) SUPERVISED WORK PROGRAM. If the petition alleges that the juvenile violated
10 s. 943.017 and the juvenile has attained ~~the minimum age at which a juvenile may~~
11 ~~be adjudicated delinquent~~ 10 years of age, the ~~judge or circuit court commissioner~~
12 ~~court~~ may require, as a condition of the consent decree, that the juvenile participate
13 for not less than 10 hours nor more than 100 hours in a supervised work program
14 under s. 938.34 (5g) or perform not less than 10 hours nor more than 100 hours of
15 other community service work, except that if the juvenile has not attained 14 years
16 of age the maximum number of hours is a total of 40 under the consent decree.

NOTE: Clarifies, in s. 938.32 (1x), stats., that a juvenile under 14 years of age may not be ordered to participate in more than 40 hours in a supervised work program or perform more than 40 hours of community service work in total for each consent decree.

17 **SECTION 358.** 938.32 (2) (title) of the statutes is created to read:

18 938.32 (2) (title) TIME PERIOD FOR CONSENT DECREE; EXTENSION.

19 **SECTION 359.** 938.32 (2) (a), (3) and (4) of the statutes are amended to read:

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1 938.32 (2) (a) A consent decree shall remain in effect for up to one year unless
2 the juvenile, parent, guardian, or legal custodian is discharged sooner by the judge
3 ~~or circuit court commissioner~~ court.

4 (3) FAILURE TO FOLLOW; OBJECTION TO CONTINUANCE CONSENT DECREE. If, prior to
5 discharge by the court, or to the expiration of the consent decree, the court finds that
6 the juvenile or parent, legal guardian, or legal custodian has failed to fulfill the
7 express terms and conditions of the consent decree or that the juvenile objects to the
8 continuation of the consent decree, the hearing under which the juvenile was placed
9 on supervision may be continued to conclusion as if the consent decree had never
10 been entered.

11 (4) DISCHARGE BY COURT OR COMPLETION OF SUPERVISION. No A juvenile who is
12 discharged by the court or who completes the period of supervision without
13 reinstatement of the original petition may ~~again~~ not be proceeded against in any
14 court for the same offense alleged in the petition or an offense based on the same
15 conduct, and the original petition shall be dismissed with prejudice. ~~Nothing in this~~
16 This subsection precludes does not preclude a civil suit against the juvenile or parent
17 for damages arising from the juvenile's conduct.

18 **SECTION 360.** 938.32 (5) (title) of the statutes is created to read:

19 938.32 (5) (title) REFUSAL FROM SUBSEQUENT PROCEEDINGS.

20 **SECTION 361.** 938.32 (5) (a) and (6) of the statutes are amended to read:

21 938.32 (5) (a) The court refuses to enter into a consent decree ~~and~~, the
22 allegations in the petition remain to be decided ~~in a hearing where, and~~ and the juvenile
23 denies the allegations of delinquency.

24 (6) NOTICE TO JUVENILE OF RIGHT TO OBJECT TO CONTINUATION. The judge ~~or circuit~~
25 ~~court commissioner~~ court shall inform the juvenile and the juvenile's parent,

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1 guardian, or legal custodian, in writing, of the juvenile's right to object to the
2 continuation of the consent decree under sub. (3) and of the fact that the hearing
3 under which the juvenile was placed on supervision may be continued to conclusion
4 as if the consent decree had never been entered.

5 **SECTION 362.** 938.33 (1) (intro.), (b), (c) and (f) of the statutes are amended to
6 read:

7 938.33 (1) REPORT REQUIRED. (intro.) Before the disposition of a juvenile
8 adjudged to be delinquent or in need of protection or services, the court shall
9 designate an agency, as defined in s. 938.38 (1) (a), to submit a report ~~which shall~~
10 ~~contain~~ that contains all of the following:

11 (b) A recommended plan of rehabilitation or treatment and care for the juvenile
12 ~~which is~~, based on the investigation conducted by the agency and any report
13 resulting from an examination or assessment under s. 938.295, ~~which~~ that employs
14 the most effective means available to accomplish the objectives of the plan.

15 (c) A description of the specific services or continuum of services ~~which~~ that the
16 agency is recommending ~~that~~ the court to order for the juvenile or family, the persons
17 or agencies that would be primarily responsible for providing those services, and the
18 identity of the person or agency that would provide case management or coordination
19 of services, if any ~~or~~, and whether or not the juvenile should receive an integrated
20 service plan.

21 (f) If the agency is recommending that the court order the juvenile's parent,
22 guardian, or legal custodian to participate in mental health treatment, anger
23 management, individual or family counseling, or parent training and education, a
24 statement as to the availability of those services and ~~as to~~ the availability of funding
25 for those services.

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1 **SECTION 363.** 938.33 (3) (intro.) and (a) of the statutes are amended to read:

2 938.33 **(3)** CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending
3 placement of a juvenile in a secured juvenile correctional facility, ~~a secured child~~
4 ~~earing institution~~ or a secured group home residential care center for children and
5 youth shall be in writing, except that the report may be presented orally at the
6 dispositional hearing if the juvenile and the juvenile's counsel consent. A report that
7 is presented orally shall be transcribed and made a part of the court record. In
8 addition to the information specified under sub. (1) (a) to (d), the report shall include
9 all of the following:

10 (a) A description of any less restrictive alternatives that are available and that
11 have been considered, and why they have been determined to be inappropriate. If
12 the judge court has found that any of the conditions specified in s. 938.34 (4m) (b) 1.,
13 2., or 3. applies, the report shall indicate that a less restrictive alternative than
14 placement in a secured juvenile correctional facility, ~~a secured child~~ ~~earing~~
15 ~~institution~~ or a secured group home residential care center for children and youth
16 is not appropriate.

17 **SECTION 364.** 938.33 (3r) of the statutes is amended to read:

18 938.33 **(3r)** SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been
19 adjudicated delinquent for committing a violation for which the juvenile may be
20 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
21 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
22 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for
23 placement in the serious juvenile offender program under s. 938.34 (4h) or in a
24 secured juvenile correctional facility ~~or a secured group home~~ under s. 938.34 (4m),
25 a placement specified in s. 938.34 (3), or placement in the juvenile's home with

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1 supervision and community-based programming and a recommendation as to the
2 type of placement for which the juvenile is best suited.

3 **SECTION 365.** 938.33 (4m) (intro.) of the statutes is amended to read:

4 938.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In
5 making a recommendation for an amount of child support under sub. (3) or (4), the
6 agency shall consider the factors ~~that the court considers~~ under s. 301.12 (14) (c) for
7 ~~deviation from the percentage standard~~. At or before the dispositional hearing under
8 s. 938.335, the agency shall provide the juvenile's parent with all of the following:

9 **SECTION 366.** 938.335 (1) of the statutes is amended to read:

10 938.335 (1) WHEN REQUIRED. The court shall conduct a hearing to determine
11 the disposition of a case in which a juvenile is adjudged to be delinquent under s.
12 938.12, to have violated a civil law or ordinance under s. 938.125, or to be in need of
13 protection or services under s. 938.13, except that the court shall proceed as provided
14 ~~in~~ under s. 938.237 (2) if a citation is issued and the juvenile fails to contest the
15 citation.

16 **SECTION 367.** 938.335 (3) (title) of the statutes is created to read:

17 938.335 (3) (title) EVIDENCE AND RECOMMENDATIONS.

18 **SECTION 368.** 938.335 (3g) of the statutes is renumbered 938.335 (3g) (intro.)
19 and amended to read:

20 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this
21 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
22 the juvenile in a foster home, treatment foster home, group home, or residential care
23 center for children and youth, or in the home of a relative other than a parent, the
24 agency shall present as evidence specific information showing ~~that continued~~ all of
25 the following:

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1 (a) That continued placement of the juvenile in his or her home would be
2 contrary to the welfare of the juvenile, ~~specific information showing that the.~~

3 (b) That the county department or the agency primarily responsible for
4 providing services to the juvenile has made reasonable efforts to prevent the removal
5 of the juvenile from the home, while assuring that the juvenile's health and safety
6 are the paramount concerns, unless any of the circumstances specified in s. 938.355
7 (2d) (b) 1. to 4. applies, ~~and specific information showing that the.~~

8 (c) That the county department or agency has made reasonable efforts to
9 achieve the goal of the juvenile's permanency plan, unless return of the juvenile to
10 the home is the goal of the permanency plan and any of the circumstances specified
11 in s. 938.355 (2d) (b) 1. to 4. applies.

12 **SECTION 369.** 938.335 (3m) (title) of the statutes is created to read:

13 938.335 (3m) (title) VICTIMS' STATEMENTS.

14 **SECTION 370.** 938.335 (3m) (a) of the statutes is renumbered 938.335 (3m)
15 (intro.) and amended to read:

16 938.335 (3m) (intro.) Before imposing a disposition in a proceeding in which
17 a juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of
18 protection or services under s. 938.13 (12), the all of the following shall occur:

19 (ag) The court shall determine whether a victim of the juvenile's act wants to
20 make a statement to the court. If a victim wants to make a statement, the court shall
21 allow the victim to make a statement in court or to submit a written statement to be
22 read to the court. The court may allow any other person to make or submit a
23 statement under this paragraph. Any statement made under this paragraph must
24 be relevant to the disposition.

25 **SECTION 371.** 938.335 (3m) (am) of the statutes is amended to read:

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1 938.335 **(3m)** (am) ~~Before imposing a disposition in a proceeding in which a~~
2 ~~juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of~~
3 ~~protection or services under s. 938.13 (12), the~~ The court shall inquire of the district
4 attorney or corporation counsel whether he or she has complied with par. (b) and
5 ~~whether he or she has complied with~~ s. 938.27 (4m), whether any of the known
6 victims requested notice of the date, time, and place of the dispositional hearing, and,
7 if so, whether the district attorney or corporation counsel provided to the victim
8 notice of the date, time, and place of the hearing.

9 **SECTION 372.** 938.335 (3m) (b) of the statutes is amended to read:

10 938.335 **(3m)** (b) ~~After a finding that a juvenile is delinquent under s. 938.12~~
11 ~~or is found to be in need of protection or services under s. 938.13 (12), the~~ The district
12 attorney or corporation counsel shall make a reasonable attempt to contact any
13 known victim to inform that person of the right to make a statement under par. (a)
14 (ag). Any failure to comply with this paragraph is not a ground for an appeal of a
15 dispositional order or for any court to reverse or modify a dispositional order.

16 **SECTION 373.** 938.335 (3r) (title), (4) (title) and (5) (title) of the statutes are
17 created to read:

18 938.335 **(3r)** (title) CHILD SUPPORT.

19 **(4)** (title) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS.

20 **(5)** (title) DISPOSITIONAL ORDER.

21 **SECTION 374.** 938.34 (2) (a) and (b) of the statutes are amended to read:

22 938.34 **(2)** (a) Place the juvenile under the supervision of an agency, the
23 department, if the department approves, or a suitable adult, including a friend of the
24 juvenile, under conditions prescribed by the court, including reasonable rules for the

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1 juvenile's conduct, designed for the physical, mental, and moral well-being and
2 behavior of the juvenile.

3 (b) If the juvenile is placed in the juvenile's home under the supervision of an
4 agency or the department, order the agency or department to provide specified
5 services to the juvenile and the juvenile's family, ~~which may include but are not~~
6 ~~limited to~~ including individual, family, or group counseling, homemaker or parent
7 aide services, respite care, housing assistance, day care, or parent skills training.

8 **SECTION 375.** 938.34 (2g) (intro.) and (a) of the statutes are amended to read:

9 938.34 **(2g)** VOLUNTEERS IN PROBATION PROGRAM. (intro.) If the juvenile is
10 adjudicated delinquent for the commission of an act that would constitute a
11 misdemeanor if committed by an adult, if the chief judge of the judicial
12 administrative district has approved under s. 973.11 (2) a volunteers in probation
13 program established in the juvenile's county of residence, and if the court determines
14 that volunteer supervision under that ~~volunteers in probation~~ program will likely
15 benefit the juvenile and the community, ~~placement of~~ place the juvenile with that the
16 volunteers in probation program under such conditions as the court determines are
17 reasonable and appropriate. These conditions may include, ~~but need not be limited~~
18 ~~to~~, any of the following:

19 (a) A directive to a volunteer to ~~provide~~ be a role model for the juvenile a ~~role~~
20 ~~model~~, informal counseling, general monitoring and monitoring of the conditions
21 established by the court, or any combination of these functions.

22 **SECTION 376.** 938.34 (2m) (a) and (c) of the statutes are amended to read:

23 938.34 **(2m)** (a) The chief judge of the judicial administrative district has
24 approved a teen court program established in the juvenile's county of residence and

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1 the judge court determines that participation in the teen court program will likely
2 benefit the juvenile and the community.

3 (c) The juvenile admits or pleads no contest in open court, with in the presence
4 of the juvenile's parent, guardian, or legal custodian present, to the allegations that
5 the juvenile committed the delinquent act.

6 **SECTION 377.** 938.34 (3) (a), (b) and (e) of the statutes are amended to read:

7 938.34 (3) (a) The home of a parent or other relative of the juvenile, except that
8 the court may not designate the home of a parent or other relative of the juvenile as
9 the juvenile's placement if the parent or other relative has been convicted ~~under s.~~
10 ~~940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree~~
11 ~~intentional of the~~ homicide, of a parent of the juvenile under s. 940.01 or 940.05, and
12 the conviction has not been reversed, set aside, or vacated, unless the court
13 determines by clear and convincing evidence that the placement would be in the best
14 interests of the juvenile. The court shall consider the wishes of the juvenile in
15 making that determination.

16 (b) The home of a person who is not required to be licensed if placement is for
17 less than 30 days, except that the court may not designate the home of a person who
18 is not required to be licensed as the juvenile's placement if the person has been
19 convicted ~~under s. 940.01 of the first-degree intentional homicide, or under s. 940.05~~
20 ~~of the 2nd-degree intentional of the~~ homicide, of a parent of the juvenile under s.
21 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated,
22 unless the court determines by clear and convincing evidence that the placement
23 would be in the best interests of the juvenile. The court shall consider the wishes of
24 the juvenile in making that determination.

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1 (e) An independent living situation effective on or after the juvenile's 17th
2 birthday, either alone or with friends, under such supervision as the court considers
3 appropriate, but only if the juvenile is of sufficient maturity and judgment to live
4 independently and only upon proof of a reasonable plan for supervision by an
5 appropriate person or agency.

6 **SECTION 378.** 938.34 (4d) of the statutes is amended to read:

7 938.34 (4d) ~~TYPE 2 CHILD-CARING INSTITUTION~~ RESIDENTIAL CARE CENTER FOR
8 CHILDREN AND YOUTH PLACEMENT. Place the juvenile in a Type 2 ~~child-caring~~
9 ~~institution~~ residential care center for children and youth under the supervision of the
10 county department and subject to Type 2 status, as described in s. 938.539, but only
11 if all of the following apply:

12 (a) The juvenile has been found to be delinquent for the commission of an act
13 ~~which if committed by an adult that~~ would be punishable by a sentence of 6 months
14 or more if committed by an adult.

15 (b) The juvenile has been found to be a danger to the public and to be in need
16 of restrictive custodial treatment. If the ~~judge~~ court determines that any of the
17 conditions specified in sub. (4m) (b) 1., 2., or 3. applies, but that placement in the
18 serious juvenile offender program under sub. (4h) or in a ~~secured~~ juvenile
19 correctional facility under sub. (4m) would not be appropriate, that determination
20 shall be prima facie evidence that the juvenile is a danger to the public and in need
21 of restrictive custodial treatment under this subsection.

22 **SECTION 379.** 938.34 (4h) (a) and (b) of the statutes are amended to read:

23 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
24 delinquent for committing or conspiring to commit a violation of s. ~~939.31, 939.32~~ (1)
25 (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02,

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1 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2) or attempting
2 a violation of s. 943.32 (2) or the juvenile is 10 years of age or over and has been
3 adjudicated delinquent for attempting or committing a violation of s. 940.01 or for
4 committing a violation of 940.02 or 940.05.

5 (b) The judge court finds that the only other disposition that ~~would be~~ is
6 appropriate for the juvenile ~~would be~~ is placement of the juvenile in a secured
7 juvenile correctional facility under sub. (4m).

NOTE: 1. Clarifies that, in s. 938.34 (4h) (a), stats., conspiracy to commit an offense
[s. 939.31, stats.] means conspiracy to commit an offense listed as a serious juvenile
offender offense.

2. Adds to s. 938.34 (4h) (a), stats., attempted armed robbery and 2nd degree
reckless homicide as serious juvenile offender offenses.

8 **SECTION 380.** 938.34 (4m) (intro.), (a) and (b) (intro.) of the statutes are
9 amended to read:

10 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured
11 juvenile correctional facility or a secured ~~child caring institution~~ residential care
12 center for children and youth under the supervision of the department ~~or in a secured~~
13 ~~group home under the supervision of a county department if the juvenile is 12 years~~
14 ~~of age or over or, if the juvenile is under 12 years of age, in a secured child caring~~
15 ~~institution under the supervision of the department or in a secured group home~~
16 ~~under the supervision of a county department, unless the department, after an~~
17 ~~examination under s. 938.50, determines that placement in a secured correctional~~
18 ~~facility is more appropriate, but only if all of the following apply:~~

19 (a) The juvenile has been found to be delinquent for the commission of an act
20 ~~which if committed by an adult~~ that would be punishable by a sentence of 6 months
21 or more if committed by an adult.

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1 (b) (intro.) The juvenile has been found to be a danger to the public and to be
2 in need of restrictive custodial treatment. If the judge court determines that any of
3 the following conditions applies, but that placement in the serious juvenile offender
4 program under sub. (4h) ~~would~~ is not be appropriate, that determination shall be
5 prima facie evidence that the juvenile is a danger to the public and in need of
6 restrictive custodial treatment under this subsection:

NOTE: Permits the court, under s. 938.34 (4m) (intro.), stats., to place a juvenile in either a juvenile correctional facility or a secure residential care center for children and youth. Does not specify age requirements for either placement.

7 **SECTION 381.** 938.34 (4n) (intro.) and (b) of the statutes are amended to read:
8 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to any arrangement
9 between the department and a county department regarding the provision of
10 aftercare supervision for juveniles who have been released from a secured juvenile
11 correctional facility, ~~a secured child caring institution~~, or a secured group home
12 residential care center for children and youth, designate one of the following to
13 provide aftercare supervision for the juvenile following the juvenile's release from
14 the secured juvenile correctional facility, ~~secured child caring institution~~, or secured
15 group home residential care center for children and youth:

16 (b) The county department of the county of the court that placed the juvenile
17 in the secured juvenile correctional facility, ~~secured child caring institution~~ or
18 secured group home residential care center for children and youth.

19 **SECTION 382.** 938.34 (5) (a), (am) and (c) of the statutes are amended to read:
20 938.34 (5) (a) Subject to par. (c), if the juvenile is found to have committed a
21 delinquent act ~~which has~~ that resulted in damage to the property of another, or
22 actual physical injury to another excluding pain and suffering, order the juvenile to
23 repair the damage to property or to make reasonable restitution for the damage or

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1 injury, either in the form of cash payments or, if the victim agrees, the performance
2 of services for the victim, or both, if the court, after taking into consideration the
3 well-being and needs of the victim, considers it beneficial to the well-being and
4 behavior of the juvenile. ~~Any such~~ The order shall include a finding that the juvenile
5 alone is financially able to pay or physically able to perform the services, may allow
6 up to the date of the expiration of the order for the payment or for the completion of
7 the services, and may include a schedule for the performance and completion of the
8 services. ~~Objection by~~ If the juvenile objects to the amount of damages claimed shall
9 entitle, the juvenile is entitled to a hearing on the question of damages before the
10 amount of restitution is ordered. Any recovery under this paragraph shall be reduced
11 by the amount recovered as restitution under s. 938.45 (1r) (a).

12 (am) Subject to par. (c), order a juvenile who owes restitution under par. (a) and
13 who is receiving income while placed in a secured juvenile correctional facility,
14 residential ~~treatment~~ care center for children and youth, or other out-of-home
15 placement to contribute a stated specified percentage of that income towards that
16 restitution.

17 (c) Under this subsection, a court may ~~not~~ order a juvenile who is under 14 years
18 of age to make not more than \$250 in restitution or to perform not more than 40 total
19 hours of services for the victim as total restitution under the order.

NOTE: Clarifies, in s. 938.34 (5) (c), stats., that a juvenile under 14 years of age may not make more than \$250 in restitution or perform more than 40 hours of services for each dispositional order.

20 **SECTION 383.** 938.34 (5g) (b) of the statutes is amended to read:

21 938.34 (5g) (b) The supervised work program or other community service work
22 shall be ~~of a~~ constructive nature and designed to promote the rehabilitation of the
23 juvenile, ~~shall be~~ appropriate to the age level and physical ability of the juvenile, and

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1 shall be combined with counseling from a member of the staff of the county
2 department, community agency, public agency, or nonprofit charitable organization
3 or other qualified person. The supervised work program or other community service
4 work may not conflict with the juvenile's regular attendance at school. Subject to par.
5 (d), the amount of work required shall be reasonably related to the seriousness of the
6 juvenile's offense.

7 **SECTION 384.** 938.34 (6r) (a) and (b) and (6s) of the statutes are amended to
8 read:

9 938.34 **(6r)** (a) If the report prepared under s. 938.33 (1) recommends that the
10 juvenile is in need of treatment for the use or abuse of alcohol beverages, controlled
11 substances, or controlled substance analogs and its medical, personal, family, or
12 social effects, ~~the court may~~ order the juvenile to enter an outpatient alcohol and
13 other drug abuse treatment program at an approved treatment facility. The
14 approved treatment facility shall, under the terms of a service agreement between
15 the county and the approved treatment facility, or with the written informed consent
16 of the juvenile or the juvenile's parent if the juvenile has not attained the age of 12,
17 report to the agency primarily responsible for providing services to the juvenile as
18 to whether the juvenile is cooperating with the treatment and whether the treatment
19 appears to be effective.

20 (b) If the report prepared under s. 938.33 (1) recommends that the juvenile is
21 in need of education relating to the use of alcohol beverages, controlled substances,
22 or controlled substance analogs, ~~the court may~~ order the juvenile to participate in an
23 alcohol or other drug abuse education program approved by the court. The person
24 or agency that provides the education program shall, under the terms of a service
25 agreement between the county and the education program, or with the written

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1 informed consent of the juvenile or the juvenile's parent if the juvenile has not
2 attained the age of 12, report to the agency primarily responsible for providing
3 services to the juvenile about the juvenile's attendance at the program.

4 **(6s) DRUG TESTING.** If the report under s. 938.33 (1) ~~indicate~~ indicates that the
5 juvenile is in need of treatment for the use or abuse of controlled substances or
6 controlled substance analogs, order the juvenile to submit to drug testing under a
7 drug testing program that the department shall promulgate by rule.

8 **SECTION 385.** 938.34 (7d) (a) 2., 3. and 4. of the statutes are amended to read:

9 938.34 **(7d)** (a) 2. Pursuant to Under a contractual agreement with the school
10 district in which the juvenile resides, a nonresidential educational program provided
11 by a licensed child welfare agency.

12 3. Pursuant to Under a contractual agreement with the school district in which
13 the juvenile resides, an educational program provided by a private, nonprofit,
14 nonsectarian agency that is located in the school district in which the juvenile resides
15 and that complies with 42 USC 2000d.

16 4. Pursuant to Under a contractual agreement with the school district in which
17 the juvenile resides, an educational program provided by a technical college district
18 located in the school district in which the juvenile resides.

19 **SECTION 386.** 938.34 (8) of the statutes is amended to read:

20 938.34 **(8) FORFEITURE.** Impose a forfeiture based upon a determination that
21 this disposition is in the best interest of the juvenile and ~~in aid of~~ the juvenile's
22 rehabilitation. The maximum forfeiture that the court may impose under this
23 subsection for a violation by a juvenile is the maximum amount of the fine that may
24 be imposed on an adult for committing that violation or, if the violation is applicable
25 only to a person under 18 years of age, \$100. ~~Any such~~ The order shall include a

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1 finding that the juvenile alone is financially able to pay the forfeiture and shall allow
2 up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may
3 vacate the forfeiture and order other alternatives under this section, ~~in accordance~~
4 ~~with the conditions specified in this chapter~~; or the court may suspend any license
5 issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the
6 juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years.
7 If the court suspends any license under this subsection, the clerk of the court shall
8 immediately take possession of the suspended license and forward it to the
9 department which issued the license, together with a notice of suspension clearly
10 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
11 the forfeiture is paid during the period of suspension, the suspension shall be reduced
12 to the time period which has already elapsed and the court shall immediately notify
13 the department which shall then return the license to the juvenile. Any recovery
14 under this subsection shall be reduced by the amount recovered as a forfeiture for
15 the same act under s. 938.45 (1r) (b).

16 **SECTION 387.** 938.34 (8d) (c) and (d) of the statutes are amended to read:

17 938.34 (8d) (c) If a juvenile placed in a secured juvenile correctional facility or
18 a secured child-caring institution residential care center for children and youth fails
19 to pay the surcharge under par. (a), the department shall assess and collect the
20 amount owed from the juvenile's wages or other moneys. ~~If a juvenile placed in a~~
21 ~~secured group home fails to pay the surcharge under par. (a), the county department~~
22 ~~shall assess and collect the amount owed from the juvenile's wages or other moneys.~~
23 Any amount collected shall be transmitted to the secretary of administration.

24 (d) If the juvenile fails to pay the surcharge under par. (a), the court may vacate
25 the surcharge and order other alternatives under this section, in accordance with the

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1 conditions specified in this chapter; or the court may suspend any license issued
2 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's
3 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more
4 than 5 years. If the court suspends any license under this subsection, the clerk of the
5 court shall immediately take possession of the suspended license and forward it to
6 the department which issued the license, together with a notice of suspension clearly
7 stating that the suspension is for failure to pay a surcharge imposed by the court.
8 If the surcharge is paid during the period of suspension, the suspension shall be
9 reduced to the time period which has already elapsed and the court shall
10 immediately notify the department which shall then return the license to the
11 juvenile.

NOTE: Deletes the second sentence in s. 938.34 (8d) (c), stats., to reflect the deletion
of references to secured group homes under this bill. See the NOTE to s. 938.02 (15p),
stats., as affected by this bill.

12 **SECTION 388.** 938.34 (13r), (13t), (14d) and (14q) of the statutes are amended
13 to read:

14 938.34 **(13r)** VIOLENT VIOLATION IN A SCHOOL ZONE. (a) If the juvenile is
15 adjudicated delinquent ~~under~~ for a violation of a violent crime law specified in s.
16 939.632 (1) (e) in a school zone, as defined in s. 939.632 (1) (d), ~~the court may require~~
17 that the juvenile participate for 100 hours in a supervised work program under sub.
18 (5g) or perform 100 hours of other community service work.

19 (b) The court ~~shall~~ may not impose the requirement under par. (a) if the court
20 determines that the ~~person~~ juvenile would pose a threat to public safety while
21 completing the requirement.

22 **(13t)** GRAFFITI VIOLATION. If the juvenile is adjudicated delinquent ~~under~~ for a
23 violation of s. 943.017, ~~the court may require~~ that the juvenile participate for not less

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1 than 10 hours nor more than 100 hours in a supervised work program under sub. (5g)
2 or perform not less than 10 hours nor more than 100 hours of other community
3 service work, except that if the juvenile has not attained 14 years of age the
4 maximum number of hours is 40.

5 **(14d) HATE VIOLATIONS.** In addition to any other disposition imposed under this
6 section, if the juvenile is found to have committed a violation under circumstances
7 in which, if committed by an adult, the adult would be subject to a penalty
8 enhancement under s. 939.645, ~~the court may~~ order any one or more of the following
9 dispositions:

10 (a) ~~That the juvenile make restitution~~ Restitution under sub. (5).

11 (b) ~~That the juvenile participate~~ Participation in a supervised work program
12 or other community service work under sub. (5g) or (5m).

13 (c) ~~That the juvenile participate~~ Participation in a victim-offender mediation
14 program under sub. (5r) or ~~otherwise apologize~~ an other means of apologizing to the
15 victim.

16 (d) ~~That the juvenile participate~~ Participation in an educational program
17 under sub. (7n) that includes sensitivity training or training in diversity.

