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1           **\*b1938/1.10\* 1227.** Page 1413, line 24: after that line insert:

2           **\*b1938/1.10\* SECTION 3061c.** 767.265 (3h) of the statutes, as affected by 1997  
3 Wisconsin Act 191, section 415, is amended to read:

4           767.265 (3h) A person who receives notice of assignment under this section or  
5 s. 767.23 (1) (L), ~~or 767.25 (4m) (c), 767.51 (3m) (e) or 767.62 (4) (b) 3.~~ or similar laws  
6 of another state shall withhold the amount specified in the notice from any money  
7 that person pays to the payer later than one week after receipt of notice of  
8 assignment. Within 5 days after the day the person pays money to the payer, the  
9 person shall send the amount withheld to the department or its designee, whichever  
10 is appropriate, or, in the case of an amount ordered withheld for health care  
11 expenses, to the appropriate health care insurer, provider or plan. With each  
12 payment sent to the department or its designee, the person from whom the payer  
13 receives money shall report to the department or its designee the payer's gross  
14 income or other gross amount from which the payment was withheld. Except as  
15 provided in sub. (3m), for each payment sent to the department or its designee, the  
16 person from whom the payer receives money shall receive an amount equal to the  
17 person's necessary disbursements, not to exceed \$3, which shall be deducted from the  
18 money to be paid to the payer. Section 241.09 does not apply to assignments under  
19 this section.

20           **\*b1938/1.10\* SECTION 3061cd.** 767.265 (4) of the statutes is amended to read:  
21           767.265 (4) A withholding assignment or order under this section or s. 767.23  
22 (1) (L), ~~or 767.25 (4m) (c), 767.51 (3m) (e) or 767.62 (4) (b) 3.~~ has priority over any other  
23 assignment, garnishment or similar legal process under state law.

Proofed

1           **\*b1938/1.10\* SECTION 3061ce.** 767.265 (6) (a) of the statutes, as affected by  
2 1997 Wisconsin Act 191, section 420, is amended to read:

3           767.265 (6) (a) Except as provided in sub. (3m), if after receipt of notice of  
4 assignment the person from whom the payer receives money fails to withhold the  
5 money or send the money to the department or its designee or the appropriate health  
6 care insurer, provider or plan as provided in this section or s. 767.23 (1) (L), or 767.25  
7 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~, the person may be proceeded against  
8 under the principal action under ch. 785 for contempt of court or may be proceeded  
9 against under ch. 778 and be required to forfeit not less than \$50 nor more than an  
10 amount, if the amount exceeds \$50, that is equal to 1% of the amount not withheld  
11 or sent.

12           **\*b1938/1.10\* SECTION 3061cf.** 767.265 (6) (b) of the statutes, as affected by  
13 1997 Wisconsin Act 191, section 422, is amended to read:

14           767.265 (6) (b) If an employer who receives an assignment under this section  
15 or s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ fails to notify  
16 the department or its designee, whichever is appropriate, within 10 days after an  
17 employe is terminated or otherwise temporarily or permanently leaves employment,  
18 the employer may be proceeded against under the principal action under ch. 785 for  
19 contempt of court.

20           **\*b1938/1.10\* SECTION 3061cg.** 767.265 (6) (c) of the statutes is amended to  
21 read:

22           767.265 (6) (c) No employer may use an assignment under this section or s.  
23 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ as a basis for the  
24 denial of employment to a person, the discharge of an employe or any disciplinary  
25 action against an employe. An employer who denies employment or discharges or

1 disciplines an employe in violation of this paragraph may be fined not more than  
2 \$500 and may be required to make full restitution to the aggrieved person, including  
3 reinstatement and back pay. Except as provided in this paragraph, restitution shall  
4 be in accordance with s. 973.20. An aggrieved person may apply to the district  
5 attorney or to the department for enforcement of this paragraph.

6 **\*b1938/1.10\* SECTION 3061ch. 767.267 (1)** of the statutes, as affected by 1997  
7 Wisconsin Act 27, is amended to read:

8 767.267 (1) If the court or the family court commissioner determines that  
9 income withholding under s. 767.265 is inapplicable, ineffective or insufficient to  
10 ensure payment under an order or stipulation specified in s. 767.265 (1), or that  
11 income withholding under s. 767.25 (4m) (c) ~~or 767.51 (3m) (e)~~ is inapplicable,  
12 ineffective or insufficient to ensure payment of a child's health care expenses,  
13 including payment of health insurance premiums, ordered under s. 767.25 (4m) or  
14 767.51 (3m), the court or family court commissioner may require the payer to identify  
15 or establish a deposit account, owned in whole or in part by the payer, that allows for  
16 periodic transfers of funds and to file with the financial institution at which the  
17 account is located an authorization for transfer from the account to the department  
18 or its designee, whichever is appropriate. The authorization shall be provided on a  
19 standard form approved by the court and shall specify the frequency and the amount  
20 of transfer, sufficient to meet the payer's obligation under the order or stipulation,  
21 as required by the court or family court commissioner. The authorization shall  
22 include the payer's consent for the financial institution or an officer, employe or agent  
23 of the financial institution to disclose information to the court, family court  
24 commissioner, county child support agency under s. 59.53 (5), department or

1 department's designee regarding the account for which the payer has executed the  
2 authorization for transfer.”.

3 \*b1237/1.6\* **1228**. Page 1415, line 19: after that line insert:

4 \*b1237/1.6\* “SECTION 3064m. 767.325 (4m) of the statutes is created to read:

5 767.325 (4m) DENIAL OF PHYSICAL PLACEMENT FOR KILLING OTHER PARENT. (a)  
6 Notwithstanding subs. (1) to (4), upon petition, motion or order to show cause by a  
7 party or on its own motion, a court shall modify a physical placement order by  
8 denying a parent physical placement with a child if the parent has been convicted  
9 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the  
10 2nd-degree intentional homicide, of the child's other parent, and the conviction has  
11 not been reversed, set aside or vacated.

12 (b) Paragraph (a) does not apply if the court determines by clear and convincing  
13 evidence that physical placement with the parent would be in the best interests of  
14 the child. The court shall consider the wishes of the child in making the  
15 determination.”.

16 \*b1938/1.11\* **1229**. Page 1415, line 19: after that line insert:

17 \*b1938/1.11\* “SECTION 3065c. 767.29 (1m) (intro.) of the statutes, as affected  
18 by 1997 Wisconsin Act 191, section 427, is amended to read:

19 767.29 (1m) (intro.) Notwithstanding ss. 767.25 (6), and 767.261, ~~767.51 (5p)~~  
20 ~~and 767.62 (4)(g)~~, if the department or its designee receives support or maintenance  
21 money that exceeds the amount due in the month in which it is received and that the  
22 department or its designee determines is for support or maintenance due in a  
23 succeeding month, the department or its designee may hold the amount of

1 overpayment that does not exceed the amount due in the next month for  
2 disbursement in the next month if any of the following applies:

3 **\*b1938/1.11\* SECTION 3065cd.** 767.295 (2) (a) (intro.) of the statutes is  
4 amended to read:

5 767.295 (2) (a) (intro.) In an action for modification of a child support order  
6 under s. 767.32, an action in which an order for child support is required under s.  
7 767.25 (1), 767.51 (3) or 767.62 (4) ~~(a)~~ or a contempt of court proceeding to enforce a  
8 child support or family support order in a county that contracts under s. 49.36 (2),  
9 the court may order a parent who is not a custodial parent to register for a work  
10 experience and job training program under s. 49.36 if all of the following conditions  
11 are met:

12 **\*b1938/1.11\* SECTION 3065ce.** 767.295 (2) (c) of the statutes is amended to  
13 read:

14 767.295 (2) (c) If the court enters an order under par. (a), it shall order the  
15 parent to pay child support equal to the amount determined by applying the  
16 percentage standard established under s. 49.22 (9) to the income a person would earn  
17 by working 40 hours per week for the federal minimum hourly wage under 29 USC  
18 206 (a) (1) or equal to the amount of child support that the parent was ordered to pay  
19 in the most recent determination of support under this chapter. The child support  
20 obligation ordered under this paragraph continues until the parent makes timely  
21 payment in full for 3 consecutive months or until the person participates in the  
22 program under s. 49.36 for 16 weeks, whichever comes first. The court shall provide  
23 in its order that the parent must make child support payments calculated under s.  
24 767.25 (1j) or (1m), ~~767.51 (4m) or (5) or 767.62 (4) (d) 1. or (e)~~ after the obligation to  
25 make payments ordered under this paragraph ceases.

1           **\*b1938/1.11\* SECTION 3065cf.** 767.303 (1) of the statutes is amended to read:

2           767.303 (1) If a person fails to pay a payment ordered for support under s.  
3 767.077, support under s. 767.08, child support or family support under s. 767.23,  
4 child support under s. 767.25, family support under s. 767.261, revised child or  
5 family support under s. 767.32, child support under s. 767.458 (3), child support  
6 under s. 767.458 (3), child support under s. 767.51, child support under s. 767.62 (4)  
7 (a), child support under ch. 769 or child support under s. 948.22 (7), the payment is  
8 90 or more days past due and the court finds that the person has the ability to pay  
9 the amount ordered, the court may suspend the person's operating privilege, as  
10 defined in s. 340.01 (40), until the person pays all arrearages in full or makes  
11 payment arrangements that are satisfactory to the court, except that the suspension  
12 period may not exceed 5 years. If otherwise eligible, the person is eligible for an  
13 occupational license under s. 343.10 at any time.

