

1 **SECTION 3163k.** 938.355 (3) of the statutes is renumbered 938.355 (3) (a) and
2 amended to read:

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

6 **SECTION 3163m.** 938.355 (3) (b) of the statutes is created to read:

7 938.355 (3) (b) 1. Except as provided in subd. 2., the court may not grant
8 visitation under par. (a) to a parent of a juvenile 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 juvenile's other parent, and the conviction
11 has not been reversed, set aside or vacated.

12 1m. Except as provided in subd. 2., if a parent who is granted visitation rights
13 with a juvenile under par. (a) is convicted under s. 940.01 of the first-degree
14 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
15 the juvenile's other parent, and the conviction has not been reversed, set aside or
16 vacated, the court shall issue an order prohibiting the parent from having visitation
17 with the juvenile on petition of the juvenile, the guardian or legal custodian of the
18 juvenile, a person or agency bound by the dispositional order or the district attorney
19 or corporation counsel of the county in which the dispositional order was entered, or
20 on the court's own motion, and on notice to the parent.

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

24 **SECTION 3165k.** 938.357 (4d) of the statutes is created to read:

1 938.357 (4d) (a) Except as provided in par. (b), the court may not change a
2 juvenile's placement to a placement in the home of a person who has been convicted
3 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the
4 2nd-degree intentional homicide, of a parent of the juvenile, if the conviction has not
5 been reversed, set aside or vacated.

6 (am) Except as provided in par (b), if a parent in whose home a juvenile is placed
7 is convicted under s. 940.01 of the first-degree intentional homicide, or under s.
8 940.05 of the 2nd-degree intentional homicide, of the juvenile's other parent, and the
9 conviction has not been reversed, set aside or vacated, the court shall change the
10 juvenile's placement to a placement out of the home of the parent on petition of the
11 juvenile, the guardian or legal custodian of the juvenile, a person or agency bound
12 by the dispositional order or the district attorney or corporation counsel of the county
13 in which the dispositional order was entered, or on the court's own motion, and on
14 notice to the parent.

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

18 **SECTION 3159b.** 938.34 (8) of the statutes is amended to read:

19 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
20 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
21 maximum forfeiture that the court may impose under this subsection for a violation
22 by a juvenile is the maximum amount of the fine that may be imposed on an adult
23 for committing that violation or, if the violation is applicable only to a person under
24 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
25 is financially able to pay the forfeiture and shall allow up to 12 months for payment.

1 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
2 other alternatives under this section, in accordance with the conditions specified in
3 this chapter; or the court may suspend any license issued under ch. 29 for not less
4 than 30 days nor more than 5 years, or, unless the forfeiture was imposed for
5 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
6 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
7 than 30 days nor more than 5 years. If the court suspends any license under this
8 subsection, the clerk of the court shall immediately take possession of the suspended
9 license and forward it to the department which issued the license, together with a
10 notice of suspension clearly stating that the suspension is for failure to pay a
11 forfeiture imposed by the court. If the forfeiture is paid during the period of
12 suspension, the suspension shall be reduced to the time period which has already
13 elapsed and the court shall immediately notify the department which shall then
14 return the license to the juvenile. Any recovery under this subsection shall be
15 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
16 (b).

17 **SECTION 3161b.** 938.343 (2) of the statutes is amended to read:

18 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
19 be imposed on an adult for committing that violation or, if the violation is only
20 applicable to a person under 18 years of age, \$50. Any such order shall include a
21 finding that the juvenile alone is financially able to pay and shall allow up to 12
22 months for the payment. If a juvenile fails to pay the forfeiture, the court may
23 suspend any license issued under ch. 29 or, unless the forfeiture was imposed for
24 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
25 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less

1 than 30 days nor more than 5 years. The court shall immediately take possession
2 of the suspended license and forward it to the department which issued the license,
3 together with the notice of suspension clearly stating that the suspension is for
4 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the
5 period of suspension, the court shall immediately notify the department, which will
6 thereupon return the license to the person. Any recovery under this subsection shall
7 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45
8 (1r) (b).

9 **SECTION 3160d.** 938.34 (8d) (c) of the statutes is amended to read:

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

17 **SECTION 3162d.** 938.345 (1) (a) of the statutes is amended to read:

18 938.345 (1) (a) Place the juvenile in the serious juvenile offender program, a
19 secured correctional facility ~~or~~, a secured child caring institution or a secured group
20 home.

21 **SECTION 3163d.** 938.355 (1) of the statutes is amended to read:

22 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
23 decide on a placement and treatment finding based on evidence submitted to the
24 court. The disposition shall employ those means necessary to promote the objectives
25 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated

1 delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall include a
2 finding that the juvenile's current residence will not safeguard the welfare of the
3 juvenile or the community due to the serious nature of the act for which the juvenile
4 was adjudicated delinquent. If the judge has determined that any of the conditions
5 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima
6 facie evidence that a less restrictive alternative than placement in a secured
7 correctional facility ~~or~~, a secured child caring institution or a secured group home is
8 not appropriate. If information under s. 938.331 has been provided in a court report
9 under s. 938.33 (1), the court shall consider that information when deciding on a
10 placement and treatment finding.

11 **SECTION 3164d.** 938.357 (3) of the statutes is amended to read:

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

22 **SECTION 3166d.** 938.357 (4g) (a) of the statutes is amended to read:

23 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
24 is placed in a secured correctional facility ~~or~~, a secured child caring institution or a
25 secured group home, or within 30 days after the date on which the department

1 requests the aftercare plan, whichever is earlier, the aftercare provider designated
2 under s. 938.34 (4n) shall prepare an aftercare plan for the juvenile. If the aftercare
3 provider designated under s. 938.34 (4n) is a county department, that county
4 department shall submit the aftercare plan to the department within the time limits
5 specified in this paragraph, unless the department waives those time limits under
6 par. (b).

~~7~~ **SECTION 3167d.** 938.357 (4g) (b) of the statutes is amended to read:

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

~~16~~ **SECTION 3168d.** 938.357 (4g) (d) of the statutes is amended to read:

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

~~20~~ **SECTION 3169d.** 938.357 (5) (e) of the statutes is amended to 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.

~~1~~ SECTION 3170d. 938.357 (5) (f) of the statutes is amended to read:

2 938.357 (5) (f) Review of a revocation decision shall be by certiorari to the court
3 by whose order the juvenile was placed in a secured correctional facility ~~or~~, a secured
4 child caring institution or a secured group home.

