



1997 ASSEMBLY BILL 113

February 18, 1997 - Introduced by Representatives TURNER, LADWIG, AINSWORTH, BRANDEMUEHL, COGGS, DUFF, GRONEMUS, GUNDERSON, HAHN, LA FAVE, F. LASEE, LAZICH, M. LEHMAN, LORGE, MUSSER, OLSEN, OTTE, PLALE, RILEY, SERATTI and ZIEGELBAUER, cosponsored by Senators WIRCH, BUETTNER, DARLING, DRZEWIECKI, PLACHE and WEEDEN. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 48.78 (2) (a), 938.51 (title), 938.51 (1) (intro.), 938.51 (1) (b)
2 (intro.), 938.51 (1m), 938.51 (2), 938.51 (3), 938.51 (4) (intro.), 938.51 (4) (a) and
3 938.78 (3) of the statutes; **relating to:** notification of victims, witnesses, local
4 agencies and the public when a juvenile who has committed a delinquent act
5 or who is not competent to proceed escapes or is released from a child caring
6 institution or inpatient facility or from correctional supervision.

Analysis by the Legislative Reference Bureau

Under current law, at least 15 days before a juvenile who has been adjudicated delinquent is released from a secured correctional facility or a secured child caring institution or is released from the supervision of the department of corrections (DOC) or a county department of human services or social services (county department), DOC or the county department having supervision over the juvenile must notify certain local agencies of the juvenile's release and also the victim of the juvenile's delinquent act and any witness who testified against the juvenile, if the victim or witness has completed a card requesting to be notified of the juvenile's release. Current law also requires DOC or the county department having supervision over a juvenile who escapes from custody to notify by telephone the victim of the juvenile's delinquent act and any witness who testified against the juvenile of the juvenile's escape. Current law also permits DOC to release to the general public the name of, and certain information about, a juvenile who has been adjudicated delinquent for

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certain violations and who has escaped or failed to return from a leave from a secured correctional facility or a secured child caring institution in order to protect the public or secure the juvenile's return.

This bill expands the coverage of the law relating to notifying victims, witnesses, local agencies and the general public of a juvenile's release or escape to cover the release or escape not only of a juvenile who has been adjudicated delinquent, but also a juvenile who has been found to be in need of protection or services on the grounds that the juvenile has committed a delinquent act, but is under 10 years of age (or 12 years of age under prior law) or that the juvenile is not responsible for his or her delinquent act by reason of mental defect or is incompetent to proceed. The bill also requires DOC, the department of health and family services or the county department having supervision over a juvenile who fails to return from a leave from a secured correctional facility, child caring institution or inpatient facility to notify the victim of the juvenile's delinquent act and any witnesses who testified against the juvenile, if the victim or witness has completed a card requesting to be notified of the juvenile's release.

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

1 **SECTION 1.** 48.78 (2) (a) of the statutes is amended to read:

2 48.78 **(2)** (a) No agency may make available for inspection or disclose the
3 contents of any record kept or information received about an individual in its care
4 or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d), 48.432,
5 48.433, 48.93 ~~or~~, 48.981 (7), 938.51 or 938.78 or by order of the court.

6 **SECTION 2.** 938.51 (title) of the statutes is amended to read:

7 **938.51** (title) **Notification of release or escape of juvenile from**
8 **correctional custody or supervision.**

9 **SECTION 3.** 938.51 (1) (intro.) of the statutes is amended to read:

10 938.51 **(1)** (intro.) At least 15 days prior to the date of release of a juvenile who
11 has been adjudicated delinquent under s. 48.12, 1993 stats., or s. 938.12 or who has
12 been found to be in need of protection or services under s. 48.13 (12), 1993 stats., or
13 s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) from a secured correctional facility

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1 ~~or a secured,~~ child caring institution or inpatient facility, as defined in s. 51.01 (10),
2 and at least 15 days prior to the release of a juvenile who has been so adjudicated
3 delinquent or so found to be in need of protection or services from the supervision of
4 the department of corrections, the department of health and family services or a
5 county department, the department having supervision over the juvenile or county
6 department having supervision over the juvenile shall do all of the following:

7 **SECTION 4.** 938.51 (1) (b) (intro.) of the statutes is amended to read:

8 938.51 (1) (b) (intro.) Notify any known victim of ~~an act for which the juvenile~~
9 ~~has been found delinquent~~ the juvenile's delinquent act of the juvenile's release, if
10 all of the following apply:

11 **SECTION 5.** 938.51 (1m) of the statutes is amended to read:

12 938.51 (1m) The department having supervision over a juvenile described in
13 sub. (1) or county department having supervision over a juvenile described in sub.
14 (1) shall determine the local agencies that it will notify under sub. (1) (a) based on
15 the residence of the juvenile's parents or on the juvenile's intended residence
16 specified in the juvenile's aftercare supervision plan or, if those methods do not
17 indicate the community in which the juvenile will reside following release from a
18 secured correctional facility, child caring institution or inpatient facility or from the
19 supervision of the department of corrections, the department of health and family
20 services or county department, the community in which the juvenile states that he
21 or she intends to reside.

22 **SECTION 6.** 938.51 (2) of the statutes is amended to read:

23 938.51 (2) The department of corrections shall design and prepare cards for any
24 person specified in sub. (1) (b), (c) or (d) to send to the department having supervision
25 over a juvenile described in sub. (1) or county department having supervision over

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1 ~~the a juvenile~~ described in sub. (1). The cards shall have space for any such person
2 to provide his or her name, telephone number and mailing address, the name of the
3 applicable juvenile and any other information that the department of corrections
4 determines is necessary. The department of corrections shall provide the cards,
5 without charge, to district attorneys. District attorneys shall provide the cards,
6 without charge, to persons specified in sub. (1) (b) to (d). These persons may send
7 completed cards to the department having supervision over the juvenile or county
8 department having supervision over the juvenile.

9 **SECTION 7.** 938.51 (3) of the statutes is amended to read:

10 938.51 (3) Timely release of a juvenile described in sub. (1) shall not be
11 prejudiced by the fact that the department having supervision over the juvenile or
12 county department having supervision over the juvenile did not notify the victims
13 or the local agencies under sub. (1) within the 15 days.

14 **SECTION 8.** 938.51 (4) (intro.) of the statutes is amended to read:

15 938.51 (4) (intro.) If a juvenile described in sub. (1) escapes ~~in violation of s.~~
16 ~~946.42 (3)~~ from a secured correctional facility, child caring institution or inpatient
17 facility, or has been allowed to leave a secured correctional facility, child caring
18 institution or inpatient facility for a specified period of time and is absent from the
19 facility or institution for more than 12 hours after the expiration of the specified
20 period, as soon as possible after the department having supervision over the juvenile
21 or county department having supervision over the juvenile discovers that escape or
22 absence, that department or county department shall make a reasonable effort to
23 notify by telephone all of the following persons:

24 **SECTION 9.** 938.51 (4) (a) of the statutes is amended to read:

