



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa1583/4
GMM;jlg:ijs

**SENATE AMENDMENT 3,
TO 1997 ASSEMBLY BILL 410**

March 19, 1998 - Offered by Senators ROESSLER and C. POTTER.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 2, line 21: delete lines 21 to 23 and substitute "dispositional order, the
4 authority to take into custody and hold in short-term detention a juvenile who has
5 violated a condition of his or her dispositional order, aftercare supervision or
6 participation in an intensive supervision program, the rules of evidence at
7 postdispositional hearings".

8 **2.** Page 15, line 14: delete lines 14 to 24 and substitute:

9 "SECTION 35m. 938.067 (8m) of the statutes is created to read:
10 938.067 (8m) Take juveniles into custody under ss. 938.355 (6d) (a), (b) and (c)
11 and 938.534 (1) (b) and (c).

12 SECTION 36m. 938.069 (1) (dm) of the statutes is created to read:

1 938.069 (1) (dm) Take juveniles into custody under ss. 938.355 (6d) (a), (b) and
2 (c) and 938.534 (1) (b) and (c).

3 **SECTION 37m.** 938.08 (2) of the statutes is amended to read:

4 938.08 (2) Except as provided in sub. (3) and ss. 938.355 (6d) and 938.534 (1),
5 any person authorized to provide or providing intake or dispositional services for the
6 court under ~~ss. s. 938.067 and or~~ 938.069 has the power of police officers and deputy
7 sheriffs only for the purpose of taking a juvenile into physical custody when the
8 juvenile comes voluntarily or is suffering from illness or injury or is in immediate
9 danger from his or her surroundings and removal from the surroundings is
10 necessary.”.

11 **3.** Page 20, line 13: after that line insert:

12 “**SECTION 46m.** 938.275 (1) (c) of the statutes is amended to read:

13 938.275 (1) (c) If the court imposes a sanction on a juvenile as specified in s.
14 938.355 (6) (d) or (6m) (a) or finds the juvenile in contempt under s. 938.355 (6g) (b)
15 and orders a disposition under s. 938.34 or if the juvenile is placed in a secure
16 detention facility or place of nonsecure custody under s. 938.355 (6d) (a), (b) or (c) or
17 938.534 (1) (b) or (c), the court shall order the parents of the juvenile to contribute
18 toward the cost of the sanction, disposition or placement the proportion of the total
19 amount which the court finds the parents are able to pay.”.

20 **4.** Page 27, line 4: delete lines 4 to 24.

21 **5.** Page 28, line 1: delete lines 1 to 23 and substitute:

22 “**SECTION 63m.** 938.355 (6d) (title) of the statutes is repealed and recreated to
23 read:

24 938.355 (6d) (title) SHORT-TERM DETENTION.

1 **SECTION 64d.** 938.355 (6d) of the statutes is renumbered 938.355 (6d) (a) 1. and
2 amended to read:

3 938.355 **(6d)** (a) 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 ~~subsection~~ subdivision, if a juvenile who has been
7 adjudged delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's
8 caseworker or any other person authorized to provide or providing intake or
9 dispositional services for the court under s. 938.067 or 938.069 may, without a
10 hearing, take the juvenile into custody and place the juvenile in a secure detention
11 facility or juvenile portion of a county jail that meets the standards promulgated by
12 the department of ~~corrections~~ by rule or in a place of nonsecure custody designated
13 by ~~the caseworker~~ that person for not more than 72 hours while the alleged violation
14 is and the appropriateness of a sanction under sub. (6) are being investigated, if at
15 the dispositional hearing the court explained those conditions to the juvenile and
16 informed the juvenile of the possibility of that placement or if before the violation the
17 juvenile has acknowledged in writing that he or she has read, or has had read to him
18 or her, those conditions and that possible placement and that he or she understands
19 those conditions and that possible placement.