~~5~~ SECTION 3171d. 938.38 (3) (a) of the statutes is amended to read:

6 938.38 (3) (a) If the juvenile is alleged to be delinquent and is being held in a
7 secure detention facility, juvenile portion of a county jail or shelter care facility, and
8 the agency intends to recommend that the juvenile be placed in a secured
9 correctional facility ~~or~~, a secured child caring institution or a secured group home,
10 the agency is not required to submit the permanency plan unless the court does not
11 accept the recommendation of the agency. If the court places the juvenile in any
12 facility outside of the juvenile's home other than a secured correctional facility ~~or~~, a
13 secured child caring institution or a secured group home, the agency shall file the
14 permanency plan with the court within 60 days after the date of disposition.
15

~~16~~ SECTION 3173d. 938.51 (1) (intro.) of the statutes is amended to read:

17 938.51 (1) (intro.) At least 15 days prior to the date of release from a secured
18 correctional facility ~~or~~, a secured child caring institution or a secured group home of
19 a juvenile who has been adjudicated delinquent and at least 15 days prior to the
20 release from the supervision of the department or a county department of a juvenile
21 who has been adjudicated delinquent, the department or county department having
22 supervision over the juvenile shall make a reasonable attempt to do all of the
23 following:

~~24~~ SECTION 3174d. 938.51 (1m) of the statutes is amended to read:

1 938.51 **(1m)** The department or county department having supervision over a
2 juvenile described in sub. (1) shall determine the local agencies that it will notify
3 under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's
4 intended residence specified in the juvenile's aftercare supervision plan or, if those
5 methods do not indicate the community in which the juvenile will reside following
6 release from a secured correctional facility ~~or from~~, a secured child caring institution
7 or a secured group home or from the supervision of the department or county
8 department, the community in which the juvenile states that he or she intends to
9 reside.

~~10~~ **SECTION 3175d.** 938.51 (4) (intro.) of the statutes is amended to read:

11 938.51 **(4)** (intro.) If a juvenile described in sub. (1), (1d) or (1g) escapes from
12 a secured correctional facility, child caring institution, secured group home,
13 inpatient facility, secure detention facility or juvenile portion of a county jail, or from
14 the custody of a peace officer or a guard of such a facility, institution, home or jail,
15 or has been allowed to leave a secured correctional facility, child caring institution,
16 secured group home, inpatient facility, secure detention facility or juvenile portion
17 of a county jail for a specified period of time and is absent from the facility, institution,
18 home or jail for more than 12 hours after the expiration of the specified period, as
19 soon as possible after the department or county department having supervision over
20 the juvenile discovers that escape or absence, that department or county department
~~21~~ shall make a reasonable attempt to notify by telephone all of the following persons:

~~22~~ **SECTION 3171m.** 938.396 (9) of the statutes is amended to read:

23 938.396 **(9)** Notwithstanding sub. (2) (a), if a juvenile is adjudged delinquent
24 for committing a serious crime, as defined in s. 48.685 ~~(7) (a)~~ (1) (c), the court clerk
25 shall notify the department of justice of that fact. No other information from the

1 juvenile's court records may be disclosed to the department of justice except by order
2 of the court. The department of justice may disclose any information provided under
3 this subsection only as part of a criminal history record search under s. 48.685 (2)
4 (am) 1. or (b) 1. a.

5 **SECTION 3175r.** 938.532 (1) of the statutes is amended to read:

6 938.532 (1) PROGRAM. The ~~From the appropriations under s. 20.410 (3) (bb) and~~
7 ~~(hm), the~~ department shall provide a juvenile boot camp program for juveniles who
8 have been placed under the supervision of the department under s. 938.183, 938.34
9 (4h) or (4m) or 938.357 (4).

10 **SECTION 3176.** 938.533 (2) of the statutes is amended to read:

11 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
12 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
13 an average daily population of ~~106 juveniles in fiscal year 1997-98 and 136 juveniles~~
14 ~~in fiscal year 1998-99, or an average daily population of more than 106 juveniles in~~
15 ~~fiscal year 1997-98 and 136 juveniles in fiscal year 1998-99~~ if the appropriation
16 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
17 for the program are increased under s. 13.101 or 16.505 (2) or if funding and positions
18 to serve more than ~~these~~ that average daily population ~~population~~ are otherwise
19 available, in not less than 3 counties, including Milwaukee County. The office of
20 juvenile offender review in the department shall evaluate and select for participation
21 in the program juveniles who have been placed under the supervision of the
22 department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The department
23 shall place a program participant in the community, provide intensive surveillance
24 of that participant and provide an average of ~~\$5,000~~ \$3,000 per year per slot to
25 purchase community-based treatment services for each participant. The

1 department shall make the intensive surveillance required under this subsection
2 available 24 hours a day, 7 days a week, and may purchase or provide electronic
3 monitoring for the intensive surveillance of program participants. The department
4 shall provide a report center in Milwaukee County to provide on-site programming
5 after school and in the evening for juveniles from Milwaukee County who are placed
6 in the corrective sanctions program. A contact worker providing services under the
7 program shall have a case load of approximately 10 juveniles and, during the initial
8 phase of placement in the community under the program of a juvenile who is
9 assigned to that contact worker, shall have not less than one face-to-face contact per
10 day with that juvenile. Case management services under the program shall be
11 provided by a corrective sanctions agent who shall have a case load of approximately
12 15 juveniles. The department shall promulgate rules to implement the program.

~~13~~ **SECTION 3183d.** 938.57 (1) (c) of the statutes is amended to read:

14 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
15 care, including providing services for juveniles and their families in their own homes,
16 placing the juveniles in licensed foster homes, licensed treatment foster homes or
17 licensed group homes in this state or another state within a reasonable proximity to
18 the agency with legal custody or contracting for services for them by licensed child
19 welfare agencies or replacing them in juvenile secured ~~correctional institutions or~~
20 facilities, secured child caring institutions or secured group homes in accordance
21 with rules promulgated under ch. 227, except that the county department may not
22 purchase the educational component of private day treatment programs unless the
23 county department, the school board as defined in s. 115.001 (7) and the state
24 superintendent of public instruction all determine that an appropriate public

1 education program is not available. Disputes between the county department and
2 the school district shall be resolved by the state superintendent of public instruction.

3

4 **SECTION 3184d.** 938.57 (4) of the statutes is amended to read:

5 938.57 (4) A county department may provide aftercare supervision under s.
6 938.34 (4n) for juveniles who are released from secured correctional facilities or,
7 secured child caring institutions ~~operated by the department~~ or secured group
8 homes. If a county department intends to change its policy regarding whether the
9 county department or the department shall provide aftercare supervision for
10 juveniles released from secured correctional facilities or, secured child caring
11 institutions ~~operated by the department~~ or secured group homes, the county
12 executive or county administrator, or, if the county has no county executive or county
13 administrator, the chairperson of the county board of supervisors, or, for multicounty
14 departments, the chairpersons of the county boards of supervisors jointly, shall
15 submit a letter to the department stating that intent before July 1 of the year
16 preceding the year in which the policy change will take effect.

17 **SECTION 3186d.** 938.78 (3) of the statutes is amended to read:

18 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
19 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
20 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
21 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
22 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
23 (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
24 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
25 correctional facility, child caring institution, secured group home, inpatient facility,

1 as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail,
2 or from the custody of a peace officer or a guard of such a facility, institution or jail,
3 or has been allowed to leave a secured correctional facility, child caring institution,
4 secured group home, inpatient facility, secure detention facility or juvenile portion
5 of a county jail for a specified time period and is absent from the facility, institution,
6 home or jail for more than 12 hours after the expiration of the specified period, the
7 department or county department having supervision over the juvenile may release
8 the juvenile's name and any information about the juvenile that is necessary for the
9 protection of the public or to secure the juvenile's return to the facility, institution,
10 home or jail. The department of corrections shall promulgate rules establishing
11 guidelines for the release of the juvenile's name or information about the juvenile to
12 the public.