14           **\*b1938/1.11\* SECTION 3065cg.** 767.303 (1) of the statutes, as affected by 1997  
15 Wisconsin Act 84, is amended to read:

16           767.303 (1) If a person fails to pay a payment ordered for support under s.  
17 767.077, support under s. 767.08, child support or family support under s. 767.23,  
18 child support under s. 767.25, family support under s. 767.261, revised child or  
19 family support under s. 767.32, child support under s. 767.458 (3), child support  
20 under s. 767.477, child support under s. 767.51, child support under s. 767.62 (4) (a),  
21 child support under ch. 769 or child support under s. 948.22 (7), the payment is 90  
22 or more days past due and the court finds that the person has the ability to pay the  
23 amount ordered, the court may suspend the person's operating privilege, as defined  
24 in s. 340.01 (40), until the person pays all arrearages in full or makes payment  
25 arrangements that are satisfactory to the court, except that the suspension period

1 may not exceed 2 years. If otherwise eligible, the person is eligible for an  
2 occupational license under s. 343.10 at any time.

3 **\*b1938/1.11\* SECTION 3065ch.** 767.32 (1) (b) 4. of the statutes is amended to  
4 read:

5 767.32 (1) (b) 4. A difference between the amount of child support ordered by  
6 the court to be paid by the payer and the amount that the payer would have been  
7 required to pay based on the percentage standard established by the department  
8 under s. 49.22 (9) if the court did not use the percentage standard in determining the  
9 child support payments and did not provide the information required under s. 46.10  
10 (14) (d), 301.12 (14) (d), or 767.25 (1n), ~~767.51 (5d) or 767.62 (4) (f)~~, whichever is  
11 appropriate.

12 **\*b1938/1.11\* SECTION 3065ci.** 767.32 (2m) of the statutes is amended to read:

13 767.32 (2m) Upon request by a party, the court may modify the amount of  
14 revised child support payments determined under sub. (2) if, after considering the  
15 factors listed in s. 767.25 (1m), ~~767.51 (5) or 767.62 (4) (e)~~, as appropriate, the court  
16 finds, by the greater weight of the credible evidence, that the use of the percentage  
17 standard is unfair to the child or to any of the parties.

18 **\*b1938/1.11\* SECTION 3065cj.** 767.325 (2m) of the statutes is created to read:

19 767.325 (2m) MODIFICATION OF PERIODS OF PHYSICAL PLACEMENT FOR FAILURE TO  
20 EXERCISE PHYSICAL PLACEMENT. Notwithstanding subs. (1) and (2), upon petition,  
21 motion or order to show cause by a party, a court may modify an order of physical  
22 placement at any time with respect to periods of physical placement if it finds that  
23 a parent has repeatedly and unreasonably failed to exercise periods of physical  
24 placement awarded under an order of physical placement that allocates specific  
25 times for the exercise of periods of physical placement.

1           **\*b1938/1.11\* SECTION 3065ck.** 767.325 (5m) of the statutes is created to read:  
2           767.325 (5m) FACTORS TO CONSIDER. In all actions to modify legal custody or  
3 physical placement orders, the court shall consider the factors under s. 767.24 (5) and  
4 shall make its determination in a manner consistent with s. 767.24.

5           **\*b1938/1.11\* SECTION 3065cL.** 767.325 (6m) of the statutes is created to read:  
6           767.325 (6m) PARENTING PLAN. In any action to modify a legal custody or  
7 physical placement order under sub. (1), the court may require the party seeking the  
8 modification to file with the court a parenting plan under s. 767.24 (1m) before any  
9 hearing is held.

10           **\*b1938/1.11\* SECTION 3065cm.** 767.327 (4) of the statutes is amended to read:  
11           767.327 (4) GUARDIAN AD LITEM; PROMPT HEARING. After a petition, motion or  
12 order to show cause is filed under sub. (3), the court shall appoint a guardian ad litem,  
13 unless s. 767.045 (1) (am) applies, and shall hold a hearing as soon as possible.

14           **\*b1938/1.11\* SECTION 3065cn.** 767.327 (5m) of the statutes is created to read:  
15           767.327 (5m) DISCRETIONARY FACTORS TO CONSIDER. In making a determination  
16 under sub. (3), the court may consider the child's adjustment to the home, school,  
17 religion and community.

18           **\*b1938/1.11\* SECTION 3065co.** 767.45 (7) of the statutes is amended to read:  
19           767.45 (7) The clerk of court shall provide without charge, to each person  
20 bringing an action under this section, except to the state under sub. (1) (g) or (6m),  
21 a document setting forth the percentage standard established by the department  
22 under s. 49.22 (9) and listing the factors which a court may consider under s. ~~767.51~~  
23 ~~(5)~~ 767.25 (1m).

24           **\*b1938/1.11\* SECTION 3065cp.** 767.455 (6) of the statutes is amended to read:



1           767.455 (6) DOCUMENT. The summons served on the respondent shall be  
2 accompanied by a document, provided without charge by the clerk of court, setting  
3 forth the percentage standard established by the department under s. 49.22 (9) and  
4 listing the factors which a court may consider under s. ~~767.51 (5)~~ 767.25 (1m).

5           **\*b1938/1.11\* SECTION 3065cpm.** 767.475 (2m) of the statutes is created to  
6 read:

7           767.475 (2m) If there is no presumption of paternity under s. 891.41 (1), the  
8 mother shall have sole legal custody of the child until the court orders otherwise.

9           **\*b1938/1.11\* SECTION 3065cq.** 767.477 (1) of the statutes is amended to read:

10          767.477 (1) At any time during the pendency of an action to establish the  
11 paternity of a child, if genetic tests show that the alleged father is not excluded and  
12 that the statistical probability of the alleged father's parentage is 99.0% or higher,  
13 on the motion of a party, the court shall make ~~an~~ appropriate temporary ~~order~~ orders  
14 for the payment of child support ~~and may make a temporary order~~, assigning  
15 responsibility for and directing the manner of payment of the child's health care  
16 expenses and for the custody and physical placement of the child.

17          **\*b1938/1.11\* SECTION 3065cr.** 767.477 (2) of the statutes is amended to read:

18          767.477 (2) Before making any temporary order under sub. (1), the court shall  
19 consider those factors that the court is required ~~under s. 767.51~~ to consider when  
20 granting a final judgment on the same subject matter. If the court makes a  
21 temporary child support order that deviates from the amount of support that would  
22 be required by using the percentage standard established by the department under  
23 s. 49.22 (9), the court shall comply with the requirements of s. ~~767.51 (5d)~~ 767.25 (1n).

24          **\*b1938/1.11\* SECTION 3065cs.** 767.51 (3) of the statutes is repealed and  
25 recreated to read:

1           767.51 (3) A judgment or order determining paternity shall contain all of the  
2 following provisions:

3           (a) An adjudication of the paternity of the child.

4           (b) Orders for the legal custody of and periods of physical placement with the  
5 child, determined in accordance with s. 767.24.

6           (c) An order requiring either or both of the parents to contribute to the support  
7 of any child of the parties who is less than 18 years old, or any child of the parties who  
8 is less than 19 years old if the child is pursuing an accredited course of instruction  
9 leading to the acquisition of a high school diploma or its equivalent, determined in  
10 accordance with s. 767.25.

11           (d) A determination as to which parent, if eligible, shall have the right to claim  
12 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or  
13 as an exemption for state tax purposes under s. 71.07 (8) (b).

14           (e) An order requiring the father to pay or contribute to the reasonable expenses  
15 of the mother's pregnancy and the child's birth, based on the father's ability to pay  
16 or contribute to those expenses.

17           (f) An order requiring either or both parties to pay or contribute to the costs of  
18 the guardian ad litem fees, genetic tests as provided in s. 767.48 (5) and other costs.

19           (g) An order requiring either party to pay or contribute to the attorney fees of  
20 the other party.

21           **\*b1938/1.11\* SECTION 3065ct.** 767.51 (3m) of the statutes, as affected by 1997  
22 Wisconsin Act 27, is repealed.

23           **\*b1938/1.11\* SECTION 3065cu.** 767.51 (3r) of the statutes is repealed.

24           **\*b1938/1.11\* SECTION 3065cv.** 767.51 (4) of the statutes is repealed and  
25 recreated to read:

1           767.51 (4) (a) Subject to par. (b), liability for past support of the child shall be  
2 limited to support for the period after the day on which the petition in the action  
3 under s. 767.45 is filed, unless a party shows, to the satisfaction of the court, all of  
4 the following:

5           1. That he or she was induced to delay commencing the action by any of the  
6 following:

7           a. Duress or threats.

8           b. Actions, promises or representations by the other party upon which the party  
9 relied.

10          c. Actions taken by the other party to evade paternity proceedings.

11          2. That, after the inducement ceased to operate, he or she did not unreasonably  
12 delay in commencing the action.