18 **(14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS.** In addition to any other
19 disposition imposed under this section, if the juvenile is found to have violated s.
20 947.015 and the property involved is owned or leased by the state or any political
21 subdivision of the state, or if the property involved is a school premises, as defined
22 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. 941.235 or 948.605,
23 ~~the court may~~ immediately suspend the juvenile's operating privilege, as defined in
24 s. 340.01 (40), for 2 years. The court shall immediately forward to the department
25 of transportation the notice of suspension, ~~clearly~~ stating that the suspension is for

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1 a violation of s. 947.015 involving school premises, or for a violation of s. 941.235 or
2 948.605. If otherwise eligible, the juvenile is eligible for an occupational license
3 under s. 343.10.

4 **SECTION 389.** 938.34 (14r) (a) of the statutes is amended to read:

5 938.34 (14r) (a) In addition to any other dispositions imposed under this
6 section, if the juvenile is found to have violated ch. 961, the court shall suspend the
7 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months
8 nor more than 5 years. The court shall immediately take possession of any
9 suspended license and forward it to the department of transportation together with
10 the notice of suspension clearly stating that the suspension or revocation is for a
11 violation of ch. 961.

12 **SECTION 390.** 938.34 (15) (b) of the statutes is amended to read:

13 938.34 (15) (b) The department of justice shall promulgate rules providing
14 procedures for juveniles to provide specimens under par. (a) and for the
15 transportation of ~~those~~ the specimens to the state crime laboratories under s. 165.77.

16 **SECTION 391.** 938.34 (16) of the statutes is amended to read:

17 938.34 (16) STAY OF ORDER. After ordering a disposition under this section,
18 enter an additional order staying the execution of the dispositional order contingent
19 on the juvenile's satisfactory compliance with any conditions that are specified in the
20 dispositional order and explained to the juvenile by the court. If the juvenile violates
21 a condition of his or her dispositional order, the agency supervising the juvenile or
22 the district attorney or corporation counsel in the county in which the dispositional
23 order was entered shall notify the court and the court shall hold a hearing within 30
24 days after the filing of the notice to determine whether the original dispositional
25 order should be imposed, unless the juvenile signs a written waiver of any objections

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1 to imposing the original dispositional order and the court approves the waiver. If a
2 hearing is held, the court shall notify the parent, juvenile, guardian, and legal
3 custodian, all parties bound by the original dispositional order, and the district
4 attorney or corporation counsel in the county in which the dispositional order was
5 entered of the time and place of the hearing at least 3 days before the hearing. If all
6 parties consent, the court may proceed immediately with the hearing. The court may
7 not impose the original dispositional order unless the court finds by a preponderance
8 of the evidence that the juvenile has violated a condition of his or her dispositional
9 order.

NOTE: In s. 938.34 (16), stats., adds the district attorney and corporation counsel
as persons who may notify the court of a violation of the dispositional order when the
original dispositional order is stayed.

10 **SECTION 392.** 938.342 (1d) (intro.) of the statutes is amended to read:

11 938.342 (1d) TRUANCY ORDINANCE VIOLATIONS. (intro.) If the court finds that the
12 person violated a municipal ordinance enacted under s. 118.163 (1m), the court shall
13 enter an order making one or more of the following dispositions if ~~such a~~ the
14 disposition is authorized by the municipal ordinance:

15 **SECTION 393.** 938.342 (1g) (intro.) and (b) of the statutes are amended to read:

16 938.342 (1g) HABITUAL TRUANCY ORDINANCE VIOLATIONS. (intro.) If the court
17 finds that a person under 18 years of age violated a municipal ordinance enacted
18 under s. 118.163 (2), the court shall enter an order making one or more of the
19 following dispositions if ~~such a~~ the disposition is authorized by the municipal
20 ordinance:

21 (b) Order the person to participate in counseling or a supervised work program
22 or other community service work as described in s. 938.34 (5g). The costs of any ~~such~~
23 counseling, supervised work program, or other community service work may be

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1 assessed against the person, the parents or guardian of the person, or both. Any
2 county department, community agency, public agency, or nonprofit charitable
3 organization administering a supervised work program or other community service
4 work to which a person is assigned pursuant to under an order under this paragraph
5 acting in good faith has immunity from any civil liability in excess of \$25,000 for any
6 act or omission by or impacting on that person.

7 **SECTION 394.** 938.342 (1g) (f) 1. and 2. of the statutes are amended to read:

8 938.342 (1g) (f) 1. The chief judge of the judicial administrative district has
9 approved a teen court program established in the person's county of residence and
10 the judge court determines that participation in the teen court program will likely
11 benefit the person and the community.

12 2. The person admits or pleads no contest in open court, with in the presence
13 of the person's parent, guardian, or legal custodian ~~present~~, to the allegations that
14 the person violated the municipal ordinance enacted under s. 118.163 (2).

15 **SECTION 395.** 938.342 (1m), (1r) and (2) of the statutes are amended to read:

16 938.342 (1m) ORDERS APPLICABLE TO PARENTS, GUARDIANS, AND LEGAL CUSTODIANS.

17 (a) If the court finds that the person violated a municipal ordinance enacted under
18 s. 118.163 (2), the court may, in addition to or instead of the dispositions under sub.
19 (1g), order the person's parent, guardian, or legal custodian to participate in
20 counseling at the parent's, guardian's, or legal custodian's own expense or to attend
21 school with the person, or both, if such a the disposition is authorized by the
22 municipal ordinance.

23 (am) If the court finds that the person violated a municipal ordinance enacted
24 under s. 118.163 (1m), the court may, as part of the disposition under sub. (1d), order
25 the person's parent or guardian to pay all or part of a forfeiture plus costs assessed

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1 under sub. (1d) (b). If the court finds that the person violated a municipal ordinance
2 enacted under s. 118.163 (2), the court may, as part of the dispositions disposition
3 under sub. (1g), order the person's parent or guardian to pay all or part of the costs
4 of any program ordered under sub. (1g) (b) or to pay all or part of a forfeiture plus
5 costs assessed under sub. (1g) (h).

6 (b) No order to any parent, guardian, or legal custodian under par. (a) or (am)
7 may be entered until the parent, guardian, or legal custodian is given an opportunity
8 to be heard on the contemplated order of the court. The court shall cause notice of
9 the time, place, and purpose of the hearing to be served on the parent, guardian, or
10 legal custodian personally at least 10 days before the date of the hearing. The
11 procedure in these cases shall, as far as practicable, be the same as in other cases to
12 the court. At the hearing, the parent, guardian, or legal custodian may be
13 represented by counsel and may produce and cross-examine witnesses. Any A
14 parent, guardian, or legal custodian who fails to comply with any order issued by a
15 court under par. (a) or (am) may be proceeded against for contempt of court.

16 **(1r) SCHOOL ATTENDANCE CONDITION.** If school attendance ~~under sub. (1d) (a) or~~
17 ~~(1g) (g)~~ is a condition of an order under sub. (1d) or (1g), the order shall specify what
18 constitutes a violation of the condition and shall direct the school board of the school
19 district, or the governing body of the private school, in which the person is enrolled
20 to notify the court or, if the person is under the supervision of an agency under sub.
21 (1g) (j), the agency that is responsible for supervising the person, within 5 days after
22 any violation of the condition by the person.

23 **(2) SCHOOL DROPOUT ORDINANCE VIOLATION.** (a) Except as provided in par. (b),
24 if the court finds that a person is subject to a municipal ordinance enacted under s.
25 118.163 (2m) (a), the court shall enter an order suspending the person's operating

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1 privilege, as defined in s. 340.01 (40), until the person reaches the age of attains 18
2 years of age.

3 (b) The court may ~~enter an order making~~ any of the dispositions specified under
4 sub. (1g) if the court finds that suspension of the person's operating privilege, as
5 defined in s. 340.01 (40), until the person reaches the age of attains 18 years of age
6 would cause an undue hardship to the person or the person's family.

7 **SECTION 396.** 938.343 (1) (title) of the statutes is created to read:

8 938.343 (1) (title) COUNSELING.

9 **SECTION 397.** 938.343 (2) of the statutes is amended to read:

10 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
11 forfeiture that may be imposed on an adult for committing that violation or, if the
12 violation is only applicable to a person under 18 years of age, \$50. ~~Any such~~ The order
13 shall include a finding that the juvenile alone is financially able to pay and shall
14 allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture, the
15 court may suspend any license issued under ch. 29 or suspend the juvenile's
16 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court
17 shall immediately take possession of the suspended license and forward it to the
18 department which issued the license, together with the notice of suspension clearly
19 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
20 the forfeiture is paid during the period of suspension, the court shall immediately
21 notify the department, which ~~will thereupon~~ shall return the license to the person.
22 Any recovery under this subsection shall be reduced by the amount recovered as a
23 forfeiture for the same act under s. 938.45 (1r) (b).

24 **SECTION 398.** 938.343 (2m) (title) of the statutes is created to read:

25 938.343 (2m) (title) TEEN COURT PROGRAM.

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1 **SECTION 399.** 938.343 (2m) (a) of the statutes is amended to read:

2 938.343 **(2m)** (a) The chief judge of the judicial administrative district has
3 approved a teen court program established in the juvenile's county of residence and
4 the judge court determines that participation in the teen court program will likely
5 benefit the juvenile and the community.

6 **SECTION 400.** 938.343 (2m) (b) of the statutes is amended to read:

7 938.343 **(2m)** (b) The juvenile admits or pleads no contest in open court, ~~with~~
8 in the presence of the juvenile's parent, guardian or legal custodian present, to the
9 allegations that the juvenile violated the civil law or ordinance.

10 **SECTION 401.** 938.343 (3) (title) and (3m) (title) of the statutes are created to
11 read:

12 938.343 **(3)** (title) COMMUNITY SERVICE WORK PROGRAM.

13 **(3m)** (title) YOUTH REPORT CENTER.

14 **SECTION 402.** 938.343 (4), (5), (6) and (7) of the statutes are amended to read:

15 938.343 **(4)** RESTITUTION. If the violation has resulted in damage to the property
16 of another, or in actual physical injury to another excluding pain and suffering, ~~the~~
17 ~~court may~~ order the juvenile to make repairs of the damage to property or reasonable
18 restitution for the damage or injury, either in the form of cash payments or, if the
19 victim agrees, the performance of services for the victim, or both, if the court, after
20 taking into consideration the well-being and needs of the victim, considers it
21 beneficial to the well-being and behavior of the juvenile. ~~Any such~~ An order
22 requiring payment for repairs or restitution shall include a finding that the juvenile
23 alone is financially able to pay or physically able to perform the services, may allow
24 up to the date of the expiration of the order for the payment or for the completion of
25 the services, and may include a schedule for the performance and completion of the

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1 services. ~~Objection by~~ If the juvenile objects to the amount of damages claimed shall
2 entitle, the juvenile is entitled to a hearing on the question of damages before the
3 amount of restitution is ordered. Any recovery under this subsection shall be reduced
4 by the amount recovered as restitution for the same act under s. 938.45 (1r) (a).

5 (5) BOATING SAFETY COURSE. If the violation is related to unsafe use of a boat,
6 order the juvenile to attend a boating safety course under s. 30.74 (1). If the juvenile
7 has a valid boating safety certificate at the time that the court imposes ~~sentene~~ the
8 disposition, the court shall ~~permanently~~ revoke the certificate and order the person
9 to obtain a another boating safety certificate of ~~satisfactory completion of a safety~~
10 ~~course~~ under s. 30.74 (1).

11 (6) HUNTING, TRAPPING, OR FISHING LICENSE SUSPENSION. If the violation is of ch.
12 29, ~~suspension of~~ suspend the license or licenses of the juvenile issued under that
13 chapter for not more than one year or until the juvenile is 18 years of age, whichever
14 occurs first.

15 (7) HUNTER EDUCATION PROGRAM. If the violation is related to the unsafe use of
16 firearms, order the juvenile to attend ~~the course under~~ the hunter education program
17 course under s. 29.591.

18 **SECTION 403.** 938.343 (8) of the statutes is amended to read:

19 938.343 (8) SNOWMOBILE SAFETY COURSE. If the violation is one under ch. 350
20 concerning the use of snowmobiles, order the juvenile to attend a snowmobile safety
21 course under s. 350.055.

22 **SECTION 404.** 938.343 (9) of the statutes is amended to read:

23 938.343 (9) ALL-TERRAIN VEHICLE SAFETY COURSE. If the violation is one under
24 s. 23.33 or under an ordinance enacted in conformity with s. 23.33 concerning the use

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1 of all-terrain vehicles, order the juvenile to ~~enroll and participate in~~ attend an
2 all-terrain vehicle safety course.

3 **SECTION 405.** 938.343 (10) (title) of the statutes is created to read:

4 938.343 (10) (title) ALCOHOL OR DRUG ASSESSMENT, TREATMENT, OR EDUCATION.

5 **SECTION 406.** 938.344 (2) (title) of the statutes is created to read:

6 938.344 (2) (title) UNDERAGE ALCOHOL POSSESSION OR POSSESSION ON SCHOOL
7 GROUNDS.

8 **SECTION 407.** 938.344 (2) (a), (b) and (c) of the statutes are amended to read:

9 938.344 (2) (a) For a first violation, a forfeiture of not more than \$50,
10 suspension of the juvenile's operating privilege as ~~provided~~ under s. 343.30 (6) (b) 1.,
11 or the juvenile's participation in a supervised work program or other community
12 service work under s. 938.34 (5g).

13 (b) For a violation committed within 12 months of one previous violation, a
14 forfeiture of not more than \$100 or the juvenile's participation in a supervised work
15 program or other community service work under s. 938.34 (5g). In addition, the
16 juvenile's operating privilege may be suspended as ~~provided~~ under s. 343.30 (6) (b)
17 2., except that if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's
18 operating privilege shall be suspended as ~~provided~~ under s. 343.30 (6) (b) 2.

19 (c) For a violation committed within 12 months of 2 or more previous violations,
20 a forfeiture of not more than \$500 or the juvenile's participation in a supervised work
21 program or other community service work under s. 938.34 (5g). In addition, the
22 juvenile's operating privilege may be suspended as ~~provided~~ under s. 343.30 (6) (b)
23 3., except that if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's
24 operating privilege shall be suspended as ~~provided~~ under s. 343.30 (6) (b) 3.

25 **SECTION 408.** 938.344 (2b) (title) of the statutes is created to read:

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1 938.344 **(2b)** (title) UNDERAGE PURCHASE OF ALCOHOL OR ENTERING LICENSED
2 PREMISES.

3 **SECTION 409.** 938.344 (2b) (a), (b) and (c) of the statutes are amended to read:

4 938.344 **(2b)** (a) For a first violation, a forfeiture of not less than \$250 nor more
5 than \$500, suspension of the juvenile's operating privilege ~~as provided~~ under s.
6 343.30 (6) (b) 1., or the juvenile's participation in a supervised work program or other
7 community service work under s. 938.34 (5g).

8 (b) For a violation committed within 12 months of one previous violation, a
9 forfeiture of not less than \$300 nor more than \$500 or the juvenile's participation in
10 a supervised work program or other community service work under s. 938.34 (5g).
11 In addition, the juvenile's operating privilege may be suspended ~~as provided~~ under
12 s. 343.30 (6) (b) 2., except that if the violation involved a motor vehicle the juvenile's
13 operating privilege shall be suspended ~~as provided~~ under s. 343.30 (6) (b) 2.

14 (c) For a violation committed within 12 months of 2 or more previous violations,
15 a forfeiture of \$500 or the juvenile's participation in a supervised work program or
16 other community service work under s. 938.34 (5g). In addition, the juvenile's
17 operating privilege may be suspended ~~as provided~~ under s. 343.30 (6) (b) 3., except
18 that if the violation involved a motor vehicle the juvenile's operating privilege shall
19 be suspended ~~as provided~~ under s. 343.30 (6) (b) 3.

20 **SECTION 410.** 938.344 (2d) (title) of the statutes is created to read:

21 938.344 **(2d)** (title) FALSE PROOF OF AGE.

22 **SECTION 411.** 938.344 (2d) (a), (b) and (c) of the statutes are amended to read:

23 938.344 **(2d)** (a) For a first violation, a forfeiture of not less than \$100 nor more
24 than \$500, suspension of the juvenile's operating privilege ~~as provided~~ under s.

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1 343.30 (6) (b) 1., or the juvenile's participation in a supervised work program or other
2 community service work under s. 938.34 (5g).

3 (b) For a violation committed within 12 months of a previous violation, a
4 forfeiture of not less than \$300 nor more than \$500, suspension of the juvenile's
5 operating privilege as provided under s. 343.30 (6) (b) 2., or the juvenile's
6 participation in a supervised work program or other community service work under
7 s. 938.34 (5g).

8 (c) For a violation committed within 12 months of 2 or more previous violations,
9 a forfeiture of \$500, suspension of the juvenile's operating privilege as provided
10 under s. 343.30 (6) (b) 3., or the juvenile's participation in a supervised work program
11 or other community service work under s. 938.34 (5g).

12 **SECTION 412.** 938.344 (2e) (title) of the statutes is created to read:

13 938.344 (2e) (title) DRUG PARAPHERNALIA VIOLATION.

14 **SECTION 413.** 938.344 (2e) (a) 1., 2. and 3., (b) and (c) of the statutes are
15 amended to read:

16 938.344 (2e) (a) 1. For a first violation, a forfeiture of not more than \$50 or the
17 juvenile's participation in a supervised work program or other community service
18 work under s. 938.34 (5g) or both.

19 2. For a violation committed within 12 months of a previous violation, a
20 forfeiture of not more than \$100 or the juvenile's participation in a supervised work
21 program or other community service work under s. 938.34 (5g) or both.

22 3. For a violation committed within 12 months of 2 or more previous violations,
23 a forfeiture of not more than \$500 or the juvenile's participation in a supervised work
24 program or other community service work under s. 938.34 (5g) or both.

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1 (b) Whenever a court suspends a juvenile's operating privilege under this
2 subsection, the court shall immediately take possession of any suspended license and
3 forward it to the department of transportation, together with the notice of
4 suspension clearly stating that the suspension is for a violation under s. 961.573 (2),
5 961.574 (2), or 961.575 (2), or a local ordinance that strictly conforms to one of those
6 statutes.

7 (c) If the juvenile's license or operating privilege is currently suspended or
8 revoked or the juvenile does not currently possess a valid operator's license issued
9 under ch. 343, the suspension under this subsection is effective on the date on which
10 the juvenile is first eligible and applies for issuance or reinstatement of an operator's
11 license under ch. 343.

12 **SECTION 414.** 938.344 (2g) (title) of the statutes is created to read:

13 938.344 (2g) (title) STAY OF ORDER.

14 **SECTION 415.** 938.344 (2g) (a) 1. and 4. a. and b. and (d) of the statutes are
15 amended to read:

16 938.344 (2g) (a) 1. Submit to an alcohol and other drug abuse assessment that
17 conforms to the criteria specified under s. 938.547 (4) and that is conducted by an
18 approved treatment facility. The order shall designate an approved treatment
19 facility to conduct the alcohol and other drug abuse assessment and shall specify the
20 date by which the assessment must be completed.

21 4. a. The chief judge of the judicial administrative district has approved a teen
22 court program established in the juvenile's county of residence and the judge court
23 determines that participation in the teen court program will likely benefit the
24 juvenile and the community.

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1 b. The juvenile admits or pleads no contest in open court, ~~with~~ in the presence
2 of the juvenile's parent, guardian or legal custodian ~~present~~, to the allegations that
3 the juvenile committed the violation specified in sub. (2), (2b), (2d) or (2e).

4 (d) If an approved treatment facility, court-approved pupil assistance program,
5 or court-approved alcohol or other drug abuse education program, with the written
6 informed consent of the juvenile or, if the juvenile has not attained the age of 12, the
7 written informed consent of the juvenile's parent, notifies the agency primarily
8 responsible for providing services to the juvenile that a juvenile is not participating,
9 or has not satisfactorily completed, a recommended alcohol or other drug abuse
10 treatment program, a court-approved pupil assistance program, or a
11 court-approved alcohol or other drug abuse education program, the court shall hold
12 a hearing to determine whether to impose the penalties under sub. (2), (2b), (2d), or
13 (2e) ~~should be imposed~~.

14 **SECTION 416.** 938.344 (2m) (title) and (3) (title) of the statutes are created to
15 read:

16 938.344 **(2m)** (title) COUNTING VIOLATIONS.

17 **(3)** (title) PROSECUTION IN ADULT COURT.

18 **SECTION 417.** 938.345 (1) (intro.), (a), (d), (e) and (g) of the statutes are amended
19 to read:

20 938.345 **(1)** DISPOSITIONAL ORDER. (intro.) If the court finds that the juvenile
21 is in need of protection or services, the court shall enter an order ~~deciding~~ including
22 one or more of the dispositions ~~of the case as provided in~~ under s. 938.34 under a care
23 and treatment plan except that the order may not do any of the following:

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1 (a) Place the juvenile in the serious juvenile offender program, ~~or a secured~~
2 juvenile correctional facility, ~~a secured child caring institution or a secured group~~
3 home residential care center for children and youth.

4 (d) Restrict, or suspend ~~or revoke~~ the driving privileges of the juvenile, except
5 as provided under sub. (2).

6 (e) Place any juvenile not specifically found under ~~chs. ch. 46, 49, 51, 115 and,~~
7 or 880 to be developmentally disabled or mentally ill have a developmental disability
8 or a mental illness or to be a child with a disability, as defined in s. 115.76 (5), in
9 ~~facilities which~~ a facility that exclusively treat treats one or more of those categories
10 of juveniles.

11 (g) ~~Order~~ Place the juvenile ~~into~~ in a juvenile detention facility or juvenile
12 portion of a county jail or in nonsecure custody under s. 938.34 (3) (f).

NOTE: In s. 938.345 (1) (d), stats., removes revocation of a juvenile's driving
privileges as a JIPS disposition to be consistent with the parallel delinquency disposition
under s. 938.34 (14m).

13 **SECTION 418.** 938.345 (2) of the statutes is amended to read:

14 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a
15 juvenile is in need of protection or services based on the fact that the juvenile is a
16 school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the
17 court also finds that ~~the reason~~ the juvenile has dropped out of school or is a habitual
18 truant is as a result of the juvenile's intentional refusal to attend school rather than
19 the failure of any other person to comply with s. 118.15 (1) (a), the court, instead of
20 or in addition to any other disposition imposed under sub. (1), may enter an order
21 permitted under s. 938.342.

22 **SECTION 419.** 938.345 (3) (title) of the statutes is created to read:

23 938.345 (3) (title) **SEX OFFENDER REGISTRATION.**

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1 **SECTION 420.** 938.345 (3) (a) (intro.) and (c) of the statutes are amended to read:

2 938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection
3 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to
4 commit a violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the
5 court may require the juvenile to comply with the reporting requirements under s.
6 301.45 if the court determines that the underlying conduct was sexually motivated,
7 as defined in s. 980.01 (5), and that it ~~would be~~ is in the interest of public protection
8 to have the juvenile report under s. 301.45. In determining whether it ~~would be~~ is
9 in the interest of public protection to have the juvenile report under s. 301.45, the
10 court may consider any of the following:

11 (c) If the court orders a juvenile to comply with the reporting requirements
12 under s. 301.45, the clerk of the court in which the order is entered shall promptly
13 forward a copy of the order to the department of ~~corrections~~. If the finding of need
14 of protection or services on which the order is based is reversed, set aside, or vacated,
15 the clerk of the court shall promptly forward to the department of ~~corrections~~ a
16 certificate stating that the finding has been reversed, set aside or vacated.

17 **SECTION 421.** 938.346 (1) (title) of the statutes is created to read:

18 938.346 (1) (title) INFORMATION TO VICTIMS.

19 **SECTION 422.** 938.346 (1) (a) of the statutes is amended to read:

20 938.346 (1) (a) The procedures under s. 938.396 ~~(1r)~~ and ~~(6)~~ (1) (c) 5. and 6. for
21 obtaining the identity of the juvenile and the juvenile's parents.

22 **SECTION 423.** 938.346 (1) (b) of the statutes is amended to read:

23 938.346 (1) (b) The procedure under s. 938.396 ~~(1r)~~ (1) (c) 5. for obtaining the
24 juvenile's police records.

25 **SECTION 424.** 938.346 (1) (d) 2. of the statutes is amended to read:

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1 938.346 (1) (d) 2. The procedure ~~the victim may follow~~ for obtaining the
2 information in subd. 1.

3 **SECTION 425.** 938.346 (1m) and (2) of the statutes are amended to read:

4 938.346 (1m) DUTIES OF INTAKE WORKERS AND DISTRICT ATTORNEYS. The intake
5 worker shall make a reasonable attempt to provide notice of the information
6 ~~specified in~~ under sub. (1) (a), (b), (c), and (h), the information ~~specified in~~ under sub.
7 (1) (d) relating to a deferred prosecution agreement under s. 938.245, the information
8 ~~specified in~~ under sub. (1) (em) relating to the right to confer, if requested, on deferred
9 prosecution agreements and the information ~~specified in~~ under sub. (3) if the
10 juvenile's case is closed. The district attorney or corporation counsel shall make a
11 reasonable attempt to provide notice of the information ~~specified in~~ under sub. (1) (e),
12 ~~(ec),~~ (f), (fm), and (g), the information ~~specified in~~ under sub. (1) (d) relating to a
13 consent decree under s. 938.32 or a dispositional order under ss. 938.34 to 938.345,
14 the information ~~specified in~~ under sub. (1) (em) relating to the right to request an
15 opportunity to confer, if requested, on amendment of petitions, consent decrees and
16 disposition recommendations and the information under sub. (3) if he or she decides
17 not to file a petition or the proceeding is terminated without a consent decree or
18 dispositional order after the filing of a petition.

19 **(2) RESTRICTIONS ON DISCLOSURE OF INFORMATION.** The notice under sub. (1) shall
20 include an explanation of the restrictions on ~~divulging~~ disclosing information
21 obtained under this chapter and the penalties for ~~violations~~ violating the
22 restrictions.

NOTE: Requires, in s. 938.346 (1m), stats., the district attorney or corporation
counsel to provide notice to a victim of how to request testing for communicable diseases
of a juvenile who is alleged to have thrown or expelled a bodily substance at another in
violation of s. 946.43 (2m).

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1 **SECTION 426.** 938.346 (3) (title), (4) (title) and (5) (title) of the statutes are
2 created to read:

3 938.346 **(3)** (title) CLOSED CASES.

4 **(4)** (title) CHILD VICTIMS.

5 **(5)** (title) COURT POLICIES AND RULES.

6 **SECTION 427.** 938.35 (1) (title) of the statutes is created to read:

7 938.35 **(1)** (title) EFFECT AND ADMISSIBILITY OF JUDGMENT.

8 **SECTION 428.** 938.35 (1m) and (2) of the statutes are amended to read:

9 938.35 **(1m)** FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
10 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
11 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter
12 in criminal court when the juvenile reaches the age of attains 17 years of age. This
13 paragraph does not affect proceedings in criminal court ~~which~~ that have been
14 transferred under s. 938.18.

15 **(2)** COURT DISCLOSURE OF INFORMATION. Except as specifically provided in under
16 sub. (1), this section does not preclude the court from disclosing information to
17 qualified persons if the court considers the disclosure to be in the best interests of the
18 juvenile or of the administration of justice.

19 **SECTION 429.** 938.355 (1) of the statutes is amended to read:

20 938.355 **(1)** INTENT. In any order under s. 938.34 or 938.345, the court shall
21 decide on a placement and treatment finding based on evidence submitted to the
22 court. The disposition shall employ those means necessary to promote the objectives
23 ~~specified in~~ under s. 938.01. If the judge court has determined that any of the
24 conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall
25 be prima facie evidence that a less restrictive alternative than placement in a

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1 secured juvenile correctional facility, ~~a secured child caring institution,~~ or a secured
2 ~~group home~~ residential care center for children and youth is not appropriate. If
3 information under s. 938.331 has been provided in a court report under s. 938.33 (1),
4 the court shall consider that information when deciding on a placement and
5 treatment finding.

6 **SECTION 430.** 938.355 (2) (b) 1., 1m., 4m., 5., 6. and 6r. of the statutes are
7 amended to read:

8 938.355 (2) (b) 1. The specific services or continuum of services to be provided
9 to the juvenile and the juvenile's family, the identity of the agencies ~~which~~ that are
10 ~~to be~~ primarily responsible for the provision of the services ~~mandated by the court,~~
11 the identity of the person or agency ~~who~~ that will provide case management or
12 coordination of services, if any, and, if custody is to be transferred to effect the
13 treatment plan, the identity of the legal custodian.

14 1m. A notice that the juvenile's parent, guardian, or legal custodian or the
15 juvenile, if 14 years of age or ~~over~~ older, may request an agency that is providing care
16 or services for the juvenile or that has legal custody of the juvenile to disclose to, or
17 make available for inspection by, the parent, guardian, legal custodian, or juvenile
18 the contents of any record kept or information received by the agency about the
19 juvenile as provided in s. 938.78 (2) (ag).