~~13~~ **SECTION 3188d.** 939.635 (1) of the statutes is amended to read:

14 939.635 (1) Except as provided in sub. (2), if a person who has been adjudicated
15 delinquent is convicted of violating s. 940.20 (1) while placed in a secured correctional
16 facility, as defined in s. 938.02 (15m), a secure detention facility, as defined in s.
17 938.02 (16), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or a
18 secured group home, as defined in s. 938.02 (15p), or is convicted of violating s. 940.20
19 (2m), the court shall sentence the person to not less than 3 years of imprisonment.
20 Except as provided in sub. (2), if a person is convicted of violating s. 946.43 while
21 placed in a secured correctional facility, as defined in s. 938.02 (15m), a secure
22 detention facility, as defined in s. 938.02 (16), ~~or~~ a secured child caring institution,
23 as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p),
24 the court shall sentence the person to not less than 5 years of imprisonment.

~~25~~ **SECTION 3189d.** 939.635 (2) (b) of the statutes is amended to read:

1 939.635 (2) (b) That imposing the applicable presumptive minimum sentence
2 specified in sub. (1) is not necessary to deter the person or other persons from
3 committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed
4 in a secured correctional facility, as defined in s. 938.02 (15m), a secure detention
5 facility, as defined in s. 938.02 (16), or a secured child caring institution, as defined
6 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or from
7 committing violations of s. 940.20 (2m).

~~8~~ **SECTION 3176m.** 940.295 (1) (q) of the statutes is repealed.

9 **SECTION 3176n.** 940.295 (2) (j) of the statutes is repealed and recreated to read:

10 940.295 (2) (j) The Wisconsin School for the Deaf under s. 115.52 and the
~~11~~ Wisconsin Center for the Blind and Visually Impaired under s. 115.525.

~~12~~ **SECTION 3176m.** 938.983 (title) of the statutes is renumbered 254.92 (title) and
13 amended to read:

14 **254.92 (title) Purchase or possession of cigarettes or tobacco products**
15 **by person under 18 prohibited.**

~~16~~ **SECTION 3176n.** 938.983 (1) of the statutes is repealed.

~~17~~ **SECTION 3176p.** 938.983 (2) (intro.), (a) and (c) of the statutes are consolidated,
18 renumbered 254.92 (2) (intro.) and amended to read:

19 254.92 (2) (intro.) ~~Except as provided in sub. (3), no~~ No person under 18 years
20 of age may ~~do any of the following:~~ (a) Buy or purchase, attempt to buy any cigarette
21 ~~or tobacco product.~~ (c) Possess purchase or possess any cigarette or tobacco product.
22 except as follows:

~~23~~ **SECTION 3176q.** 938.983 (2) (b) of the statutes is renumbered 254.92 (1) and
24 amended to read:

1 254.92 (1) ~~Falsely~~ No person under 18 years of age may falsely represent his
2 or her age for the purpose of receiving any cigarette or tobacco product.

3 **SECTION 3176r.** 938.983 (3) of the statutes is renumbered 254.92 (2) (a) and
4 amended to read:

5 254.92 (2) (a) A person under 18 years of age may purchase or possess
6 cigarettes or tobacco products for the sole purpose of resale in the course of
7 employment during his or her working hours if employed by a retailer licensed under
8 s. ~~134.65~~ (1).

9 **SECTION 3176s.** 938.983 (4) of the statutes is renumbered 254.92 (3) and
10 amended to read:

11 254.92 (3) A law enforcement officer shall seize any cigarette or tobacco product
12 ~~involved in any violation of sub. (2) committed in his or her presence that has been~~
13 sold to and is in the possession of a person under 18 years of age.

14 **SECTION 3176t.** 938.983 (5) of the statutes is repealed.

15 **SECTION 3190t.** 943.13 (4m) (c) of the statutes is created to read:

16 943.13 (4m) (c) A person entering or remaining on any exposed shore area of
17 a stream as authorized under s. 30.134.

18 **SECTION 3191.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

19 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
20 approval board under s. ~~39.51~~ 45.54 or is a school described in s. ~~39.51~~ (9) (f), (g) or
21 (h) 45.54 (1) (e) 6., 7. or 8.; and

22 **SECTION 3191bd.** 945.03 of the statutes is renumbered 945.03 (1m), and 945.03
23 (1m) (intro.), as renumbered, is amended to read:

1 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
2 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
3 felony:

4 **SECTION 3191bf.** 945.03 (2m) of the statutes is created to read:

5 945.03 (2m) If the violation of sub. (1m) involves the possession, operation, set
6 up, collection of proceeds, participation in earnings or maintenance of, or involves
7 acting as the custodian of anything of value bet or offered to be bet on, not more than
8 5 video gambling machines on premises for which a Class "B" or "Class B" license or
9 permit has been issued under ch. 125, the person may be penalized as follows:

10 (a) If the violation involves one video gambling machine, the person may be
11 required to forfeit not more than \$500.

12 (b) If the violation involves 2 video gambling machines, the person may be
13 required to forfeit not more than \$1,000.

14 (c) If the violation involves 3 video gambling machines, the person may be
15 required to forfeit not more than \$1,500.

16 (d) If the violation involves 4 video gambling machines, the person may be
17 required to forfeit not more than \$2,000.

18 (e) If the violation involves 5 video gambling machines, the person may be
19 required to forfeit not more than \$2,500.

20 **SECTION 3191bh.** 945.04 of the statutes is renumbered 945.04 (1m), and 945.04
21 (1m) (intro.), as renumbered, is amended to read:

22 945.04 (1m) (intro.) ~~Whoever~~ Except as provided in sub. (2m), whoever
23 intentionally does any of the following is guilty of a Class A misdemeanor:

24 **SECTION 3191bj.** 945.04 (2m) of the statutes is created to read:

1 945.04 (2m) If the violation of sub. (1m) involves the set up or use of not more
2 than 5 video gambling machines on premises for which a Class "B" or "Class B"
3 license or permit has been issued under ch. 125, the person may be penalized as
4 follows:

5 (a) If the violation involves one video gambling machine, the person may be
6 required to forfeit not more than \$500.

7 (b) If the violation involves 2 video gambling machines, the person may be
8 required to forfeit not more than \$1,000

9 (c) If the violation involves 3 video gambling machines, the person may be
10 required to forfeit not more than \$1,500.

11 (d) If the violation involves 4 video gambling machines, the person may be
12 required to forfeit not more than \$2,000

13 (e) If the violation involves 5 video gambling machines, the person may be
14 required to forfeit not more than \$2,500.