13          (b) In no event may liability for past support of the child be imposed for any  
14 period before the birth of the child.

15          **\*b1938/1.11\* SECTION 3065cw.** 767.51 (4g) of the statutes is repealed.

16          **\*b1938/1.11\* SECTION 3065cx.** 767.51 (4m) of the statutes is repealed.

17          **\*b1938/1.11\* SECTION 3065cy.** 767.51 (5) of the statutes is repealed.

18          **\*b1938/1.11\* SECTION 3065d.** 767.51 (5d) of the statutes is repealed.

19          **\*b1938/1.11\* SECTION 3065dd.** 767.51 (5p) of the statutes, as affected by 1997  
20 Wisconsin Act 191, is repealed.

21          **\*b1938/1.11\* SECTION 3065de.** 767.53 (intro.) of the statutes is amended to  
22 read:

23          **767.53 Paternity hearings and records; confidentiality.** (intro.) Any  
24 hearing, discovery proceeding or trial relating to paternity determination shall be

1 closed to any person other than those necessary to the action or proceeding. Any  
2 record of the pending proceedings shall be placed in a closed file, except that:

3 **\*b1938/1.11\* SECTION 3065df.** 767.53 (1) (intro.) of the statutes is amended  
4 to read:

5 767.53 (1) (intro.) Access to the record of any pending ~~or past~~ proceeding  
6 involving the paternity of the same child shall be allowed to all of the following:

7 **\*b1938/1.11\* SECTION 3065dg.** 767.53 (3) of the statutes is created to read:

8 767.53 (3) Subject to s. 767.19, a record of a past proceeding is open to public  
9 inspection if all of the following apply:

10 (a) Paternity was established in the proceeding.

11 (b) The record is filed after the effective date of this paragraph .... [revisor  
12 inserts date].

13 (c) The record relates to a post-adjudication issue.

14 **\*b1938/1.11\* SECTION 3065dh.** 767.62 (4) of the statutes, as affected by 1997  
15 Wisconsin Act 191, is repealed and recreated to read:

16 767.62 (4) ORDERS WHEN PATERNITY ACKNOWLEDGED. In an action under sub. (3)  
17 (a), if the persons who signed and filed the statement acknowledging paternity as  
18 parents of the child had notice of the hearing, the court or family court commissioner  
19 shall make an order that contains all of the following provisions:

20 (a) Orders for the legal custody of and periods of physical placement with the  
21 child, determined in accordance with s. 767.24.

22 (b) An order requiring either or both of the parents to contribute to the support  
23 of any child of the parties who is less than 18 years old, or any child of the parties who  
24 is less than 19 years old if the child is pursuing an accredited course of instruction

1 leading to the acquisition of a high school diploma or its equivalent, determined in  
2 accordance with s. 767.25.

3 (c) A determination as to which parent, if eligible, shall have the right to claim  
4 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or  
5 as an exemption for state tax purposes under s. 71.07 (8) (b).

6 (d) An order requiring the father to pay or contribute to the reasonable  
7 expenses of the mother's pregnancy and the child's birth, based on the father's ability  
8 to pay or contribute to those expenses.

9 (e) An order requiring either or both parties to pay or contribute to the costs  
10 of the guardian ad litem fees and other costs.

11 (f) An order requiring either party to pay or contribute to the attorney fees of  
12 the other party.

13 \*b1938/1.11\* SECTION 3065di. 767.62 (4m) of the statutes is created to read:

14 767.62 (4m) LIABILITY FOR PAST SUPPORT. (a) Subject to par. (b), liability for past  
15 support of the child shall be limited to support for the period after the day on which  
16 the petition, motion or order to show cause requesting support is filed in the action  
17 for support under sub. (3) (a), unless a party shows, to the satisfaction of the court,  
18 all of the following:

19 1. That he or she was induced to delay commencing the action by any of the  
20 following:

21 a. Duress or threats.

22 b. Actions, promises or representations by the other party upon which the party  
23 relied.

24 c. Actions taken by the other party to evade proceedings under sub. (3) (a).

1           2. That, after the inducement ceased to operate, he or she did not unreasonably  
2 delay in commencing the action.

3           (b) In no event may liability for past support of the child be imposed for any  
4 period before the birth of the child.”.

✓ 5           \***b1864/2.5**\* **1230**, ✓ Page 1419, line 18: after that line insert:

6           \***b1864/2.5**\* “SECTION 3072g. 778.25 (1) (a) 4. of the statutes is repealed.”.

7           \***b0950/1.1**\* **1231**, ✓ Page 1420, line 3: after that line insert:

8           \***b0950/1.1**\* “SECTION 3073m. 800.01 (2) (a) of the statutes is amended to read:

9           800.01 (2) (a) Service under sub. (1) (a) shall be as provided in s. 801.11 or  
10 968.04 (3) (b) 2. or by personal service by ~~a municipal employe~~ an adult who is a  
11 resident of the state where the service is made but who is not a party to the action.”.

✓ 12           \***b0950/1.2**\* **1232**, ✓ Page 1421, line 6: after that line insert:

13           \***b0950/1.2**\* “SECTION 3076m. 800.02 (4) (a) (intro.) of the statutes is amended  
14 to read:

15           800.02 (4) (a) (intro.) The summons shall be signed by a municipal judge or by  
16 the attorney who is prosecuting the case in municipal court and shall contain the  
17 following information:”.

✓ 18           \***b0950/1.3**\* **1233**, ✓ Page 1422, line 17: after that line insert:

19           \***b0950/1.3**\* “SECTION 3078g. 800.04 (5) of the statutes is created to read:

20           800.04 (5) Unless good cause to the contrary is shown, appearances referred  
21 to in this section may be conducted by telephone or by interactive video and audio  
22 transmission, if available. If testimony is to be taken under oath, the proceeding  
23 shall be reported by a court reporter who is in simultaneous voice communication  
24 with all parties to the proceeding. Regardless of the physical location of any party

1 to the call, any plea, waiver, stipulation, motion, objection, decision, order or other  
2 action taken by the court or any party shall have the same effect as if made in open  
3 court. With the exceptions of scheduling conferences, pretrial conferences, and,  
4 during hours the court is not in session, the proceeding shall be conducted in a  
5 courtroom or other place reasonably accessible to the public. Simultaneous access  
6 to the proceeding shall be provided to persons entitled to attend by means of a  
7 loudspeaker or, upon request to the court, by making a person party to the telephone  
8 call without charge. The court may permit a hearing under this section to be  
9 conducted by telephone or by interactive video and audio transmission only if the  
10 defendant consents. The defendant's consent may be made by telephone.”.

11 \*b1423/2.4\* ~~1234~~ ✓ Page 1423, line 17: after that line insert:

12 \*b1423/2.4\* “SECTION 3080mg. 800.09 (1) (c) of the statutes is amended to  
13 read:

14 800.09 (1) (c) The court may suspend the defendant's operating privilege, as  
15 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments  
16 and costs are paid, if the defendant has not done so within 60 days after the date the  
17 restitution or payments or both are to be made under par. (a) and has not notified the  
18 court that he or she is unable to comply with the judgment, as provided under s.  
19 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court  
20 shall take possession of the suspended license and shall forward the license, along  
21 with a notice of the suspension clearly stating that the suspension is for failure to  
22 comply with a judgment of the court, to the department of transportation. This  
23 paragraph does not apply if the forfeiture is assessed for violation of an ordinance  
24 that is unrelated to the violator's operation of a motor vehicle.”.

1           **\*b1423/2.5\* 1235.** ✓ Page 1424, line 9: after that line insert:

2           **\*b1423/2.5\*** “SECTION 3083m. 800.095 (4) (b) 4. of the statutes is amended to  
3 read:

4           800.095 (4) (b) 4. That the defendant’s operating privilege, as defined in s.  
5 340.01 (40), be suspended until the judgment is complied with, except that the  
6 suspension period may not exceed 5 years. This subdivision does not apply if the  
7 forfeiture is assessed for violation of an ordinance that is unrelated to the violator’s  
8 operation of a motor vehicle.”

9           **\*b1938/1.12\* 1236.** ✓ Page 1425, line 7: after that line insert:

10          **\*b1938/1.12\*** “SECTION 3085c. 802.12 (3) (d) 1. of the statutes is amended to  
11 read:

12          802.12 (3) (d) 1. Custody and physical placement under s. 767.24, 767.458 (3),  
13 767.51 (3) or 767.62 (4) (a).

14          **\*b1938/1.12\*** SECTION 3085d. 802.12 (3) (d) 3. of the statutes is amended to  
15 read:

16          802.12 (3) (d) 3. Child support under s. 767.25, 767.458 (3), 767.51 or 767.62  
17 (4) (a).”

18          **\*b1671/1.12\* 1237.** ✓ Page 1426, line 12: after that line insert:

19          **\*b1671/1.12\*** “SECTION 3088a. 813.16 (7) of the statutes is amended to read:

20          813.16 (7) If the person seeking the appointment of a receiver under sub. (1)  
21 is a corporation supervised by the division of savings and loan institutions, home  
22 loan bank board, U.S. office of thrift supervision, federal deposit insurance  
23 corporation or resolution trust corporation, the court, unless the opposing party



1 objects, shall appoint an officer of such corporation as receiver to act without  
2 compensation and to give such bond as the court requires.”.