20 (c) 1. 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) and to any policies adopted by
22 the county board relating to the taking into custody and placement of a juvenile
23 under this ~~subsection~~ subdivision, if a juvenile who has been found to be in need of
24 protection or services under s. 938.13 violates a condition specified in sub. (2) (b) 7.,
25 the juvenile's caseworker or any other person authorized to provide or providing

1 intake or dispositional services for the court under s. 938.067 or 938.069 may,
2 without a hearing, take the juvenile into custody and place the juvenile in a place of
3 nonsecure custody designated by ~~the caseworker~~ that person for not more than 72
4 hours while the alleged violation is and the appropriateness of a sanction under sub.
5 (6) or (6m) are being investigated, if at the dispositional hearing the court explained
6 those conditions to the juvenile and informed the juvenile of the possibility of that
7 placement or if before the violation the juvenile has acknowledged in writing that he
8 or she has read, or has had read to him or her, those conditions and that possible
9 placement and that he or she understands those conditions and that possible
10 placement.

11 (d) (title) *Hearing; when required.* If a juvenile is held under par. (a), (b) or (c)
12 in a secure detention facility, juvenile portion of a county jail or place of nonsecure
13 custody for longer than 72 hours, the juvenile is entitled to a hearing under sub. (6)
14 (c) or s. 938.21. The hearing shall be conducted in the manner provided in sub. (6)
15 or s. 938.21, except that for a hearing under s. 938.21 the hearing shall be conducted
16 within 72 hours, rather than 24 hours, after the time that the decision to hold the
17 juvenile was made and a written statement of the reasons for continuing to hold the
18 juvenile in custody may be filed rather than a petition under s. 938.25.

19 **SECTION 64f.** 938.355 (6d) (a) (title) of the statutes is created to read:

20 938.355 **(6d)** (a) (title) *Violation of delinquency order.*

21 **SECTION 64h.** 938.355 (6d) (a) 2. of the statutes is created to read:

22 938.355 **(6d)** (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
23 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
24 policies adopted by the county board relating to the taking into custody and
25 placement of a juvenile under this subdivision, if a juvenile who has been adjudged

1 delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker
2 or any other person authorized to provide or providing intake or dispositional
3 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
4 juvenile into custody and place the juvenile in a secure detention facility or juvenile
5 portion of a county jail that meets the standards promulgated by the department by
6 rule or in a place of nonsecure custody designated by that person for not more than
7 72 hours as a consequence of that violation, if at the dispositional hearing the court
8 explained those conditions to the juvenile and informed the juvenile of the possibility
9 of that placement or if before the violation the juvenile has acknowledged in writing
10 that he or she has read, or has had read to him or her, those conditions and that
11 possible placement and that he or she understands those conditions and that possible
12 placement. A person who takes a juvenile into custody under this subdivision shall
13 permit the juvenile to make a written or oral statement concerning the possible
14 placement of the juvenile and the course of conduct for which the juvenile was taken
15 into custody. A person designated by the court or county department who is employed
16 in a supervisory position by a person authorized to provide or providing intake or
17 dispositional services under s. 938.067 or 938.069 shall review that statement and
18 shall either approve the placement or order the juvenile to be released from custody.

19 **SECTION 64j.** 938.355 (6d) (a) 3. of the statutes is created to read:

20 938.355 (6d) (a) 3. A juvenile may be taken into and held in custody under both
21 subds. 1. and 2. in connection with the same course of conduct, except that no juvenile
22 may be held in custody for more than a total of 72 hours under subds. 1. and 2. in
23 connection with the same course of conduct unless the juvenile receives a hearing
24 under par. (d).