15

16 SECTION 3191bm. 945.041 (11) of the statutes is created to read:

17 945.041 (11) No proceeding under this section may be commenced to revoke a
18 Class "B" or "Class B" license or permit issued under ch. 125 to a person solely
19 because the person knowingly permits 5 or fewer video gambling machines to be set
20 up, kept, managed, used or conducted upon the licensed premises. sub. (1e) and

21 SECTION 3191bn. 945.05 (1) (intro.) of the statutes is amended to read:

22 945.05 (1) (intro.) ~~Whoever~~ Except as provided in sub. (1m), whoever
23 manufactures, transfers commercially or possesses with intent to transfer
24 commercially either of the following is guilty of a Class E felony:

25 SECTION 3191bp. 945.05 (1m) of the statutes is created to read:

insert 1955-24



State of Wisconsin
1999-2000 LEGISLATURE

CORRECTIONS IN:

**CONFERENCE AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

Prepared by the Legislative Reference Bureau
(October 6, 1999)

1. Page 769, line 21: delete "sub. (1m)" and substitute "subs. (1e) and (1m)".
2. Page 769, line 23: after that line insert:

SECTION 3191bo. 945.05 (1e) of the statutes is created to read:

945.05 (1e) Subsection (1) does not apply to a person who manufactures, transfers commercially or possesses with intent to transfer commercially gambling devices described in sub. (1) (a) and (b) to a nonprofit or public educational institution that provides an educational program for which it awards a bachelor's or higher degree for the use in a casino gaming management class².

****NOTE: Although LRBb1638 was included on the in-list and the compile list for the conference amendment, the compile routine did not pull the text of the draft into the conference amendment. The Legislative Technology Services Bureau is investigating the problem. This chief clerk's correction inserts the reconciled text of LRBb1638 into the conference amendment.

Keep period

LRBb1935/1ccc-1
JLG:ch

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.

Insert
1955-24

1 945.05 (1m) If a violation of sub. (1) involves the commercial transfer of a video
2 gambling machine or possession of a video gambling machine with the intent to
3 transfer commercially, the person is subject to a Class C forfeiture.

4 **SECTION 3191c.** 946.13 (10) of the statutes is amended to read:

5 946.13 (10) Subsection (1) (a) does not apply to a member of a ~~private industry~~
6 ~~council or appointed under the job training partnership act, 29 USC 1512, local~~
7 workforce development board established under 29 USC 2832 or to a member of the
8 ~~governor's council on workforce excellence appointed under s. 15.227 (24) council on~~
9 workforce investment established under 29 USC 2821.

10 **SECTION 3191d.** 946.15 (1) of the statutes is amended to read:

11 946.15 (1) Any employer, or any agent or employe of an employer, who induces
12 any person who seeks to be or is employed pursuant to a public contract as defined
13 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
14 wage rate determination has been issued by the department of workforce
15 development under s. 20.924 (1) (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a
16 local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up,
17 waive or return any part of the compensation to which that person is entitled under
18 his or her contract of employment or under the prevailing wage rate determination
19 issued by the department or local governmental unit, or who reduces the hourly basic
20 rate of pay normally paid to an employe for work on a project on which a prevailing
21 wage rate determination has not been issued under s. 20.924 (1) (j) 3. c., 66.293 (3)
22 or (6), 103.49 (3) or 103.50 (3) during a week in which the employe works both on a
23 project on which a prevailing wage rate determination has been issued and on a
24 project on which a prevailing wage rate determination has not been issued, is guilty
25 of a Class E felony.

1 **SECTION 3191e.** 946.15 (2) of the statutes is amended to read:

2 946.15 (2) Any person employed pursuant to a public contract as defined in s.
3 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
4 has been issued by the department of workforce development under s. 20.924 (1) (j)
5 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined
6 in s. 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer
7 or agent of the employer any part of the compensation to which the employe is
8 entitled under his or her contract of employment or under the prevailing wage
9 determination issued by the department or local governmental unit, or who gives up
10 any part of the compensation to which he or she is normally entitled for work on a
11 project on which a prevailing wage rate determination has not been issued under s.
12 20.924 (1) (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which
13 the person works part-time on a project on which a prevailing wage rate
14 determination has been issued and part-time on a project on which a prevailing
15 wage rate determination has not been issued, is guilty of a Class C misdemeanor.

16 **SECTION 3191f.** 946.15 (3) of the statutes is amended to read:

17 946.15 (3) Any employer or labor organization, or any agent or employe of an
18 employer or labor organization, who induces any person who seeks to be or is
19 employed on a project on which a prevailing wage rate determination has been issued
20 by the department of workforce development under s. 20.924 (1) (j) 3. c., 66.293 (3),
21 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d),
22 under s. 66.293 (6) to permit any part of the wages to which that person is entitled
23 under the prevailing wage rate determination issued by the department or local
24 governmental unit to be deducted from the person's pay is guilty of a Class E felony,

1 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
2 is working on a project that is subject to 40 USC 276c.

3 **SECTION 3191g.** 946.15 (4) of the statutes is amended to read:

4 946.15 (4) Any person employed on a project on which a prevailing wage rate
5 determination has been issued by the department of workforce development under
6 s. ~~20.924 (1) (j)~~ 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental
7 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the
8 wages to which that person is entitled under the prevailing wage rate determination
9 issued by the department or local governmental unit to be deducted from his or her
10 pay is guilty of a Class C misdemeanor, unless the deduction would be permitted
11 under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to
12 40 USC 276c.

13 **SECTION 3196m.** 946.82 (4) of the statutes is amended to read:

14 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
15 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
16 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
17 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
18 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
19 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
21 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),
22 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,
23 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
24 (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,
25 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,

1 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05,
2 948.08, 948.12 and 948.30.

3 **SECTION 3192d.** 946.42 (1) (a) of the statutes is amended to read:

4 946.42 (1) (a) "Custody" includes without limitation actual custody of an
5 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a
6 secured child caring institution, as defined in s. 938.02 (15g), a secured group home,
7 as defined in s. 938.02 (15p), a secure detention facility, as defined in s. 938.02 (16),
8 a Type 2 child caring institution, as defined in s. 938.02 (19r), or a juvenile portion
9 of a county jail, or of a peace officer or institution guard and constructive custody of
10 prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h)
11 or (4m) or 938.357 (4) or (5) (e) temporarily outside the institution whether for the
12 purpose of work, school, medical care, a leave granted under s. 303.068, a temporary
13 leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means,
14 without limitation, that of the sheriff of the county to which the prisoner was
15 transferred after conviction. It does not include the custody of a probationer, parolee
16 or person on extended supervision by the department of corrections or a probation,
17 extended supervision or parole officer or the custody of a person who has been
18 released to aftercare supervision under ch. 938 unless the person is in actual custody
19 or is subject to a confinement order under s. 973.09 (4).

20 **SECTION 3193d.** 946.44 (2) (c) of the statutes is amended to read:

21 946.44 (2) (c) "Institution" includes a secured correctional facility, as defined
22 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
23 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
24 institution, as defined in s. 938.02 (19r).

25 **SECTION 3194d.** 946.44 (2) (d) of the statutes is amended to read:

1 946.44 (2) (d) "Prisoner" includes a person who is under the supervision of the
2 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
3 correctional facility ~~or, a~~ secured child caring institution or a secured group home
4 under s. ~~938.183~~, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2
5 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
6 48.366.

~~7~~ **SECTION 3195d.** 946.45 (2) (c) of the statutes is amended to read:

8 946.45 (2) (c) "Institution" includes a secured correctional facility, as defined
9 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
10 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
11 institution, as defined in s. 938.02 (19r).

~~12~~ **SECTION 3196d.** 946.45 (2) (d) of the statutes is amended to read:

13 946.45 (2) (d) "Prisoner" includes a person who is under the supervision of the
14 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
15 correctional facility ~~or, a~~ secured child caring institution or a secured group home
16 under s. ~~938.183~~, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2
17 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
18 48.366.