3 **\*b1938/1.13\* 1238.** Page 1426, line 12: after that line insert:

4 **\*b1938/1.13\* “SECTION 3087c.** 808.075 (4) (d) 11. of the statutes is amended  
5 to read:

6 808.075 (4) (d) 11. Enforcement or modification of assignments under s. 767.25  
7 (4m), or 767.265, 767.51 (3m) or 767.62 (4) (b) 3.”.

8 **\*b0813/1.1\* 1239.** Page 1431, line 11: after that line insert:

9 **\*b0813/1.1\* “SECTION 3312m.** 891.455 (4) of the statutes is created to read:  
10 891.455 (4) The presumption under sub. (2) for cancers caused by smoking or  
11 tobacco product use shall not apply to any municipal fire fighter who smokes  
12 cigarettes, as defined in s. 139.30 (1), or who uses a tobacco product, as defined in s.  
13 139.75 (12), after January 1, 2001.”.

14 **\*b1237/1.7\* 1240.** Page 1431, line 11: after that line insert:

15 **\*b1237/1.7\* “SECTION 3111g.** 880.155 (2) of the statutes is amended to read:  
16 880.155 (2) If one or both parents of a minor child are deceased and the child  
17 is in the custody of the surviving parent or any other person, a grandparent or  
18 stepparent of the child may petition for visitation privileges with respect to the child,  
19 whether or not the person with custody is married. The grandparent or stepparent  
20 may file the petition in a guardianship or temporary guardianship proceeding under  
21 this chapter that affects the minor child or may file the petition to commence an  
22 independent action under this chapter. The Except as provided in sub. (3m), the  
23 court may grant reasonable visitation privileges to the grandparent or stepparent if

1 the surviving parent or other person who has custody of the child has notice of the  
2 hearing and if the court determines that visitation is in the best interest of the child.

3 **\*b1237/1.7\* SECTION 3111j.** 880.155 (3m) of the statutes is created to read:

4 880.155 (3m) (a) Except as provided in par. (b), the court may not grant  
5 visitation privileges to a grandparent or stepparent under this section if the  
6 grandparent or stepparent has been convicted under s. 940.01 of the first-degree  
7 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
8 a parent of the child, and the conviction has not been reversed, set aside or vacated.

9 (b) Paragraph (a) does not apply if the court determines by clear and convincing  
10 evidence that the visitation would be in the best interests of the child. The court shall  
11 consider the wishes of the child in making the determination.

12 **\*b1237/1.7\* SECTION 3111m.** 880.155 (4m) of the statutes is created to read:

13 880.155 (4m) (a) If a grandparent or stepparent granted visitation privileges  
14 with respect to a child under this section is convicted under s. 940.01 of the  
15 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
16 homicide, of a parent of the child, and the conviction has not been reversed, set aside  
17 or vacated, the court shall modify the visitation order by denying visitation with the  
18 child upon petition, motion or order to show cause by a person having custody of the  
19 child, or upon the court's own motion, and upon notice to the grandparent or  
20 stepparent granted visitation privileges.

21 (b) Paragraph (a) does not apply if the court determines by clear and convincing  
22 evidence that the visitation would be in the best interests of the child. The court shall  
23 consider the wishes of the child in making the determination.

24 **\*b1237/1.7\* SECTION 3111p.** 880.157 of the statutes is created to read:

1           **880.157 Prohibiting visitation or physical placement if a parent kills**  
2 **other parent.** (1) Except as provided in sub. (2), in an action under this chapter  
3 that affects a minor child, a court may not grant to a parent of the child visitation or  
4 physical placement rights with the child if the parent has been convicted under s.  
5 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree  
6 intentional homicide, of the child's other parent, and the conviction has not been  
7 reversed, set aside or vacated.

8           (2) Subsection (1) does not apply if the court determines by clear and  
9 convincing evidence that visitation or periods of physical placement would be in the  
10 best interests of the child. The court shall consider the wishes of the child in making  
11 the determination.✓.

12           \***b1674/2.1\* 1241.** Page 1431, line 11: after that line insert:

13           \***b1674/2.1\* "SECTION 3113m.** 895.505 of the statutes is created to read:

14           **895.505 Disposal of records containing personal information. (1)**

15           DEFINITIONS. In this section:

16           (a) "Credit card" has the meaning given in s. 421.301 (15).

17           (am) "Dispose" does not include a sale of a record or the transfer of a record for  
18 value.

19           (b) "Financial institution" means any bank, savings bank, savings and loan  
20 association or credit union that is authorized to do business under state or federal  
21 laws relating to financial institutions, any issuer of a credit card or any investment  
22 company.

23           (c) "Investment company" has the meaning given in s. 180.0103 (11e).

1           (d) “Medical business” means any organization or enterprise operated for profit  
2           or not for profit, including a sole proprietorship, partnership, firm, business trust,  
3           joint venture, syndicate, corporation, limited liability company or association, that  
4           possesses information, other than personnel records, relating to a person’s physical  
5           or mental health, medical history or medical treatment.

6           (e) “Personal information” means any of the following:

7           1. Personally identifiable data about an individual’s medical condition, if the  
8           data are not generally considered to be public knowledge.

9           2. Personally identifiable data that contain an individual’s account or customer  
10          number, account balance, balance owing, credit balance or credit limit, if the data  
11          relate to an individual’s account or transaction with a financial institution.

12          3. Personally identifiable data provided by an individual to a financial  
13          institution upon opening an account or applying for a loan or credit.

14          4. Personally identifiable data about an individual’s federal, state or local tax  
15          returns.

16          (f) “Personally identifiable” means capable of being associated with a particular  
17          individual through one or more identifiers or other information or circumstances.

18          (g) “Record” means any material on which written, drawn, printed, spoken,  
19          visual or electromagnetic information is recorded or preserved, regardless of  
20          physical form or characteristics.

21          (h) “Tax preparation business” means any organization or enterprise operated  
22          for profit, including a sole proprietorship, partnership, firm, business trust, joint  
23          venture, syndicate, corporation, limited liability company or association, that for a  
24          fee prepares an individual’s federal, state or local tax returns or counsels an  
25          individual regarding the individual’s federal, state or local tax returns.

1           **(2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION.** A financial  
2 institution, medical business or tax preparation business may not dispose of a record  
3 containing personal information unless the financial institution, medical business,  
4 tax preparation business or other person under contract with the financial  
5 institution, medical business or tax preparation business does any of the following:

6           (a) Shreds the record before the disposal of the record.

7           (b) Erases the personal information contained in the record before the disposal  
8 of the record.

9           (c) Modifies the record to make the personal information unreadable before the  
10 disposal of the record.

11           (d) Takes actions that it reasonably believes will ensure that no unauthorized  
12 person will have access to the personal information contained in the record for the  
13 period between the record's disposal and the record's destruction.

14           **(3) CIVIL LIABILITY; DISPOSAL AND USE.** (a) A financial institution, medical  
15 business or tax preparation business is liable to a person whose personal information  
16 is disposed of in violation of sub. (2) for the amount of damages resulting from the  
17 violation.

18           (b) Any person who, for any purpose, uses personal information contained in  
19 a record that was disposed of by a financial institution, medical business or tax  
20 preparation business is liable to an individual who is the subject of the information  
21 and to the financial institution, medical business or tax preparation business that  
22 disposed of the record for the amount of damages resulting from the person's use of  
23 the information. This paragraph does not apply to a person who uses personal  
24 information with the authorization or consent of the individual who is the subject of  
25 the information.

1           (4) PENALTIES; DISPOSAL AND USE. (a) A financial institution, medical business  
2 or tax preparation business that violates sub. (2) may be required to forfeit not more  
3 than \$1,000. Acts arising out of the same incident or occurrence shall be a single  
4 violation.

5           (b) Any person who possesses a record that was disposed of by a financial  
6 institution, medical business or tax preparation business and who intends to use, for  
7 any purpose, personal information contained in the record may be fined not more  
8 than \$1,000 or imprisoned for not more than 90 days or both. This paragraph does  
9 not apply to a person who possesses a record with the authorization or consent of the  
10 individual whose personal information is contained in the record.”.

11           **\*b1822/1.8\* 1242.** Page 1431, line 11: after that line insert:

12           **\*b1822/1.8\*** “SECTION 3111m. 895.035 (4) of the statutes is amended to read:

13           895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.  
14 943.51, the maximum recovery under this section from any parent or parents may  
15 not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any  
16 one act of a juvenile in addition to taxable costs and disbursements and reasonable  
17 attorney fees, as determined by the court. If 2 or more juveniles in the custody of the  
18 same parent or parents commit the same act the total recovery under this section  
19 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs  
20 and disbursements. The maximum recovery from any parent or parents for retail  
21 theft by their minor child is established under s. 943.51.