20 4m. If the juvenile is placed outside the home and if the juvenile's parent has
21 not already provided a statement of the income, assets, debts, and living expenses
22 of the juvenile and the juvenile's parent to the county department under s. 938.30 (6)
23 (b) or (c) or 938.31 (7) (b) or (c), an order for the parent to provide that statement to
24 the county department by a date specified by the court. The county department shall
25 provide, without charge, to the parent a form on which to provide that statement, and

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1 the parent shall provide that statement on ~~that~~ the form. The county department
2 shall use the information ~~provided~~ in the statement to determine whether the
3 department may claim federal foster care and adoption assistance reimbursement
4 under 42 USC 670 to 679a for the cost of providing care for the juvenile.

5 5. For a juvenile placed outside his or her home ~~pursuant to~~ under an order
6 under s. 938.34 (3) or 938.345, a permanency plan under s. 938.38 if one has been
7 prepared.

8 6. If the juvenile is placed outside the home, a finding that continued placement
9 of the juvenile in his or her home would be contrary to the welfare of the juvenile or,
10 if the juvenile has been adjudicated delinquent and is placed outside the home under
11 s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence
12 will not safeguard the welfare of the juvenile or the community due to the serious
13 nature of the act for which the juvenile was adjudicated delinquent. The court order
14 shall also contain a finding as to whether the county department or the agency
15 primarily responsible for providing services under a court order has made reasonable
16 efforts to prevent the removal of the juvenile from the home, while assuring that the
17 juvenile's health and safety are the paramount concerns, unless the court finds that
18 any of the circumstances ~~specified in~~ under sub. (2d) (b) 1. to 4. applies, and a finding
19 as to whether the county department or agency has made reasonable efforts to
20 achieve the goal of the juvenile's permanency plan, unless return of the juvenile to
21 the home is the goal of the permanency plan and the court finds that any of the
22 circumstances ~~specified in~~ under sub. (2d) (b) 1. to 4. applies. The court shall make
23 the findings specified in this subdivision on a case-by-case basis based on
24 circumstances specific to the juvenile and shall document or reference the specific
25 information on which those findings are based in the court order. A court order that

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1 merely references this subdivision without documenting or referencing that specific
2 information in the court order or an amended court order that retroactively corrects
3 an earlier court order that does not comply with this subdivision is not sufficient to
4 comply with this subdivision.

5 6r. If the court finds that any of the circumstances specified in under sub. (2d)
6 (b) 1. to 4. applies with respect to a parent, a determination that the county
7 department or agency primarily responsible for providing services under the court
8 order is not required to make reasonable efforts with respect to the parent to make
9 it possible for the juvenile to return safely to his or her home.

NOTE: For an explanation of the change to s. 938.355 (2) (b) 4m., stats., see the NOTE
to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

10 **SECTION 431.** 938.355 (2c) (a) (intro.) and (b) of the statutes are amended to
11 read:

12 938.355 (2c) (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as
13 to whether a county department which provides social services or the agency
14 primarily responsible for providing services to the juvenile under a court order has
15 made reasonable efforts to prevent the removal of the juvenile from his or her home,
16 while assuring that the juvenile's health and safety are the paramount concerns, the
17 court's consideration of reasonable efforts shall include, ~~but not be limited to,~~
18 whether:

19 (b) When a court makes a finding under sub. (2) (b) 6. as to whether the county
20 department or the agency primarily responsible for providing services to the juvenile
21 under a court order has made reasonable efforts to achieve the goal of the
22 permanency plan, the court's consideration of reasonable efforts shall include the
23 considerations listed under par. (a) ~~1. to 5.~~ and whether visitation schedules between

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1 the juvenile and his or her parents were implemented, unless visitation was denied
2 or limited by the court.

3 **SECTION 432.** 938.355 (2d) (a) 1. of the statutes is amended to read:

4 938.355 (2d) (a) 1. "Aggravated circumstances" include abandonment in
5 violation of s. 948.20 or in violation of the law of any other state or federal law if that
6 violation would be a violation of s. 948.20 if committed in this state, torture, chronic
7 abuse, and sexual abuse.

8 **SECTION 433.** 938.355 (2d) (c) 1. of the statutes is amended to read:

9 938.355 (2d) (c) 1. If the court finds that any of the circumstances ~~specified in~~
10 under par. (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
11 within 30 days after the date of that finding to determine the permanency plan for
12 the juvenile. If a hearing is held under this subdivision, the agency responsible for
13 preparing the permanency plan shall file the permanency plan with the court not less
14 than 5 days before the date of the hearing.

15 **SECTION 434.** 938.355 (2e) (b) of the statutes is amended to read:

16 938.355 (2e) (b) Each time a juvenile's placement is changed under s. 938.357
17 or a dispositional order is revised under s. 938.363 or extended under s. 938.365, the
18 agency that prepared the permanency plan shall revise the plan to conform to the
19 order and shall file a copy of the revised plan with the court. Each plan filed ~~under~~
20 this paragraph shall be made a part of the court order.

21 **SECTION 435.** 938.355 (2m) of the statutes is amended to read:

22 938.355 (2m) TRANSITIONAL PLACEMENTS. The court order may include the name
23 of transitional placements, but may not designate a specific time when transitions
24 are to take place. The procedures of ss. 938.357 and 938.363 shall govern when such
25 those transitions take place. The court, ~~however,~~ may place specific time limitations

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1 on interim arrangements made for the care of the juvenile pending the availability
2 of the dispositional placement.

3 **SECTION 436.** 938.355 (3) (b) 1. and 1m. of the statutes are amended to read:

4 938.355 (3) (b) 1. Except as provided in subd. 2., the court may not grant
5 visitation under par. (a) to a parent of a juvenile if the parent has been convicted
6 ~~under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the~~
7 ~~2nd-degree intentional of the~~ homicide, of the juvenile's other parent under s. 940.01
8 or 940.05, and the conviction has not been reversed, set aside, or vacated.

9 1m. Except as provided in subd. 2., if a parent who is granted visitation rights
10 with a juvenile under par. (a) is convicted ~~under s. 940.01 of the first-degree~~
11 ~~intentional homicide, or under s. 940.05 of the 2nd-degree intentional of the~~
12 ~~homicide~~, of the juvenile's other parent under s. 940.01 or 940.05, and the conviction
13 has not been reversed, set aside, or vacated, the court shall issue an order prohibiting
14 the parent from having visitation with the juvenile on petition of the juvenile, the
15 guardian or legal custodian of the juvenile, a person or agency bound by the
16 dispositional order, or the district attorney or corporation counsel of the county in
17 which the dispositional order was entered, or on the court's own motion, and on notice
18 to the parent.

19 **SECTION 437.** 938.355 (4) of the statutes is amended to read:

20 938.355 (4) TERMINATION OF ORDERS. (a) Except as provided under par. (b) or
21 s. 938.368, an order under this section or s. 938.357 or 938.365 made before the
22 juvenile ~~reaches~~ attains 18 years of age that places or continues the placement of the
23 juvenile in his or her home shall terminate at the end of one year after ~~its entry~~ the
24 date on which the order is granted unless the court specifies a shorter period of time
25 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,

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1 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches
2 attains 18 years of age that places or continues the placement of the juvenile in a
3 foster home, treatment foster home, group home, or residential care center for
4 children and youth or in the home of a relative other than a parent shall terminate
5 when the juvenile reaches attains 18 years of age, at the end of one year after ~~its entry~~
6 the date on which the order is granted, or, if the juvenile is a full-time student at a
7 secondary school or its vocational or technical equivalent and is reasonably expected
8 to complete the program before ~~reaching~~ attaining 19 years of age, when the juvenile
9 reaches attains 19 years of age, whichever is later, unless the court specifies a shorter
10 period of time or the court terminates the order sooner.

11 (b) Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made
12 before the juvenile reaches attains 18 years of age may apply for up to 2 years after
13 ~~its entry~~ the date on which the order is granted or until the juvenile's 18th birthday,
14 whichever is earlier, unless the court specifies a shorter period of time or the court
15 terminates the order sooner. If the order does not specify a termination date, it shall
16 apply for one year after the date on which the order is granted or until the juvenile's
17 18th birthday, whichever is earlier, unless the court terminates the order sooner.

18 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
19 juvenile reaches attains 18 years of age shall apply for 5 years after ~~its entry~~ the date
20 on which the order is granted, if the juvenile is adjudicated delinquent for
21 committing a violation of s. 943.10 (2) or for committing an act that would be
22 punishable as a Class B or C felony if committed by an adult, or until the juvenile
23 reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an
24 act that would be punishable as a Class A felony if committed by an adult. Except
25 as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m),

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1 or (4n) made before the juvenile reaches attains 17 years of age shall terminate at
2 the end of one year after ~~its entry~~ the date on which the order is granted unless the
3 court specifies a shorter period of time or the court terminates the order sooner. No
4 extension under s. 938.365 of an original dispositional order under s. 938.34 (4d),
5 (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when
6 the original dispositional order terminates.

NOTE: Under current law, a dispositional order placing a juvenile in a type 2 residential care center for children and youth or in a juvenile correctional facility may apply for up to 2 years or until the juvenile's 18th birthday, whichever is earlier, unless the court specifies a shorter period of time. The bill revises s. 938.355 (4) (b), stats., to provide that an order that does not specify a termination date applies for one year or until the juvenile's 18th birthday, whichever is earlier, unless the court terminates the order sooner.

7 **SECTION 438.** 938.355 (4m) of the statutes is amended to read:

8 938.355 (4m) EXPUNGEMENT OF RECORD. (a) A juvenile who has been adjudged
9 delinquent under s. 48.12, 1993 stats., or s. 938.12 may, on attaining 17 years of age,
10 petition the court to expunge the court's record of the juvenile's adjudication. Subject
11 to par. (b), the court may expunge the court's record of the juvenile's adjudication if
12 the court determines that the juvenile has satisfactorily complied with the conditions
13 of his or her dispositional order and that the juvenile will benefit from, and society
14 will not be harmed by, the expungement.

15 (b) The court shall expunge the court's record of a juvenile's adjudication if it
16 was the juvenile's first adjudication based on a violation of s. 942.08 (2) (b), (c), or (d),
17 and if the court determines that the juvenile has satisfactorily complied with the
18 conditions of his or her dispositional order. Notwithstanding s. 938.396 (2) (a), the
19 court shall notify the department promptly of any expungement under this
20 paragraph.

NOTE: Permits, in s. 938.355 (4m) (a), stats., the court to expunge a juvenile's delinquency adjudication under certain circumstances. This provision only applies to

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persons who were adjudicated delinquent for violations committed on or after the effective date of ch. 938 (July 1, 1996). [*State v. Jason J.C.*, 216 Wis. 2d 12, 573 N.W.2d 564 (1997).] The bill provides that a person who was adjudicated delinquent for an offense committed before July 1, 1996 may also request to have his or her record expunged.

1 **SECTION 439.** 938.355 (6) (a) (title) of the statutes is created to read:

2 938.355 (6) (a) (title) *Juvenile court orders.*

3 **SECTION 440.** 938.355 (6) (a) of the statutes is renumbered 938.355 (6) (a) 1. and
4 amended to read:

5 938.355 (6) (a) 1. If a juvenile who has been adjudged delinquent or to have
6 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
7 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
8 the juvenile any of the sanctions specified in par. (d). A sanction may be imposed
9 under this subdivision only if, at the dispositional hearing under s. 938.335, the court
10 explained the conditions to the juvenile and informed the juvenile of those possible
11 sanctions or if before the violation the juvenile has acknowledged in writing that he
12 or she has read, or has had read to him or her, those conditions and possible sanctions
13 and that he or she understands those conditions and possible sanctions.

14 2. If a juvenile who has been found to be in need of protection or services under
15 s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in sub. (2) (b) 7., the
16 court may impose on the juvenile any of the sanctions ~~specified in~~ under par. (d),
17 other than placement in a ~~secure~~ juvenile detention facility or juvenile portion of a
18 county jail, A sanction may be imposed under this subdivision only if, at the
19 dispositional hearing under s. 938.335, the court explained the conditions to the
20 juvenile and informed the juvenile of those possible sanctions or if before the
21 violation the juvenile has acknowledged in writing that he or she has read, or has had
22 read to him or her, those conditions and possible sanctions and that he or she
23 understands those conditions and possible sanctions.

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1 **SECTION 441.** 938.355 (6) (an) of the statutes is amended to read:

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

16 2. If the court assigned to exercise jurisdiction under this chapter and ch. 48
17 imposes the sanction ~~specified in~~ under par. (d) 1. or home detention with monitoring
18 by an electronic monitoring system as ~~specified in~~ under par. (d) 3., on a petition
19 described in subd. 1., ~~that~~ the court shall order the municipality of the municipal
20 court that filed the petition to pay to the county the cost of providing the sanction
21 imposed under par. (d) 1. or 3.

22 **SECTION 442.** 938.355 (6) (b) of the statutes is amended to read:

23 938.355 (6) (b) *Motion to impose sanction.* A motion for imposition of a sanction
24 may be brought by the person or agency primarily responsible for the provision of
25 dispositional services, the district attorney or corporation counsel, or the court that

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1 entered the dispositional order. If the court initiates the motion, that court is
2 disqualified from holding a hearing on the motion. Notice of the motion shall be given
3 to the juvenile, guardian ad litem, counsel, parent, guardian, legal custodian, and all
4 parties present at the original dispositional hearing. The motion shall contain a
5 statement of whether the juvenile may be subject to the federal Indian child welfare
6 act Child Welfare Act, 25 USC 1911 to 1963.

7 **SECTION 443.** 938.355 (6) (c) (title) of the statutes is created to read:

8 938.355 (6) (c) (title) *Sanction hearing.*

9 **SECTION 444.** 938.355 (6) (cm) of the statutes is amended to read:

10 938.355 (6) (cm) Reasonable efforts finding. The court may not order the
11 sanction of placement in a place of nonsecure custody specified in par. (d) 1. unless
12 the court finds that the agency primarily responsible for providing services for the
13 juvenile has made reasonable efforts to prevent the removal of the juvenile from his
14 or her home and that continued placement of the juvenile in his or her home is
15 contrary to the welfare of the juvenile. These findings are not required if they were
16 made in the dispositional order under which the juvenile is being sanctioned. The
17 court shall make the findings ~~specified in~~ under this paragraph on a case-by-case
18 basis based on circumstances specific to the juvenile and shall document or reference
19 the specific information on which that finding is based in the sanction order. A
20 sanction order that merely references this paragraph without documenting or
21 referencing that specific information in the sanction order or an amended sanction
22 order that retroactively corrects an earlier sanction order that does not comply with
23 this paragraph is not sufficient to comply with this paragraph.

NOTE: Clarifies, in s. 938.355 (6) (cm), stats., that reasonable efforts findings are not required to be made if they have already been made in the dispositional order.

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According to DOC and the Department of Health and Family Services (DHFS), a subsequent finding is not required.

1 **SECTION 445.** 938.355 (6) (d) (title) and (e) (title) of the statutes are created to
2 read:

3 938.355 **(6)** (d) (title) *Sanctions permitted.*

4 (e) (title) *Contempt of court.*

5 **SECTION 446.** 938.355 (6d) (a) 1. and 2. and (b) 1. and 2. of the statutes are
6 amended to read:

7 938.355 **(6d)** (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
8 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
9 policies adopted by the county board relating to the taking into custody and
10 placement of a juvenile under this subdivision, if a juvenile who has been adjudged
11 delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker
12 or any other person authorized to provide or providing intake or dispositional
13 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
14 juvenile into custody and place the juvenile in a secure detention facility or juvenile
15 portion of a county jail that meets the standards promulgated by the department by
16 rule or in a place of nonsecure custody designated by that person for not more than
17 72 hours while the alleged violation and the appropriateness of a sanction under sub.
18 (6) are being investigated, Short-term detention may be imposed under this
19 subdivision only if at the dispositional hearing the court explained those conditions
20 to the juvenile and informed the juvenile of the possibility of that possible placement
21 or if before the violation the juvenile has acknowledged in writing that he or she has
22 read, or has had read to him or her, those conditions and that possible placement and
23 that he or she understands those conditions and that possible placement.

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1 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
2 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
3 the county board relating to the taking into custody and placement of a juvenile
4 under this subdivision, if a juvenile who has been adjudged delinquent violates a
5 condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
6 authorized to provide or providing intake or dispositional services for the court under
7 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
8 the juvenile in a secure detention facility or juvenile portion of a county jail that
9 meets the standards promulgated by the department by rule or in a place of
10 nonsecure custody designated by that person for not more than 72 hours as a
11 consequence of that violation, Short-term detention may be imposed under this
12 subdivision only if at the dispositional hearing the court explained those conditions
13 to the juvenile and informed the juvenile of ~~the possibility of that possible~~ placement
14 or if before the violation the juvenile has acknowledged in writing that he or she has
15 read, or has had read to him or her, those conditions and that possible placement and
16 that he or she understands those conditions and that possible placement. A person
17 who takes a juvenile into custody under this subdivision shall permit the juvenile to
18 make a written or oral statement concerning the possible placement of the juvenile
19 and the course of conduct for which the juvenile was taken into custody. A person
20 designated by the court or county department who is employed in a supervisory
21 position by a person authorized to provide or providing intake or dispositional
22 services under s. 938.067 or 938.069 shall review that statement and ~~shall~~ either
23 approve the placement, modify the terms of the placement, or order the juvenile to
24 be released from custody.

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1 (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
2 policies adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the
3 county department relating to aftercare supervision administered by the county
4 department, and to any policies adopted by the county board relating to the taking
5 into custody and placement of a juvenile under this subdivision, if a juvenile who is
6 on aftercare supervision administered by the county department violates a condition
7 of that supervision, the juvenile's caseworker or any other person authorized to
8 provide or providing intake or dispositional services for the court under s. 938.067
9 or 938.069 may, without a hearing, take the juvenile into custody and place the
10 juvenile in a secure detention facility or juvenile portion of a county jail that meets
11 the standards promulgated by the department by rule or in a place of nonsecure
12 custody designated by that person for not more than 72 hours while the alleged
13 violation and the appropriateness of revoking the juvenile's aftercare status are
14 being investigated, Short-term detention may be imposed under this subdivision
15 only if at the dispositional hearing the court explained those conditions to the
16 juvenile and informed the juvenile of that possible placement or if before the
17 violation the juvenile has acknowledged in writing that he or she has read, or has had
18 read to him or her, those conditions and that possible placement and that he or she
19 understands those conditions and that possible placement.

20 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
21 policies adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the
22 county department relating to aftercare supervision administered by the county
23 department, and to any policies adopted by the county board relating to the taking
24 into custody and placement of a juvenile under this subdivision, if a juvenile who is
25 on aftercare supervision administered by the county department violates a condition

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1 of that supervision, the juvenile's caseworker or any other person authorized to
2 provide or providing intake or dispositional services for the court under s. 938.067
3 or 938.069 may, without a hearing, take the juvenile into custody and place the
4 juvenile in a secure detention facility or juvenile portion of a county jail that meets
5 the standards promulgated by the department by rule or in a place of nonsecure
6 custody designated by that person for not more than 72 hours as a consequence of
7 that violation, Short-term detention under this subdivision may be imposed only
8 if at the dispositional hearing the court explained those conditions to the juvenile and
9 informed the juvenile of the ~~possibility of that~~ possible placement or if before the
10 violation the juvenile has acknowledged in writing that he or she has read, or has had
11 read to him or her, those conditions and that possible placement and that he or she
12 understands those conditions and that possible placement. A person who takes a
13 juvenile into custody under this subdivision shall permit the juvenile to make a
14 written or oral statement concerning the possible placement of the juvenile and the
15 course of conduct for which the juvenile was taken into custody. A person designated
16 by the court or the county department who is employed in a supervisory position by
17 a person authorized to provide or providing intake or dispositional services under s.
18 938.067 or 938.069 shall review that statement and shall either approve the
19 placement of the juvenile, modify the terms of the placement, or order the juvenile
20 to be released from custody.

NOTE: Permits, in s. 938.355 (6d) (a) 2. and (b) 2., stats., the supervisor of a caseworker who has placed a juvenile in custody for not more than 72 hours as a consequence for a violation of a dispositional order to modify the terms of the placement. Under current law, the supervisor must either approve the placement or release the juvenile from custody.

Provides, in s. 938.355 (6d) (b) 1., that juvenile may be informed of the possibility of a sanction under this subdivision orally at the dispositional hearing.

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1 **SECTION 447.** 938.355 (6d) (c) 1. and 2. and (d) of the statutes are amended to
2 read:

3 938.355 **(6d)** (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
4 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
5 policies adopted by the county board relating to the taking into custody and
6 placement of a juvenile under this subdivision, if a juvenile who has been found to
7 be in need of protection or services under s. 938.13 violates a condition specified in
8 sub. (2) (b) 7., the juvenile's caseworker or any other person authorized to provide or
9 providing intake or dispositional services for the court under s. 938.067 or 938.069
10 may, without a hearing, take the juvenile into custody and place the juvenile in a
11 place of nonsecure custody designated by that person for not more than 72 hours
12 while the alleged violation and the appropriateness of a sanction under sub. (6) or
13 (6m) are being investigated, Short-term detention may be imposed under this
14 subdivision only if at the dispositional hearing the court explained those conditions
15 to the juvenile and informed the juvenile of the possibility of that possible placement
16 or if before the violation the juvenile has acknowledged in writing that he or she has
17 read, or has had read to him or her, those conditions and that possible placement and
18 that he or she understands those conditions and that possible placement.

19 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
20 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
21 the county board relating to the taking into custody and placement of a juvenile
22 under this subdivision, if a juvenile who has been found to be in need of protection
23 or services under s. 938.13 violates a condition specified in sub. (2) (b) 7., the
24 juvenile's caseworker or any other person authorized to provide or providing intake
25 or dispositional services for the court under s. 938.067 or 938.069 may, without a

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1 hearing, take the juvenile into custody and place the juvenile in a place of nonsecure
2 custody designated by that person for not more than 72 hours as a consequence of
3 that violation, Short-term detention may be imposed under this subdivision only
4 if at the dispositional hearing the court explained those conditions to the juvenile and
5 informed the juvenile of ~~the possibility of that possible~~ placement or if before the
6 violation the juvenile has acknowledged in writing that he or she has read, or has had
7 read to him or her, those conditions and that possible placement and that he or she
8 understands those conditions and that possible placement. A person who takes a
9 juvenile into custody under this subdivision shall permit the juvenile to make a
10 written or oral statement concerning the possible placement of the juvenile and the
11 course of conduct for which the juvenile was taken into custody. A person designated
12 by the court or the county department who is employed in a supervisory position by
13 a person authorized to provide or providing intake or dispositional services under s.
14 938.067 or 938.069 shall review that statement and shall either approve the
15 placement, modify the terms of the placement, or order the juvenile to be released
16 from custody.

17 (d) *Hearing; when required.* If a juvenile is held under par. (a), (b), or (c) in a
18 secure detention facility, juvenile portion of a county jail, or place of nonsecure
19 custody for longer than 72 hours, the juvenile is entitled to a hearing under sub. (6)
20 (c) or s. 938.21. The hearing shall be conducted in the manner provided in sub. (6)
21 or s. 938.21, except that ~~for a hearing under,~~ notwithstanding s. 938.21 (1) (a), the
22 hearing shall be conducted within 72 hours, rather than 24 hours, after the time that
23 the decision to hold the juvenile was made and a written statement of the reasons
24 for continuing to hold the juvenile in custody may be filed ~~rather than~~ instead of a
25 petition under s. 938.25.

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NOTE: For an explanation of the change to s. 938.355 (6d) (c) 2., stats., see NOTE to s. 938.355 (6d) (a) 2., stats., as affected by this bill.

1 **SECTION 448.** 938.355 (6g) (a) and (b) (intro.) of the statutes are amended to
2 read:

3 938.355 **(6g)** (a) If a juvenile upon whom the court has imposed a sanction
4 under sub. (6) (a) or (6m) commits a 2nd or subsequent violation of a condition
5 specified in sub. (2) (b) 7., the district attorney may file a petition under s. 938.12
6 charging the juvenile with contempt of court, as defined in s. 785.01 (1), and reciting
7 the recommended disposition under s. 938.34 ~~sought to be imposed~~. The district
8 attorney may ~~bring the motion~~ file the petition on his or her own initiative or on the
9 request of the court that imposed the condition specified in sub. (2) (b) 7. or that
10 imposed the sanction under sub. (6) (a) or (6m). If the district attorney ~~brings the~~
11 ~~motion~~ files the petition on the request of the court that imposed the condition
12 specified in sub. (2) (b) 7. or that imposed the sanction under sub. (6) (a) or (6m), that
13 court is disqualified from holding ~~any a~~ a hearing on the contempt petition.

14 (b) (intro.) The court may find a juvenile in contempt of court, as defined in s.
15 785.01 (1), and order a disposition under s. 938.34 ~~only~~ if the court makes all of the
16 following findings:

NOTE: In s. 938.355 (6g) (a), stats., makes consistent the references to petitions and motions by referring only to petitions.

17 **SECTION 449.** 938.355 (6m) (a) (intro.), (ag) and (am) of the statutes are
18 amended to read:

19 938.355 **(6m)** (a) Violation of habitual truancy order. (intro.) If the court finds
20 by a preponderance of the evidence that a juvenile who has been found to have
21 violated a municipal ordinance enacted under s. 118.163 (2) or who has been found
22 to be in need of protection or services under s. 938.13 (6) has violated a condition

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1 specified under sub. (2) (b) 7., the court may order as a sanction any combination of
2 the sanctions ~~specified in under~~ subds.1g. to 4. and the dispositions ~~specified in~~
3 under s. 938.342 (1g) (d) to (j) and (1m), regardless of whether the disposition was
4 imposed in the order violated by the juvenile, A sanction may be imposed under this
5 paragraph only if at the dispositional hearing under s. 938.335 the court explained
6 those conditions to the juvenile and informed the juvenile of the possible sanctions
7 under this paragraph for a violation or if before the violation the juvenile has
8 acknowledged in writing that he or she has read, or has had read to him or her, those
9 conditions and possible sanctions and that he or she understands those conditions
10 and possible sanctions. The court may order as a sanction under this paragraph any
11 of the following:

12 (ag) Violation of truancy order. If the court finds by a preponderance of the
13 evidence that a juvenile who has been found to have violated a municipal ordinance
14 enacted under s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7.,
15 the court may order as a sanction any combination of the operating privilege
16 suspension specified in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to
17 (k) and (1m), regardless of whether the disposition was imposed in the order violated
18 by the juvenile, A sanction may be imposed under this paragraph only if at the
19 dispositional hearing under s. 938.335 the court explained those conditions to the
20 juvenile and informed the juvenile of the possible sanctions under this paragraph for
21 a violation or if before the violation the juvenile has acknowledged in writing that
22 he or she has read, or has had read to him or her, those conditions and possible
23 sanctions and that he or she understands those conditions and possible sanctions.

24 (am) Violation of municipal court order. 1. If a juvenile who has violated a
25 municipal ordinance enacted under s. 118.163 (2) violates a condition of a

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1 dispositional order imposed by the municipal court, the municipal court may petition
2 the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose
3 on the juvenile the sanction specified in par. (a) 1g. A sanction may be imposed under
4 this subdivision only if, at the time of the judgment the municipal court explained
5 the conditions to the juvenile and informed the juvenile of that possible sanction ~~for~~
6 ~~a violation~~ or if before the violation the juvenile has acknowledged in writing that
7 he or she has read, or has had read to him or her, those conditions and that possible
8 sanction and that he or she understands those conditions and that possible sanction.
9 The petition shall contain a statement of whether the juvenile may be subject to the
10 federal Indian ~~child welfare act~~ Child Welfare Act, 25 USC 1911 to 1963.

11 2. If the court assigned to exercise jurisdiction under this chapter and ch. 48
12 imposes the sanction specified in under par. (a) 1g. on a petition described in under
13 subd. 1., ~~that~~ the court shall order the municipality of the municipal court that filed
14 the petition to pay to the county the cost of providing the sanction imposed under par.
15 (a) 1g.