25 **SECTION 64m.** 938.355 (6d) (b) of the statutes is created to read:

1 938.355 **(6d)** (b) *Violation of condition of county aftercare supervision.* 1.
2 Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies
3 adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the county
4 department relating to aftercare supervision administered by the county
5 department and to any policies adopted by the county board relating to the taking
6 into custody and placement of a juvenile under this subdivision, if a juvenile who is
7 on aftercare supervision administered by the county department violates a condition
8 of that supervision, the juvenile’s caseworker or any other person authorized to
9 provide or providing intake or dispositional services for the court under s. 938.067
10 or 938.069 may, without a hearing, take the juvenile into custody and place the
11 juvenile in a secure detention facility or juvenile portion of a county jail that meets
12 the standards promulgated by the department by rule or in a place of nonsecure
13 custody designated by that person for not more than 72 hours while the alleged
14 violation and the appropriateness of revoking the juvenile’s aftercare status are
15 being investigated, if before the violation the juvenile has acknowledged in writing
16 that he or she has read, or has had read to him or her, those conditions and that
17 possible placement and that he or she understands those conditions and that possible
18 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), to any policies adopted by the
21 county department relating to aftercare supervision administered by the county
22 department and to any policies adopted by the county board relating to the taking
23 into custody and placement of a juvenile under this subdivision, if a juvenile who is
24 on aftercare supervision administered by the county department violates a condition
25 of that supervision, the juvenile’s caseworker or any other person authorized to

1 provide or providing intake or dispositional services for the court under s. 938.067
2 or 938.069 may, without a hearing, take the juvenile into custody and place the
3 juvenile in a secure detention facility or juvenile portion of a county jail that meets
4 the standards promulgated by the department by rule or in a place of nonsecure
5 custody designated by that person for not more than 72 hours as a consequence of
6 that violation, if at the dispositional hearing the court explained those conditions to
7 the juvenile and informed the juvenile of the possibility of that placement or if before
8 the violation the juvenile has acknowledged in writing that he or she has read, or has
9 had read to him or her, those conditions and that possible placement and that he or
10 she understands those conditions and that possible placement. A person who takes
11 a juvenile into custody under this subdivision shall permit the juvenile to make a
12 written or oral statement concerning the possible placement of the juvenile and the
13 course of conduct for which the juvenile was taken into custody. A person designated
14 by the court or the county department who is employed in a supervisory position by
15 a person authorized to provide or providing intake or dispositional services under s.
16 938.067 or 938.069 shall review that statement and shall either approve the
17 placement of the juvenile or order the juvenile to be released from custody.

18 3. A juvenile may be taken into and held in custody under both subds. 1. and
19 2. in connection with the same course of conduct, except that no juvenile may be held
20 in custody for more than a total of 72 hours under subds. 1. and 2. in connection with
21 the same course of conduct unless the juvenile receives a hearing under par. (d).

22 **SECTION 64p.** 938.355 (6d) (c) (title) of the statutes is created to read:
23 938.355 (6d) (c) (title) *Violation of protection or services order.*

24 **SECTION 64r.** 938.355 (6d) (c) 2. of the statutes is created to read:

1 938.355 (6d) (c) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
2 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
3 policies adopted by the county board relating to the taking into custody and
4 placement of a juvenile under this subdivision, if a juvenile who has been found to
5 be in need of protection or services under s. 938.13 violates a condition specified in
6 sub. (2) (b) 7., the juvenile's caseworker or any other person authorized to provide or
7 providing intake or dispositional services for the court under s. 938.067 or 938.069
8 may, without a hearing, take the juvenile into custody and place the juvenile in a
9 place of nonsecure custody designated by that person for not more than 72 hours as
10 a consequence of that violation, if at the dispositional hearing the court explained
11 those conditions to the juvenile and informed the juvenile of the possibility of that
12 placement or if before the violation the juvenile has acknowledged in writing that he
13 or she has read, or has had read to him or her, those conditions and that possible
14 placement and that he or she understands those conditions and that possible
15 placement. A person who takes a juvenile into custody under this subdivision shall
16 permit the juvenile to make a written or oral statement concerning the possible
17 placement of the juvenile and the course of conduct for which the juvenile was taken
18 into custody. A person designated by the court or the county department who is
19 employed in a supervisory position by a person authorized to provide or providing
20 intake or dispositional services under s. 938.067 or 938.069 shall review that
21 statement and shall either approve the placement or order the juvenile to be released
22 from custody.