22           **\*b1822/1.8\* SECTION 3111t.** 895.035 (4a) of the statutes is created to read:

23           895.035 (4a) (a) The maximum recovery under this section by a school board  
24 or a governing body of a private school from any parent or parents with custody of

1 a minor child may not exceed \$20,000 for damages resulting from any one act of the  
2 minor child in addition to taxable costs and disbursements and reasonable attorney  
3 fees, as determined by the court, for damages caused to the school board or the  
4 governing body of a private school by any of the following actions of the minor child:

5 1. An act or threat that endangers the property, health or safety of persons at  
6 the school or under the supervision of a school authority or that damages the  
7 property of a school board or the governing body of a private school and that results  
8 in a substantial disruption of a school day or a school activity.

9 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or  
10 947.015.

11 (b) In addition to other recoverable damages, damages under par. (a) may  
12 include the cost to the school board or the governing body of a private school in loss  
13 of instructional time directly resulting from the action of the minor child under par.  
14 (a).

15 (c) If 2 or more minor children in the custody of the same parent or parents are  
16 involved in the same action under par. (a), the total recovery may not exceed \$20,000,  
17 in addition to taxable costs, disbursements and reasonable attorney fees, as  
18 determined by the court.

19 (d) If an insurance policy does not explicitly provide coverage for actions under  
20 par. (a), the issuer of that policy is not liable for the damages resulting from those  
21 actions.”.

22 \*b1832/1.1\* **1243.** ✓ Page 1431, line 11: after that line insert:

23 \*b1832/1.1\* “SECTION 3113m. 895.58 of the statutes is created to read:

1           **895.58 Liability exemption; use of special waste under public works**  
2 **contracts. (1)** In this section:

3           (a) “Department” means the department of natural resources.

4           (b) “Local governmental unit” means a political subdivision of this state, a  
5 special purpose district in this state, an agency or corporation of such a political  
6 subdivision or special purpose district, or a combination or subunit of any of the  
7 foregoing.

8           (c) “Public works project” means any work done under contract to a state agency  
9 or local governmental unit.

10           (d) “Special waste” means any solid waste which is characterized for beneficial  
11 use in public works projects by the department of natural resources.

12           (2) The department may characterize a solid waste for beneficial use in public  
13 works projects by rule, memorandum of understanding between itself and other  
14 state agencies or local governmental units, or on a case-by-case basis. The  
15 department shall compile and maintain a list of special wastes in a format readily  
16 available to the general public and only those special wastes may be required by  
17 contracting agencies to be used in a public works project.

18           (3) Special waste, when used in a public works project, is not subject to  
19 regulation as solid waste under ch. 289.

20           (4) A person is immune from liability for the use of special waste on a public  
21 works project or for damages resulting from the person’s actions or omissions  
22 relating to the use of the special waste on a public works project if all of the following  
23 apply:

24           (a) The acts or omissions by the person occurred while performing work under  
25 a contract for a public works project including acts or omissions by any person who



1 has a direct contractual relationship with the prime contractor, as defined in s.  
2 779.01 (2) (d), under a contract for a public works project to perform labor or furnish  
3 materials.

4 (b) The acts or omissions involving the special wastes were required or  
5 permitted in a contract for a public works project and the acts or omissions conformed  
6 to the provisions of the contract.

7 (5) Subsection (4) does not apply to any person to whom either of the following  
8 applies:

9 (a) The person's act or omission involved reckless, wanton or intentional  
10 misconduct.

11 (b) The person's act or omission resulted in injury or death to an individual.”.

12 \*b1867/2.7\* **1244**, Page 1431, line 11: after that line insert:

13 \*b1867/2.7\* “SECTION 3113g. 895.48 (1m) (intro.) of the statutes, as affected  
14 by 1997 Wisconsin Acts 67 and 156, is amended to read:

15 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,  
16 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency  
17 medical technician licensed under s. 146.50, physician assistant licensed under ch.  
18 448, registered nurse licensed under ch. 441 or a massage therapist or bodyworker  
19 issued a license of registration under subch. X of ch. 440 who renders voluntary  
20 health care to a participant in an athletic event or contest sponsored by a nonprofit  
21 corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001  
22 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655  
23 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that  
24 care if all of the following conditions exist:

1           **\*b1867/2.7\* SECTION 3113m.** 895.48 (1m) (b) of the statutes, as affected by  
2 1997 Wisconsin Act 156, is amended to read:

3           895.48 (1m) (b) The physician, athletic trainer, chiropractor, dentist,  
4 emergency medical technician, physician assistant, registered nurse, massage  
5 therapist or bodyworker does not receive compensation for the health care, other  
6 than reimbursement for expenses.”.

7           **\*b1225/2.3\* 1245.** Page 1431, line 22: after that line insert:

8           **\*b1225/2.3\* “SECTION 3130m.** 938.20 (8) of the statutes is amended to read:  
9           938.20 (8) If a juvenile is held in custody, the intake worker shall notify the  
10 juvenile’s parent, guardian and legal custodian of the reasons for holding the juvenile  
11 in custody and of the juvenile’s whereabouts unless there is reason to believe that  
12 notice would present imminent danger to the juvenile. If a juvenile who has violated  
13 the terms of aftercare supervision administered by the department or a county  
14 department is held in custody, the intake worker shall also notify the department or  
15 county department, whichever has supervision over the juvenile, of the reasons for  
16 holding the juvenile in custody, of the juvenile’s whereabouts and of the time and  
17 place of the detention hearing required under s. 938.21. The parent, guardian and  
18 legal custodian shall also be notified of the time and place of the detention hearing  
19 required under s. 938.21, the nature and possible consequences of that hearing, the  
20 right to counsel under s. 938.23 regardless of ability to pay and the right to present  
21 and cross-examine witnesses at the hearing. If the parent, guardian or legal  
22 custodian is not immediately available, the intake worker or another person  
23 designated by the court shall provide notice as soon as possible. When the juvenile  
24 is alleged to have committed a delinquent act, the juvenile shall receive the same

1 notice about the detention hearing as the parent, guardian or legal custodian. The  
2 intake worker shall notify both the juvenile and the juvenile's parent, guardian or  
3 legal custodian.

4 **\*b1225/2.3\* SECTION 3131m.** 938.21 (3) (d) of the statutes is amended to read:

5 938.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian  
6 or legal custodian shall be informed by the court of the allegations that have been  
7 made or may be made, the nature and possible consequences of this hearing as  
8 compared to possible future hearings, the right to counsel under s. 938.23 regardless  
9 of ability to pay, the right to confront and cross-examine witnesses and the right to  
10 present witnesses.

11 **\*b1225/2.3\* SECTION 3142g.** 938.23 (2) of the statutes is created to read:

12 938.23 (2) (a) Whenever a juvenile is alleged to be in need of protection or  
13 services under s. 938.13, any parent under 18 years of age who appears before the  
14 court shall be represented by counsel; but no such parent may waive counsel.

15 (b) If a petition under s. 938.13 is contested, no juvenile may be placed outside  
16 his or her home unless the nonpetitioning parent is represented by counsel at the  
17 fact-finding hearing and subsequent proceedings. If the petition is not contested,  
18 the juvenile may not be placed outside his or her home unless the nonpetitioning  
19 parent is represented by counsel at the hearing at which the placement is made. A  
20 parent who is required under this paragraph to be represented by counsel may,  
21 however, waive counsel if the court is satisfied that such waiver is knowingly and  
22 voluntarily made, and the court may place the juvenile outside the home even though  
23 the parent was not represented by counsel.

24 **\*b1225/2.3\* SECTION 3142m.** 938.23 (3) of the statutes is amended to read:

1           938.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings~~  
2 ~~under s. 938.13, at~~ At any time, upon request or on its own motion, the court may  
3 appoint counsel for the juvenile or any party, unless the juvenile or the party has or  
4 wishes to retain counsel of his or her own choosing. ~~The court may not appoint~~  
5 ~~counsel for any party other than the juvenile in a proceeding under s. 938.13.~~

6           **\*b1225/2.3\* SECTION 3142p.** 938.23 (4) of the statutes is amended to read:

7           938.23 (4) PROVIDING COUNSEL. In any situation under this section in which a  
8 person juvenile has a right to be represented by counsel or is provided counsel at the  
9 discretion of the court and counsel is not knowingly and voluntarily waived, the court  
10 shall refer the person juvenile to the state public defender and counsel shall be  
11 appointed by the state public defender under s. 977.08 without a determination of  
12 indigency. In any situation under sub. (2) in which a parent 18 years of age or over  
13 is entitled to representation by counsel; counsel is not knowingly and voluntarily  
14 waived; and it appears that the parent is unable to afford counsel in full, or the parent  
15 so indicates; the court shall refer the parent to the authority for indigency  
16 determinations specified in s. 977.01 (1). In any other situation under this section  
17 in which a person has a right to be represented by counsel or is provided counsel at  
18 the discretion of the court, competent and independent counsel shall be provided and  
19 reimbursed in any manner suitable to the court regardless of the person's ability to  
20 pay, except that the court may not order a person who files a petition under s. 813.122  
21 or 813.125 to reimburse counsel for the juvenile who is named as the respondent in  
22 that petition."

