1999 ASSEMBLY BILL 86

February 4, 1999 – Introduced by Representatives GOETSCH, GUNDERSON, WALKER, OWENS, BRANDEMUEHL, HAHN, ALBERS, SYKORA, NASS, VRAKAS, ZIEGELBAUER, SPILLNER and LA FAVE, cosponsored by Senator FITZGERALD. Referred to Committee on Criminal Justice.

1   AN ACT *to renumber and amend* 938.355 (4m) of the statutes; **relating to:**

2   expungement of the juvenile court's record of a person's delinquency

3   adjudication.

Analysis by the Legislative Reference Bureau

Under current law, a person who has been adjudicated delinquent may, on attaining 17 years of age, petition the court assigned to exercise jurisdiction under the juvenile justice code (juvenile court) to expunge the juvenile court's record of the person's delinquency adjudication. The juvenile court may expunge that record if the juvenile court determines that the person has satisfactorily complied with the conditions of his or her dispositional order and that the person will benefit and society will not be harmed by the expungement.

This bill raises to 21 the age at which a person who has committed a delinquent act that would be a felony if committed by an adult may petition the juvenile court for expungement of his or her juvenile court record. The bill also requires that, before the juvenile court may expunge a person's juvenile court record of an adjudication for committing an act that would be a felony if committed by an adult, the juvenile court must determine that the person has not been sanctioned for violating a condition of his or her dispositional order, that the person has not been adjudicated delinquent for committing an act that would be a felony if committed by an adult, that the person has not been convicted for committing a felony since the date of the

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dispositional order and that the person will benefit and society will not be harmed by the expungement.

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

1   SECTION 1. 938.355 (4m) of the statutes is renumbered 938.355 (4m) (a) and

2   amended to read:

3   938.355 **(4m)** (a) A ~~juvenile~~ person who has been adjudged delinquent for

4   committing an act that would be a misdemeanor if committed by an adult may, on

5   attaining 17 years of age, petition the court to expunge the court's record of the

6   ~~juvenile's~~ person's adjudication. The court may expunge the court's record of the

7   person's adjudication for committing an act that would be a misdemeanor if

8   committed by an adult if the court determines that the person has satisfactorily

9   complied with the conditions of the person's dispositional order and that the person

10   will benefit and society will not be harmed by the expungement.

11   (b) A person who has been adjudged delinquent for committing an act that

12   would be a felony if committed by an adult may, on attaining 21 years of age, petition

13   the court to expunge the court's record of the person's adjudication. The court may

14   expunge the court's record of the ~~juvenile's~~ person's adjudication for committing an

15   act that would be a felony if committed by an adult if the court determines that the

16   ~~juvenile~~ person has ~~satisfactorily complied with the conditions~~ not been sanctioned

17   under s. 48.355 (6) (a), 1993 stats., or s. 938.355 (6) (a) for violating a condition of his

18   or her dispositional order, that the person has not been adjudicated delinquent for

19   committing an act that would be a felony if committed by an adult and has not been

20   convicted for committing a felony since the date of the dispositional order and that

21   the ~~juvenile~~ person will benefit and society will not be harmed by the expungement.

1   **SECTION 2. Initial applicability.**

2   (1)   This act first applies to petitions for expungement filed under section

3   938.355 (4m) of the statutes, as affected by this act, on the effective date of this

4   subsection and does not preclude the expungement of a record of a delinquency

5   adjudication made before the effective date of this subsection.

6   **(END)**