19 **SECTION 3197.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

20 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational
21 approval board under s. ~~39.51~~ 45.54 or is a school described in s. ~~39.51~~ (9) (f), (g) ~~or~~
22 (h) 45.54 (1) (e) 6., 7. or 8.; and

~~23~~ **SECTION 3197c.** 948.22 (7) (bm) of the statutes is amended to read:

24 948.22 (7) (bm) Upon request, the court may modify the amount of child or
25 spousal support payments determined under par. (b) 2. if, after considering the

1 factors listed in s. 767.25 (1m) ~~or 767.51 (5)~~, regardless of the fact that the action is
2 not one for a determination of paternity or an action specified in s. 767.25 (1), the
3 court finds, by the greater weight of the credible evidence, that the use of the
4 percentage standard is unfair to the child or to either of the child's parents.

5 **SECTION 3197j.** 948.24 (1) (b) of the statutes is amended to read:

6 948.24 (1) (b) For anything of value, solicits, negotiates or arranges the
7 placement of a child for adoption except under s. 48.833 (1).

8 **SECTION 3198.** 949.08 (2) (g) of the statutes is repealed and recreated to read:

9 949.08 (2) (g) Is included on the statewide support lien docket under s. 49.854
10 (2) (b), unless the victim provides to the department a payment agreement that has
11 been approved by the county child support agency under s. 59.53 (5) and that is
12 consistent with rules promulgated under s. 49.858 (2) (a).

13 **SECTION 3198m.** 950.04 (1v) (xm) of the statutes is amended to read:

14 950.04 (1v) (xm) To have the department of health and family services make
15 a reasonable attempt to notify the victim under s. 980.11 regarding supervised
16 release under s. ~~980.06~~ 980.08 and discharge under s. 980.09 or 980.10.

17 **SECTION 3199.** 950.06 (2) of the statutes is amended to read:

18 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by
19 the county, but the county is eligible to receive reimbursement from the state for not
20 more than 90% of the costs incurred in providing those services. The department
21 shall determine the level of services for which a county may be reimbursed. The
22 county board shall file a claim for reimbursement with the department. The
23 department shall reimburse counties under this subsection from the appropriation
24 under s. 20.455 (5) (k), (kk) and (kp) and, on a semiannual basis, from the
25 appropriations under s. 20.455 (5) (c) and (g).

1 **SECTION 3200.** 950.06 (5) of the statutes is amended to read:

2 950.06 (5) The department shall review and approve the implementation and
3 operation of programs and the annual reports under this section. The department
4 may suspend or terminate reimbursement under ~~s. 20.455 (5) (e) and (g) sub. (2)~~ if
5 the county fails to comply with its duties under this section. The department shall
6 promulgate rules under ch. 227 for implementing and administering county
7 programs approved under this section.

~~8~~ **SECTION 3201d.** 968.255 (7) (b) of the statutes is amended to read:

9 968.255 (7) (b) Is placed in or transferred to a secured correctional facility, as
10 defined in s. 938.02 (15m), ~~or a secured child caring institution, as defined in s. 938.02~~
11 ~~(15g), or a secured group home, as defined in s. 938.02 (15p).~~

12 **SECTION 3202c.** 973.032 (2) (b) of the statutes is amended to read:

13 973.032 (2) (b) Notwithstanding par. (a), a court may not sentence a person
14 under sub. (1) if he or she is convicted of a felony punishable by life imprisonment
15 or has at any time been convicted, adjudicated delinquent or found not guilty or not
16 responsible by reason of insanity or mental disease, defect or illness for committing
17 a violent offense, as defined in s. 301.048 (2) (bm).

18 **SECTION 3202e.** 973.046 (1) (intro.) of the statutes is renumbered 973.046 (1r)
19 and amended to read:

20 973.046 (1r) If a court imposes a sentence or places a person on probation ~~under~~
21 ~~any of the following circumstances for a violation of s. 940.225, 948.02 (1) or (2) or~~
22 948.025, the court shall impose a deoxyribonucleic acid analysis surcharge of \$250.

23 **SECTION 3202f.** 973.046 (1) (a) of the statutes is repealed.

24 **SECTION 3202g.** 973.046 (1) (b) of the statutes is repealed.

25 **SECTION 3202h.** 973.046 (1g) of the statutes is created to read:

1 973.046 (1g) Except as provided in sub. (1r), if a court imposes a sentence or
2 places a person on probation for a felony conviction, the court may impose a
3 deoxyribonucleic acid analysis surcharge of \$250.

4 **SECTION 3202k.** 973.047 (1) (a) of the statutes is renumbered 973.047 (1f) and
5 amended to read:

6 973.047 (1f) If a court imposes a sentence or places a person on probation for
7 a violation of s. ~~940.225, 948.02 (1) or (2) or 948.025~~ felony conviction, the court shall
8 require the person to provide a biological specimen to the state crime laboratories for
9 deoxyribonucleic acid analysis.

10 **SECTION 3202L.** 973.047 (1) (b) of the statutes is repealed.

11 **SECTION 3202m.** 973.047 (1) (c) of the statutes is renumbered 973.047 (1m) and
12 amended to read:

13 973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen
14 provided under ~~par. (a) or (b) this section~~ may be used only as authorized under s.
15 165.77 (3). The state crime laboratories shall destroy any such specimen in
16 accordance with s. 165.77 (3).

17 **SECTION 3202p.** 973.047 (2) of the statutes is amended to read:

18 973.047 (2) The department of justice shall promulgate rules providing for
19 procedures for defendants to provide specimens when required to do so under sub.
20 (1) this section and for the transportation of those specimens to the state crime
21 laboratories for analysis under s. 165.77.

22 **SECTION 3203.** 973.05 (1) of the statutes is amended to read:

23 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
24 permission for the payment of the fine, of the penalty assessment imposed by s.
25 ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and

1 witness assistance surcharge under s. 973.045, the crime laboratories and drug law
2 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
3 analysis surcharge under s. 973.046, any applicable drug abuse program
4 improvement surcharge imposed by s. 961.41 (5), any applicable consumer
5 information assessment imposed by s. 100.261, any applicable domestic abuse
6 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
7 improvement surcharge imposed by s. 346.655, any applicable enforcement
8 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
9 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
10 any applicable environmental assessment imposed by s. 299.93, any applicable wild
11 animal protection assessment imposed by s. 29.983, any applicable natural resources
12 assessment imposed by s. 29.987 and any applicable natural resources restitution
13 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
14 no such permission is embodied in the sentence, the fine, the penalty assessment, the
15 jail assessment, the crime victim and witness assistance surcharge, the crime
16 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
17 acid analysis surcharge, any applicable drug abuse program improvement
18 surcharge, any applicable consumer information assessment, any applicable
19 domestic abuse assessment, any applicable driver improvement surcharge, any
20 applicable enforcement assessment, any applicable weapons assessment, any
21 applicable uninsured employer assessment, any applicable environmental
22 assessment, any applicable wild animal protection assessment, any applicable
23 natural resources assessment and any applicable natural resources restitution
24 payment shall be payable immediately.