23           **\*b1237/1.8\* 1246.** ✓ Page 1431, line 22: after that line insert:

24           **\*b1237/1.8\* "SECTION 3130p.** 938.207 (1)(a) of the statutes is amended to read:

1           938.207 (1) (a) The home of a parent or guardian, except that a juvenile may  
2 not be held in the home of a parent or guardian if the parent or guardian has been  
3 convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05  
4 of the 2nd-degree intentional homicide, of a parent of the juvenile, and the conviction  
5 has not been reversed, set aside or vacated, unless the person making the custody  
6 decision determines by clear and convincing evidence that the placement would be  
7 in the best interests of the juvenile. The person making the custody decision shall  
8 consider the wishes of the juvenile in making that determination.

9           **\*b1237/1.8\* SECTION 3130r.** 938.207 (1) (b) of the statutes is amended to read:

10           938.207 (1) (b) The home of a relative, except that a juvenile may not be held  
11 in the home of a relative if the relative has been convicted under s. 940.01 of the  
12 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
13 homicide, of a parent of the juvenile, and the conviction has not been reversed, set  
14 aside or vacated, unless the person making the custody decision determines by clear  
15 and convincing evidence that the placement would be in the best interests of the  
16 juvenile. The person making the custody decision shall consider the wishes of the  
17 juvenile in making that determination.”.

18           **\*b1423/2.6\* 1247.** Page 1431, line 22: after that line insert:

19           **\*b1423/2.6\* “SECTION 3129b.** 938.17 (2) (d) of the statutes is amended to read:  
20           938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
21 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
22 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
23 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
24 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture

1 imposed by the municipal court, the court may not impose a jail sentence but may  
2 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
3 years, or, unless the forfeiture was imposed for violating an ordinance unrelated to  
4 the juvenile's operation of a motor vehicle, may suspend the juvenile's operating  
5 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.  
6 If a court suspends a license or privilege under this section, the court shall  
7 immediately take possession of the applicable license and forward it to the  
8 department that issued the license, together with the notice of suspension clearly  
9 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
10 the forfeiture is paid during the period of suspension, the court shall immediately  
11 notify the department, which shall thereupon return the license to the person.”.

12 \*b1654/3.27\* ~~1248.~~ Page 1431, line 22: after that line insert:

13 \*b1654/3.27\* SECTION 3117d. 938.02 (15g) of the statutes is amended to read:  
14 938.02 (15g) “Secured child caring institution” means a child caring institution  
15 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in  
16 secure custody persons adjudged delinquent.

17 \*b1654/3.27\* SECTION 3118d. 938.02 (15m) of the statutes is amended to read:  
18 938.02 (15m) “Secured correctional facility” means a correctional institution  
19 operated or contracted for by the department of corrections or operated by the  
20 department of health and family services for holding in secure custody persons  
21 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile  
22 treatment center under s. 46.057, the facility at which the juvenile boot camp  
23 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)  
24 (b), 938.538 (4) (b) or 938.539 (5).

1           **\*b1654/3.27\* SECTION 3119d.** 938.02 (15p) of the statutes is created to read:  
2           938.02 (15p) “Secured group home” means a group home that is licensed under  
3           s. 48.66 (1) (b) to hold in secure custody persons who have been convicted under s.  
4           938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4m).

5           **\*b1654/3.27\* SECTION 3120d.** 938.02 (17) of the statutes is amended to read:  
6           938.02 (17) “Shelter care facility” means a nonsecure place of temporary care  
7           and physical custody for juveniles, including a holdover room, licensed by the  
8           department of health and family services under s. 48.66 (1) (a).

9           **\*b1654/3.27\* SECTION 3123d.** 938.069 (1) (dj) of the statutes is amended to  
10          read:

11          938.069 (1) (dj) Provide aftercare services for a juvenile who has been released  
12          from a secured correctional facility ~~or~~ a secured child caring institution or a secured  
13          group home.

14          **\*b1654/3.27\* SECTION 3124d.** 938.08 (3) (a) (intro.) of the statutes is amended  
15          to read:

16          938.08 (3) (a) (intro.) In addition to the law enforcement authority specified in  
17          sub. (2), department personnel designated by the department ~~and~~ personnel of an  
18          agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between  
19          the agency and the department and personnel of a county contracted with under s.  
20          301.08 (1) (b) 4. designated by agreement between the county and the department  
21          have the power of law enforcement authorities to take a juvenile into physical  
22          custody under the following conditions:

23          **\*b1654/3.27\* SECTION 3125d.** 938.08 (3) (a) 1. of the statutes is amended to  
24          read:

1           938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away  
2 from a secured correctional facility ~~or~~, a child caring institution or a secured group  
3 home.

4           **\*b1654/3.27\* SECTION 3126d.** 938.08 (3) (a) 2. of the statutes is amended to  
5 read:

6           938.08 (3) (a) 2. If the juvenile has failed to return to a secured correctional  
7 facility ~~or~~, a child caring institution or a secured group home after any authorized  
8 absence.

9           **\*b1654/3.27\* SECTION 3127d.** 938.08 (3) (b) of the statutes is amended to read:

10           938.08 (3) (b) A juvenile who is taken into custody under par. (a) may be  
11 returned directly to the secured correctional facility ~~or~~, child caring institution or  
12 secured group home and shall have a hearing regarding placement in a disciplinary  
13 cottage or in disciplinary status in accordance with ch. 227.

14           **\*b1654/3.27\* SECTION 3128d.** 938.17 (1) (c) of the statutes is amended to read:

15           938.17 (1) (c) If the court of civil or criminal jurisdiction orders the juvenile to  
16 serve a period of incarceration of 6 months or more, that court shall petition the court  
17 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more  
18 of the dispositions provided in s. 938.34, including placement of the juvenile in a  
19 secured correctional facility, a secured child caring institution or a secured group  
20 home under s. 938.34 (4m), if appropriate.

21           **\*b1654/3.27\* SECTION 3130d.** 938.183 (1) (a) of the statutes is amended to  
22 read:

23           938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is  
24 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional  
25 facility, a secure detention facility ~~or~~, a secured child caring institution or a secured



1 group home or who has been adjudicated delinquent and who is alleged to have  
2 committed a violation of s. 940.20 (2m).

3 \*b1654/3.27\* SECTION 3131d. 938.208 (2) of the statutes is amended to read:

4 938.208 (2) Probable cause exists to believe that the juvenile is a fugitive from  
5 another state or has run away from a secured correctional facility, a secured child  
6 caring institution or a secured group home and there has been no reasonable  
7 opportunity to return the juvenile.

8 \*b1654/3.27\* SECTION 3132d. 938.22 (title) of the statutes is amended to read:

9 938.22 (title) **Establishment of ~~secure detention facilities and shelter~~**  
10 **care county or private juvenile facilities.**

11 \*b1654/3.27\* SECTION 3133d. 938.22 (1) (a) of the statutes is amended to read:

12 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of any  
13 county may establish a secured group home or a secure detention facility in  
14 accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or  
15 more counties may jointly establish a secured group home or a secure detention  
16 facility in accordance with ss. 46.20, 301.36 and 301.37. The county board of  
17 supervisors of any county may establish a ~~secure detention facility or a shelter care~~  
18 ~~facility or both~~ in accordance with ss. 46.16 and 46.17 or the county boards of  
19 supervisors for 2 or more counties may jointly establish a ~~secure detention facility~~  
20 ~~or a shelter care facility or both~~ in accordance with ss. 46.16, 46.17 and 46.20 and  
21 301.36. A private entity may establish a secure detention facility in accordance with  
22 ss. 301.36 and 301.37 and contract with one or more county boards of supervisors  
23 under s. 938.222 for holding juveniles in the private secure detention facility.

24 \*b1654/3.27\* SECTION 3134d. 938.22 (1) (b) of the statutes is amended to read:

1           938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less  
2 than 500,000, the nonjudicial operational policies of a public secured group home,  
3 secure detention facility or shelter care facility shall be determined by the county  
4 board of supervisors or, in the case of a public secured group home, secure detention  
5 facility or shelter care facility established by 2 or more counties, by the county boards  
6 of supervisors for the 2 or more counties jointly. Those policies shall be executed by  
7 the superintendent appointed under sub. (3) (a).

8           **\*b1654/3.27\* SECTION 3135d.** 938.22 (1) (c) of the statutes is amended to read:

9           938.22 (1) (c) In counties having a population of 500,000 or more, the  
10 nonjudicial operational policies of a public secured group home, secure detention  
11 facility and the detention section of the children's court center shall be established  
12 by the county board of supervisors, and the execution thereof shall be the  
13 responsibility of the director of the children's court center.

14           **\*b1654/3.27\* SECTION 3136d.** 938.22 (2) (a) of the statutes is amended to read:

15           938.22 (2) (a) Counties shall submit plans for the secured group home, secure  
16 detention facility or juvenile portion of the county jail to the department of  
17 corrections and submit plans for the shelter care facility to the department of health  
18 and family services. A private entity that proposes to establish a secure detention  
19 facility shall submit plans for the secure detention facility to the department of  
20 corrections. The applicable department shall review the submitted plans. A county  
21 or a private entity may not implement any such plan unless the applicable  
22 department has approved the plan. The department of corrections shall promulgate  
23 rules establishing minimum requirements for the approval of the operation of  
24 secured group homes, secure detention facilities and the juvenile portion of county

1 jails. The plans and rules shall be designed to protect the health, safety and welfare  
2 of the juveniles ~~in these~~ placed in those facilities.