16 **SECTION 450.** 938.355 (6m) (b) (title) of the statutes is created to read:

17 938.355 (6m) (b) (title) *Motion for sanction.*

18 **SECTION 451.** 938.355 (6m) (c) (title) of the statutes is created to read:

19 938.355 (6m) (c) (title) *Sanction hearing.*

20 **SECTION 452.** 938.355 (6m) (cm) of the statutes is amended to read:

21 938.355 (6m) (cm) Reasonable efforts finding. The court may not order the
22 sanction of placement in a place of nonsecure custody ~~specified in~~ under par. (a) 1g.
23 unless the court finds that the agency primarily responsible for providing services
24 for the juvenile has made reasonable efforts to prevent the removal of the juvenile
25 from his or her home and that continued placement of the juvenile in his or her home

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1 is contrary to the welfare of the juvenile. The court shall make the findings specified
2 in under this paragraph on a case-by-case basis based on circumstances specific to
3 the juvenile and shall document or reference the specific information on which that
4 finding is based in the sanction order. A sanction order that merely references this
5 paragraph without documenting or referencing that specific information in the
6 sanction order or an amended sanction order that retroactively corrects an earlier
7 sanction order that does not comply with this paragraph is not sufficient to comply
8 with this paragraph.

9 **SECTION 453.** 938.355 (7) of the statutes is amended to read:

10 938.355 (7) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS, AND
11 OTHER ADULTS. In addition to any dispositional order entered under s. 938.34 or
12 938.345, the court may enter an order applicable to a juvenile's parent, guardian, or
13 legal custodian or to another adult, as provided under s. 938.45.

14 **SECTION 454.** 938.356 (1) (title) and (2) (title) of the statutes are created to read:

15 938.356 (1) (title) ORAL WARNING.

16 (2) (title) WRITTEN WARNING.

17 **SECTION 455.** 938.357 (1) (title) and (a) (title) of the statutes are created to read:

18 938.357 (1) (title) REQUEST BY PERSON OR AGENCY RESPONSIBLE FOR DISPOSITIONAL
19 ORDER OR DISTRICT ATTORNEY. (a) (title) *Applicable procedures.*

20 **SECTION 456.** 938.357 (1) (am) (title) of the statutes is created to read:

21 938.357 (1) (am) (title) *From out-of-home placement.*

22 **SECTION 457.** 938.357 (1) (am) 1. and 3. of the statutes are amended to read:

23 938.357 (1) (am) 1. If the proposed change in placement involves any change
24 in placement other than a change in placement specified in under par. (c), the person
25 or agency primarily responsible for implementing the dispositional order or the

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1 district attorney shall cause written notice of the proposed change in placement to
2 be sent to the juvenile, the parent, guardian, and legal custodian of the juvenile, and
3 any foster parent, treatment foster parent, or other physical custodian described in
4 s. 48.62 (2) of the juvenile. The notice shall contain the name and address of the new
5 placement, the reasons for the change in placement, a statement describing why the
6 new placement is preferable to the present placement, and a statement of how the
7 new placement satisfies objectives of the treatment plan ordered by the court.

8 3. If the court changes the juvenile's placement from a placement outside the
9 home to another placement outside the home, the change in placement order shall
10 contain one of the statements ~~specified in~~ under sub. (2v) (a) 2.

11 **SECTION 458.** 938.357 (1) (c) and (2) of the statutes are amended to read:

12 938.357 (1) (c) From placement in the home. 1. If the proposed change in
13 placement would change the placement of a juvenile placed in the home to a
14 placement outside the home, the person or agency primarily responsible for
15 implementing the dispositional order or the district attorney shall submit a request
16 for the change in placement to the court. The request shall contain the name and
17 address of the new placement, the reasons for the change in placement, a statement
18 describing why the new placement is preferable to the present placement, and a
19 statement of how the new placement satisfies objectives of the treatment plan
20 ordered by the court. The request shall also contain specific information showing
21 that continued placement of the juvenile in his or her home would be contrary to the
22 welfare of the juvenile and, unless any of the circumstances ~~specified in~~ under s.
23 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
24 primarily responsible for implementing the dispositional order has made reasonable

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1 efforts to prevent the removal of the juvenile from the home, while assuring that the
2 juvenile's health and safety are the paramount concerns.

3 2. The court shall hold a hearing prior to ordering ~~any a~~ change in placement
4 requested under subd. 1. ~~Not less than~~ At least 3 days prior to the hearing, the court
5 shall provide notice of the hearing, together with a copy of the request for the change
6 in placement, to the juvenile, the parent, guardian, and legal custodian of the
7 juvenile, and all parties that are bound by the dispositional order. If all parties
8 consent, the court may proceed immediately with the hearing.

9 3. If the court changes the juvenile's placement from a placement in the
10 juvenile's home to a placement outside the juvenile's home, the change in placement
11 order shall contain the findings ~~specified in~~ under sub. (2v) (a) 1., one of the
12 statements ~~specified in~~ under sub. (2v) (a) 2., and, if in addition the court finds that
13 any of the circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1. to 4. applies with
14 respect to a parent, the determination ~~specified in~~ under sub. (2v) (a) 3.

15 **(2) EMERGENCY CHANGE IN PLACEMENT.** If emergency conditions necessitate an
16 immediate change in the placement of a juvenile placed outside the home, the person
17 or agency primarily responsible for implementing the dispositional order may
18 remove the juvenile to a new placement, whether or not authorized by the existing
19 dispositional order, without the prior notice ~~provided in~~ under sub. (1) (am) 1. The
20 notice shall, ~~however,~~ be sent within 48 hours after the emergency change in
21 placement. Any party receiving notice may demand a hearing under sub. (1) (am)
22 2. In emergency situations, a juvenile may be placed in a licensed public or private
23 shelter care facility as a transitional placement for not more than 20 days, ~~as well~~
24 as or in any placement authorized under s. 938.34 (3).

25 **SECTION 459.** 938.357 (2m) and (2r) of the statutes are amended to read:

ASSEMBLY BILL 443**SECTION 459**

1 938.357 (2m) REQUESTS BY OTHERS. (a) *Request; information required.* The
2 juvenile, the parent, guardian, or legal custodian of the juvenile, or any person or
3 agency primarily bound by the dispositional order, other than the person or agency
4 responsible for implementing the order, may request a change in placement under
5 this paragraph. The request shall contain the name and address of the new
6 placement requested and shall state what new information is available that affects
7 the advisability of the current placement. If the proposed change in placement would
8 change the placement of a juvenile placed in the home to a placement outside the
9 home, the request shall also contain specific information showing that continued
10 placement of the juvenile in the home would be contrary to the welfare of the juvenile
11 and, unless any of the circumstances specified in under s. 938.355 (2d) (b) 1. to 4.
12 applies, specific information showing that the agency primarily responsible for
13 implementing the dispositional order has made reasonable efforts to prevent the
14 removal of the juvenile from the home, while assuring that the juvenile's health and
15 safety are the paramount concerns. The request shall be submitted to the court. In
16 addition, ~~the~~ The court may also propose a change in placement on its own motion.

17 (b) *Hearing; when required.* The court shall hold a hearing ~~on the matter~~ prior
18 to ordering any change in placement requested or proposed under par. (a) if the
19 request states that new information is available that affects the advisability of the
20 current placement, ~~unless.~~ A hearing is not required if the requested or proposed
21 change in placement involves any change in placement other than does not involve
22 a change in placement of a juvenile placed in the home to a placement outside the
23 home and, written waivers of objection to the proposed change in placement are
24 signed by all parties entitled to receive notice under sub. (1) (am) 1., and the court
25 approves. If a hearing is scheduled, the court shall notify the juvenile, the parent,

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1 guardian, and legal custodian of the juvenile, any foster parent, treatment foster
2 parent, or other physical custodian described in s. 48.62 (2) of the juvenile, and all
3 parties who are bound by the dispositional order at least 3 days prior to the hearing.
4 A copy of the request or proposal for the change in placement shall be attached to the
5 notice. If all of the parties consent, the court may proceed immediately with the
6 hearing.

7 (c) *In-home to out-of-home placement; findings required.* If the court changes
8 the juvenile's placement from a placement in the juvenile's home to a placement
9 outside the juvenile's home, the change in placement order shall contain the findings
10 ~~specified in~~ under sub. (2v) (a) 1., one of the statements ~~specified in~~ under sub. (2v)
11 (a) 2., and, if in addition the court finds that any of the circumstances ~~specified in~~
12 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination
13 ~~specified in~~ under sub. (2v) (a) 3.

14 **(2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN.** If a hearing is held
15 under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a
16 juvenile from a foster home, treatment foster home, or other placement with a
17 physical custodian described in s. 48.62 (2), the court shall give the foster parent,
18 treatment foster parent, or other physical custodian ~~described in s. 48.62 (2)~~ an
19 opportunity to be heard at the hearing by permitting the foster parent, treatment
20 foster parent, or other physical custodian to make a written or oral statement during
21 the hearing or to submit a written statement prior to the hearing relating to the
22 juvenile and the requested change in placement. A foster parent, treatment foster
23 parent, or other physical custodian ~~described in s. 48.62 (2)~~ who receives notice of a
24 hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to be heard under this

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1 subsection does not become a party to the proceeding on which the hearing is held
2 solely on the basis of receiving that notice and opportunity to be heard.

3 **SECTION 460.** 938.357 (2v) (title) and (a) (title) of the statutes are created to
4 read:

5 938.357 (2v) (title) CHANGE-IN-PLACEMENT ORDER. (a) (title) *Contents of order.*

6 **SECTION 461.** 938.357 (2v) (a) 1., 2. and 3. and (b) of the statutes are amended
7 to read:

8 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
9 placement in the juvenile's home to a placement outside the juvenile's home, a
10 finding that continued placement of the juvenile in his or her home would be contrary
11 to the welfare of the juvenile and, unless a circumstance ~~specified in~~ under s. 938.355
12 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible for
13 implementing the dispositional order has made reasonable efforts to prevent the
14 removal of the juvenile from the home, while assuring that the juvenile's health and
15 safety are the paramount concerns.

16 2. If the change in placement order would change the placement of the juvenile
17 to a placement outside the home recommended by the person or agency primarily
18 responsible for implementing the dispositional order, whether from a placement in
19 the home or from another placement outside the home, a statement that the court
20 approves the placement recommended by the person or agency ~~or, if,~~ if the change
21 in placement order would change the placement of the juvenile to a placement
22 outside the home that is not a placement recommended by that person or agency,
23 whether from a placement in the home or from another placement outside the home,
24 a statement that the court has given bona fide consideration to the recommendations
25 made by that person or agency and all parties relating to the juvenile's placement.

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1 3. If the court finds that any of the circumstances ~~specified in~~ under s. 938.355
2 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the agency
3 primarily responsible for providing services under the change in placement order is
4 not required to make reasonable efforts with respect to the parent to make it possible
5 for the juvenile to return safely to his or her home.

6 (b) Documentation of basis of findings. The court shall make the findings
7 ~~specified in~~ under par. (a) 1. and 3. on a case-by-case basis based on circumstances
8 specific to the juvenile and shall document or reference the specific information on
9 which those findings are based in the change in placement order. A change in
10 placement order that merely references par. (a) 1. or 3. without documenting or
11 referencing that specific information in the change in placement order or an
12 amended change in placement order that retroactively corrects an earlier change in
13 placement order that does not comply with this paragraph is not sufficient to comply
14 with this paragraph.

15 **SECTION 462.** 938.357 (2v) (c) (title) of the statutes is created to read:

16 938.357 (2v) (c) (title) *Permanency plan hearing.*

17 **SECTION 463.** 938.357 (2v) (c) 1. of the statutes is amended to read:

18 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
19 circumstances ~~specified in~~ under s. 938.355 (2d) (b) 1. to 4. applies with respect to a
20 parent, the court shall hold a hearing within 30 days after the date of that finding
21 to determine the permanency plan for the juvenile. If a hearing is held under this
22 paragraph, the agency responsible for preparing the permanency plan shall file the
23 permanency plan with the court ~~not less than~~ at least 5 days before the date of the
24 hearing.

25 **SECTION 464.** 938.357 (3) of the statutes is amended to read:

ASSEMBLY BILL 443**SECTION 464**

1 938.357 (3) PLACEMENT IN JUVENILE CORRECTIONAL FACILITY. Subject to subs. (4)
2 (b) and (c) and (5) (e), if the proposed change in placement would involve placing a
3 juvenile in a ~~secured juvenile~~ correctional facility, a ~~secured child-caring institution~~,
4 or a secured ~~group home~~ residential care center for children and youth, notice shall
5 be given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the
6 juvenile, parent, guardian, and legal custodian, before the judge court makes a
7 decision on the request. The juvenile ~~shall be~~ is entitled to counsel at the hearing,
8 and any party opposing or favoring the proposed new placement may present
9 relevant evidence and cross-examine witnesses. The proposed new placement may
10 be approved only if the judge court finds, on the record, that the conditions set forth
11 in s. 938.34 (4m) have been met.

12 **SECTION 465.** 938.357 (4) (title) of the statutes is created to read:

13 938.357 (4) (title) PLACEMENT WITH DEPARTMENT.

14 **SECTION 466.** 938.357 (4) (a) and (b) 1., 2. and 3. of the statutes are amended
15 to read:

16 938.357 (4) (a) When the juvenile is placed with the department, the
17 department may, after an examination under s. 938.50, place the juvenile in a
18 secured juvenile correctional facility or a secured ~~child-caring institution~~ residential
19 care center for children and youth or on aftercare supervision, either immediately
20 or after a period of placement in a secured juvenile correctional facility or a secured
21 ~~child-caring institution~~ residential care center for children and youth. The
22 department shall send written notice of the change in placement to the parent,
23 guardian, legal custodian, county department designated under s. 938.34 (4n), if any,
24 and committing court. If the department places a juvenile in a Type 2 secured
25 juvenile correctional facility operated by a child welfare agency, the department shall

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1 reimburse the child welfare agency at the rate established under s. 46.037 that is
2 applicable to the type of placement that the child welfare agency is providing for the
3 juvenile. A juvenile who is placed in a Type 2 ~~secured juvenile~~ correctional facility
4 or a secured ~~child-caring institution~~ residential care center for children and youth
5 remains under the supervision of the department, remains subject to the rules and
6 discipline of that department, and is considered to be in custody, as defined in s.
7 946.42 (1) (a).

8 (b) 1. If a juvenile whom the department has placed in a Type 2 ~~secured juvenile~~
9 correctional facility operated by a child welfare agency violates a condition of his or
10 her placement in the Type 2 ~~secured juvenile~~ correctional facility, the child welfare
11 agency operating the Type 2 ~~secured juvenile~~ correctional facility shall notify the
12 department and the department, after consulting with the child welfare agency, may
13 place the juvenile in a Type 1 ~~secured juvenile~~ correctional facility under the
14 supervision of the department, without a hearing under sub. (1) (am) 2.

15 2. If a juvenile whom the court has placed in a Type 2 ~~child-caring institution~~
16 residential care center for children and youth under s. 938.34 (4d) violates a
17 condition of his or her placement in the Type 2 ~~child-caring institution~~ residential
18 care center for children and youth, the child welfare agency operating the Type 2
19 ~~child-caring institution~~ residential care center for children and youth shall notify the
20 county department that has supervision over the juvenile and, if the county
21 department agrees to a change in placement under this subdivision, the child welfare
22 agency shall notify the department, and the department, after consulting with the
23 child welfare agency, may place the juvenile in a Type 1 ~~secured juvenile~~ correctional
24 facility under the supervision of the department, without a hearing under sub. (1)
25 (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 ~~secured juvenile~~

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1 correctional facility under this subdivision, the county department that has
2 supervision over the juvenile shall reimburse the child welfare agency operating the
3 ~~Type 2 child caring institution~~ residential care center for children and youth in which
4 the juvenile was placed at the rate established under s. 46.037, and that child welfare
5 agency shall reimburse the department at the rate specified in s. 301.26 (4) (d) 2. or
6 3., whichever is applicable, for the cost of the juvenile's care while placed in a Type 1
7 secured juvenile correctional facility.

8 3. The child welfare agency operating the Type 2 secured juvenile correctional
9 facility or Type 2 ~~child caring institution~~ residential care center for children and
10 youth shall send written notice of a change in placement under subd. 1. or 2. to the
11 parent, guardian, legal custodian, county department, and committing court.

12 **SECTION 467.** 938.357 (4) (c) 1., 2. and 3. of the statutes are amended to read:

13 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured juvenile correctional
14 facility operated by a child welfare agency under par. (a) and it appears that a less
15 restrictive placement would be appropriate for the juvenile, the department, after
16 consulting with the child welfare agency that is operating the Type 2 secured
17 juvenile correctional facility ~~in which the juvenile is placed~~, may place the juvenile
18 in a less restrictive placement, and may return the juvenile to the Type 2 secured
19 juvenile correctional facility without a hearing under sub. (1) (am) 2. The child
20 welfare agency shall establish a rate for each type of placement in the manner
21 provided in s. 46.037.

22 2. If a juvenile is placed in a Type 2 ~~child caring institution~~ residential care
23 center for children and youth under s. 938.34 (4d) and it appears that a less
24 restrictive placement would be appropriate for the juvenile, the child welfare agency
25 operating the Type 2 ~~child caring institution~~ residential care center for children and

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1 youth shall notify the county department that has supervision over the juvenile and,
2 if the county department agrees to a change in placement under this subdivision, the
3 child welfare agency may place the juvenile in a less restrictive placement. A child
4 welfare agency may also, with the agreement of the county department that has
5 supervision over a juvenile who is placed in a less restrictive placement under this
6 subdivision, return the juvenile to the Type 2 ~~child-caring institution~~ residential care
7 center for children and youth without a hearing under sub. (1) (am) 2. The child
8 welfare agency shall establish a rate for each type of placement in the manner
9 provided in s. 46.037.

10 3. The child welfare agency operating the Type 2 secured juvenile correctional
11 facility or Type 2 ~~child-caring institution~~ residential care center for children and
12 youth shall send written notice of a change in placement under subd. 1. or 2. to the
13 parent, guardian, legal custodian, county department, and committing court.

14 **SECTION 468.** 938.357 (4) (d) of the statutes is repealed.

NOTE: Repeals s. 938.357 (4) (d), stats., which permits a juvenile who was adjudicated delinquent to be transferred to an adult correctional facility.

In *State of Wisconsin v. Hezzie R.*, 219 Wis. 2d 849 (1998), the Wisconsin Supreme Court held that subjecting a juvenile who has no right to a trial by jury under the Juvenile Justice Code to placement in an adult prison violates the juvenile's constitutional right to a trial by jury because placement in an adult prison constitutes criminal punishment rather than juvenile rehabilitation. Accordingly, this bill eliminates the authority of the DOC to transfer a juvenile who has been adjudicated delinquent to an adult prison, including the Intensive Sanctions Program, which is defined in the statutes as a state prison. This change is reflected: (1) in various provisions in the Juvenile Justice Code [ss. 938.183 (3), 938.538 (3) (a) 1., 1m., and 2., (4) (a), (5) (c), and (6), and 938.992 (3)]; and (2) in other provisions affected by this change that are outside of the Juvenile Justice Code.

15 **SECTION 469.** 938.357 (4d) (title) of the statutes is created to read:

16 938.357 (4d) (title) PROHIBITED PLACEMENTS BASED ON HOMICIDE OF PARENT.

17 **SECTION 470.** 938.357 (4d) (a) and (am) of the statutes are amended to read:

ASSEMBLY BILL 443**SECTION 470**

1 938.357 (4d) (a) Except as provided in par. (b), the court may not change a
2 juvenile's placement to a placement in the home of a person who has been convicted
3 ~~under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the~~
4 ~~2nd-degree intentional of the~~ homicide, of a parent of the juvenile under s. 940.01
5 or 940.05, if the conviction has not been reversed, set aside, or vacated.

6 (am) Except as provided in par. (b), if a parent in whose home a juvenile is
7 placed is convicted ~~under s. 940.01 of the first-degree intentional homicide, or under~~
8 ~~s. 940.05 of the 2nd-degree intentional of the~~ homicide, of the juvenile's other parent
9 under s. 940.01 or 940.05, and the conviction has not been reversed, set aside, or
10 vacated, the court shall change the juvenile's placement to a placement out of the
11 home of the parent on petition of the juvenile, the guardian or legal custodian of the
12 juvenile, a person or agency bound by the dispositional order, or the district attorney
13 or corporation counsel of the county in which the dispositional order was entered, or
14 on the court's own motion, ~~and on~~ with notice to the parent.

15 **SECTION 471.** 938.357 (4g) (title) of the statutes is created to read:

16 938.357 (4g) (title) **AFTERCARE PLAN.**

17 **SECTION 472.** 938.357 (4g) (a), (b), (c) (intro.) and (d) of the statutes are
18 amended to read:

19 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
20 is placed in a secured juvenile correctional facility, ~~a secured child caring institution~~
21 or a secured group home residential care center for children and youth, or within 30
22 days after the date on which the department requests the aftercare plan, whichever
23 is earlier, the aftercare provider designated under s. 938.34 (4n) shall prepare an
24 aftercare plan for the juvenile. If the designated aftercare provider ~~designated under~~
25 ~~s. 938.34 (4n)~~ is a county department, that county department shall submit the

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1 aftercare plan to the department within the time limits specified in this paragraph,
2 unless the department waives those time limits under par. (b).

3 (b) The department may waive the time period within which an aftercare plan
4 must be prepared and submitted under par. (a) if the department anticipates that the
5 juvenile will remain in the ~~secured juvenile~~ correctional facility, ~~secured child caring~~
6 ~~institution~~ or secured ~~group home~~ residential care center for children and youth for
7 a period exceeding 8 months or if the juvenile is subject to s. 48.366 or 938.183. If
8 the department waives that time period, the designated aftercare provider
9 ~~designated under s. 938.34 (4n)~~ shall prepare the aftercare plan within 30 days after
10 the date on which the department requests the aftercare plan.

11 (c) (intro.) An aftercare plan ~~prepared under par. (a) or (b)~~ shall include all of
12 the following:

13 (d) A juvenile may be released from a ~~secured juvenile~~ correctional facility, a
14 ~~secured child caring institution~~ or a secured ~~group home~~ residential care center for
15 children and youth whether or not an aftercare plan has been prepared under this
16 subsection.

17 **SECTION 473.** 938.357 (4m) (title) and (5) (title) of the statutes are created to
18 read:

19 938.357 (4m) (title) RELEASE TO AFTERCARE SUPERVISION.

20 (5) (title) REVOCATION OF AFTERCARE SUPERVISION.

21 **SECTION 474.** 938.357 (5) (a), (c), (d), (e) and (f) of the statutes are amended to
22 read:

23 938.357 (5) (a) The department or a county department, whichever has been
24 designated as a juvenile's aftercare provider ~~under s. 938.34 (4n)~~, may revoke the
25 aftercare status of that juvenile. ~~Revocation of aftercare supervision shall not~~

ASSEMBLY BILL 443**SECTION 474**

1 ~~require prior~~ Prior notice of a change in placement under sub. (1) (am) 1. is not
2 required.

3 (c) The juvenile ~~shall be~~ is entitled to representation by counsel at all stages
4 of the revocation proceeding.

5 (d) A hearing on the revocation shall be conducted by the division of hearings
6 and appeals in the department of administration within 30 days after the juvenile
7 is taken into custody for an alleged violation of ~~the conditions~~ a condition of the
8 juvenile's aftercare supervision. This time limit may be waived only upon the
9 agreement of the aftercare provider, the juvenile, and the juvenile's counsel.

10 (e) If the hearing examiner finds that the juvenile has violated a condition of
11 aftercare supervision, the hearing examiner shall determine whether confinement
12 in a ~~secured juvenile~~ secured juvenile correctional facility, ~~a secured child caring institution~~ or a
13 ~~secured group home~~ residential care center for children and youth is necessary to
14 protect the public, to provide for the juvenile's rehabilitation, or to not depreciate the
15 seriousness of the violation.

16 (f) Review of a revocation decision shall be by certiorari to the court ~~by whose~~
17 ~~order the juvenile was~~ that placed the juvenile in a ~~secured the juvenile~~ correctional
18 facility, ~~a secured child caring institution~~ or a ~~or~~ secured group home residential care
19 center for children and youth.

20 **SECTION 475.** 938.357 (5m) (title) of the statutes is created to read:

21 938.357 (5m) (title) CHILD SUPPORT.

22 **SECTION 476.** 938.357 (5m) (a) and (b) of the statutes are amended to read:

23 938.357 (5m) (a) If a proposed change in placement ~~changes~~ would change a
24 juvenile's placement from a placement in the juvenile's home to a placement outside
25 the juvenile's home, the court shall order the juvenile's parent to provide a statement

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1 of the income, assets, debts, and living expenses of the juvenile and the juvenile's
2 parent to the court or the person or agency primarily responsible for implementing
3 the dispositional order by a date specified by the court. The clerk of court shall
4 provide, without charge, to any parent ordered to provide ~~a~~ that statement of
5 ~~income, assets, debts and living expenses~~ a document setting forth the percentage
6 standard established by the department of workforce development under s. 49.22 (9)
7 and listing the factors ~~that a court may consider~~ under s. 301.12 (14) (c). If the
8 juvenile is placed outside the juvenile's home, the court shall determine the liability
9 of the parent in the manner provided in s. 301.12 (14).

10 (b) If the court orders the juvenile's parent to provide a statement of the income,
11 assets, debts, and living expenses of the juvenile and juvenile's parent to the court
12 or if the court orders the juvenile's parent to provide that statement to the person or
13 agency primarily responsible for implementing the dispositional order and that
14 person or agency is not the county department, the court shall also order the
15 juvenile's parent to provide that statement to the county department by a date
16 specified by the court. The county department shall provide, without charge, to the
17 parent a form on which to provide that statement, and the parent shall provide that
18 statement on that form. The county department shall use the information provided
19 in the statement to determine whether the department may claim federal foster care
20 and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
21 providing care for the juvenile.

NOTE: See the NOTE to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

22 **SECTION 477.** 938.357 (6) of the statutes is amended to read:

23 938.357 (6) DURATION OF ORDER. No change in placement may extend the
24 expiration date of the original order, except that if the change in placement is from

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1 a placement in the juvenile's home to a placement in a foster home, treatment foster
2 home, group home, or residential care center for children and youth or in the home
3 of a relative who is not a parent, the court may extend the expiration date of the
4 original order to the date on which the juvenile ~~reaches~~ attains 18 years of age, to the
5 date that is one year after the date of the change in placement order, or, if the juvenile
6 is a full-time student at a secondary school or its vocational or technical equivalent
7 and is reasonably expected to complete the program before ~~reaching~~ attaining 19
8 years of age, to the date on which the juvenile ~~reaches~~ attains 19 years of age,
9 whichever is later, or for a shorter period of time as specified by the court. If the
10 change in placement is from a placement in a foster home, treatment foster home,
11 group home, or residential care center for children and youth or in the home of a
12 relative to a placement in the juvenile's home and if the expiration date of the original
13 order is more than one year after the date of the change in placement order, the court
14 shall shorten the expiration date of the original order to the date that is one year after
15 the date of the change in placement order or to an earlier date as specified by the
16 court.

17 **SECTION 478.** 938.36 (1) (title) of the statutes is created to read:

18 938.36 (1) (title) RESIDENTIAL SERVICES; PARENTAL DUTY TO SUPPORT.

19 **SECTION 479.** 938.36 (1) (b) of the statutes is amended to read:

20 938.36 (1) (b) In determining the amount of support under par. (a), the court
21 may consider all relevant financial information or other information relevant to the
22 parent's earning capacity, including information reported under s. 49.22 (2m) to the
23 department of workforce development, or the county child support agency, under s.
24 59.53 (5). If the court has insufficient information with which to determine the
25 amount of support, the court shall order the juvenile's parent to furnish a statement

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1 of the income, assets, debts, and living expenses of the juvenile and the juvenile's
2 parent, if the parent has not already done so, to the court within 10 days after the
3 court's order transferring custody or designating an alternative placement is entered
4 or at such other time as ordered by the court.

NOTE: See the NOTE to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

5 **SECTION 480.** 938.36 (2) of the statutes is amended to read:

6 938.36 (2) SERVICES OR TREATMENT; COUNTY PAYMENT; PARENTAL CONTRIBUTION. If
7 a juvenile whose legal custody has not been taken from a parent or guardian is given
8 educational and social services, or medical, psychological, or psychiatric treatment
9 by order of the court, ~~the cost thereof, if ordered by the court, shall be a charge upon~~
10 court may order the county to pay for those services or treatment. This section does
11 not prevent recovery of reasonable contribution toward the costs from the parent or
12 guardian of the juvenile as the court may order based on the ability of the parent or
13 guardian to pay. This subsection is subject to s. 301.03 (18).

14 **SECTION 481.** 938.36 (3) (title) of the statutes is created to read:

15 938.36 (3) (title) SERVICES PROVIDED BY SCHOOL DISTRICT.