25 **SECTION 3204.** 973.05 (2) of the statutes is amended to read:

1 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
2 probation, the court may make the payment of the fine, the penalty assessment, the
3 jail assessment, the crime victim and witness assistance surcharge, the crime
4 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
5 acid analysis surcharge, any applicable drug abuse program improvement
6 surcharge, any applicable consumer information assessment, any applicable
7 domestic abuse assessment, any applicable uninsured employer assessment, any
8 applicable driver improvement surcharge, any applicable enforcement assessment
9 under s. 253.06 (4) (c), any applicable weapons assessment, any applicable
10 environmental assessment, any applicable wild animal protection assessment, any
11 applicable natural resources assessment and any applicable natural resources
12 restitution payments a condition of probation. When the payments are made a
13 condition of probation by the court, payments thereon shall be applied first to
14 payment of the penalty assessment until paid in full, shall then be applied to the
15 payment of the jail assessment until paid in full, shall then be applied to the payment
16 of part A of the crime victim and witness assistance surcharge until paid in full, shall
17 then be applied to part B of the crime victim and witness assistance surcharge until
18 paid in full, shall then be applied to the crime laboratories and drug law enforcement
19 assessment until paid in full, shall then be applied to the deoxyribonucleic acid
20 analysis surcharge until paid in full, shall then be applied to the drug abuse
21 improvement surcharge until paid in full, shall then be applied to payment of the
22 driver improvement surcharge until paid in full, shall then be applied to payment
23 of the domestic abuse assessment until paid in full, shall then be applied to payment
24 of the consumer information assessment until paid in full, shall then be applied to
25 payment of the natural resources assessment if applicable until paid in full, shall

1 then be applied to payment of the natural resources restitution payment until paid
2 in full, shall then be applied to the payment of the environmental assessment if
3 applicable until paid in full, shall then be applied to the payment of the wild animal
4 protection assessment if applicable until paid in full, shall then be applied to
5 payment of the weapons assessment until paid in full, shall then be applied to
6 payment of the uninsured employer assessment until paid in full, shall then be
7 applied to payment of the enforcement assessment under s. 253.06 (4) (c), if
8 applicable, until paid in full and shall then be applied to payment of the fine.

9 **SECTION 3205.** 973.07 of the statutes is amended to read:

10 **973.07 Failure to pay fine or costs or to comply with certain**
11 **community service work.** If the fine, costs, penalty assessment, jail assessment,
12 crime victim and witness assistance surcharge, crime laboratories and drug law
13 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,
14 applicable drug abuse program improvement surcharge, applicable consumer
15 information assessment, applicable domestic abuse assessment, applicable driver
16 improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c),
17 applicable weapons assessment, applicable uninsured employer assessment,
18 applicable environmental assessment, applicable wild animal protection
19 assessment, applicable natural resources assessment and applicable natural
20 resources restitution payments are not paid or community service work under s.
21 943.017 (3) is not completed as required by the sentence, the defendant may be
22 committed to the county jail until the fine, costs, penalty assessment, jail
23 assessment, crime victim and witness assistance surcharge, crime laboratories and
24 drug law enforcement assessment, applicable deoxyribonucleic acid analysis
25 surcharge, applicable drug abuse program improvement surcharge, applicable

1 consumer information assessment, applicable domestic abuse assessment,
2 applicable driver improvement surcharge, applicable enforcement assessment
3 under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured
4 employer assessment, applicable environmental assessment, applicable wild animal
5 protection assessment, applicable natural resources assessment or applicable
6 natural resources restitution payments are paid or discharged, or the community
7 service work under s. 943.017 (3) is completed, for a period fixed by the court not to
8 exceed 6 months.

9 **SECTION 3205d.** 973.09 (1) (d) of the statutes is renumbered 973.09 (1) (d)
10 (intro.) and amended to read:

11 973.09 (1) (d) (intro.) If a person is convicted of an offense that provides a
12 mandatory or presumptive minimum period of one year or less of imprisonment, a
13 court may place the person on probation under par. (a) if the court requires, as a
14 condition of probation, that the person be confined under sub. (4) for at least that
15 mandatory or presumptive minimum period. The person is eligible to earn good time
16 credit calculated under s. 302.43 regarding the period of confinement. This
17 paragraph does not apply if the conviction is for any of the following:

18 1. A violation under s. 346.63 (1) that subjects the person to a mandatory
19 minimum period of imprisonment under s. 346.65 (2) (b) or (c).

20 **SECTION 3205e.** 973.09 (1) (d) 2. of the statutes is created to read:

21 973.09 (1) (d) 2. A violation under s. 346.63 (2) or (6) that subjects the person
22 to a mandatory minimum period of imprisonment under s. 346.65 (3m), if the person
23 has a total of 3 or fewer convictions, suspensions or revocations counted under s.
24 343.307 (2).

25 **SECTION 3205f.** 973.09 (1) (d) 3. of the statutes is created to read:

1 973.09 (1) (d) 3. A violation under s. 346.63 (5) that subjects the person to a
2 mandatory minimum period of imprisonment under s. 346.65 (2j) (c), if the person
3 has a total of 3 or fewer convictions, suspensions or revocations counted under s.
4 343.307 (2).

5 **SECTION 3206g.** 977.08 (5) (b) of the statutes is repealed.

6 **SECTION 3206h.** 977.08 (5) (bn) (intro.) of the statutes is amended to read:

7 977.08 (5) (bn) (intro.) ~~Beginning on October 14, 1997, and ending on June 30,~~
8 ~~1999~~ Except as provided in par. (br), any of the following constitutes an annual
9 caseload standard for an assistant state public defender in the subunit responsible
10 for trials:

11 **SECTION 3206k.** 977.08 (5) (bn) 1r. of the statutes is amended to read:

12 977.08 (5) (bn) 1r. Cases representing persons under ss. s. 980.05 and 980.06:
13 15.

14 **SECTION 3207.** 977.08 (5) (br) of the statutes is created to read:

15 977.08 (5) (br) Beginning on July 1, 2000, the state public defender may exempt
16 up to 10 full-time assistant state public defenders in the subunit responsible for
17 trials from the annual caseload standards under par. (bn) based on their need to
18 perform other assigned duties.

19 **SECTION 3207r.** 978.01 (2) (b) of the statutes is amended to read:

20 978.01 (2) (b) A district attorney serves on a part-time basis if his or her
21 prosecutorial unit consists of Buffalo, Florence, ~~Forest~~, Pepin, Richland, Rusk,
22 Trempealeau or Vernon county.

23 **SECTION 3207t.** 978.03 (1) of the statutes is amended to read:

24 978.03 (1) The district attorney of any prosecutorial unit having a population
25 of 500,000 or more may appoint ~~4~~ 5 deputy district attorneys and such assistant

1 district attorneys as may be requested by the department of administration and
2 authorized in accordance with s. 16.505. The district attorney shall rank the deputy
3 district attorneys for purposes of carrying out duties under this section. The
4 deputies, according to rank, may perform any duty of the district attorney, under the
5 district attorney's direction. In the absence or disability of the district attorney, the
6 deputies, according to rank, may perform any act required by law to be performed
7 by the district attorney. Any such deputy must have practiced law in this state for
8 at least 2 years prior to appointment under this section.

