



**ASSEMBLY AMENDMENT 5,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 686**

February 10, 1998 – Offered by Representative SCHNEIDER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 4, line 15: after that line insert:

3 **“SECTION 9g.** 118.15 (5) (am) of the statutes is amended to read:

4 118.15 (5) (am) The court may order any person who violates this section to
5 participate in counseling at the person’s own expense or to attend school with his or
6 her child, or both.”.

7 **2.** Page 9, line 4: delete “(j)” and substitute “(k)”.

8 **3.** Page 9, line 13: after that line insert:

9 “(k) An order for the person’s parent, guardian or legal custodian to participate
10 in counseling at the parent’s, guardian’s or legal custodian’s own expense or to attend
11 school with the person, or both.”.

1 **4.** Page 12, line 5: delete lines 5 to 9 and substitute:

2 “**SECTION 43d.** 938.17 (2) (g) of the statutes is amended to read:

3 938.17 (2) (g) If the municipal court finds that a juvenile violated a municipal
4 ordinance enacted under s. 118.163 (1m), it shall enter a dispositional order under
5 s. 938.342 (1d). If a municipal court finds that a juvenile violated a municipal
6 ordinance enacted under s. 118.163 (2), it shall enter a dispositional order under s.
7 938.342 (1) (1g), and may enter a dispositional order under s. 938.342 (1m) (a), that
8 is consistent with the municipal ordinance. If a municipal court finds that a juvenile
9 violated a municipal ordinance enacted under s. 118.163 (2m), it shall enter a
10 dispositional order under s. 938.342 (2) that is consistent with the municipal
11 ordinance.”.

12 **5.** Page 13, line 25: after that line insert:

13 “**SECTION 46g.** 938.245 (2v) of the statutes is created to read:

14 938.245 (2v) If the deferred prosecution agreement is based on an allegation
15 that the juvenile has violated a municipal ordinance enacted under s. 118.163 (2), the
16 deferred prosecution agreement may require that the juvenile’s parent, guardian or
17 legal custodian attend school with the juvenile.

18 **SECTION 46k.** 938.245 (5) of the statutes is amended to read:

19 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
20 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
21 custodian. A deferred prosecution agreement under sub. (2) (a) 9. may be terminated
22 by the court upon the request of the juvenile, parent, guardian or legal custodian.”.

23 **6.** Page 14, line 8: after that line insert:

24 “**SECTION 47m.** 938.32 (1) (a) of the statutes is amended to read:

1 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
2 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
3 commissioner may suspend the proceedings and place the juvenile under
4 supervision in the juvenile's own home or present placement or in a youth village
5 program as described in s. 118.42. The court may establish terms and conditions
6 applicable to the parent, guardian or legal custodian, and to the juvenile, including
7 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
8 under this section shall be known as a consent decree and must be agreed to by the
9 juvenile; the parent, guardian or legal custodian; and the person filing the petition
10 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
11 the consent decree shall include provisions for payment of the services as specified
12 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

13 **SECTION 47p.** 938.32 (1v) of the statutes is created to read:

14 938.32 (1v) If the petition alleges that the juvenile is in need of protection or
15 services under s. 938.13 (6), the judge or juvenile court commissioner may establish
16 as a condition under sub. (1) that the juvenile's parent, guardian or legal custodian
17 attend school with the juvenile.”.

18 **7.** Page 15, line 22: delete lines 22 to 25.

19 **8.** Page 16, line 1: delete lines 1 and 2 and substitute:

20 **“SECTION 51m.** 938.342 (1m) (a) of the statutes is amended to read:

21 938.342 (1m) (a) If the court finds that the person violated a municipal
22 ordinance enacted under s. 118.163 (2), the court may, in addition to or instead of the
23 dispositions under sub. (1) (1g), order the person's parent, guardian or legal
24 custodian to participate in counseling at the parent's, guardian's or legal custodian's

1 own expense or to attend school with the person, or both, if such a disposition is
2 authorized by the municipal ordinance.”.

3 **9.** Page 21, line 18: after that line insert:

4 “(3x) The treatment of sections 118.15 (5) (am), 118.163 (2) (k), 938.17 (2) (g),
5 938.245 (2v) and (5), 938.32 (1) (a) and (1v) and 938.342 (1m) (a) of the statutes first
6 applies to the parent, guardian or legal custodian of a person who becomes a habitual
7 truant, as defined in section 118.16 (1) (a) of the statutes, on the effective date of this
8 subsection and to a parent or guardian having control of a child who does not cause
9 the child to attend school regularly in violation of section 118.15 (1) (a) of the statutes
10 on the effective date of this subsection.”.

11 (END)