16 **SECTION 482.** 938.361 (1) (title) and (2) (title) of the statutes are created to read:

17 938.361 (1) (title) DEFINITIONS.

18 (2) (title) PAYMENT BY PARENT OR INSURER.

19 **SECTION 483.** 938.361 (2) (a) 2. of the statutes is amended to read:

20 938.361 (2) (a) 2. This paragraph applies to payment for alcohol and other drug
21 abuse services in any county, ~~regardless of whether the county is a~~ including pilot
22 county counties under s. 938.547.

23 **SECTION 484.** 938.361 (2) (am), (b) and (c) of the statutes are amended to read:

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1 938.361 (2) (am) 1. If a court assigned to exercise jurisdiction under this
2 chapter and ch. 48 in a pilot county ~~that has a pilot program~~ under s. 938.547 finds
3 that payment ~~is not attainable~~ cannot be attained under par. (a), the court may order
4 payment ~~in accordance with~~ under par. (b).

5 2. If a court assigned to exercise jurisdiction under this chapter and ch. 48 in
6 a county that ~~does not have~~ is not a pilot program county under s. 938.547 finds that
7 payment ~~is not attainable~~ cannot be attained under par. (a), the court may order
8 payment ~~in accordance with~~ under s. 938.34 (6) (ar) or 938.36.

9 3. If a municipal court finds that payment ~~is not attainable~~ cannot be attained
10 under par. (a), the municipal court may order the municipality over which the
11 municipal court has jurisdiction to pay for any alcohol and other drug abuse services
12 ordered by the municipal court.

13 (b) 1. In ~~counties that have a pilot program~~ counties under s. 938.547, in
14 addition to ~~using the alternative provided for~~ ordering payment under par. (a), the
15 court assigned to exercise jurisdiction under this chapter and ch. 48 may order a
16 county department of human services established under s. 46.23 or a county
17 department established under s. 51.42 or 51.437 in the juvenile's county of legal
18 residence to pay for the alcohol and other drug abuse services whether or not custody
19 has been taken from the parent.

20 2. If a judge court orders a county department established under s. 51.42 or
21 51.437 to provide alcohol and other drug abuse services under this paragraph, the
22 provision of the ~~alcohol and other drug abuse services shall be~~ service is subject to
23 conditions specified in ch. 51.

24 (c) Payment for alcohol and other drug abuse services by a county department
25 or municipality under this section does not prohibit the county department or

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1 municipality from contracting with another county department, municipality, school
2 district, or approved treatment facility for the provision of alcohol and other drug
3 abuse services. Payment by the county or municipality under this section does not
4 prevent recovery of reasonable contribution toward the costs of the court-ordered
5 alcohol and other drug abuse services from the parent which is based upon the ability
6 of the parent to pay. This subsection is subject to s. 46.03 (18).

7 **SECTION 485.** 938.362 (1) (title) and (2) (title) of the statutes are created to read:

8 938.362 (1) (title) DEFINITION.

9 (2) (title) APPLICABILITY.

10 **SECTION 486.** 938.362 (3) of the statutes is amended to read:

11 938.362 (3) PAYMENT BY PARENT OR INSURER. If a juvenile's parent neglects,
12 refuses, or is unable to provide court-ordered special treatment or care for the
13 juvenile through his or her health insurance or other 3rd-party payments,
14 notwithstanding s. 938.36 (3), the court may order the parent to pay for the
15 court-ordered special treatment or care. If the parent consents to provide
16 court-ordered special treatment or care for a juvenile through his or her health
17 insurance or other 3rd-party payments but the health insurance provider or other
18 3rd-party payer refuses to provide the court-ordered special treatment or care, the
19 court may order the health insurance provider or 3rd-party payer to pay for the
20 court-ordered special treatment or care in accordance with the terms of the parent's
21 health insurance policy or other 3rd-party payment plan.

22 **SECTION 487.** 938.362 (4) (title) of the statutes is created to read:

23 938.362 (4) (title) PAYMENT BY COUNTY DEPARTMENT.

24 **SECTION 488.** 938.362 (4) (a) of the statutes is amended to read:

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1 938.362 (4) (a) If the court finds that payment is ~~not attainable~~ cannot be
2 attained under sub. (3), the court may order the county department under s. 51.42
3 or 51.437 of the juvenile's county of legal residence to pay the cost of any
4 court-ordered special treatment or care that is provided ~~by or~~ directly by or under
5 contract with ~~that~~ the county department.

6 **SECTION 489.** 938.363 of the statutes is amended to read:

7 **938.363 Revision of dispositional orders. (1) REQUESTS FOR REVISION.** (a)
8 A juvenile, the juvenile's parent, guardian, or legal custodian, any person or agency
9 bound by a dispositional order, or the district attorney or corporation counsel in the
10 county in which the dispositional order was entered may request a revision in the
11 order that does not involve a change in placement, including a revision with respect
12 to the amount of child support to be paid by a parent, ~~or the.~~ The court may ~~on its~~
13 ~~own motion~~ also propose such a revision. The request or court proposal shall set forth
14 in detail the nature of the proposed revision and what new information is available
15 that affects the advisability of the court's disposition. The request or court proposal
16 shall be submitted to the court. The court shall hold a hearing on the matter prior
17 to any revision of the dispositional order if the request or court proposal indicates
18 that new information is available that affects the advisability of the court's
19 dispositional order, unless written waivers of objections to the revision are signed by
20 all parties entitled to receive notice and the court approves.

21 (b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent,
22 guardian, and legal custodian, all parties bound by the dispositional order, the
23 juvenile's foster parent, treatment foster parent, or other physical custodian
24 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
25 in which the dispositional order was entered at least 3 days prior to the hearing. A

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1 copy of the request or proposal shall be attached to the notice. If all parties consent,
2 the court may proceed immediately with the hearing. No revision may extend the
3 effective period of the original order, or revise an original order under s. 938.34 (3)
4 (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody,
5 or inpatient treatment on a juvenile.

6 (c) If the proposed revision is for a change in the amount of child support to be
7 paid by a parent, the court shall order the juvenile's parent to provide a statement
8 of the income, assets, debts, and living expenses of the juvenile and the juvenile's
9 parent to the court and the person or agency primarily responsible for implementing
10 the dispositional order by a date specified by the court. The clerk of court shall
11 provide, without charge, to any parent ordered to provide ~~a~~ that statement of
12 ~~income, assets, debts, and living expenses~~ a document setting forth the percentage
13 standard established by the department of workforce development under s. 49.22 (9)
14 and listing the factors that a court may consider under s. 301.12 (14) (c).

15 (d) If the court orders the juvenile's parent to provide a statement of the income,
16 assets, debts, and living expenses of the juvenile and the juvenile's parent to the court
17 or if the court orders the juvenile's parent to provide that statement to the person or
18 agency primarily responsible for implementing the dispositional order and that
19 person or agency is not the county department, the court shall also order the
20 juvenile's parent to provide that statement to the county department by a date
21 specified by the court. The county department shall provide, without charge, to the
22 parent a form on which to provide that statement, and the parent shall provide that
23 statement on that form. The county department shall use the information provided
24 in the statement to determine whether the department may claim federal foster care

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1 and adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
2 providing care for the juvenile.

3 **(1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any
4 party may present evidence relevant to the issue of revision of the dispositional order.
5 In addition, the court shall give a foster parent, treatment foster parent, or other
6 physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard
7 at the hearing by permitting the foster parent, treatment foster parent, or other
8 physical custodian to make a written or oral statement during the hearing, or to
9 submit a written statement prior to the hearing, relevant to the issue of revision. A
10 foster parent, treatment foster parent, or other physical custodian ~~described in s.~~
11 ~~48.62 (2)~~ who receives notice of a hearing under sub. (1) (a) and an opportunity to be
12 heard under this subsection does not become a party to the proceeding on which the
13 hearing is held solely on the basis of receiving that notice and opportunity to be
14 heard.

15 **(2)** REVISION OF SUPPORT. If the court revises ~~a dispositional order with respect~~
16 ~~to~~ the amount of child support to be paid by a parent under the dispositional order
17 for the care and maintenance of the parent's ~~minor~~ juvenile who has been placed by
18 a court order under this chapter in a residential, nonmedical facility, the court shall
19 determine the liability of the parent ~~in the manner provided in~~ under s. 301.12 (14).

NOTE: For an explanation of the change to s. 938.363 (1) (d), stats., see the NOTE
to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

20 **SECTION 490.** 938.364 of the statutes is amended to read:

21 **938.364 Dismissal of certain dispositional orders.** A juvenile, the
22 juvenile's parent, guardian, or legal custodian, or the district attorney or corporation
23 counsel in the county in which the dispositional order was entered may request a

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1 judge the court to dismiss an order made under s. 938.342 (2) if the juvenile shows
2 documentary proof that he or she is enrolled in a school program or a high school
3 equivalency program, ~~or the~~. The court may on its own motion also propose such a
4 dismissal.

5 **SECTION 491.** 938.365 (1) and (1m) of the statutes are amended to read:

6 938.365 (1) DATE ON WHICH JUVENILE PLACED OUTSIDE HOME. In this section, a
7 juvenile is considered to have been placed outside of his or her home on the date on
8 which the juvenile was first removed from his or her home, except that ~~in the case~~
9 of a juvenile who ~~on removal~~ was removed from his or her home ~~was~~ and first placed
10 in a secure juvenile detention facility, a secured juvenile correctional facility, ~~a~~
11 secured child caring institution, or a secured group home residential care center for
12 children and youth for 60 days or more and then moved to a nonsecured nonsecure
13 out-of-home placement, ~~the juvenile is considered to have been placed outside of his~~
14 or her home on the date on which the juvenile was moved to the nonsecured
15 nonsecure out-of-home placement.

16 **(1m) REQUEST FOR EXTENSION.** The parent, juvenile, guardian, legal custodian,
17 any person or agency bound by the dispositional order, the district attorney or
18 corporation counsel in the county in which the dispositional order was entered, or the
19 court on its own motion, may request an extension of an order under s. 938.355. The
20 request shall be submitted to the court which entered the order. ~~No~~ An order under
21 s. 938.355 ~~that placed~~ for placement of a juvenile in detention, nonsecure custody, or
22 inpatient treatment under s. 938.34 (3) (f) or (6) (am) may not be extended. ~~No other~~
23 order Other orders or portions of orders under s. 938.355 may be extended except
24 only as provided in this section.

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1 **SECTION 492.** 938.365 (2) (title) and (2g) (title) of the statutes are created to
2 read:

3 938.365 **(2)** (title) NOTICE.

4 **(2g)** (title) COURT REPORT.

5 **SECTION 493.** 938.365 (2g) (b) 2. and (c) of the statutes are amended to read:

6 938.365 **(2g)** (b) 2. An evaluation of the juvenile’s adjustment to the placement
7 and of any progress the juvenile has made, suggestions for amendment of the
8 permanency plan, and specific information showing the efforts that have been made
9 to achieve the goal of the permanency plan, including, if applicable, the efforts of the
10 parents to remedy the factors that contributed to the juvenile’s placement, unless
11 return of the juvenile to the home is the goal of the permanency plan and any of the
12 circumstances specified in under s. 938.355 (2d) (b) 1. to 4. applies.

13 (c) ~~In cases where~~ If the juvenile has not been placed outside the home, the
14 report shall contain a description of efforts that have been made by all parties
15 concerned toward meeting the objectives of treatment, care, or rehabilitation; an
16 explanation of why these efforts have not yet succeeded in meeting the objective; and
17 anticipated future planning for the juvenile.

18 **SECTION 494.** 938.365 (2m) (title) of the statutes is created to read:

19 938.365 **(2m)** (title) HEARING AND ORDER.

20 **SECTION 495.** 938.365 (2m) (a), (ad) 1. and (ag) of the statutes are amended to
21 read:

22 938.365 **(2m)** (a) 1. Any party may present evidence relevant to the issue of
23 extension. If the juvenile is placed outside of his or her home, the person or agency
24 primarily responsible for providing services to the juvenile shall present as evidence
25 specific information showing that the agency has made reasonable efforts to achieve

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1 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
2 is the goal of the permanency plan and any of the circumstances specified in under
3 s. 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and
4 conclusions of law based on the evidence. The findings of fact shall include a finding
5 as to whether reasonable efforts were made by the agency primarily responsible for
6 providing services to the juvenile to achieve the goal of the juvenile's permanency
7 plan, unless return of the juvenile to the home is the goal of the permanency plan and
8 the court finds that any of the circumstances specified in under s. 938.355 (2d) (b) 1.
9 to 4. applies. An order shall be issued under s. 938.355.

10 2. If the court finds that any of the circumstances specified in under s. 938.355
11 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include a
12 determination that the person or agency primarily responsible for providing services
13 to the juvenile is not required to make reasonable efforts with respect to the parent
14 to make it possible for the juvenile to return safely to his or her home.

15 3. The court shall make the findings specified in under subd. 1. relating to
16 reasonable efforts to achieve the goal of the juvenile's permanency plan and the
17 findings specified in under subd. 2. on a case-by-case basis based on circumstances
18 specific to the juvenile and shall document or reference the specific information on
19 which those findings are based in the order issued under s. 938.355. An order that
20 merely references subd. 1. or 2. without documenting or referencing that specific
21 information in the order or an amended order that retroactively corrects an earlier
22 order that does not comply with this subdivision is not sufficient to comply with this
23 subdivision.

24 (ad) 1. If the court finds that any of the circumstances specified in under s.
25 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing

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1 within 30 days after the date of that finding to determine the permanency plan for
2 the juvenile. If a hearing is held under this subdivision, the agency responsible for
3 preparing the permanency plan shall file the permanency plan with the court not less
4 than 5 days before the date of the hearing.

5 (ag) The court shall give a foster parent, treatment foster parent, or other
6 physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad)
7 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
8 parent, treatment foster parent, or other physical custodian to make a written or oral
9 statement during the hearing, or to submit a written statement prior to the hearing,
10 relevant to the issue of extension. A foster parent, treatment foster parent, or other
11 physical custodian ~~described in s. 48.62 (2)~~ who receives notice of a hearing under
12 par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not
13 become a party to the proceeding on which the hearing is held solely on the basis of
14 receiving that notice and opportunity to be heard.

15 **SECTION 496.** 938.365 (3) (title) and (4) (title) of the statutes are created to read:

16 938.365 (3) (title) WAIVER OF APPEARANCE.

17 (4) (title) DISPOSITIONS TO BE CONSIDERED.

18 **SECTION 497.** 938.365 (5) and (6) of the statutes are amended to read:

19 938.365 (5) DURATION OF EXTENSION. Except as provided in s. 938.368, an order
20 under this section that continues the placement of a juvenile in his or her home or
21 that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified
22 length of time not to exceed one year after its date of entry. Except as provided in s.
23 938.368, an order under this section that continues the placement of a juvenile in a
24 foster home, treatment foster home, group home, or residential care center for
25 children and youth or in the home of a relative other than a parent shall be for a

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1 specified length of time not to exceed the date on which the juvenile reaches attains
2 18 years of age, one year after the date of entry of on which the order is granted, or,
3 if the juvenile is a full-time student at a secondary school or its vocational or
4 technical equivalent and is reasonably expected to complete the program before
5 ~~reaching~~ attaining 19 years of age, the date on which the juvenile reaches attains 19
6 years of age, whichever is later.

7 **(6) HEARINGS CONDUCTED AFTER ORDER TERMINATES.** If a request to extend a
8 dispositional order is made prior to the termination of the order, but the court is
9 unable to conduct a hearing on the request prior to the termination date, the court
10 may extend the order for a period of not more than 30 days, not including any period
11 of delay resulting from any of the circumstances ~~specified in~~ under s. 938.315 (1). The
12 court shall grant appropriate relief as provided in s. 938.315 (3) with respect to any
13 request to extend a dispositional order on which a hearing is not held within the time
14 limit specified in this subsection. Failure to object if a hearing is not held within the
15 time limit ~~specified in~~ under this subsection waives that time limit.

NOTE: Modifies s. 938.365 (5), stats., so that an extension of a dispositional order expires one year after the court orally makes, or grants, its order instead of one year after the order is filed with the clerk of court.

16 **SECTION 498.** 938.365 (7) (title) of the statutes is created to read:

17 938.365 (7) (title) **CHANGES IN PLACEMENT NOT PERMITTED.**

18 **SECTION 499.** 938.368 (1) (title) of the statutes is created to read:

19 938.368 (1) (title) **TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.**

20 **SECTION 500.** 938.368 (2) (intro.) of the statutes is amended to read:

21 938.368 (2) PLACEMENT WITH GUARDIAN. (intro.) If a juvenile's placement with
22 a guardian appointed under s. 48.977 (2) is designated by the court under s. 48.977
23 (3) as a permanent foster placement for the juvenile while a dispositional order under

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1 s. 938.345, a revision order under s. 938.363, or an extension order under s. 938.365
2 is in effect with respect to the juvenile, such ~~the~~ the dispositional order, revision order,
3 or extension order shall remain in effect until the earliest of the following:

4 **SECTION 501.** 938.37 (1) (title) and (3) (title) of the statutes are created to read:

5 938.37 (1) (title) JUVENILE COURT.

6 (3) (title) CIVIL AND CRIMINAL COURTS.

7 **SECTION 502.** 938.371 of the statutes is amended to read:

8 **938.371 Access to certain information by substitute care provider. (1)**

9 MEDICAL INFORMATION. If a juvenile is placed in a foster home, treatment foster home,
10 group home, residential care center for children and youth, or secured juvenile
11 correctional facility, including a placement under s. 938.205 or 938.21, the agency,
12 as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement
13 of the juvenile shall provide the following information to the foster parent, treatment
14 foster parent, or operator of the group home, residential care center for children and
15 youth, or secured juvenile correctional facility at the time of placement or, if the
16 information has not been provided to the agency by that time, as soon as possible
17 after the date on which the agency receives that information, but not more than 2
18 working days after that date:

19 (a) Results of a test or a series of tests of the juvenile to determine the presence
20 of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an
21 antibody to HIV, as ~~provided~~ under s. 252.15 (5) (a) 19., including results included
22 in a court report or permanency plan. At the time that the test results are provided,
23 the agency shall notify the foster parent, treatment foster parent, or operator of the
24 group home, residential care center for children and youth, or secured juvenile
25 correctional facility of the confidentiality requirements under s. 252.15 (6).

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1 (b) Results of any tests of the juvenile to determine the presence of viral
2 hepatitis, type B, including results included in a court report or permanency plan.
3 The foster parent, treatment foster parent, or operator of a group home, residential
4 care center for children and youth, or secured juvenile correctional facility receiving
5 information under this paragraph shall keep the information confidential.

6 (c) Any other medical information concerning the juvenile that is necessary for
7 the care of the juvenile. The foster parent, treatment foster parent, or operator of a
8 group home, residential care center for children and youth, or secured juvenile
9 correctional facility receiving information under this paragraph shall keep the
10 information confidential.

11 **(3) OTHER INFORMATION.** At the time of placement of a juvenile in a foster home,
12 treatment foster home, group home, residential care center for children and youth,
13 or secured juvenile correctional facility or, if the information is not available at that
14 time, as soon as possible after the date on which the court report or permanency plan
15 has been submitted, but no later than 7 days after that date, the agency, as defined
16 in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall
17 provide to the foster parent, treatment foster parent, or operator of the group home,
18 residential care center for children and youth, or secured juvenile correctional
19 facility information contained in the court report submitted under s. 938.33 (1) or
20 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating
21 to findings or opinions of the court or agency that prepared the court report or
22 permanency plan relating to any of the following:

23 (a) Any mental, emotional, cognitive, developmental, or behavioral disability
24 of the juvenile. The foster parent, treatment foster parent, or operator of a group
25 home, residential care center for children and youth, or secured juvenile correctional

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1 facility receiving information under this subsection shall keep the information
2 confidential.

3 (b) Any involvement of the juvenile in any criminal gang, as defined in s. 939.22
4 (9), or in any other group in which any child was traumatized as a result of his or her
5 association with that group. The foster parent, treatment foster parent, or operator
6 of a group home, residential care center for children and youth, or secured juvenile
7 correctional facility receiving information under this paragraph shall keep the
8 information confidential.

9 (c) Any involvement of the juvenile in any activities that are harmful to the
10 juvenile's physical, mental, or moral well-being. The foster parent, treatment foster
11 parent, or operator of a group home, residential care center for children and youth,
12 or secured juvenile correctional facility receiving information under this paragraph
13 shall keep the information confidential.

14 (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual
15 intercourse or sexual contact in violation of s. 940.225, 948.02, or 948.025,
16 prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s.
17 948.05, or causing a child to view or listen to sexual activity in violation of s. 948.055,
18 if the information is necessary for the care of the juvenile or for the protection of any
19 person living in the foster home, treatment foster home, group home, residential care
20 center for children and youth, or secured juvenile correctional facility. The foster
21 parent, treatment foster parent, or operator of a group home, residential care center
22 for children and youth, or secured juvenile correctional facility receiving information
23 under this paragraph shall keep the information confidential.

24 (e) The religious affiliation or belief beliefs of the juvenile.

25 **SECTION 503.** 938.373 (1) (title) of the statutes is created to read:

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1 938.373 (1) (title) AUTHORIZATION BY COURT.

2 **SECTION 504.** 938.373 (2) (title) of the statutes is created to read:

3 938.373 (2) (title) ABORTION; JUDICIAL WAIVER OF PARENTAL CONSENT REQUIREMENT.

4 **SECTION 505.** 938.38 (2) (intro.), (3) (a) and (b) and (4) (ar) and (h) (intro.) of the
5 statutes are amended to read:

6 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
7 for each juvenile living in a foster home, treatment foster home, group home,
8 residential care center for children and youth, ~~secure~~ juvenile detention facility, or
9 shelter care facility, the agency that placed the juvenile or arranged the placement
10 or the agency assigned primary responsibility for providing services to the juvenile
11 under s. 938.355 shall prepare a written permanency plan, if any of the following
12 conditions exists, and, for each juvenile living in the home of a relative other than
13 a parent, that agency shall prepare a written permanency plan, if any of the
14 conditions ~~specified in~~ under pars. (a) to (e) exists:

15 (3) (a) If the juvenile is alleged to be delinquent and is being held in a secure
16 juvenile detention facility, juvenile portion of a county jail, or shelter care facility, and
17 the agency intends to recommend that the juvenile be placed in a secured juvenile
18 ~~correctional facility, or a secured child-caring institution or a secured group home~~
19 residential care center for children and youth, the agency is not required to submit
20 the permanency plan unless the court does not accept the recommendation of the
21 agency. If the court places the juvenile in any facility outside of the juvenile's home
22 other than a secured juvenile correctional facility, or a secured ~~child-caring~~
23 ~~institution or a secured group home~~ residential care center for children and youth,
24 the agency shall file the permanency plan with the court within 60 days after the date
25 of disposition.

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1 (b) If the juvenile is held for less than 60 days in a ~~secure~~ juvenile detention
2 facility, juvenile portion of a county jail, or a shelter care facility, no permanency plan
3 is required if the juvenile is returned to his or her home within that period.

4 (4) (ar) A description of the services offered and any services provided in an
5 effort to prevent the removal of the juvenile from his or her home, while assuring that
6 the health and safety of the juvenile are the paramount concerns, and to achieve the
7 goal of the permanency plan, except that the permanency plan is not required to
8 include a description of the services offered or provided with respect to a parent of
9 the juvenile to prevent the removal of the juvenile from the home or to achieve the
10 permanency plan goal of returning the juvenile safely to his or her home if any of the
11 circumstances ~~specified~~ under in s. 938.355 (2d) (b) 1. to 4. apply to that parent.

12 (h) (intro.) If the juvenile is 15 years of age or ~~over~~ older, a description of the
13 programs and services that are or will be provided to assist the juvenile in preparing
14 for the transition from out-of-home care to independent living. The description
15 shall include all of the following:

16 **SECTION 506.** 938.38 (5) (a) of the statutes is amended to read:

17 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
18 appointed under par. (ag) shall review the permanency plan in the manner provided
19 in this subsection not later than 6 months after the date on which the juvenile was
20 first removed from his or her home and every ~~12~~ 6 months after a previous review
21 under this subsection for as long as the juvenile is placed outside the home, except
22 that for the review that is required to be conducted not later than 12 months after
23 the juvenile was first removed from his or her home and the reviews that are required
24 to be conducted every 12 months after that review, the court shall hold a hearing

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1 under sub. (5m) to review the permanency plan, ~~which.~~ The hearing may be instead
2 of or in addition to the review under this subsection.

NOTE: In s. 938.38 (5) (a), stats., substitutes "every 6 months after a previous review" for "every 12 months after a previous review". The current reference to "12 months" was an inadvertent mistake when the original law was enacted. The provision should parallel s. 48.38 (5) (a), stats., which specifies "6 months."

3 **SECTION 507.** 938.39 of the statutes is amended to read:

4 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
5 court of any violation of state law ~~coming~~ within its jurisdiction under s. 938.12 bars
6 any future criminal proceeding on the same matter in circuit court when the juvenile
7 reaches the age of 17. This section does not affect criminal proceedings in circuit
8 court ~~which~~ that were transferred under s. 938.18.

9 **SECTION 508.** 938.396 (1) (title) of the statutes is created to read:

10 **938.396 (1) (title) LAW ENFORCEMENT RECORDS.**

NOTE: Relating to s. 938.396, stats., and other provisions, reorganizes provisions in the Juvenile Justice Code relating to the confidentiality of juvenile law enforcement, juvenile court, and municipal court records.

11 **SECTION 509.** 938.396 (1) of the statutes is renumbered 938.396 (1) (a) and
12 amended to read:

13 938.396 (1) (a) Confidentiality. Law enforcement ~~officers'~~ agency records of
14 juveniles shall be kept separate from records of adults. Law enforcement ~~officers'~~
15 agency records of juveniles shall may not be open to inspection or their contents
16 disclosed except under ~~sub. (1b), (1d), (1g), (1m), (1r), (1t), (1x) or (5) par. (b) or (c),~~
17 sub. (1j), or s. 938.293 or by order of the court. ~~This subsection~~

18 (b) Applicability. Paragraph (a) does not apply to any of the following:

19 1. The disclosure of information to representatives of the news media who wish
20 to obtain information for the purpose of reporting news ~~without revealing.~~ A

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1 representative of the news media who obtains information under this subdivision
2 may not reveal the identity of the juvenile involved, ~~to the,~~

3 2. The confidential exchange of information between the police a law
4 enforcement agency and officials of the school attended by the juvenile ~~or other law~~
5 ~~enforcement or social welfare agencies or to juveniles 10 years of age or older who are~~
6 ~~subject to the jurisdiction of the court of criminal jurisdiction.~~ A public school official
7 who obtains information under this ~~subsection~~ subdivision shall keep the
8 information confidential as required under s. 118.125, and a private school official
9 who obtains information under this ~~subsection~~ subdivision shall keep the
10 information confidential in the same manner as is required of a public school official
11 under s. 118.125.

12 3. The confidential exchange of information between a law enforcement agency
13 and another law enforcement agency. A law enforcement agency that obtains
14 information under this ~~subsection~~ subdivision shall keep the information
15 confidential as required under ~~this subsection~~ par. (a) and s. 48.396 (1).

16 4. The confidential exchange of information between a law enforcement agency
17 and a social welfare agency. A social welfare agency that obtains information under
18 this ~~subsection~~ subdivision shall keep the information confidential as required
19 under ss. 48.78 and 938.78.

NOTE: The language repealed in s. 938.396 (1) (b) 2., stats., as created by this bill
is contained in newly created s. 938.396 (1) (b) 5., stats., as created by this bill.

20 **SECTION 510.** 938.396 (1) (b) 5. of the statutes is created to read:

21 938.396 (1) (b) 5. The disclosure of information relating to a juvenile 10 years
22 of age or over who is subject to the jurisdiction of a court of criminal jurisdiction.

23 **SECTION 511.** 938.396 (1) (c) (intro.) of the statutes is created to read:

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1 938.396 (1) (c) *Exceptions.* (intro.) Notwithstanding par. (a), law enforcement
2 agency records of juveniles may be disclosed as follows:

3 **SECTION 512.** 938.396 (1b) of the statutes is renumbered 938.396 (1) (c) 1.

4 **SECTION 513.** 938.396 (1d) of the statutes is renumbered 938.396 (1) (c) 2.