3 **\*b1654/3.27\* SECTION 3137d.** 938.22 (3) (a) of the statutes is amended to read:

4 938.22 (3) (a) In counties having a population of less than 500,000, public  
5 secured group homes, secure detention facilities and public shelter care facilities  
6 shall be in the charge of a superintendent. The county board of supervisors or, where  
7 2 or more counties operate joint public secured group homes, secure detention  
8 facilities or ~~public~~ shelter care facilities, the county boards of supervisors for the 2  
9 or more counties jointly shall appoint the superintendent and other necessary  
10 personnel for the care and education of the juveniles ~~in secure detention or shelter~~  
11 ~~care~~ placed in those facilities, subject to par. (am) and to civil service regulations in  
12 counties having civil service.

13 **\*b1654/3.27\* SECTION 3138d.** 938.22 (3) (b) of the statutes is amended to read:

14 938.22 (3) (b) In counties having a population of 500,000 or more, the director  
15 of the children's court center shall be in charge of and responsible for public secured  
16 group homes, secure detention facilities, the secure detention section of the center  
17 and the personnel assigned to this section, including a detention supervisor or  
18 superintendent. The director of the children's court center may also serve as  
19 superintendent of detention if the county board of supervisors so determines.

20 **\*b1654/3.27\* SECTION 3139d.** 938.22 (7) (a) of the statutes is amended to read:

21 938.22 (7) (a) No person may establish a shelter care facility without first  
22 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to  
23 operate a shelter care facility, a person must meet the minimum requirements for a  
24 license established by the department of health and family services under s. 48.67,  
25 meet the requirements specified in s. 48.685 and pay the license fee under par. (b).

1 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until  
2 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

3 \*b1654/3.27\* SECTION 3140d. 938.22 (7) (b) of the statutes is amended to read:

4 938.22 (7) (b) Before the department of health and family services may issue  
5 a license under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility  
6 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15  
7 per juvenile, based on the number of juveniles that the shelter care facility is licensed  
8 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66  
9 (1) (a) shall pay the fee under this paragraph by the continuation date of the license.  
10 A new shelter care facility shall pay the fee under this paragraph by no later than  
11 30 days before the opening of the shelter care facility.

12 \*b1654/3.27\* SECTION 3141d. 938.22 (7) (c) of the statutes is amended to read:

13 938.22 (7) (c) A shelter care facility that wishes to continue a license issued  
14 under s. 48.66 (1) (a) and that fails to pay the fee under par. (b) by the continuation  
15 date of the license or a new shelter care facility that fails to pay the fee under par.  
16 (b) by 30 days before the opening of the shelter care facility shall pay an additional  
17 fee of \$5 per day for every day after the deadline that the facility fails to pay the fee.

18 \*b1654/3.27\* SECTION 3142d. 938.23 (1) (a) of the statutes is amended to read:

19 938.23 (1) (a) Any juvenile alleged to be delinquent under s. 938.12 or held in  
20 a secure detention facility shall be represented by counsel at all stages of the  
21 proceedings, but a juvenile 15 years of age or older may waive counsel if the court is  
22 satisfied that the waiver is knowingly and voluntarily made and the court accepts  
23 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured  
24 correctional facility, a secured child caring institution or a secured group home,

1 transfer supervision of the juvenile to the department for participation in the serious  
2 juvenile offender program or transfer jurisdiction over the juvenile to adult court.”.

3 \*b1225/2.4\* **1249**, Page 1432, line 21: after that line insert:

4 \*b1225/2.4\* “SECTION 3142r. 938.243 (1)(e) of the statutes is amended to read:  
5 938.243 (1) (e) The right of the juvenile to counsel under s. 938.23.”.

6 \*b1225/2.5\* **1250**, Page 1434, line 2: after that line insert:

7 \*b1225/2.5\* “SECTION 3148m. 938.27 (4)(b) of the statutes is amended to read:  
8 938.27 (4) (b) Advise the juvenile and any other party, if applicable, of his or  
9 her right to legal counsel regardless of ability to pay.”.

10 \*b1237/1.9\* **1251**, Page 1435, line 2: after that line insert:

11 \*b1237/1.9\* “SECTION 3153p. 938.34 (3) (a) of the statutes is amended to read:  
12 938.34 (3) (a) The home of a parent or other relative of the juvenile, except that  
13 the court may not designate the home of a parent or other relative of the juvenile as  
14 the juvenile’s placement if the parent or other relative has been convicted under s.  
15 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree  
16 intentional homicide, of a parent of the juvenile, and the conviction has not been  
17 reversed, set aside or vacated, unless the court determines by clear and convincing  
18 evidence that the placement would be in the best interests of the juvenile. The court  
19 shall consider the wishes of the juvenile in making that determination.

20 \*b1237/1.9\* SECTION 3153r. 938.34 (3) (b) of the statutes is amended to read:

21 938.34 (3) (b) ~~A home which need not be~~ The home of a person who is not  
22 required to be licensed if placement is for less than 30 days, except that the court may  
23 not designate the name of a person who is not required to be licensed as the juvenile’s  
24 placement if the person has been convicted under s. 940.01 of the first-degree

1 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
2 a parent of the juvenile, and the conviction has not been reversed, set aside or  
3 vacated, unless the court determines by clear and convincing evidence that the  
4 placement would be in the best interests of the juvenile. The court shall consider the  
5 wishes of the juvenile in making that determination.”.

6 \*b1654/3.28\* ~~1252~~ ✓ Page 1435, line 2: after that line insert:

7 \*b1654/3.28\* “SECTION 3151d. 938.33 (3) (intro.) of the statutes is amended  
8 to read:

9 938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending  
10 placement of a juvenile in a secured correctional facility ~~under the supervision of the~~  
11 ~~department or~~, a secured child caring institution or a secured group home shall be  
12 in writing, except that the report may be presented orally at the dispositional  
13 hearing if the juvenile and the juvenile’s counsel consent. A report that is presented  
14 orally shall be transcribed and made a part of the court record. In addition to the  
15 information specified under sub. (1) (a) to (d), the report shall include all of the  
16 following:

17 \*b1654/3.28\* SECTION 3152d. 938.33 (3) (a) of the statutes is amended to read:

18 938.33 (3) (a) A description of any less restrictive alternatives that are  
19 available and that have been considered, and why they have been determined to be  
20 inappropriate. If the judge has found that any of the conditions specified in s. 938.34  
21 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative  
22 than placement in a secured correctional facility ~~or~~, a secured child caring institution  
23 or a secured group home is not appropriate.

24 \*b1654/3.28\* SECTION 3153d. 938.33 (3r) of the statutes is amended to read:

1           938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been  
2 adjudicated delinquent for committing a violation for which the juvenile may be  
3 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report  
4 shall be in writing and, in addition to the information specified in sub. (1) and in sub.  
5 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for  
6 placement in the serious juvenile offender program under s. 938.34 (4h) or in a  
7 secured correctional facility or a secured group home under s. 938.34 (4m), a  
8 placement specified in s. 938.34 (3) or placement in the juvenile's home with  
9 supervision and community-based programming and a recommendation as to the  
10 type of placement for which the juvenile is best suited."

11           **\*b1654/3.29\* 1253.** Page 1435, line 3: after that line insert:

12           **\*b1654/3.29\*** "SECTION 3155d. 938.34 (4m) (intro.) of the statutes is amended  
13 to read:

14           938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured  
15 correctional facility or a secured child caring institution under the supervision of the  
16 department or in a secured group home under the supervision of a county  
17 department if the juvenile is 12 years of age or over or, if the juvenile is under 12 years  
18 of age, in a secured child caring institution under the supervision of the department  
19 or in a secured group home under the supervision of a county department, unless the  
20 department, after an examination under s. 938.50, determines that placement in a  
21 secured correctional facility is more appropriate, but only if all of the following apply:

22           **\*b1654/3.29\*** SECTION 3156d. 938.34 (4n) (intro.) of the statutes is amended  
23 to read:

1           938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any  
2 arrangement between the department and a county department regarding the  
3 provision of aftercare supervision for juveniles who have been released from a  
4 secured correctional facility ~~or~~, a secured child caring institution or a secured group  
5 home, designate one of the following to provide aftercare supervision for the juvenile  
6 following the juvenile's release from the secured correctional facility ~~or~~, secured child  
7 caring institution or secured group home:

8           **\*b1654/3.29\* SECTION 3157d.** 938.34 (4n) (b) of the statutes is amended to  
9 read:

10           938.34 (4n) (b) The county department of the county of the court that placed  
11 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or  
12 secured group home”.

13           **\*b1035/1.7\* 1254.** Page 1435, line 4: delete lines 4 to 8.

14           **\*b1237/1.10\* 1255.** Page 1435, line 8: after that line insert:

15           **\*b1237/1.10\* “SECTION 3163k.** 938.355 (3) of the statutes is renumbered  
16 938.355 (3) (a) and amended to read:

17           938.355 (3) (a) If Except as provided in par. (b), if, after a hearing on the issue  
18 with due notice to the parent or guardian, the court finds that it would be in the best  
19 interest of the juvenile, the court may set reasonable rules of parental visitation.