23 **SECTION 64t.** 938.355 (6d) (c) 3. of the statutes is created to read:

24 938.355 (6d) (c) 3. A juvenile may be taken into and held in custody under both
25 subds. 1. and 2. in connection with the same course of conduct, except that no juvenile

1 may be held in custody for more than a total of 72 hours under subds. 1. and 2. in
2 connection with the same course of conduct unless the juvenile receives a hearing
3 under par. (d).”.

4 **6.** Page 30, line 11: after that line insert:

5 “**SECTION 67m.** 938.357 (5) (b) of the statutes is amended to read:

6 938.357 (5) (b) A juvenile on aftercare status may be taken into custody only
7 as provided in ss. 938.19 to 938.21 and 938.355 (6d) (b).”.

8 **7.** Page 40, line 18: after that line insert:

9 “**SECTION 88m.** 938.534 (1) of the statutes is amended to read:

10 938.534 (1) (a) A county department may provide an intensive supervision
11 program for juveniles who have been adjudicated delinquent and ordered to
12 participate in an intensive supervision program under s. 938.34 (2r). A county
13 department that provides an intensive supervision program shall purchase or
14 provide intensive surveillance and community-based treatment services for
15 participants in that program and may purchase or provide electronic monitoring for
16 the intensive surveillance of program participants. A caseworker providing services
17 under an intensive supervision program may have a case load of no more than 10
18 juveniles and shall have not less than one face-to-face contact per day with each
19 juvenile who is assigned to that caseworker.

20 (b) 1. 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) and to any policies adopted by
22 the county board relating to the taking into custody and placement of a juvenile
23 under this ~~subsection~~ subdivision, if a juvenile violates a condition of the juvenile’s
24 participation in the program, the juvenile’s caseworker or any other person

1 authorized to provide or providing intake or dispositional services for the court under
2 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
3 the juvenile in a secure detention facility or juvenile portion of a county jail that
4 meets the standards promulgated by the department by rule or in a place of
5 nonsecure custody designated by that person for not more than 72 hours while the
6 alleged violation is and the appropriateness of a sanction under s. 938.355 (6) or a
7 change in the conditions of the juvenile's participation in the program are being
8 investigated, if at the dispositional hearing the court explained those conditions to
9 the juvenile and informed the juvenile of the possibility of that placement or if before
10 the violation the juvenile has acknowledged in writing that he or she has read, or has
11 had read to him or her, those conditions and that possible placement and that he or
12 she understands those conditions and that possible placement.

13 (c) Notwithstanding ss. 938.19 to 938.21, but subject to any general written
14 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
15 the county board relating to the taking into custody and placement of a juvenile
16 under this ~~subsection~~ paragraph, the juvenile's caseworker may also, without a
17 hearing, take the juvenile into custody and place the juvenile in a place of nonsecure
18 custody for not more than 30 days as crisis intervention, if the juvenile is in need of
19 ~~erises~~ crisis intervention and, if at the dispositional hearing the court informed the
20 juvenile of the possibility of that placement 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 that possible placement and that he or she understands those
23 conditions and that possible placement.

24 (d) If the juvenile is held under par. (b) 1. or 2. in a secure detention facility,
25 juvenile portion of a county jail or place of nonsecure custody for longer than 72

1 hours, the juvenile is entitled to a hearing under s. 938.21. The hearing shall be
2 conducted in the manner provided in s. 938.21, except that the hearing shall be
3 conducted within 72 hours, rather than 24 hours, after the end of the day that the
4 decision to hold the juvenile was made and a written statement of the reasons for
5 continuing to hold the juvenile in custody may be filed rather than a petition under
6 s. 938.25.