5 **SECTION 514.** 938.396 (1g) of the statutes is renumbered 938.396 (1) (c) 6. and
6 amended to read:

7 938.396 (1) (c) 6. If requested by the victim-witness coordinator, a law
8 enforcement agency shall disclose to the victim-witness coordinator any information
9 in its records relating to the enforcement of rights under the constitution, this
10 chapter, and s. 950.04 or the provision of services under s. 950.06 (1m), including the
11 name and address of the juvenile and the juvenile's parents. The victim-witness
12 coordinator may use the information only for the purpose of enforcing those rights
13 and providing those services and may make that information available only as
14 necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m),
15 receive the rights and services to which they are entitled under the constitution, this
16 chapter, and ch. 950. The victim-witness coordinator may also use the information
17 to disclose the name and address of the juvenile and the juvenile's parents to the
18 victim of the juvenile's act.

NOTE: Clarifies, in s. 938.396 (1) (c) 6., stats., as created by the bill, that a law enforcement agency must disclose to a victim-witness coordinator the name and address of a juvenile and the juvenile's parent, upon request. The victim-witness coordinator may disclose this information to the victim of the juvenile's act.

19 **SECTION 515.** 938.396 (1j) (title) of the statutes is created to read:

20 938.396 (1j) (title) LAW ENFORCEMENT RECORDS, COURT-ORDERED DISCLOSURE.

21 **SECTION 516.** 938.396 (1m) (a) of the statutes is renumbered 938.396 (1) (c) 3.

22 (intro.) and amended to read:

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1 938.396 (1) (c) 3. (intro.) A law enforcement agency, on its own initiative or on
2 the request of the school district administrator of a public school district, the
3 administrator of a private school, or the designee of the school district administrator
4 or the private school administrator, may, subject to official agency policy, provide to
5 the school district administrator, private school administrator, or designee, for use
6 as provided in s. 118.127 (2), any information in its records relating to the any of the
7 following:

8 a. The use, possession, or distribution of alcohol or a controlled substance or
9 controlled substance analog by a juvenile enrolled in the public school district or
10 private school. ~~The information shall be used by the school district or private school~~
11 ~~as provided under s. 118.127 (2).~~

12 **SECTION 517.** 938.396 (1m) (am) of the statutes is renumbered 938.396 (1) (c)
13 3. b. and amended to read:

14 938.396 (1) (c) 3. b. ~~A law enforcement agency, on its own initiative or on the~~
15 ~~request of the school district administrator of a public school district, the~~
16 ~~administrator of a private school or the designee of the school district administrator~~
17 ~~or the private school administrator, may, subject to official agency policy, provide to~~
18 ~~the school district administrator, private school administrator or designee any~~
19 ~~information in its records relating to the~~ The illegal possession by a juvenile of a
20 dangerous weapon, as defined in s. 939.22 (10). ~~The information shall be used by the~~
21 ~~school district or private school as provided in s. 118.127 (2).~~

NOTE: The repealed language is included in s. 938.396 (1) (c) 3. (intro.), as created
by this bill.

22 **SECTION 518.** 938.396 (1m) (ar) of the statutes is renumbered 938.396 (1) (c)
23 3. c. and amended to read:

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1 938.396 (1) (c) 3. c. ~~A law enforcement agency, on its own initiative or on the~~
2 ~~request of the school district administrator of a public school district, the~~
3 ~~administrator of a private school, or the designee of the school district administrator~~
4 ~~or the private school administrator, may, subject to official agency policy, provide to~~
5 ~~the school district administrator, private school administrator, or designee any~~
6 ~~information in its records relating to an An act for which a juvenile enrolled in the~~
7 ~~school district or private school was taken into custody under s. 938.19 based on a~~
8 ~~law enforcement officer's belief that the juvenile was committing or had committed~~
9 ~~a violation of any state or federal criminal law. The information shall be used by the~~
10 ~~school district or private school as provided in s. 118.127 (2).~~

NOTE: The repealed language is included in s. 938.396 (1) (c) 3. (intro.), as created
by this bill.

11 **SECTION 519.** 938.396 (1m) (b) of the statutes is renumbered 938.396 (1) (c) 3.
12 d. and amended to read:

13 938.396 (1) (c) 3. d. ~~A law enforcement agency, on its own initiative or on the~~
14 ~~request of the school district administrator of a public school district, the~~
15 ~~administrator of a private school or the designee of the school district administrator~~
16 ~~or the private school administrator, may, subject to official agency policy, provide to~~
17 ~~the school district administrator, private school administrator or designee any~~
18 ~~information in its records relating to the An act for which a juvenile enrolled in the~~
19 ~~public school district or private school was adjudged delinquent. The information~~
20 ~~shall be used by the school district or private school as provided in s. 118.127 (2).~~

NOTE: The repealed language in s. 938.396 (1) (c) 3. d. is included in s. 938.396 (1)
(c) 3. (intro.), as created by this bill.

21 **SECTION 520.** 938.396 (1m) (c) of the statutes is renumbered 938.396 (1) (d) and
22 amended to read:

ASSEMBLY BILL 443**SECTION 520**

1 938.396 (1) (d) Law enforcement access to school records. On petition of a law
2 enforcement agency to review pupil records, as defined in s. 118.125 (1) (d), other
3 than pupil records that may be disclosed without a court order under s. 118.125 (2)
4 or (2m), for the purpose of investigating pursuing an investigation of any alleged
5 delinquent or criminal activity or on petition of a fire investigator under s. 165.55 (15)
6 to review those pupil records for the purpose of pursuing an investigation under s.
7 165.55 (15), the court may order the school board of the school district, or the
8 governing body of the private school, in which a juvenile is enrolled to disclose to the
9 law enforcement agency or fire investigator the pupil records of that juvenile as
10 necessary for the law enforcement agency or fire investigator to pursue its the
11 investigation. The law enforcement agency or fire investigator may use the pupil
12 records only for the purpose of its the investigation and may make the pupil records
13 available only to employees of the law enforcement agency or fire investigator who
14 are working on the investigation.

15 **SECTION 521.** 938.396 (1m) (d) of the statutes is repealed.

NOTE: Repeals s. 938.396 (1m) (d), stats., which permitted disclosure of pupil records to a fire investigator. This language is included in s. 938.396 (1) (d), stats., as created by this bill.

16 **SECTION 522.** 938.396 (1p) of the statutes is renumbered 938.396 (1) (c) 4. and
17 amended to read:

18 938.396 (1) (c) 4. A law enforcement agency may enter into an interagency
19 agreement with a school board, a private school, a social welfare agency, or another
20 law enforcement agency providing for the routine disclosure of information under
21 subs. (1) ~~and (1m)~~ (b) 2. and (c) 3. to the school board, private school, social welfare
22 agency, or other law enforcement agency.

23 **SECTION 523.** 938.396 (1r) of the statutes is renumbered 938.396 (1) (c) 5.

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1 **SECTION 524.** 938.396 (1t) of the statutes is renumbered 938.396 (1) (c) 7.

2 **SECTION 525.** 938.396 (1x) of the statutes is renumbered 938.396 (1) (c) 8.

3 **SECTION 526.** 938.396 (2) (a) of the statutes is renumbered 938.396 (2) and
4 amended to read:

5 938.396 (2) COURT RECORDS; CONFIDENTIALITY. Records of the court assigned to
6 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising
7 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for
8 that purpose only. Those records shall not be open to inspection or their contents
9 disclosed except by order of the court assigned to exercise jurisdiction under this
10 chapter and ch. 48 or as permitted under ~~this section~~ sub. (2g).

11 **SECTION 527.** 938.396 (2) (ag) of the statutes is renumbered 938.396 (2g) (ag).

12 **SECTION 528.** 938.396 (2) (am) of the statutes is renumbered 938.396 (2g) (am).

13 **SECTION 529.** 938.396 (2) (b) of the statutes is renumbered 938.396 (2g) (b) and
14 amended to read:

15 938.396 (2g) (b) Federal program monitoring. Upon request of the department
16 of health and family services, the department of corrections, or a federal agency to
17 review court records for the purpose of monitoring and conducting periodic
18 evaluations of activities as required by and implemented under 45 CFR 1355, 1356,
19 and 1357, the court shall open those records for inspection by authorized
20 representatives of the that department or federal agency.

21 **SECTION 530.** 938.396 (2) (c) of the statutes is renumbered 938.396 (2g) (c).

22 **SECTION 531.** 938.396 (2) (d) of the statutes is renumbered 938.396 (2g) (d).

23 **SECTION 532.** 938.396 (2) (dm) of the statutes is renumbered 938.396 (2g) (dm).

24 **SECTION 533.** 938.396 (2) (dr) of the statutes is renumbered 938.396 (2g) (dr).

25 **SECTION 534.** 938.396 (2) (e) of the statutes is renumbered 938.396 (2g) (e).

ASSEMBLY BILL 443**SECTION 535**

1 **SECTION 535.** 938.396 (2) (em) of the statutes is renumbered 938.396 (2g) (em)
2 and amended to read:

3 938.396 **(2g)** (em) Sex offender registration. Upon request of the department
4 to review court records for the purpose of obtaining information concerning a child
5 juvenile who is required to register under s. 301.45, the court shall open for
6 inspection by authorized representatives of the department the records of the court
7 relating to any child juvenile who has been adjudicated delinquent or found in need
8 of protection or services or not responsible by reason of mental disease or defect for
9 an offense specified in s. 301.45 (1g) (a). The department may disclose information
10 that it obtains under this paragraph as provided under s. 301.46.

11 **SECTION 536.** 938.396 (2) (f) of the statutes is renumbered 938.396 (2g) (f) and
12 amended to read:

13 938.396 **(2g)** (f) Victim-witness coordinator. Upon request of the
14 victim-witness coordinator to review court records for the purpose of enforcing rights
15 under the constitution, this chapter, and s. 950.04 and providing services under s.
16 950.06 (1m), the court shall open for inspection by the victim-witness coordinator the
17 records of the court relating to the enforcement of those rights or the provision of
18 those services, including the name and address of the juvenile and the juvenile's
19 parents. The victim-witness coordinator may use any information obtained under
20 this paragraph only for the purpose of enforcing those rights and providing those
21 services and may make that information available only as necessary to ensure that
22 victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights and
23 services to which they are entitled under the constitution, this chapter and ch. 950.
24 The victim-witness coordinator may also use that information to disclose the name

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1 and address of the juvenile and the juvenile's parents to the victim of the juvenile's
2 act.

NOTE: See the NOTE to s. 938.396 (1) (c) 6., stats., as created by this bill.

3 **SECTION 537.** 938.396 (2) (fm) of the statutes is renumbered 938.396 (2g) (fm).

4 **SECTION 538.** 938.396 (2) (g) of the statutes is renumbered 938.396 (2g) (g).

5 **SECTION 539.** 938.396 (2) (gm) of the statutes is renumbered 938.396 (2g) (gm).

6 **SECTION 540.** 938.396 (2) (h) of the statutes is renumbered 938.396 (2g) (h).

7 **SECTION 541.** 938.396 (2) (i) of the statutes is renumbered 938.396 (2g) (i).

8 **SECTION 542.** 938.396 (2) (j) of the statutes is renumbered 938.396 (2g) (j) and
9 amended to read:

10 938.396 (2g) (j) *Fire investigator.* Upon request of a fire investigator under s.
11 165.55 (15) to review court records for the purpose of pursuing an investigation under
12 s. 165.55, the court shall open for inspection by authorized representatives of the
13 requester the records of the court relating to any juvenile who has been adjudicated
14 delinquent or found to be in need of protection or services under s. 938.13 (12) or (14)
15 for a violation of s. 940.08, 940.24, 941.10, 941.11, 943.01, 943.012, 943.013, 943.02,
16 943.03, 943.04, 943.05, or 943.06 or for an attempt to commit any of those violations.

17 **SECTION 543.** 938.396 (2g) (intro.) of the statutes is created to read:

18 938.396 (2g) CONFIDENTIALITY OF COURT RECORDS; EXCEPTIONS. (intro.)
19 Notwithstanding sub. (2), records of the court assigned to exercise jurisdiction under
20 this chapter and ch. 48 and of courts exercising jurisdiction under s. 938.17 (2) may
21 be disclosed as follows:

22 **SECTION 544.** 938.396 (2g) (ag) (title) of the statutes is created to read:

23 938.396 (2g) (ag) (title) *Request of parent or juvenile.*

24 **SECTION 545.** 938.396 (2g) (am) (title) of the statutes is created to read:

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1 938.396 (2g) (am) (title) *Permission of parent or juvenile.*

2 **SECTION 546.** 938.396 (2g) (c) (title) of the statutes is created to read:

3 938.396 (2g) (c) (title) *Law enforcement agencies.*

4 **SECTION 547.** 938.396 (2g) (d) (title) of the statutes is created to read:

5 938.396 (2g) (d) (title) *Bail; impeachment; firearm possession.*

6 **SECTION 548.** 938.396 (2g) (dm) (title) of the statutes is created to read:

7 938.396 (2g) (dm) (title) *Delinquency or criminal defense.*

8 **SECTION 549.** 938.396 (2g) (dr) (title) of the statutes is created to read:

9 938.396 (2g) (dr) (title) *Presentence investigation.*

10 **SECTION 550.** 938.396 (2g) (e) (title) of the statutes is created to read:

11 938.396 (2g) (e) (title) *Sexually violent person commitment.*

12 **SECTION 551.** 938.396 (2g) (fm) (title) of the statutes is created to read:

13 938.396 (2g) (fm) (title) *Victim's insurer.*

14 **SECTION 552.** 938.396 (2g) (g) (title) of the statutes is created to read:

15 938.396 (2g) (g) (title) *Paternity of juvenile.*

16 **SECTION 553.** 938.396 (2g) (gm) (title) of the statutes is created to read:

17 938.396 (2g) (gm) (title) *Other courts.*

18 **SECTION 554.** 938.396 (2g) (h) (title) of the statutes is created to read:

19 938.396 (2g) (h) (title) *Custody of juvenile.*

20 **SECTION 555.** 938.396 (2g) (i) (title) of the statutes is created to read:

21 938.396 (2g) (i) (title) *Probate court.*

22 **SECTION 556.** 938.396 (2g) (m) (title) of the statutes is created to read:

23 938.396 (2g) (m) (title) *Notification of juvenile's school.*

24 **SECTION 557.** 938.396 (2m) (a) of the statutes is renumbered 938.396 (2g) (k)

25 and amended to read:

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1 938.396 (2g) (k) Serious juvenile offenders. ~~Notwithstanding sub. (2), upon~~
2 request, ~~a~~ Upon request of any person, the court shall open for inspection by the
3 requester the records of the court, other than reports under s. 938.295 or 938.33 or
4 other records that deal with sensitive personal information of the juvenile and the
5 juvenile's family, relating to a juvenile who has been alleged to be delinquent for
6 committing a violation specified in s. 938.34 (4h) (a). The requester may further
7 disclose the information to anyone.

8 **SECTION 558.** 938.396 (2m) (b) of the statutes is renumbered 938.396 (2g) (L)
9 and amended to read:

10 938.396 (2g) (L) Repeat offenders. ~~Notwithstanding sub. (2), upon request, a~~
11 Upon request of any person, the court shall open for inspection by the requester the
12 records of the court, other than reports under s. 938.295 or 938.33 or other records
13 that deal with sensitive personal information of the juvenile and the juvenile's
14 family, relating to a juvenile who has been alleged to be delinquent for committing
15 a violation that would be a felony if committed by an adult if the juvenile has been
16 adjudicated delinquent at any time preceding the present proceeding and that
17 previous adjudication remains of record and unreversed. The requester may further
18 disclose the information to anyone.

19 **SECTION 559.** 938.396 (3) (title) of the statutes is created to read:

20 938.396 (3) (title) MOTOR VEHICLE VIOLATION RECORDS.

21 **SECTION 560.** 938.396 (4) (title) of the statutes is created to read:

22 938.396 (4) (title) OPERATING PRIVILEGE RECORDS.

23 **SECTION 561.** 938.396 (5) (a) (intro.) of the statutes is renumbered 938.396 (1j)

24 (a) (intro.) and amended to read:

ASSEMBLY BILL 443**SECTION 561**

1 938.396 **(1j)** (a) (intro.) Any person who is denied access to a record under sub.
2 ~~(1), (1b), (1d), (1g), (1m), (1r) or (1t)~~ may petition the court to order the disclosure of
3 ~~the records governed by the applicable subsection~~ record. The petition shall be in
4 writing and shall describe as specifically as possible all of the following:

5 **SECTION 562.** 938.396 (5) (a) 1. to 5. of the statutes are renumbered 938.396 (1j)
6 (a) 1. to 5.

7 **SECTION 563.** 938.396 (5) (b) of the statutes is renumbered 938.396 (1j) (b) and
8 amended to read:

9 938.396 **(1j)** (b) ~~If the petitioner is seeking access to a record under sub. (1), (1b),~~
10 ~~(1d), (1g), (1m) (e) or (d), (1r), or (1t)~~ Subject to par. (bm), the court, on receipt of a
11 petition, shall notify the juvenile, the juvenile's counsel, the juvenile's parents, and
12 appropriate law enforcement agencies in writing of the petition. If any person
13 notified objects to the disclosure, the court may hold a hearing to take evidence
14 relating to the petitioner's need for the disclosure.

15 **SECTION 564.** 938.396 (5) (bm) of the statutes is renumbered 938.396 (1j) (bm)
16 and amended to read:

17 938.396 **(1j)** (bm) If the petitioner is seeking access to a record under sub. ~~(1m)~~
18 ~~(a), (am), (ar), or (b) (1) (c) 3.~~, the court shall, without notice or hearing, make the
19 inspection and determinations specified in par. (c) and, if the court determines that
20 disclosure is warranted, shall order disclosure under par. (d). The petitioner shall
21 provide a copy of the disclosure order to the law enforcement agency that denied
22 access to the record, the juvenile, the juvenile's counsel, and the juvenile's parents.
23 Any of those persons may obtain a hearing on the court's determinations by filing a
24 motion to set aside the disclosure order within 10 days after receipt of the order. If
25 no motion is filed within those 10 days or if, after hearing, the court determines that

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1 no good cause has been shown for setting aside the order, the law enforcement agency
2 shall disclose the juvenile's record as ordered.

3 **SECTION 565.** 938.396 (5) (c) (intro.), 1 and 2. of the statutes are renumbered
4 938.396 (1j) (c) (intro.), 1. and 2.

5 **SECTION 566.** 938.396 (5) (c) 3. of the statutes is renumbered 938.396 (1j) (c)
6 3. and amended to read:

7 938.396 (1j) (c) 3. If the petitioner is a person who was denied access to a record
8 under sub. ~~(1m) (a), (am), (ar), or (b) (1) (c) 3.~~, the petitioner's legitimate educational
9 interests, including safety interests, in the information against society's interest in
10 protecting its confidentiality.

11 **SECTION 567.** 938.396 (5) (d) and (e) of the statutes are renumbered 938.396
12 (1j) (d) and (e).

13 **SECTION 568.** 938.396 (6) of the statutes is repealed.

NOTE: Repeals s. 938.396 (6), stats., and places the substance of that provision into
s. 938.396 (1g) and (2g) (f), stats., as created by this bill, which governs the disclosure of
juvenile records to the victim-witness coordinator and that coordinator's subsequent use
of those records.

14 **SECTION 569.** 938.396 (7) (a) of the statutes is renumbered 938.396 (2g) (m) 1.
15 and amended to read:

16 938.396 (2g) (m) 1. ~~Notwithstanding sub. (2) (a), if~~ If a petition under s. 938.12
17 or 938.13 (12) is filed alleging that a juvenile has committed a delinquent act that
18 would be a felony if committed by an adult, the court clerk shall notify the school
19 board of the school district, or the governing body of the private school, in which the
20 juvenile is enrolled or the designee of the school board or governing body of the fact
21 that the petition has been filed and the nature of the delinquent act alleged in the
22 petition. ~~Notwithstanding sub. (2) (a), if~~ If later the proceeding on the petition is
23 closed, dismissed, or otherwise terminated without a finding that the juvenile has

ASSEMBLY BILL 443**SECTION 569**

1 committed a delinquent act, the court clerk shall notify the school board of the school
2 district, or the governing body of the private school, in which the juvenile is enrolled
3 or the ~~school board's designee~~ of the school board or governing body that the
4 proceeding has been terminated without a finding that the juvenile has committed
5 a delinquent act.

6 **SECTION 570.** 938.396 (7) (am) of the statutes is renumbered 938.396 (2g) (m)
7 2. and amended to read:

8 938.396 (2g) (m) 2. ~~Notwithstanding sub. (2) (a) and subject to par. (b)~~ Subject
9 to subd. 4., if a juvenile is adjudged delinquent, within 5 days after the date on which
10 the dispositional order is entered, the court clerk shall notify the school board of the
11 school district, or the governing body of the private school, in which the juvenile is
12 enrolled or the designee of the school board or governing body of the fact that the
13 juvenile has been adjudicated delinquent, the nature of the violation committed by
14 the juvenile, and the disposition imposed on the juvenile under s. 938.34 as a result
15 of the violation.

16 **SECTION 571.** 938.396 (7) (ar) of the statutes is renumbered 938.396 (2g) (m)
17 3. and amended to read:

18 938.396 (2g) (m) 3. ~~Notwithstanding sub. (2) (a), if~~ If school attendance is a
19 condition of a dispositional order under s. 938.342 (1d) or (1g) or 938.355 (2) (b) 7.,
20 within 5 days after the date on which the dispositional order is entered, the clerk of
21 the court assigned to exercise jurisdiction under this chapter and ch. 48 or the clerk
22 of the municipal court exercising jurisdiction under s. 938.17 (2) shall notify the
23 school board of the school district, or the governing body of the private school, in
24 which the juvenile is enrolled or the designee of the school board or governing body
25 of the fact that the juvenile's school attendance is a condition of a dispositional order.

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1 **SECTION 572.** 938.396 (7) (b) of the statutes is renumbered 938.396 (2g) (m) 4.
2 and amended to read:

3 938.396 **(2g)** (m) 4. If a juvenile is found to have committed a delinquent act
4 at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that
5 would have been a felony under chs. 939 to 948 or 961 if committed by an adult and
6 is adjudged delinquent on that basis, within 5 days after the date on which the
7 dispositional order is entered the court clerk shall notify the school board of the
8 school district, or the governing body of the private school, in which the juvenile is
9 enrolled or the designee of the school board or governing body of the fact that the
10 juvenile has been adjudicated delinquent on that basis, the nature of the violation
11 committed by the juvenile, and the disposition imposed on the juvenile under s.
12 938.34 as a result of that violation.

13 **SECTION 573.** 938.396 (7) (bm) of the statutes is renumbered 938.396 (2g) (m)
14 5. and amended to read:

15 938.396 **(2g)** (m) 5. ~~Notwithstanding sub. (2) (a), in~~ In addition to the disclosure
16 made under ~~par. (am) or (b) subd. 2. or 4.~~, if a juvenile is adjudicated delinquent and
17 as a result of the dispositional order is enrolled in a different school district or private
18 school from the school district or private school in which the juvenile is enrolled at
19 the time of the dispositional order, the court clerk, within 5 days after the date on
20 which the dispositional order is entered, shall provide the school board of the
21 juvenile's new school district, the governing body of the juvenile's new private school,
22 or the designee of the school board or governing body with the information specified
23 in ~~par. (am) or (b) subd. 2. or 4.~~, whichever is applicable, and, in addition, shall notify
24 that school board, governing body, or designee of whether the juvenile has been
25 adjudicated delinquent previously by that court, the nature of any previous

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1 violations committed by the juvenile, and the dispositions imposed on the juvenile
2 under s. 938.34 as a result of those previous violations.

3 **SECTION 574.** 938.396 (7) (c) of the statutes is renumbered 938.396 (2g) (m) 6.
4 and amended to read:

5 938.396 (2g) (m) 6. ~~No~~ Except as required under subds. 1. to 5. or by order of
6 the court, no information from the juvenile's court records, ~~other than information~~
7 ~~disclosed under par. (a), (am), (ar), (b), or (bm),~~ may be disclosed to the school board
8 of the school district, or the governing body of the private school, in which the juvenile
9 is enrolled or the designee of the school board or governing body ~~except by order of~~
10 ~~the court.~~ Any information from a juvenile's court records provided under this
11 subsection to the school board of the school district, or the governing body of the
12 private school, in which the juvenile is enrolled or the designee of the school board
13 or governing body shall be disclosed by the school board, governing body, or designee
14 to employees of the school district or private school who work directly with the
15 juvenile or who have been determined by the school board, governing body, or
16 designee to have legitimate educational interests, including safety interests, in the
17 information. A school district or private school employee to whom that information
18 is disclosed under this paragraph may not further disclose the information. A school
19 board may not use any information ~~provided under this subsection~~ from a juvenile's
20 court records as the sole basis for expelling or suspending a juvenile or as the sole
21 basis for taking any other disciplinary action, including action under the school
22 district's athletic code, against the juvenile. A member of a school board or of the
23 governing body of a private school or an employee of a school district or private school
24 may not be held personally liable for any damages caused by the nondisclosure of any
25 information specified in this ~~paragraph~~ subdivision unless the member or employee

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1 acted with actual malice in failing to disclose the information. A school district or
2 private school may not be held liable for any damages caused by the nondisclosure
3 of any information specified in this ~~paragraph~~ subdivision unless the school district,
4 private school, or its agent acted with gross negligence or with reckless, wanton, or
5 intentional misconduct in failing to disclose the information.

6 **SECTION 575.** 938.396 (8) of the statutes is renumbered 938.396 (2g) (n) and
7 amended to read:

8 938.396 (2g) (n) Firearms restriction record search. ~~Notwithstanding sub. (2),~~
9 if ~~If~~ a juvenile is adjudged delinquent for an act that would be a felony if committed
10 by an adult, the court clerk shall notify the department of justice of that fact. No
11 other information from the juvenile's court records may be disclosed to the
12 department of justice except by order of the court. The department of justice may
13 disclose any information provided under this subsection only as part of a firearms
14 restrictions record search under s. 175.35 (2g) (c).

15 **SECTION 576.** 938.396 (9) of the statutes is renumbered 938.396 (2g) (o) and
16 amended to read:

17 938.396 (2g) (o) Criminal history record search. ~~Notwithstanding sub. (2) (a),~~
18 if ~~If~~ a juvenile is adjudged delinquent for committing a serious crime, as defined in
19 s. 48.685 (1) (c), the court clerk shall notify the department of justice of that fact. No
20 other information from the juvenile's court records may be disclosed to the
21 department of justice except by order of the court. The department of justice may
22 disclose any information provided under this subsection only as part of a criminal
23 history record search under s. 48.685 (2) (am) 1. or (b) 1. a.

24 **SECTION 577.** 938.44 of the statutes is amended to read:

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1 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
2 over persons 17 years of age or ~~over older~~ as provided under ss. 938.355 (4) and 938.45
3 and as otherwise ~~specifically provided~~ specified in this chapter.

4 **SECTION 578.** 938.45 (1) of the statutes is amended to read:

5 938.45 (1) ORDERS WHEN ADULT CONTRIBUTED TO CONDITION OF JUVENILE. (a) If
6 in the hearing of a case of a juvenile alleged to be delinquent under s. 938.12 or in
7 need of protection or services under s. 938.13 it appears that any person 17 years of
8 age or ~~over older~~ has been guilty of contributing to, encouraging, or tending to cause
9 by any act or omission, such condition of the juvenile, the court may make orders with
10 respect to the conduct of ~~such~~ that person in his or her relationship to the juvenile,
11 including orders relating to determining the ability of the person to provide for the
12 maintenance or care of the juvenile and directing when, how, and where funds for the
13 maintenance or care shall be paid.

14 (b) An act or failure to act contributes to a condition of a juvenile as described
15 in s. 938.12 or 938.13, ~~although even if the juvenile is not actually adjudicated~~ found
16 to come within the provisions of s. 938.12 or 938.13, if the natural and probable
17 consequences of that act or failure to act would be to cause the juvenile to come within
18 the provisions of s. 938.12 or 938.13.

19 **SECTION 579.** 938.45 (1m) (title) of the statutes is created to read:

20 938.45 (1m) (title) **ORDERS IMPOSING CONDITIONS ON JUVENILE'S PARENT, GUARDIAN,**
21 **OR LEGAL CUSTODIAN.**

22 **SECTION 580.** 938.45 (1m) (a), (1r), (2) and (3) of the statutes are amended to
23 read:

24 938.45 (1m) (a) In a proceeding in which a juvenile has been adjudicated
25 delinquent or has been found to be in need of protection or services under s. 938.13,

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1 the court may order the juvenile's parent, guardian, or legal custodian to comply with
2 any conditions determined by the court to be necessary for the juvenile's welfare. An
3 order ~~under this paragraph~~ may include ~~an order to participate~~ participation in
4 mental health treatment, anger management, individual or family counseling or
5 parent training and education, and ~~to make~~ a requirement for a reasonable
6 contribution, based on ability to pay, toward the cost of those services.