20           **\*b1237/1.10\* SECTION 3163m.** 938.355 (3) (b) of the statutes is created to read:

21           938.355 (3) (b) 1. Except as provided in subd. 2., the court may not grant  
22 visitation under par. (a) to a parent of a juvenile if the parent has been convicted  
23 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the



1 2nd-degree intentional homicide, of the juvenile's other parent, and the conviction  
2 has not been reversed, set aside or vacated.

3 1m. Except as provided in subd. 2., if a parent who is granted visitation rights  
4 with a juvenile under par. (a) is convicted under s. 940.01 of the first-degree  
5 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
6 the juvenile's other parent, and the conviction has not been reversed, set aside or  
7 vacated, the court shall issue an order prohibiting the parent from having visitation  
8 with the juvenile on petition of the juvenile, the guardian or legal custodian of the  
9 juvenile, a person or agency bound by the dispositional order or the district attorney  
10 or corporation counsel of the county in which the dispositional order was entered, or  
11 on the court's own motion, and on notice to the parent.

12 2. Subdivisions 1. and 1m. do not apply if the court determines by clear and  
13 convincing evidence that the visitation would be in the best interests of the juvenile.  
14 The court shall consider the wishes of the juvenile in making that determination.

15 **\*b1237/1.10\* SECTION 3165k.** 938.357 (4d) of the statutes is created to read:

16 938.357 (4d) (a) Except as provided in par. (b), the court may not change a  
17 juvenile's placement to a placement in the home of a person who has been convicted  
18 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the  
19 2nd-degree intentional homicide, of a parent of the juvenile, if the conviction has not  
20 been reversed, set aside or vacated.

21 (am) Except as provided in par (b), if a parent in whose home a juvenile is placed  
22 is convicted under s. 940.01 of the first-degree intentional homicide, or under s.  
23 940.05 of the 2nd-degree intentional homicide, of the juvenile's other parent, and the  
24 conviction has not been reversed, set aside or vacated, the court shall change the  
25 juvenile's placement to a placement out of the home of the parent on petition of the

1 juvenile, the guardian or legal custodian of the juvenile, a person or agency bound  
2 by the dispositional order or the district attorney or corporation counsel of the county  
3 in which the dispositional order was entered, or on the court's own motion, and on  
4 notice to the parent.

5 (b) Paragraphs (a) and (am) do not apply if the court determines by clear and  
6 convincing evidence that the placement would be in the best interests of the juvenile.  
7 The court shall consider the wishes of the juvenile in making that determination.”

8 \*b1423/2.7\* ~~1256.~~ Page 1435, line 8: after that line insert:

9 \*b1423/2.7\* “SECTION 3159b. 938.34 (8) of the statutes is amended to read:

10 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
11 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
12 maximum forfeiture that the court may impose under this subsection for a violation  
13 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
14 for committing that violation or, if the violation is applicable only to a person under  
15 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
16 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
17 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
18 other alternatives under this section, in accordance with the conditions specified in  
19 this chapter; or the court may suspend any license issued under ch. 29 for not less  
20 than 30 days nor more than 5 years, or, unless the forfeiture was imposed for  
21 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may  
22 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less  
23 than 30 days nor more than 5 years. If the court suspends any license under this  
24 subsection, the clerk of the court shall immediately take possession of the suspended

1 license and forward it to the department which issued the license, together with a  
2 notice of suspension clearly stating that the suspension is for failure to pay a  
3 forfeiture imposed by the court. If the forfeiture is paid during the period of  
4 suspension, the suspension shall be reduced to the time period which has already  
5 elapsed and the court shall immediately notify the department which shall then  
6 return the license to the juvenile. Any recovery under this subsection shall be  
7 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)  
8 (b).

9 **\*b1423/2.7\* SECTION 3161b.** 938.343 (2) of the statutes is amended to read:

10 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
11 be imposed on an adult for committing that violation or, if the violation is only  
12 applicable to a person under 18 years of age, \$50. Any such order shall include a  
13 finding that the juvenile alone is financially able to pay and shall allow up to 12  
14 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
15 suspend any license issued under ch. 29 or, unless the forfeiture was imposed for  
16 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may  
17 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less  
18 than 30 days nor more than 5 years. The court shall immediately take possession  
19 of the suspended license and forward it to the department which issued the license,  
20 together with the notice of suspension clearly stating that the suspension is for  
21 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the  
22 period of suspension, the court shall immediately notify the department, which will  
23 thereupon return the license to the person. Any recovery under this subsection shall  
24 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45  
25 (1r) (b).”.

1           **\*b1654/3.30\* 1257** Page 1435, line 8: after that line insert:

2           **\*b1654/3.30\*** "SECTION 3160d. 938.34 (8d) (c) of the statutes is amended to  
3 read:

4           938.34 (8d) (c) If a juvenile placed in a secured correctional facility or a secured  
5 child caring institution fails to pay the surcharge under par. (a), the department shall  
6 assess and collect the amount owed from the juvenile's wages or other moneys. If a  
7 juvenile placed in a secured group home fails to pay the surcharge under par. (a), the  
8 county department shall assess and collect the amount owed from the juvenile's  
9 wages or other moneys. Any amount collected shall be transmitted to the state  
10 treasurer.

11           **\*b1654/3.30\*** SECTION 3162d. 938.345 (1) (a) of the statutes is amended to  
12 read:

13           938.345 (1) (a) Place the juvenile in the serious juvenile offender program, a  
14 secured correctional facility ~~or~~, a secured child caring institution or a secured group  
15 home.

16           **\*b1654/3.30\*** SECTION 3163d. 938.355 (1) of the statutes is amended to read:

17           938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall  
18 decide on a placement and treatment finding based on evidence submitted to the  
19 court. The disposition shall employ those means necessary to promote the objectives  
20 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated  
21 delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall include a  
22 finding that the juvenile's current residence will not safeguard the welfare of the  
23 juvenile or the community due to the serious nature of the act for which the juvenile  
24 was adjudicated delinquent. If the judge has determined that any of the conditions

1 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima  
2 facie evidence that a less restrictive alternative than placement in a secured  
3 correctional facility ~~or~~, a secured child caring institution or a secured group home is  
4 not appropriate. If information under s. 938.331 has been provided in a court report  
5 under s. 938.33 (1), the court shall consider that information when deciding on a  
6 placement and treatment finding.

7 **\*b1654/3.30\* SECTION 3164d.** 938.357 (3) of the statutes is amended to read:

8 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in  
9 placement would involve placing a juvenile in a secured correctional facility ~~or in~~, a  
10 secured child caring institution or a secured group home, notice shall be given as  
11 provided in sub. (1). A hearing shall be held, unless waived by the juvenile, parent,  
12 guardian and legal custodian, before the judge makes a decision on the request. The  
13 juvenile shall be entitled to counsel at the hearing, and any party opposing or  
14 favoring the proposed new placement may present relevant evidence and  
15 cross-examine witnesses. The proposed new placement may be approved only if the  
16 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been  
17 met.

18 **\*b1654/3.30\* SECTION 3166d.** 938.357 (4g) (a) of the statutes is amended to  
19 read:

20 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile  
21 is placed in a secured correctional facility ~~or~~, a secured child caring institution or a  
22 secured group home, or within 30 days after the date on which the department  
23 requests the aftercare plan, whichever is earlier, the aftercare provider designated  
24 under s. 938.34 (4n) shall prepare an aftercare plan for the juvenile. If the aftercare  
25 provider designated under s. 938.34 (4n) is a county department, that county

1 department shall submit the aftercare plan to the department within the time limits  
2 specified in this paragraph, unless the department waives those time limits under  
3 par. (b).

4 \*b1654/3.30\* SECTION 3167d. 938.357 (4g) (b) of the statutes is amended to  
5 read:

6 938.357 (4g) (b) The department may waive the time period within which an  
7 aftercare plan must be prepared and submitted under par. (a) if the department  
8 anticipates that the juvenile will remain in the secured correctional facility ~~or~~,  
9 secured child caring institution or secured group home for a period exceeding 8  
10 months or if the juvenile is subject to s. 48.366 or 938.183. If the department waives  
11 that time period, the aftercare provider designated under s. 938.34 (4n) shall prepare  
12 the aftercare plan within 30 days after the date on which the department requests  
13 the aftercare plan.

14 \*b1654/3.30\* SECTION 3168d. 938.357 (4g) (d) of the statutes is amended to  
15 read:

16 938.357 (4g) (d) A juvenile may be released from a secured correctional facility  
17 ~~or~~, a secured child caring institution or a secured group home whether or not an  
18 aftercare plan has been prepared under this subsection.

19 \*b1654/3.30\* SECTION 3169d. 938.357 (5) (e) of the statutes is amended to  
20 read:

21 938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a  
22 condition of aftercare supervision, the hearing examiner shall determine whether  
23 confinement in a secured correctional facility ~~or~~, a secured child caring institution  
24 or a secured group home is necessary to protect the public, to provide for the juvenile's  
25 rehabilitation or to not depreciate the seriousness of the violation.