9 **SECTION 3208.** 978.03 (3) of the statutes is amended to read:

10 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
11 an attorney admitted to practice law in this state and, except as provided in s.
12 978.043, may perform any duty required by law to be performed by the district
13 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)
14 may appoint such temporary counsel as may be authorized by the department of
15 administration.

16 **SECTION 3209.** 978.04 of the statutes is amended to read:

17 **978.04 Assistants in certain prosecutorial units.** The district attorney of
18 any prosecutorial unit having a population of less than 100,000 may appoint one or
19 more assistant district attorneys as necessary to carry out the duties of his or her
20 office and as may be requested by the department of administration authorized in
21 accordance with s. 16.505. Any such assistant district attorney must be an attorney
22 admitted to practice law in this state and, except as provided in s. 978.043, may
23 perform any duty required by law to be performed by the district attorney.

24 **SECTION 3210.** 978.043 of the statutes is created to read:

1 **978.043 Assistants for prosecution of sexually violent person**
2 **commitment cases.** The district attorney of the prosecutorial unit that consists of
3 Brown County and the district attorney of the prosecutorial unit that consists of
4 Milwaukee County shall each assign one assistant district attorney in his or her
5 prosecutorial unit to be a sexually violent person commitment prosecutor. An
6 assistant district attorney assigned under this section to be a sexually violent person
7 commitment prosecutor may engage only in the prosecution of sexually violent
8 person commitment proceedings under ch. 980 and, at the request of the district
9 attorney of the prosecutorial unit, may file and prosecute sexually violent person
10 commitment proceedings under ch. 980 in any prosecutorial unit in this state.

11 **SECTION 3211.** 978.05 (8) (b) of the statutes is amended to read:

12 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
13 978.043, make appropriate assignments of the staff throughout the prosecutorial
14 unit. The district attorney may request the assistance of district attorneys, deputy
15 district attorneys or assistant district attorneys from other prosecutorial units or
16 assistant attorneys general who then may appear and assist in the investigation and
17 prosecution of any matter for which a district attorney is responsible under this
18 chapter in like manner as assistants in the prosecutorial unit and with the same
19 authority as the district attorney in the unit in which the action is brought. Nothing
20 in this paragraph limits the authority of counties to regulate the hiring, employment
21 and supervision of county employes.

22 **SECTION 3211p.** 978.12 (5) (b) of the statutes is amended to read:

23 978.12 (5) (b) *Employes generally.* District attorneys and state employes of the
24 office of district attorney shall be included within the provisions of the Wisconsin
25 retirement system under ch. 40 as a participating employe of that office, except that

1 the district attorney and state employes of the office of district attorney in a county
2 having a population of 500,000 or more have the option provided under ~~par. (e) s.~~
3 978.12 (5) (c), 1997 stats.

4 **SECTION 3211r.** 978.12 (5) (c) 5. of the statutes is repealed.

5 **SECTION 3211t.** 978.12 (6) of the statutes is renumbered 978.12 (6) (a) and
6 amended to read:

7 978.12 (6) (a) District attorneys and state employes of the office of district
8 attorney shall be included within all insurance benefit plans under ch. 40, except as
9 authorized in this subsection paragraph. Alternatively, the state shall provide
10 insurance benefit plans for district attorneys and state employes in the office of
11 district attorney in the manner provided in this subsection paragraph. A district
12 attorney or other employe of the office of district attorney who was employed in that
13 office as a county employe on December 31, 1989, and who received any form of fringe
14 benefits other than a retirement, deferred compensation or employe-funded
15 reimbursement account plan as a county employe, as defined by that county
16 pursuant to the county's personnel policies, or pursuant to a collective bargaining
17 agreement in effect on January 1, 1990, or the most recent collective bargaining
18 agreement covering represented employes who are not covered by such an
19 agreement, may elect to continue to be covered under all such fringe benefit plans
20 provided by the county after becoming a state employe. In a county having a
21 population of 500,000 or more, the fringe benefit plans shall include health insurance
22 benefits fully paid by the county for each retired employe who, on or after December
23 31, 1989, attains at least 15 years of service in the office of district attorney of that
24 county, whether or not the service is as a county employe, for the duration of the
25 employe's life. An employe may make an election under this subsection paragraph

1 no later than January 31, 1990, except that an employe who serves as an assistant
2 district attorney in a county having a population of 500,000 or more may make an
3 election under this ~~subsection~~ paragraph no later than March 1, 1990. An election
4 under this ~~subsection~~ paragraph shall be for the duration of the employe's
5 employment in the office of district attorney for the same county by which the
6 employe was employed or until the employe terminates the election under this
7 ~~subsection~~ paragraph, at the same cost to the county as the county incurs for a
8 similarly situated county employe. If Subject to par. (b), if the employer's cost for
9 such fringe benefits for any such employe is less than or equal to the cost for
10 comparable coverage under ch. 40, if any, the state shall reimburse the county for
11 that cost. If Subject to par. (b), if the employer's cost for such fringe benefits for any
12 such employe is greater than the cost for comparable coverage under ch. 40, the state
13 shall reimburse the county for the cost of comparable coverage under ch. 40 and the
14 county shall pay the remainder of the cost. The cost of comparable coverage under
15 ch. 40 shall equal the average cost of comparable coverage under ch. 40 for employes
16 in the office of the state public defender, as contained in budget determinations
17 approved by the joint committee on finance or the legislature under the biennial
18 budget act for the period during which the costs are incurred. An employe who makes
19 the election under this ~~subsection~~ paragraph may terminate that election, and shall
20 then be included within all insurance benefit plans under ch. 40, except that the
21 department of employe trust funds may require prior written notice, not exceeding
22 one year's duration, of an employe's intent to be included under any insurance benefit
23 plan under ch. 40.

24 **SECTION 3211v.** 978.12 (6) (b) of the statutes is created to read:

1 978.12 (6) (b) Beginning in the 1999–2000 fiscal year and ending in the
2 2003–04 fiscal year, the state shall in each fiscal year reduce its reimbursement of
3 the employer’s cost for fringe benefits under par. (a) by \$80,000.

4 **SECTION 3212.** 978.13 (1) (b) of the statutes is amended to read:

5 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
6 and fringe benefit costs of 2 clerk positions providing clerical services to the
7 prosecutors in the district attorney’s office handling cases involving felony violations
8 under ch. 961. The state treasurer shall pay the amount authorized under this
9 paragraph to the county treasurer pursuant to a voucher submitted by the district
10 attorney to the department of administration from the appropriation under s. 20.475
11 (1) (i). The amount paid under this paragraph may not exceed ~~\$70,500~~ \$75,200 in
12 the ~~1997–98~~ 1999–2000 fiscal year and ~~\$73,000~~ \$77,500 in the ~~1998–99~~ 2000–01
13 fiscal year.

14 **SECTION 3213.** 978.13 (1) (c) of the statutes is amended to read:

15 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
16 fringe benefit costs of clerk positions in the district attorney’s office necessary for the
17 prosecution of violent crime cases primarily involving felony violations under s.
18 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
19 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall
20 pay the amount authorized under this paragraph to the county treasurer pursuant
21 to a voucher submitted by the district attorney to the secretary of administration
22 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
23 may not exceed ~~\$88,500~~ \$94,400 in the ~~1997–98~~ 1999–2000 fiscal year and ~~\$91,600~~
24 \$97,200 in the ~~1998–99~~ 2000–01 fiscal year.