7 **(1r)** ORDER FOR PARENT TO PAY RESTITUTION OR FORFEITURE. (a) In a proceeding
8 in which a juvenile ~~has been~~ is found to have committed a delinquent act or a civil
9 law or ordinance violation that has resulted in damage to the property of another, or
10 in actual physical injury to another excluding pain and suffering, the court may order
11 a parent who has custody, as defined in s. 895.035 (1), of the juvenile to make
12 reasonable restitution for the damage or injury. Except for recovery for retail theft
13 under s. 943.51, the maximum amount of any restitution ordered ~~under this~~
14 ~~paragraph~~ for damage or injury resulting from any one act of a juvenile or from the
15 same act committed by 2 or more juveniles in the custody of the same parent may not
16 exceed \$5,000. ~~Any~~ The order ~~under this paragraph~~ shall include a finding that the
17 parent ~~who has custody of the juvenile~~ is financially able to pay the amount ordered
18 and may allow up to the date of expiration of the order for the payment. Any recovery
19 under this paragraph shall be reduced by the amount recovered as restitution for the
20 same act under s. 938.34 (5) or 938.343 (4).

21 (b) In a proceeding in which the court has determined under s. 938.34 (8) or
22 938.343 (2) that the imposition of a forfeiture would be in the best interest of the
23 juvenile and in aid of rehabilitation, the court may order a parent who has custody,
24 as defined in s. 895.035 (1), of the juvenile to pay the forfeiture. The amount of any
25 forfeiture ordered ~~under this paragraph~~ may not exceed \$5,000. ~~Any~~ The order

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1 ~~under this paragraph~~ shall include a finding that the parent who has custody of the
2 juvenile is financially able to pay the amount ordered and shall allow up to 12 months
3 after the date of the order for the payment. Any recovery under this paragraph shall
4 be reduced by the amount recovered as a forfeiture for the same act under s. 938.34
5 (8) or 938.343 (2).

6 **(2) RIGHT TO HEARING ON ORDERS.** No order under sub. (1) (a), (1m) (a), or (1r)
7 (a) or (b) may be entered until the person who is the subject of the contemplated order
8 is given an opportunity to be heard on the ~~contemplated~~ order. The court shall cause
9 notice of the time, place, and purpose of the hearing to be served on the person
10 personally at least 10 days before the date of hearing. The procedure in these cases
11 shall, as far as practicable, be the same as in other cases in the court. At the hearing
12 the person may be represented by counsel and may produce and cross-examine
13 witnesses. ~~Any~~ A person who fails to comply with ~~any~~ an order issued by a court
14 under sub. (1) (a), (1m) (a), or (1r) (a) or (b) may be proceeded against for contempt
15 of court. If the person's conduct involves a crime, the person may be proceeded
16 against under the criminal law.

17 **(3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.** If it
18 appears at a court hearing that any person 17 years of age or older has violated s.
19 948.40, the court shall refer the record to the district attorney ~~for criminal~~
20 ~~proceedings as may be warranted in the district attorney's judgment.~~ This
21 subsection does not ~~prevent~~ prohibit prosecution of violations of s. 948.40 without the
22 prior reference by the court to the district attorney, ~~as in other criminal cases.~~

23 **SECTION 581.** 938.48 (1) of the statutes is amended to read:

24 938.48 **(1) ENFORCEMENT OF LAWS.** Promote the enforcement of the laws relating
25 to delinquent juveniles and juveniles in need of protection or services and take the

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1 initiative in all matters involving the interests of such ~~those~~ juveniles ~~where~~ when
2 adequate provision ~~therefor~~ for those matters is not made. This duty shall be
3 discharged in cooperation with the courts, county departments ~~and~~, licensed child
4 welfare agencies ~~and with~~, parents, and other individuals interested in the welfare
5 of juveniles.

6 **SECTION 582.** 938.48 (2) of the statutes is amended to read:

7 938.48 (2) JUVENILE WELFARE SERVICES. Assist in extending and strengthening
8 juvenile welfare services with appropriate federal agencies and in conformity with
9 the federal ~~social security act~~ Social Security Act and in cooperation with parents,
10 other individuals, and other agencies so that all juveniles needing such services are
11 reached.

12 **SECTION 583.** 938.48 (3) and (4) of the statutes are amended to read:

13 938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over
14 juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n),
15 or 938.357 (4), and provide special treatment or care to juveniles when directed by
16 the court. Except as provided in s. 938.505 (2), a court may not direct the department
17 to administer psychotropic medications to juveniles who receive special treatment
18 or care under this subsection.

19 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for
20 juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357
21 (4);, including serving those juveniles in their own homes, placing them in licensed
22 foster homes or licensed treatment foster homes ~~in accordance with s. 48.63~~ or
23 licensed group homes under s. 48.63, contracting for their care by licensed child
24 welfare agencies or replacing them in juvenile correctional institutions facilities or
25 secured ~~child-caring institutions~~ residential care centers for children and youth in

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1 accordance with rules promulgated under ch. 227, except that the department may
2 not purchase the educational component of private day treatment programs for
3 juveniles a juvenile in its custody unless the department, the school board, as defined
4 in s. 115.001 (7), and the state superintendent of public instruction all determine that
5 an appropriate public education program is not available for the juvenile. Disputes
6 between the department and the school district shall be resolved by the state
7 superintendent of public instruction.

8 **SECTION 584.** 938.48 (4m) (title) of the statutes is created to read:

9 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES OVER 17.

10 **SECTION 585.** 938.48 (4m) (d), (5) and (6) of the statutes are amended to read:

11 938.48 (4m) (d) Is determined by the department to be in need of care and
12 services designed to fit such the person for gainful employment and has requested
13 and consented to receive such ~~aid~~ the care and services.

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

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

24 **SECTION 586.** 938.48 (13) (title) of the statutes is created to read:

25 938.48 (13) (title) ALLOWANCES AND CASH GRANTS.

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1 **SECTION 587.** 938.48 (14) and (16) of the statutes are amended to read:

2 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay
3 maintenance, tuition, and related expenses from the appropriation under s. 20.410
4 (3) (ho) for persons who, when they reached attained 17 years of age, were students
5 regularly attending a school, college, or university or regularly attending a course of
6 vocational or technical training designed to fit prepare them for gainful employment,
7 and who ~~when reaching~~ upon attaining that age were under the supervision of the
8 department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of
9 a judicial decision.

10 **(16) STANDARDS FOR SERVICES.** Establish and enforce standards for services
11 provided under s. 938.183, 938.34, or 938.345.

12 **SECTION 588.** 938.49 (1) of the statutes is amended to read:

13 **938.49 (1) NOTICE TO DEPARTMENT OF PLACEMENT.** When ~~the a~~ court places a
14 juvenile in a ~~secured juvenile~~ juvenile correctional facility or ~~secured child caring institution~~
15 residential care center for children and youth under the supervision of the
16 department, the court shall immediately notify the department of that action. The
17 court shall, in accordance with procedures established by the department, provide
18 transportation for the juvenile to a receiving center designated by the department
19 or deliver the juvenile to department personnel of ~~the department~~.

20 **SECTION 589.** 938.49 (2) of the statutes is renumbered 938.49 (2) (intro.) and
21 amended to read:

22 938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When ~~the a~~
23 court places a juvenile in a ~~secured juvenile~~ juvenile correctional facility or a ~~secured child~~
24 ~~caring institution~~ residential care center for children and youth under the

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1 supervision of the department, the court and all other public agencies shall also
2 immediately ~~transfer~~ do all of the following:

3 (a) Transfer to the department a copy of the report submitted to the court under
4 s. 938.33 or, if the report was presented orally, a transcript of the report and all other
5 pertinent data in their possession ~~and shall immediately notify~~.

6 (b) Notify the juvenile's last school district in writing of its obligation under s.
7 118.125 (4).

8 **SECTION 590.** 938.50 (1) and (2) of the statutes are consolidated, renumbered
9 938.50 and amended to read:

10 **938.50 Examination of juveniles under supervision of department.** The
11 department shall examine every juvenile who is placed under its supervision to
12 determine the type of placement best suited to the juvenile and to the protection of
13 the public. ~~This~~ The examination shall include an investigation of the personal and
14 family history of the juvenile and his or her environment, any physical or mental
15 examinations ~~considered~~ necessary to determine the type of placement ~~that is~~
16 ~~necessary~~ appropriate for the juvenile, and ~~the~~ an evaluation under s. 938.533 (2) to
17 determine whether the juvenile is eligible for corrective sanctions supervision or
18 serious juvenile offender supervision. ~~A~~ The department shall screen a juvenile who
19 is examined under this ~~subsection shall be screened~~ section to determine whether
20 the juvenile is in need of special treatment or care because of alcohol or other drug
21 abuse, mental illness, or severe emotional disturbance. ~~(2)~~ In making ~~this~~ the
22 examination the department may use any facilities, public or private, that offer ~~aid~~
23 ~~to it~~ assistance in the determination of determining the correct placement for the
24 juvenile.

25 **SECTION 591.** 938.505 (1) (title) of the statutes is created to read:

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1 938.505 (1) (title) RIGHTS AND DUTIES OF DEPARTMENT OR COUNTY DEPARTMENT.

2 **SECTION 592.** 938.505 (2) of the statutes is amended to read:

3 938.505 (2) PSYCHOTROPIC MEDICATION. (a) If a juvenile 14 years of age or ~~over~~
4 ~~who~~ older is under the supervision of the department or a county department as
5 described in sub. (1) ~~and who,~~ is not residing in his or her home, and wishes to be
6 administered psychotropic medication but a parent with legal custody or the
7 guardian refuses to consent to the administration of psychotropic medication or
8 cannot be found, or if there is no parent with legal custody, the department or county
9 department acting on the juvenile's behalf may petition the court assigned to
10 exercise jurisdiction under this chapter and ch. 48 in the county in which the juvenile
11 is located for permission to administer psychotropic medication to the juvenile. A
12 copy of the petition and a notice of hearing shall be served upon the parent or
13 guardian at his or her last-known address. If, after hearing, the court determines
14 that all of the following apply, the court shall grant permission for the department
15 or county department to administer psychotropic medication to the juvenile without
16 the parent's or guardian's consent:

17 1. ~~That the~~ The parent's or guardian's consent is unreasonably withheld ~~or~~
18 ~~that,~~ the parent or guardian cannot be found, ~~or that~~ there is no parent with legal
19 custody, except that the court may not determine that a parent's or guardian's
20 consent is unreasonably withheld solely because the parent or guardian relies on
21 treatment by spiritual means through prayer for healing in accordance with his or
22 her religious tradition.

23 2. ~~That the~~ The juvenile is 14 years of age or ~~over~~ and older, is competent to
24 consent to the administration of psychotropic medication, ~~and that the juvenile~~
25 voluntarily consents to the administration of psychotropic medication.

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1 3. Based The juvenile, based on the recommendation of a physician, ~~that the~~
2 juvenile is in need of psychotropic medication, ~~that~~ and psychotropic medication is
3 appropriate for the juvenile's needs and ~~that psychotropic medication~~ is the least
4 restrictive treatment consistent with ~~the juvenile's~~ those needs.

5 (b) The court may, at the request of the department or county department,
6 temporarily approve the administration of psychotropic medication, for not more
7 than 10 days after the date of the request, pending the hearing on the petition, ~~which.~~
8 The hearing shall be held within those 10 days that 10-day period.

9 **SECTION 593.** 938.51 (1) (intro.) of the statutes is amended to read:

10 938.51 (1) RELEASE FROM SECURED FACILITY OR SUPERVISION. (intro.) At least 15
11 days prior to the date of release from a ~~secured juvenile~~ correctional facility, or a
12 ~~secured child-caring institution or a secured group home~~ residential care center for
13 children and youth of a juvenile who has been adjudicated delinquent and at least
14 15 days prior to the release from the supervision of the department or a county
15 department of a juvenile who has been adjudicated delinquent, the department or
16 county department having supervision over the juvenile shall make a reasonable
17 attempt to do all of the following:

18 **SECTION 594.** 938.51 (1d) (title) and (1g) (title) of the statutes are created to
19 read:

20 938.51 (1d) (title) RELEASE FROM NONSECURED RESIDENTIAL CARE CENTER.

21 (1g) (title) RELEASE FROM INPATIENT FACILITY.

22 **SECTION 595.** 938.51 (1m) of the statutes is amended to read:

23 938.51 (1m) NOTIFICATION OF LOCAL AGENCIES. The department or county
24 department having supervision over a juvenile described in sub. (1) shall determine
25 the local agencies that it will notify under sub. (1) (a) based on the residence of the

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1 juvenile's parents or on the juvenile's intended residence specified in the juvenile's
2 aftercare supervision plan or, if those methods do not indicate the community in
3 which the juvenile will reside following release from a ~~secured juvenile~~ juvenile correctional
4 facility, or a secured child caring institution or a secured group home residential care
5 center for children and youth or from the supervision of the department or county
6 department, the community in which the juvenile states that he or she intends to
7 reside.

8 **SECTION 596.** 938.51 (1r) (title) of the statutes is created to read:

9 938.51 (1r) (title) CONTENTS OF NOTICE.

10 **SECTION 597.** 938.51 (2) of the statutes is amended to read:

11 938.51 (2) NOTIFICATION REQUEST CARDS. The department shall design and
12 prepare cards for any person specified in sub. (1) (b), (c), (cm), or (d) to send to the
13 department or county department having supervision over a juvenile described in
14 sub. (1), (1d), or (1g). The cards shall have space for ~~any such person to provide his~~
15 ~~or her~~ the person's name, telephone number and mailing address, the name of the
16 applicable juvenile, and any other information that the department determines is
17 necessary. The cards shall also advise a victim who is under 18 years of age that he
18 or she may complete a card requesting notification under sub. (1) (b), (1d), or (1g) if
19 the notification occurs after the victim attains 18 years of age and advising the
20 parent or guardian of a victim who is under 18 years of age that the parent or
21 guardian may authorize on the card direct notification of the victim under sub. (1)
22 (b), (1d), or (1g) if the notification occurs after the victim attains 18 years of age. The
23 department shall provide the cards, without charge, to district attorneys. District
24 attorneys shall provide the cards, without charge, to persons specified in sub. (1) (b)
25 to (d). These persons may send completed cards to the department or county

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1 department having supervision over the juvenile. ~~All department~~ Department and
2 county department records or portions of records that relate to telephone numbers
3 and mailing addresses of these persons are not subject to inspection or copying under
4 s. 19.35 (1).

5 **SECTION 598.** 938.51 (3) (title) of the statutes is created to read:

6 938.51 (3) (title) **RELEASE NOT AFFECTED BY FAILURE TO NOTIFY.**

7 **SECTION 599.** 938.51 (4) (intro.) of the statutes is amended to read:

8 938.51 (4) NOTIFICATION IF ESCAPE OR ABSENCE. (intro.) If a juvenile described
9 in sub. (1), (1d), or (1g) escapes from a ~~secured~~ juvenile correctional facility,
10 residential care center for children and youth, ~~secured group home~~, inpatient facility,
11 ~~secure~~ juvenile detention facility, or juvenile portion of a county jail, or from the
12 custody of a peace officer or a guard of such a facility, center, home, or jail, or has been
13 allowed to leave a ~~secured~~ juvenile correctional facility, residential care center for
14 children and youth, ~~secured group home~~, inpatient facility, ~~secure~~ juvenile detention
15 facility, or juvenile portion of a county jail for a specified period of time and is absent
16 from the facility, center, home, or jail for more than 12 hours after the expiration of
17 the specified period, as soon as possible after the department or county department
18 having supervision over the juvenile discovers ~~that~~ the escape or absence, ~~that~~ the
19 department or county department shall make a reasonable attempt to notify by
20 telephone all of the following persons:

21 **SECTION 600.** 938.52 (1) (d), (2) and (4) of the statutes are amended to read:

22 938.52 (1) (d) Institutions, facilities, and services, including ~~without limitation~~
23 forestry or conservation camps, for the training and treatment of juveniles 10 years
24 of age or older who have been adjudged delinquent.

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1 (2) USE OF OTHER FACILITIES. (a) In addition to the facilities and services
2 described in under sub. (1), the department may use other facilities and services
3 under its jurisdiction. The department may also contract for and pay for the use of
4 other public facilities or private facilities for the care and treatment of juveniles in
5 its care; ~~but placement.~~ Placement of juveniles in private or public facilities not
6 under ~~its~~ the department's jurisdiction does not terminate ~~the~~ its supervision under
7 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) of the department. Placements
8 in institutions for ~~the mentally ill or developmentally disabled persons with a mental~~
9 illness or development disability shall be made in accordance with ss. 48.14 (5),
10 48.63, and 938.34 (6) (am) and ch. 51.

11 (b) Public facilities ~~are required to~~ shall accept and care for persons placed with
12 them by the department in the same manner as they would be required to do had the
13 legal custody of these persons been transferred by a court of competent jurisdiction.
14 Nothing in this subsection ~~shall be construed to require~~ requires any public facility
15 to serve the department ~~inconsistently~~ in a manner that is inconsistent with ~~its~~ the
16 facility's functions or with the laws and regulations governing ~~their~~ its activities; or
17 ~~to give~~ gives the department authority to use any private facility without its consent.

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

22 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department may ~~institute~~
23 establish and maintain coeducational programs and institutions under this chapter.

24 **SECTION 601.** 938.53 of the statutes is amended to read:

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1 **938.53 Duration of control of department over delinquents.** Except as
2 provided under ss. 48.366 and 938.183, all juveniles a juvenile adjudged delinquent
3 who ~~have~~ has been placed under the supervision of the department under s. 938.183,
4 938.34 (4h), (4m), or (4n), or 938.357 (4) shall be discharged as soon as the
5 department determines that there is a reasonable probability that ~~it~~ departmental
6 supervision is no longer necessary ~~either~~ for the rehabilitation and treatment of the
7 juvenile or for the protection of the public ~~that the department retain supervision.~~

8 **SECTION 602.** 938.533 of the statutes is amended to read:

9 **938.533 Corrective sanctions. (2) CORRECTIVE SANCTIONS PROGRAM.** From
10 the appropriation under s. 20.410 (3) (hr), the department shall provide a corrective
11 sanctions program to serve an average daily population of 136 juveniles, ~~or an~~
12 ~~average daily population of more than 136 juveniles if~~ unless the appropriation
13 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
14 for the program are increased under s. 13.101 or 16.505 (2) or if unless funding and
15 positions to serve more than that average daily population are otherwise available,
16 in ~~not less than~~ at least 3 counties, including Milwaukee County. The department's
17 office of juvenile offender review ~~in the department~~ shall evaluate and select for
18 participation in the program juveniles who have been placed under the supervision
19 of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4). The
20 department shall place a program participant in the community, provide intensive
21 surveillance of that participant, and provide an average of not more than \$3,000 per
22 year per slot to purchase community-based treatment services for each participant.
23 The department shall make the intensive surveillance ~~required under this~~
24 ~~subsection~~ available 24 hours a day, 7 days a week, and may purchase or provide
25 electronic monitoring for the intensive surveillance of program participants. The

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1 department shall provide a report center in Milwaukee County to provide on-site
2 programming after school and in the evening for juveniles from Milwaukee County
3 who are placed in the corrective sanctions program. A contact worker providing
4 services under the program shall have a case load of approximately 10 juveniles and,
5 during the initial phase of placement in the community under the program of a
6 juvenile who is assigned to that contact worker, shall have not less than one
7 face-to-face contact per day with that juvenile. Case management services under
8 the program shall be provided by a corrective sanctions agent who shall have a case
9 load of approximately 15 juveniles. The department shall promulgate rules to
10 implement the program.

11 (3) INSTITUTIONAL STATUS. (a) A participant in the corrective sanctions program
12 remains is under the supervision of the department, remains is subject to the rules
13 and discipline of ~~that~~ the department, and is considered to be in custody, as defined
14 in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a
15 condition of ~~that~~ juvenile's his or her participation in the corrective sanctions
16 program the department may, without a hearing, take the juvenile into custody and
17 place the juvenile in a secured juvenile detention facility or return the juvenile to
18 placement in a Type 1 secured juvenile correctional facility or a secured child care
19 ~~institution~~ residential care center for children and youth. This paragraph does not
20 preclude a juvenile who has violated a condition of the juvenile's his or her
21 participation in the corrective sanctions program from being taken into and held in
22 custody under ss. 938.19 to 938.21.

23 (b) The department shall operate the corrective sanctions program as a Type 2
24 secured juvenile correctional facility. The secretary may allocate and reallocate
25 existing and future facilities as part of the Type 2 secured juvenile correctional

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1 facility. The Type 2 ~~secured~~ juvenile correctional facility is subject to s. 301.02.
2 Construction or establishment of a Type 2 ~~secured~~ juvenile correctional facility shall
3 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the
4 exemptions under s. 13.48 (13), construction or establishment of a Type 2 ~~secured~~
5 juvenile correctional facility is not subject to the ordinances or regulations relating
6 to zoning, including zoning under ch. 91, of the county and city, village, or town in
7 which the construction or establishment takes place and is exempt from the
8 investigations permitted under s. 46.22 (1) (c) 1. b.

9 **(3m)** ESCAPE. If a juvenile runs away from ~~the juvenile's~~ his or her placement
10 in the community while participating in the corrective sanctions program, ~~that the~~
11 juvenile is considered to have escaped in violation of s. 946.42 (3) (c).

12 **SECTION 603.** 938.534 (1) (title) of the statutes is created to read:

13 938.534 (1) (title) PROGRAM REQUIREMENTS; VIOLATION OF CONDITION OF
14 PARTICIPATION.

15 **SECTION 604.** 938.534 (1) (a) and (b) 1., 2. and 4. of the statutes are amended
16 to read:

17 938.534 (1) (a) A county department may provide an intensive supervision
18 program for juveniles who have been adjudicated delinquent and ordered to
19 participate in an intensive supervision program under s. 938.34 (2r). A county
20 department that provides ~~an intensive supervision~~ a program shall purchase or
21 provide intensive surveillance and community-based treatment services for
22 participants in ~~that the~~ the program and may purchase or provide electronic monitoring
23 for the intensive surveillance of program participants. A caseworker providing
24 services under ~~an intensive supervision~~ a program may have a case load of no more
25 than 10 juveniles and shall have not less than one face-to-face contact per day with

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1 each juvenile who is assigned to that caseworker, except that the face-to-face contact
2 requirement does not apply to a juvenile placed under par. (b) or (c).

3 (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
4 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
5 the county board relating to the taking into custody and placement of a juvenile
6 under this subdivision, if a juvenile violates a condition of the juvenile's his or her
7 participation in the program, the juvenile's caseworker or any other person
8 authorized to provide or providing intake or dispositional services for the court under
9 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
10 the juvenile in a secure juvenile detention facility or juvenile portion of a county jail
11 that meets the standards promulgated by the department by rule or in a place of
12 nonsecure custody designated by that person for not more than 72 hours while the
13 alleged violation and the appropriateness of a sanction under s. 938.355 (6) or a
14 change in the conditions of the juvenile's participation in the program are being
15 investigated,. Short-term detention under this subdivision may be imposed only if
16 at the dispositional hearing the court explained those conditions to the juvenile and
17 informed the juvenile of the possibility of that possible placement or if before the
18 violation the juvenile has acknowledged in writing that he or she has read, or has had
19 read to him or her, those conditions and that possible placement and that he or she
20 understands those conditions and that possible placement.

21 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
22 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
23 the county board relating to the taking into custody and placement of a juvenile
24 under this subdivision, if a juvenile violates a condition of the juvenile's participation
25 in the program, the juvenile's caseworker or any other person authorized to provide

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1 or providing intake or dispositional services for the court under s. 938.067 or 938.069
2 may, without a hearing, take the juvenile into custody and place the juvenile in a
3 secure juvenile detention facility or juvenile portion of a county jail that meets the
4 standards promulgated by the department by rule or in a place of nonsecure custody
5 designated by that person for not more than 72 hours as a consequence of that
6 violation. Short-term detention under this subdivision may be imposed only if at
7 the dispositional hearing the court explained those conditions to the juvenile and
8 informed the juvenile of ~~the possibility of that~~ possible placement or if before the
9 violation the juvenile has acknowledged in writing that he or she has read, or has had
10 read to him or her, those conditions and that possible placement and that he or she
11 understands those conditions and that possible placement. A person who takes a
12 juvenile into custody under this subdivision shall permit the juvenile to make a
13 written or oral statement concerning the possible placement of the juvenile and the
14 course of conduct for which the juvenile was taken into custody. A person designated
15 by the court or the county department who is employed in a supervisory position by
16 a person authorized to provide or providing intake or dispositional services under s.
17 938.067 or 938.069 shall review that statement and ~~shall~~ either approve the
18 placement, modify the terms of the placement, or order the juvenile to be released
19 from custody.

20 4. The use of placement in a secure juvenile detention facility or in a juvenile
21 portion of a county jail as a place of short-term detention under subd. 1. or 2. is
22 subject to the adoption of a resolution by the county board of supervisors under s.
23 938.06 (5) authorizing the use of those placements as places of short-term detention
24 under subd. 1. or 2.

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NOTE: Clarifies, in the last sentence in s. 938.534 (1) (a), stats., that the “one face-to-face contact per day” requirement does not apply: (1) under par. (b) when a youth is placed in shelter care or a secure facility for a violation of intensive supervision program rules for a 72-hour hold; or (2) under par. (c) when a youth is placed in non-secure custody for not more than 30 days as crisis intervention. Under current practice, assigned caseworkers do not have daily contact with youth when they are receiving a “service” such as being held in detention or in shelter care.

Specifies, in s. 938.534 (1) (b) 2., stats., that when a juvenile is placed on a 72-hour hold in either a secure or non-secure facility for a violation of a condition of participation in an intensive supervision program, a person authorized to review the juvenile’s statement has the authority to modify the placement as well as approve the statement (current law). Under current practice, supervisors do modify the placement downward from 72 hours or suggest that the caseworkers do so if appropriate.

1 **SECTION 605.** 938.534 (1) (c) and (d) and (2) of the statutes are amended to read:

2 938.534 (1) (c) Notwithstanding ss. 938.19 to 938.21, but subject to any general
3 written policies adopted by the court under s. 938.06 (1) or (2) and to any policies
4 adopted by the county board relating to the taking into custody and placement of a
5 juvenile under this paragraph, if the juvenile is in need of crisis intervention the
6 juvenile’s caseworker may also, without a hearing, take the juvenile into custody and
7 place the juvenile in a place of nonsecure custody for not more than 30 days as crisis
8 intervention, ~~if the juvenile is in need of crisis intervention and, if.~~ This placement
9 may be made only if at the dispositional hearing the court informed the juvenile of
10 ~~the possibility of that possible~~ placement or if before the violation the juvenile has
11 acknowledged in writing that he or she has read, or has had read to him or her, those
12 conditions and that possible placement and that he or she understands those
13 conditions and that possible placement.

14 (d) If the juvenile is held under par. (b) 1. or 2. in a secure juvenile detention
15 facility, juvenile portion of a county jail, or place of nonsecure custody for longer than
16 72 hours, the juvenile is entitled to a hearing under s. 938.21. The hearing shall be
17 conducted in the manner provided in s. 938.21, except that the hearing shall be
18 conducted within 72 hours, rather than 24 hours, after the end of the day that the

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1 decision to hold the juvenile was made and a written statement of the reasons for
2 continuing to hold the juvenile in custody may be filed rather than a petition under
3 s. 938.25.

4 **(2)** RULES FOR INTENSIVE SUPERVISION PROGRAM. The department shall
5 promulgate rules specifying the requirements for an intensive supervision program
6 under this section. The rules shall include ~~rules that govern~~ provisions governing
7 the use of placement in a ~~secure~~ juvenile detention facility, juvenile portion of a
8 county jail, or place of nonsecure custody for not more than 72 hours under sub. (1)
9 (b) and the use of placement in a place of nonsecure custody for not more than 30 days
10 under sub. (1) (c).

11 **SECTION 606.** 938.535 of the statutes is amended to read:

12 **938.535 Early release and intensive supervision program; limits.** The
13 department may establish a program for the early release and intensive supervision
14 of juveniles who have been placed in a ~~secured~~ juvenile correctional facility or a
15 ~~secured child-caring institution~~ residential care center for children and youth under
16 s. 938.183 or 938.34 (4m). The program may not include any juveniles who have been
17 placed in a ~~secured~~ juvenile correctional facility or a ~~secured child-caring institution~~
18 residential care center for children and youth as a result of a delinquent act involving
19 the commission of a violent crime as defined in s. 969.035, but not including the crime
20 specified in s. 948.02 (1).

