



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa0708/1
GMM:mfd:jf

**ASSEMBLY AMENDMENT 1,
TO 1997 ASSEMBLY BILL 410**

September 9, 1997 – Offered by Representative LADWIG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 13: after “order,” insert “the short-term detention of a juvenile
3 who has violated the terms of his or her dispositional order and the authority of an
4 intake worker or dispositional staff member to take such a juvenile into custody.”.

5 **2.** Page 12, line 17: after that line insert:

6 “**SECTION 14g.** 938.067 (8m) of the statutes is created to read:

7 938.067 (8m) Take juveniles into custody under s. 938.355 (6d).

8 **SECTION 14i.** 938.069 (1) (dm) of the statutes is created to read:

9 938.069 (1) (dm) Take juveniles into custody under s. 938.355 (6d).

10 **SECTION 14k.** 938.08 (2) of the statutes is amended to read:

11 938.08 (2) Except as provided in sub. (3) and in s. 938.355 (6d), any person
12 authorized to provide or providing intake or dispositional services for the court under
13 ss. 938.067 and 938.069 has the power of police officers and deputy sheriffs only for

1 the purpose of taking a juvenile into physical custody when the juvenile comes
2 voluntarily or is suffering from illness or injury or is in immediate danger from his
3 or her surroundings and removal from the surroundings is necessary.”.

4 **3.** Page 23, line 3: after that line insert:

5 “**SECTION 35m.** 938.355 (6d) (title) of the statutes is repealed and recreated to
6 read:

7 938.355 (**6d**) (title) SHORT-TERM DETENTION TO INVESTIGATE VIOLATION OF ORDER.

8 **SECTION 35p.** 938.355 (6d) of the statutes is renumbered 938.355 (6d) (a) and
9 amended to read:

10 938.355 (**6d**) (a) Notwithstanding ss. 938.19 to 938.21, but subject to any
11 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
12 policies adopted by the county board relating to the taking into custody and
13 placement of a juvenile under this subsection, if a juvenile who has been adjudged
14 delinquent violates a condition specified in sub. (2) (b) 7., ~~the juvenile’s caseworker~~
15 any person authorized to provide or providing intake or dispositional services for the
16 court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into
17 custody and place the juvenile in a secure detention facility or juvenile portion of a
18 county jail that meets the standards promulgated by the department of corrections
19 by rule or in a place of nonsecure custody designated by ~~the caseworker~~ that person
20 for not more than 72 hours while the alleged violation is and the appropriateness of
21 moving for a sanction under sub. (6) are being investigated, if at the dispositional
22 hearing the court explained those conditions to the juvenile and informed the
23 juvenile of the possibility of that placement or if before the violation the juvenile has
24 acknowledged in writing that he or she has read, or has had read to him or her, those

1 conditions and that possible placement and that he or she understands those
2 conditions and that possible placement.

3 (b) 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 subsection, if a juvenile who has been found to be in need of protection or
7 services under s. 938.13 violates a condition specified in sub. (2) (b) 7., ~~the juvenile's~~
8 ~~caseworker~~ any person authorized to provide or providing intake or dispositional
9 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
10 juvenile into custody and place the juvenile in a place of nonsecure custody
11 designated by ~~the caseworker~~ that person for not more than 72 hours while the
12 alleged violation is and the appropriateness of moving for a sanction under sub. (6)
13 are being investigated, if at the dispositional hearing the court explained those
14 conditions to the juvenile and informed the juvenile of the possibility of that
15 placement or if before the violation the juvenile has acknowledged in writing that he
16 or she has read, or has had read to him or her, those conditions and that possible
17 placement and that he or she understands those conditions and that possible
18 placement.

19 (c) If a juvenile is held under par. (a) or (b) in a secure detention facility, juvenile
20 portion of a county jail or place of nonsecure custody for longer than 72 hours, the
21 juvenile is entitled to a hearing under sub. (6) (c) or s. 938.21. The hearing shall be
22 conducted in the manner provided in sub. (6) or s. 938.21, except that for a hearing
23 under s. 938.21 the hearing shall be conducted within 72 hours, rather than 24 hours,
24 after the time that the decision to hold the juvenile was made and a written

1 statement of the reasons for continuing to hold the juvenile in custody may be filed
2 rather than a petition under s. 938.25.”.

3 **4.** Page 29, line 21: after that line insert:

4 “(5m) SHORT-TERM DETENTION. The treatment of sections 938.067 (8m), 938.069
5 (1) (dm) and 938.08 (2) of the statutes, the renumbering and amendment of section
6 938.344 (6d) of the statutes and the repeal and recreation of section 938.355 (6d)O
7 (title) of the statutes first apply to a juvenile who is taken into custody under section
8 938.355 (6d) of the statutes, as affected by this act, on the effective date of this
9 subsection.”.

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(END)