7 **SECTION 88p.** 938.534 (1) (b) 2. of the statutes is created to read:

8 938.534 (1) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
9 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
10 policies adopted by the county board relating to the taking into custody and
11 placement of a juvenile under this subdivision, if a juvenile violates a condition of the
12 juvenile's participation in the program, the juvenile's caseworker or any other person
13 authorized to provide or providing intake or dispositional services for the court under
14 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
15 the juvenile in a secure detention facility or juvenile portion of a county jail that
16 meets the standards promulgated by the department by rule or in a place of
17 nonsecure custody designated by that person for not more than 72 hours as a
18 consequence of that violation, if at the dispositional hearing the court explained
19 those conditions to the juvenile and informed the juvenile of the possibility of that
20 placement or if before the violation the juvenile has acknowledged in writing that he
21 or she has read, or has had read to him or her, those conditions and that possible
22 placement and that he or she understands those conditions and that possible
23 placement. A person who takes a juvenile into custody under this subdivision shall
24 permit the juvenile to make a written or oral statement concerning the possible
25 placement of the juvenile and the course of conduct for which the juvenile was taken

1 into custody. A person designated by the court or the county department who is
2 employed in a supervisory position by a person authorized to provide or providing
3 intake or dispositional services under s. 938.067 or 938.069 shall review that
4 statement and shall either approve the placement or order the juvenile to be released
5 from custody.

6 **SECTION 88r.** 938.534 (1) (b) 3. of the statutes is created to read:

7 938.534 (1) (b) 3. A juvenile may be taken into and held in custody under both
8 subds. 1. and 2. in connection with the same course of conduct, except that no juvenile
9 may be held in custody for more than a total of 72 hours under subds. 1. and 2. in
10 connection with the same course of conduct unless the juvenile receives a hearing
11 under par. (d).

12 **SECTION 88t.** 938.534 (2) of the statutes is amended to read:

13 938.534 (2) The department shall promulgate rules specifying the
14 requirements for an intensive supervision program under this section. The rules
15 shall include rules that govern the use of placement in a secure detention facility,
16 juvenile portion of a county jail or place of nonsecure custody for not more than 72
17 hours ~~while a violation of a condition of a juvenile's participation in the program is~~
18 ~~being investigated~~ under sub. (1) (b) and the use of placement in a place of nonsecure
19 custody for not more than 30 days ~~as crisis intervention~~ under sub. (1) (c).”

20 **8.** Page 47, line 6: delete lines 6 to 14 and substitute:

21 “(5m) SHORT-TERM DETENTION.

22 (a) *Violation of delinquency or protection or services order.* The renumbering
23 and amendment of section 938.355 (6d) of the statutes (with respect to the
24 investigation of the appropriateness of a sanction under section 938.355 (6) or (6m)

1 of the statutes, as affected by this act) and the creation of section 938.355 (6d) (a) 2.
2 and 3. and (c) 2. and 3. first apply to a juvenile who reads, or to whom is explained
3 or read, the conditions specified in section 938.355 (2) (b) 7. of the statutes and the
4 possibility of a placement under section 938.355 (6) (a) or (c) of the statutes, as
5 affected by this act, on the effective date of this paragraph.

6 (b) *Violation of condition of county aftercare supervision.* The creation of section
7 938.355 (6d) (b) of the statutes first applies to a juvenile who reads, or to whom is
8 explained or read, the conditions of the juvenile's aftercare supervision and the
9 possibility of a placement under section 938.355 (6d) (b) of the statutes, as created
10 by this act, on the effective date of this paragraph.

11 (c) *Violation of condition of participation in intensive supervision program.* The
12 amendment of section 938.534 (1) of the statutes (with respect to the appropriateness
13 of a change in the conditions of a juvenile's participation in the intensive supervision
14 program) and the creation of section 938.534 (1) (b) 2. and 3. of the statutes first apply
15 to a juvenile who reads, or to whom is explained or read, those conditions and the
16 possibility of a placement under section 938.534 (1) (b) of the statutes, as affected by
17 this act, on the effective date of this paragraph.”.

18 (END)