21 **SECTION 607.** 938.538 (3) (a) 1., 1m., 1p. and 2. of the statutes are amended to
22 read:

23 938.538 **(3)** (a) 1. Subject to subd. 1m., placement in a Type 1 ~~secured~~ juvenile
24 correctional facility, ~~or a secured child-caring institution or, if the participant is 17~~
25 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~

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1 ~~(d), a Type 1 prison, as defined in s. 301.01 (5),~~ residential care center for children
2 and youth for a period of not more than 3 years.

3 1m. If the participant has been adjudicated delinquent for committing an act
4 that would be a Class A felony if committed by an adult, placement in a Type 1
5 secured juvenile correctional facility, ~~or a secured child caring institution or, if the~~
6 ~~participant is 17 years of age or over or 15 years of age or over and transferred under~~
7 ~~s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5),~~ residential care center
8 for children and youth until the participant reaches 25 years of age, unless the
9 participant is released sooner, subject to a mandatory minimum period of
10 confinement of not less than one year.

11 1p. Alternate care, including placement in a foster home, treatment foster
12 home, group home, residential care center for children and youth, or secured ~~child~~
13 ~~caring institution~~ residential care center for children and youth.

14 2. Intensive or other field supervision, including corrective sanctions
15 supervision under s. 938.533, ~~or~~ aftercare supervision ~~or, if the participant is 17~~
16 ~~years of age or over, intensive sanctions supervision under s. 301.048.~~

17 **SECTION 608.** 938.538 (4), (5) (b) and (c), (6) and (6m) (b) of the statutes are
18 amended to read:

19 938.538 (4) INSTITUTIONAL STATUS. (a) A participant in the ~~serious juvenile~~
20 ~~offender program~~ under this section is under the supervision and control of the
21 department, is subject to the rules and discipline of the department, and is
22 considered to be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 938.19
23 to 938.21, if a participant violates a condition of his or her participation in the
24 program under sub. (3) (a) 2. to 9. while placed in a Type 2 secured juvenile
25 correctional facility the department may, without a hearing, take the participant into

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1 custody and return him or her to placement in a Type 1 secured juvenile correctional
2 facility, or a secured child caring institution or, if the participant is 17 years of age
3 or over, a Type 1 prison, as defined in s. 301.01 (5) residential care center for children
4 and youth. Any intentional failure of a participant to remain within the extended
5 limits of his or her placement while participating in the serious juvenile offender
6 program or to return within the time prescribed by the administrator of the division
7 of intensive sanctions in the department is considered an escape under s. 946.42 (3)
8 (c). This paragraph does not preclude a juvenile who has violated a condition of the
9 juvenile's participation in the program under sub. (3) (a) 2. to 9. from being taken into
10 and held in custody under ss. 938.19 to 938.21.

11 (b) The department shall operate the component phases of the program
12 specified in sub. (3) (a) 2. to 9. as a Type 2 secured juvenile correctional facility. The
13 secretary of corrections may allocate and reallocate existing and future facilities as
14 part of the Type 2 secured juvenile correctional facility. The Type 2 secured juvenile
15 correctional facility is subject to s. 301.02. Construction or establishment of a Type 2
16 secured juvenile correctional facility shall be in compliance with all state laws except
17 s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction
18 or establishment of a Type 2 secured juvenile correctional facility is not subject to the
19 ordinances or regulations relating to zoning, including zoning under ch. 91, of the
20 county and city, village, or town in which the construction or establishment takes
21 place and is exempt from inspections required under s. 301.36.

22 (5) (b) The department may discharge a participant from participation in the
23 serious juvenile offender program and from departmental supervision and control at
24 any time after the participant he or she has completed 3 years of participation in the
25 serious juvenile offender program.

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1 (c) Sections 938.357 and 938.363 do not apply to changes of placement and
2 revisions of orders for a juvenile who is a participant in the serious juvenile offender
3 program, ~~except that s. 938.357 (4) (d) applies to the transfer of a participant to the~~
4 ~~Racine youthful offender correctional facility named in s. 302.01 program.~~

5 **(6) PURCHASE OF SERVICES.** The department of corrections may contract with the
6 department of health and family services, a county department, or any public or
7 private agency for the purchase of goods, care, and services for participants in the
8 serious juvenile offender program under this section. The department of corrections
9 shall reimburse a person from whom it purchases goods, care, or services under this
10 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~
11 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~
12 ~~301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the~~
13 ~~appropriate appropriation under s. 20.410 (1).~~

14 **(6m) (b)** In the selection of classified service employees for a secured juvenile
15 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
16 the appointing authority shall make every effort to use the expanded certification
17 program under s. 230.25 (1n) or rules of the administrator of the division of merit
18 recruitment and selection in the office of state employment relations to ensure that
19 the percentage of employees who are minority group members approximates the
20 percentage of the juveniles placed at that secured juvenile correctional facility who
21 are minority group members. The administrator of the division of merit recruitment
22 and selection in the office of state employment relations shall provide guidelines for
23 the administration of ~~this~~ the selection procedure.

NOTE: Deletes references to placement of juveniles in state prison from s. 938.538,
stats., because the bill repeals the authority of DOC to place juveniles who have been

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adjudicated delinquent in state prison or under intensive sanctions supervision. See the NOTE to s. 938.537 (4) (d), stats., as repealed by this bill.

1 **SECTION 609.** 938.539 (1) of the statutes is amended to read:

2 938.539 (1) TYPE 2 RESIDENTIAL CARE CENTER; COUNTY DEPARTMENT CONTROL. A
3 juvenile who is placed in a Type 2 ~~child caring institution~~ residential care center for
4 children and youth under s. 938.34 (4d) or who, having been so placed, is replaced
5 in a less restrictive placement under s. 938.357 (4) (c) is under the supervision and
6 control of the county department, is subject to the rules and discipline of the county
7 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

8 **SECTION 610.** 938.539 (2) to (5) of the statutes are amended to read:

9 938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT CONTROL. A
10 juvenile who is placed in a Type 2 ~~secured juvenile~~ correctional facility under s.
11 938.357 (4) (a) or who, having been so placed, is replaced in a less restrictive
12 placement under s. 938.357 (4) (c) is under the supervision and control of the
13 department, is subject to the rules and discipline of the department, and is
14 considered to be in custody, as defined in s. 946.42 (1) (a).

15 (3) VIOLATION OF CONDITION OF PLACEMENT. Notwithstanding ss. 938.19 to
16 938.21, if a juvenile placed in a Type 2 ~~child caring institution~~ residential care center
17 for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 ~~secured~~
18 juvenile ~~correctional facility~~ under s. 938.357 (4) (a) or (c) violates a condition of his
19 or her placement in the ~~Type 2 child caring institution~~ center or ~~Type 2 secured~~
20 ~~correctional facility~~, the juvenile may be placed in a Type 1 ~~secured juvenile~~
21 ~~correctional facility~~ as provided in s. 938.357 (4) (b). This subsection does not
22 preclude a juvenile who has violated a condition of the juvenile's placement in a Type
23 2 ~~secured juvenile~~ correctional facility or a Type 2 ~~child caring institution~~ residential

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1 care center for children and youth from being taken into and held in custody under
2 ss. 938.19 to 938.21.

3 (4) ESCAPE OR ABSENCE. ~~Any intentional failure of a~~ A juvenile placed in a
4 Type 2 ~~child caring institution~~ residential care center for children and youth under
5 s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 secured juvenile correctional facility
6 under s. 938.357 (4) (a) or (c) who intentionally fails to remain within the extended
7 limits of his or her placement or to return within the time prescribed by the
8 administrator of the ~~Type 2 child caring institution~~ center or ~~Type 2 secured~~
9 ~~correctional facility~~ is considered an escape under s. 946.42 (3) (c).

10 (5) OPERATION AS TYPE 2 PLACEMENT. With respect to a juvenile who is placed
11 in a secured residential care center for children and youth ~~or a secured child caring~~
12 ~~institution~~ under s. 938.34 (4d) or 938.357 (4) (a) or in a less restrictive placement
13 under s. 938.357 (4) (c), the child welfare agency operating the ~~residential care center~~
14 ~~for children and youth or secured child caring institution~~ in which the juvenile is
15 placed, and the person operating any less restrictive placement in which the juvenile
16 is placed, shall operate that ~~residential care center for children and youth,~~ secured
17 ~~child caring institution,~~ or less restrictive placement as a Type 2 ~~child caring~~
18 ~~institution~~ residential care center for children and youth or a Type 2 secured juvenile
19 correctional facility. This subsection does not preclude a child welfare agency or
20 other person from placing in a residential care center for children and youth, ~~secured~~
21 ~~child caring institution,~~ or less restrictive placement in which a juvenile is placed
22 under s. 938.34 (4d) or 938.357 (4) (a) or (c) a juvenile who is not placed under s.
23 938.34 (4d) or 938.357 (4) (a) or (c).

24 **SECTION 611.** 938.539 (6) (title) of the statutes is created to read:

25 938.539 (6) (title) **RULE-MAKING.**

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1 **SECTION 612.** 938.549 (1) (title), (2) (title) and (3) (title) of the statutes are
2 created to read:

3 938.549 **(1)** (title) CLASSIFICATION SYSTEM; CONTENT.

4 **(2)** (title) USES OF CLASSIFICATION SYSTEM.

5 **(3)** (title) TRAINING IN USE OF SYSTEM.

6 **SECTION 613.** 938.57 (1) (title) of the statutes is created to read:

7 938.57 **(1)** (title) COUNTY DEPARTMENT DUTIES; POWERS.

8 **SECTION 614.** 938.57 (1) (b), (c), (cm), (d) and (2) of the statutes are amended
9 to read:

10 938.57 **(1)** (b) Accept legal custody or supervision of juveniles transferred to it
11 by the court under s. 938.355 and provide special treatment or care if ordered by the
12 court. Except as provided in s. 938.505 (2), a court may not order a county
13 department to administer psychotropic medications to juveniles who receive special
14 treatment or care ~~under this paragraph.~~

15 (c) Provide appropriate protection and services for juveniles in its care,
16 including providing services for juveniles and their families in their own homes,
17 placing the juveniles 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 juvenile correctional facilities, or~~
21 ~~secured child-caring institutions or secured group homes~~ residential care centers for
22 children and youth in accordance with rules promulgated under ch. 227, except that
23 the county department may not purchase the educational component of private day
24 treatment programs unless the county department, the school board, as defined in
25 s. 115.001 (7), and the state superintendent of public instruction ~~all~~ determine that

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

4 (cm) Provide appropriate services for juveniles who are referred to the county
5 department by a municipal court, except that if the funding, staffing, or other
6 resources of the county department for juvenile welfare services are insufficient to
7 meet the needs of all juveniles who are eligible to receive services from the county
8 department, the county department shall give first priority to juveniles who are
9 referred to the county department ~~it~~ by the court assigned to exercise jurisdiction
10 under this chapter and ch. 48.

11 (d) Provide for the moral and religious training of juveniles in its care according
12 to the religious belief beliefs of the juvenile or of his or her parents.

13 **(2) ASSISTANCE FROM PRIVATE INDIVIDUALS AND ORGANIZATIONS.** In performing the
14 functions ~~specified in~~ under sub. (1), the county department may avail itself of the
15 cooperation accept the assistance of any an individual or private agency or
16 organization interested in the social welfare of juveniles in the county.

17 **SECTION 615.** 938.57 (3) (title) of the statutes is created to read:

18 938.57 **(3)** (title) CONTINUING MAINTENANCE FOR JUVENILES OVER 17.

19 **SECTION 616.** 938.57 (4) of the statutes is amended to read:

20 938.57 **(4) AFTERCARE SUPERVISION.** A county department may provide aftercare
21 supervision under s. 938.34 (4n) for juveniles who are released from ~~secured juvenile~~
22 ~~correctional facilities, or secured child caring institutions or secured group homes~~
23 residential care centers for children and youth. If a county department intends to
24 change its policy regarding whether the county department or the department shall
25 provide aftercare supervision for juveniles released from ~~secured juvenile~~

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1 correctional facilities, or secured child caring institutions or secured group homes,
2 residential care centers for children and youth the county executive or county
3 administrator, or, if the county has no county executive or county administrator, the
4 chairperson of the county board of supervisors, or, for multicounty departments, the
5 chairpersons of the county boards of supervisors jointly, shall submit a letter to the
6 department stating that intent before July 1 of the year preceding the year in which
7 the policy change will take effect.

8 **SECTION 617.** 938.59 (1) of the statutes is amended to read:

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

22 **SECTION 618.** 938.59 (2) (title) of the statutes is created to read:

23 938.59 (2) (title) REPORT TO THE DEPARTMENT.

24 **SECTION 619.** 938.78 (1) (title) and (2) (title) of the statutes are created to read:

25 938.78 (1) (title) DEFINITION.

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1 (2) (title) CONFIDENTIALITY; EXCEPTIONS.

2 **SECTION 620.** 938.78 (2) (a), (ag) and (am) of the statutes are amended to read:

3 938.78 (2) (a) No agency may make available for inspection or disclose the
4 contents of any record kept or information received about an individual who is or was
5 in its care or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5)
6 (b) or (d) or (5m) (d), or 938.51 or by order of the court.

7 (ag) Paragraph (a) does not prohibit an agency from making available for
8 inspection or disclosing the contents of a record, upon the request of the parent,
9 guardian, or legal custodian of the juvenile who is the subject of the record or upon
10 the request of the juvenile, if 14 years of age or ~~over~~ older, to the parent, guardian,
11 legal custodian, or juvenile, unless the agency finds that inspection of the record by
12 the juvenile, parent, guardian, or legal custodian would result in imminent danger
13 to anyone.

14 (am) Paragraph (a) does not prohibit an agency from making available for
15 inspection or disclosing the contents of a record, upon the written permission of the
16 parent, guardian, or legal custodian of the juvenile who is the subject of the record
17 or upon the written permission of the juvenile, if 14 years of age or ~~over~~ older, to the
18 person named in the permission if the parent, guardian, legal custodian, or juvenile
19 specifically identifies the record in the written permission, unless the agency
20 determines that inspection of the record by the person named in the permission
21 would result in imminent danger to anyone.

NOTE: Clarifies that, with specified exceptions, s. 938.78 (2) (a), stats., applies to
the contents of any record kept or information received about an individual who is or was
(i.e., currently or in the past) in the agency's care or legal custody.

22 **SECTION 621.** 938.78 (2) (b) 1. and (3) of the statutes are amended to read:

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1 938.78 (2) (b) 1. Paragraph (a) does not apply to the confidential exchange of
2 information between an agency and another social welfare agency, a law
3 enforcement agency, the victim-witness coordinator, a fire investigator under s.
4 165.55 (15), a public school district or a private school regarding an individual in the
5 care or legal custody of the agency. A social welfare agency that obtains information
6 under this paragraph shall keep the information confidential as required under this
7 section and s. 48.78. A law enforcement agency that obtains information under this
8 paragraph shall keep the information confidential as required under ss. 48.396 (1)
9 and 938.396 (1) (a). A public school that obtains information under this paragraph
10 shall keep the information confidential as required under s. 118.125 and a private
11 school that obtains information under this paragraph shall keep the information
12 confidential in the same manner as is required of a public school under s. 118.125.

13 **(3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
14 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
15 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
16 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
17 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
18 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
19 (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60, 948.605,
20 or 948.61 or any crime specified in ch. 940 has escaped from a secured juvenile
21 correctional facility, residential care center for children and youth, ~~secured group~~
22 ~~home~~, inpatient facility, as defined in s. 51.01 (10), ~~secure~~ juvenile detention facility,
23 or juvenile portion of a county jail, or from the custody of a peace officer or a guard
24 of such a facility, center, or jail, or has been allowed to leave a secured juvenile
25 correctional facility, residential care center for children and youth, ~~secured group~~

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1 home, inpatient facility, secure juvenile detention facility, or juvenile portion of a
2 county jail for a specified time period and is absent from the facility, center, home,
3 or jail for more than 12 hours after the expiration of the specified period, the
4 department or county department having supervision over the juvenile may release
5 the juvenile's name and any information about the juvenile that is necessary for the
6 protection of the public or to secure the juvenile's return to the facility, center, home,
7 or jail. The department of ~~corrections~~ shall promulgate rules establishing guidelines
8 for the release of the juvenile's name or information about the juvenile to the public.

9 **SECTION 622.** 938.795 (1) to (4) of the statutes are amended to read:

10 938.795 (1) COLLECT STATISTICS AND INFORMATION. Collect and collaborate with
11 other agencies in collecting statistics and information useful in determining the
12 cause and amount of delinquency and crime in this state or in carrying out the powers
13 and duties of the department relating to delinquency and crime.

14 (2) ASSIST COMMUNITIES. Assist communities in their efforts to combat
15 delinquency and social breakdown likely to cause delinquency and crime and assist
16 them in setting up programs for coordinating ~~the~~ a total community program
17 relating to delinquency and crime, including the improvement of law enforcement.

18 (3) ASSIST SCHOOLS. Assist schools in extending their particular contribution
19 in ~~locating~~ identifying and helping juveniles vulnerable to delinquency and crime
20 and in improving ~~their~~ school services ~~to~~ for all youth.

21 (4) ENLIGHTEN PUBLIC OPINION. Develop and maintain an enlightened public
22 opinion in support of a any program to control delinquency and crime.

23 **SECTION 623.** 938.992 (3) of the statutes is amended to read:

24 938.992 (3) Notwithstanding s. 938.991 (3) (b), "delinquent juvenile" does not
25 include a person subject to an order under s. 48.366 who is confined to a state prison

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1 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~
2 ~~of age or over.~~

NOTE: Deletes reference in s. 938.992 (3), stats., to placement of a juvenile who has been adjudicated delinquent in a state prison. See the NOTE to s. 938.357 (4) (d), stats., as repealed by this bill.

3 **SECTION 624.** 940.225 (5) (ab) of the statutes is amended to read:

4 940.225 (5) (ab) "Correctional institution" means a jail or correctional facility,
5 as defined in s. 961.01 (12m), a ~~secured juvenile~~ correctional facility, as defined in s.
6 938.02 (15m) (10p), or a secure juvenile detention facility, as defined in s. 938.02 (16)
7 (10r).

8 **SECTION 625.** 946.42 (1) (a) of the statutes is amended to read:

9 946.42 (1) (a) "Custody" includes without limitation actual custody of an
10 institution, including a ~~secured juvenile~~ correctional facility, as defined in s. 938.02
11 ~~(15m) (10p)~~, a secured ~~child caring institution~~ residential care center for children and
12 youth, as defined in s. 938.02 (15g), a ~~secured group home~~, as defined in s. 938.02
13 ~~(15p)~~, a secure juvenile detention facility, as defined in s. 938.02 (16) (10r), a Type 2
14 ~~child caring institution~~ residential care center for children and youth, as defined in
15 s. 938.02 (19r), or a juvenile portion of a county jail, or of a peace officer or institution
16 guard and constructive custody of prisoners and juveniles subject to an order under
17 s. 48.366, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e) temporarily
18 outside the institution whether for the purpose of work, school, medical care, a leave
19 granted under s. 303.068, a temporary leave or furlough granted to a juvenile, or
20 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the
21 county to which the prisoner was transferred after conviction. It does not include the
22 custody of a probationer, parolee, or person on extended supervision by the
23 department of corrections or a probation, extended supervision, or parole officer or

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1 the custody of a person who has been released to aftercare supervision under ch. 938
2 unless the person is in actual custody or is subject to a confinement order under s.
3 973.09 (4).

4 **SECTION 626.** 946.44 (2) (c) and (d) of the statutes are amended to read:

5 946.44 (2) (c) "Institution" includes a secured juvenile correctional facility, as
6 defined in s. 938.02 ~~(15m)~~ (10p), a secured ~~child-caring institution~~ residential care
7 center for children and youth, as defined in s. 938.02 (15g), a secured ~~group home~~,
8 as defined in s. 938.02 (15p), and a Type 2 ~~child-caring institution~~ residential care
9 center for children and youth, as defined in s. 938.02 (19r).

10 (d) "Prisoner" includes a person who is under the supervision of the department
11 of corrections under s. 938.34 (4h), who is placed in a secured juvenile correctional
12 facility, or a secured ~~child-caring institution or a secured group home~~ residential care
13 center for children and youth under s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e),
14 who is placed in a Type 2 ~~child-caring institution~~ residential care center for children
15 and youth under s. 938.34 (4d), or who is subject to an order under s. 48.366.

16 **SECTION 627.** 946.45 (2) (c) and (d) of the statutes are amended to read:

17 946.45 (2) (c) "Institution" includes a secured juvenile correctional facility, as
18 defined in s. 938.02 ~~(15m)~~ (10p), a secured ~~child-caring institution~~ residential care
19 center for children and youth, as defined in s. 938.02 (15g), a secured ~~group home~~,
20 as defined in s. 938.02 (15p), and a Type 2 ~~child-caring institution~~ residential care
21 center for children and youth, as defined in s. 938.02 (19r).

22 (d) "Prisoner" includes a person who is under the supervision of the department
23 of corrections under s. 938.34 (4h), who is placed in a secured juvenile correctional
24 facility, or a secured ~~child-caring institution or a secured group home~~ residential care
25 center for children and youth under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e),

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1 who is placed in a Type 2 ~~child caring institution~~ residential care center for children
2 and youth under s. 938.34 (4d), or who is subject to an order under s. 48.366.

3 **SECTION 628.** 948.50 (4) (b) of the statutes is amended to read:

4 948.50 (4) (b) Is placed in or transferred to a secured juvenile correctional
5 facility, as defined in s. 938.02 (15m) (10p), or a secured ~~child caring institution~~
6 residential care center for children and youth, as defined in s. 938.02 (15g).

7 **SECTION 629.** 968.255 (7) (b) of the statutes is amended to read:

8 968.255 (7) (b) Is placed in or transferred to a secured juvenile correctional
9 facility, as defined in s. 938.02 (15m), (10p), or a secured ~~child caring institution~~
10 residential care center for children and youth, as defined in s. 938.02 (15g), or a
11 secured group home, as defined in s. 938.02 (15p).

12 **SECTION 630.** 970.032 (1) of the statutes is amended to read:

13 970.032 (1) Notwithstanding s. 970.03, if a preliminary examination is held
14 regarding a juvenile who is subject to the original jurisdiction of the court of criminal
15 jurisdiction under s. 938.183 (1) ~~or (2)~~, the court shall first determine whether there
16 is probable cause to believe that the juvenile has committed the violation of which
17 he or she is accused under the circumstances specified in s. 938.183 (1) (a), (am), (ar),
18 (b), or (c) ~~or (2)~~, whichever is applicable. If the court does not make that finding, the
19 court shall order that the juvenile be discharged but proceedings may be brought
20 regarding the juvenile under ch. 938.

21 **SECTION 631.** 973.013 (3m) of the statutes is amended to read:

22 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
23 to the Wisconsin state prisons, the department shall place the person at a secured
24 juvenile correctional facility or a secured ~~child caring institution~~ residential care
25 center for children and youth, unless the department determines that placement in

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1 an institution under s. 302.01 is appropriate based on the person's prior record of
2 adjustment in a correctional setting, if any; the person's present and potential
3 vocational and educational needs, interests and abilities; the adequacy and
4 suitability of available facilities; the services and procedures available for treatment
5 of the person within the various institutions; the protection of the public; and any
6 other considerations promulgated by the department by rule. The department may
7 not place any person under the age of 18 years in the correctional institution
8 authorized in s. 301.16 (1n). This subsection does not preclude the department from
9 designating an adult correctional institution, other than the correctional institution
10 authorized in s. 301.16 (1n), as a reception center for the person and subsequently
11 transferring the person to a secured juvenile correctional facility or a secured child
12 caring institution residential care center for children and youth. Section 302.11 and
13 ch. 304 apply to all persons placed in a secured juvenile correctional facility or a
14 secured child caring institution residential care center for children and youth under
15 this subsection.

16 **SECTION 632.** 976.08 of the statutes is amended to read:

17 **976.08 Additional applicability.** In this chapter, "prisoner" includes any
18 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
19 state prison and ~~any person subject to an order under s. 938.34 (4h) who is 17 years~~
20 ~~of age or older.~~

NOTE: Deletes reference in s. 976.08, stats., to placement of a juvenile who has been adjudicated delinquent in a state prison. See the NOTE to s. 938.357 (4) (d), stats., as repealed by this bill.

21 **SECTION 633.** 980.015 (2) (b) of the statutes is amended to read:

22 980.015 (2) (b) The anticipated release from a secured juvenile correctional
23 facility, as defined in s. 938.02 ~~(15m)~~ (10p), or a secured child caring institution

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1 residential care center for children and youth, as defined in s. 938.02 (15g), ~~or a~~
2 ~~secured group home, as defined in s. 938.02 (15p)~~, of a person adjudicated delinquent
3 under s. 938.183 or 938.34 on the basis of a sexually violent offense.

4 **SECTION 634.** 980.02 (1) (b) 2., (2) (ag) and (4) (am) and (b) of the statutes are
5 amended to read:

6 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
7 his or her discharge from a sentence, release on parole or extended supervision, or
8 release from imprisonment, from a ~~secured~~ juvenile correctional facility, as defined
9 in s. 938.02 (15m) (10p), from a ~~secured child caring institution~~ residential care
10 center for children and youth, as defined in s. 938.02 (15g), ~~from a secured group~~
11 ~~home, as defined in s. 938.02 (15p)~~, or from a commitment order.

12 (2) (ag) The person is within 90 days of discharge or release, on parole, extended
13 supervision or otherwise, from a sentence that was imposed for a conviction for a
14 sexually violent offense, from a ~~secured~~ juvenile correctional facility, as defined in s.
15 938.02 (15m), (10p), ~~or~~ from a ~~secured child caring institution~~ residential care center
16 for children and youth, as defined in s. 938.02 (15g), ~~or from a secured group home,~~
17 ~~as defined in s. 938.02 (15p)~~, if the person was placed in the facility for being
18 adjudicated delinquent under s. 938.183 or 938.34 on the basis of a sexually violent
19 offense or from a commitment order that was entered as a result of a sexually violent
20 offense.

21 (4) (am) The circuit court for the county in which the person will reside or be
22 placed upon his or her discharge from a sentence, release on parole or extended
23 supervision, or release from imprisonment, from a ~~secured~~ juvenile correctional
24 facility, as defined in s. 938.02 (15m) (10p), from a ~~secured child caring institution~~

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1 residential care center for children and youth, as defined in s. 938.02 (15g), ~~from a~~
2 ~~secured group home~~, as defined in s. ~~938.02 (15p)~~, or from a commitment order.

3 (b) The circuit court for the county in which the person is in custody under a
4 sentence, a placement to a secured juvenile correctional facility, as defined in s.
5 938.02 ~~(15m)~~ (10p), a secured ~~child-caring institution~~ residential care center for
6 children and youth, as defined in s. 938.02 (15g), ~~or a secured group home~~, as defined
7 ~~in s. 938.02 (15p)~~, or a commitment order.

8 **SECTION 635.** 980.04 (1) of the statutes is amended to read:

9 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
10 the petition to determine whether to issue an order for detention of the person who
11 is the subject of the petition. The person shall be detained only if there is cause to
12 believe that the person is eligible for commitment under s. 980.05 (5). A person
13 detained under this subsection shall be held in a facility approved by the department.
14 If the person is serving a sentence of imprisonment, is in a secured juvenile
15 correctional facility, as defined in s. 938.02 ~~(15m)~~, (10p), ~~or a secured child-caring~~
16 ~~institution~~ residential care center for children and youth, as defined in s. 938.02
17 (15g), ~~or a secured group home~~, as defined in s. ~~938.02 (15p)~~, or is committed to
18 institutional care, and the court orders detention under this subsection, the court
19 shall order that the person be transferred to a detention facility approved by the
20 department. A detention order under this subsection remains in effect until the
21 person is discharged after a trial under s. 980.05 or until the effective date of a
22 commitment order under s. 980.06, whichever is applicable.

23 **SECTION 636. Initial applicability.**

24 (1) PLACEMENT OF JUVENILES IN ADULT PRISONS. The treatment of sections 301.03
25 (10) (d), 302.11 (10), 302.255, 302.386 (5) (d), 938.183 (3), 938.357 (4) (d), 938.538 (3)

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1 (a) 1., 1m., and 2., (4) (a), (5) (c), and (6), 938.992 (3), and 976.08 of the statutes first
2 applies to a juvenile who is convicted or adjudicated delinquent for a violation
3 committed on July 1, 1996.

4 (END)