25 **SECTION 3213c.** 978.13 (1) (d) of the statutes is created to read:

1 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
2 and fringe benefit costs of 2 clerk positions providing clerical services to the
3 prosecutors in the district attorney's office handling cases involving the unlawful
4 possession or use of firearms. The state treasurer shall pay the amount authorized
5 under this paragraph to the county treasurer from the appropriation under s. 20.475
6 (1) (f) pursuant to a voucher submitted by the district attorney to the department of
7 administration. The amount paid under this paragraph may not exceed \$51,300 in
8 the 1999–2000 fiscal year and \$64,400 in the 2000–01 fiscal year.

~~9~~ **SECTION 3216d.** 980.015 (2) (b) of the statutes is amended to read:

10 980.015 (2) (b) The anticipated release from a secured correctional facility, as
11 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
12 (15g), or a secured group home, as defined in s. 938.02 (15p), of a person adjudicated
13 delinquent under s. 938.183 or 938.34 on the basis of a sexually violent offense.

14 **SECTION 3217d.** 980.02 (1) (b) 2. of the statutes is amended to read:

15 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
16 his or her discharge from a sentence, release on parole or extended supervision, or
17 release from imprisonment, from a secured correctional facility, as defined in s.
18 938.02 (15m), ~~or from~~ from a secured child caring institution, as defined in s. 938.02 (15g),
19 from a secured group home, as defined in s. 938.02 (15p), or from a commitment order.

20 **SECTION 3218d.** 980.02 (2) (ag) of the statutes is amended to read:

21 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,
22 extended supervision or otherwise, from a sentence that was imposed for a conviction
23 for a sexually violent offense, from a secured correctional facility, as defined in s.
24 938.02 (15m), ~~or from~~ from a secured child caring institution, as defined in s. 938.02 (15g),
25 or from a secured group home, as defined in s. 938.02 (15p), if the person was placed

1 in the facility for being adjudicated delinquent under s. 938.183 or 938.34 on the
2 basis of a sexually violent offense or from a commitment order that was entered as
3 a result of a sexually violent offense.

4 **SECTION 3219d.** 980.02 (4) (am) of the statutes is amended to read:

5 980.02 (4) (am) The circuit court for the county in which the person will reside
6 or be placed upon his or her discharge from a sentence, release on parole or extended
7 supervision, or release from imprisonment, from a secured correctional facility, as
8 defined in s. 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in
9 s. 938.02 (15g), from a secured group home, as defined in s. 938.02 (15p), or from a
10 commitment order.

11 **SECTION 3220d.** 980.02 (4) (b) of the statutes is amended to read:

12 980.02 (4) (b) The circuit court for the county in which the person is in custody
13 under a sentence, a placement to a secured correctional facility, as defined in s.
14 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or
15 a secured group home, as defined in s. 938.02 (15p), or a commitment order.

16 **SECTION 3221.** 980.03 (4) of the statutes is amended to read:

17 980.03 (4) Whenever ~~the a~~ person who is the subject of ~~the a~~ petition filed under
18 s. 980.02 or who has been committed under s. 980.06 is required to submit to an
19 examination under this chapter, he or she may retain experts or professional persons
20 to perform an examination. If the person retains a qualified expert or professional
21 person of his or her own choice to conduct an examination, the examiner shall have
22 reasonable access to the person for the purpose of the examination, as well as to the
23 person's past and present treatment records, as defined in s. 51.30 (1) (b), and patient
24 health care records as provided under s. 146.82 (2) (c). If the person is indigent, the
25 court shall, upon the person's request, appoint a qualified and available expert or

1 professional person to perform an examination and participate in the trial or other
2 proceeding on the person's behalf. Upon the order of the circuit court, the county
3 shall pay, as part of the costs of the action, the costs of ~~a court-appointed~~ an expert
4 or professional person appointed by a court under this subsection to perform an
5 examination and participate in the trial or other proceeding on behalf of an indigent
6 person. An expert or professional person appointed to assist an indigent person who
7 is subject to a petition may not be subject to any order by the court for the
8 sequestration of witnesses at any proceeding under this chapter.

~~9~~ **SECTION 3222d.** 980.04 (1) of the statutes is amended to read:

10 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
11 the petition to determine whether to issue an order for detention of the person who
12 is the subject of the petition. The person shall be detained only if there is cause to
13 believe that the person is eligible for commitment under s. 980.05 (5). A person
14 detained under this subsection shall be held in a facility approved by the department.
15 If the person is serving a sentence of imprisonment, is in a secured correctional
16 facility, as defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined
17 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or is
18 committed to institutional care, and the court orders detention under this
19 subsection, the court shall order that the person be transferred to a detention facility
20 approved by the department. A detention order under this subsection remains in
21 effect until the person is discharged after a trial under s. 980.05 or until the effective
~~22~~ date of a commitment order under s. 980.06, whichever is applicable.

23 **SECTION 3223c.** 980.05 (6) of the statutes is repealed.

24 **SECTION 3223h.** 980.06 (1) of the statutes is renumbered 980.06 and amended
25 to read:

1 **980.06 Commitment.** If a court or jury determines that the person who is the
2 subject of a petition under s. 980.02 is a sexually violent person, the court shall order
3 the person to be committed to the custody of the department for control, care and
4 treatment until such time as the person is no longer a sexually violent person. A
5 commitment order under this section shall specify that the person be placed in
6 institutional care.

7 **SECTION 3223i.** 980.06 (2) (a) of the statutes is repealed.

8 **SECTION 3223j.** 980.06 (2) (b) of the statutes is repealed.

9 **SECTION 3223k.** 980.06 (2) (c) of the statutes is repealed.

10 **SECTION 3223L.** 980.06 (2) (d) of the statutes is renumbered 980.08 (6m) and
11 amended to read:

12 980.08 (6m) An order for supervised release places the person in the custody
13 and control of the department. The department shall arrange for control, care and
14 treatment of the person in the least restrictive manner consistent with the
15 requirements of the person and in accordance with the plan for supervised release
16 approved by the court under sub. (5). A person on supervised release is subject to the
17 conditions set by the court and to the rules of the department. Before a person is
18 placed on supervised release by the court under this section, the court shall so notify
19 the municipal police department and county sheriff for the municipality and county
20 in which the person will be residing. The notification requirement under this
21 paragraph subsection does not apply if a municipal police department or county
22 sheriff submits to the court a written statement waiving the right to be notified. If
23 the department alleges that a released person has violated any condition or rule, or
24 that the safety of others requires that supervised release be revoked, he or she may
25 be taken into custody under the rules of the department. The department shall

1 submit a statement showing probable cause of the detention and a petition to revoke
2 the order for supervised release to the committing court and the regional office of the
3 state public defender responsible for handling cases in the county where the
4 committing court is located within ~~48~~ 72 hours after the detention, excluding
5 Saturdays, Sundays and legal holidays. The court shall hear the petition within 30
6 days, unless the hearing or time deadline is waived by the detained person. Pending
7 the revocation hearing, the department may detain the person in a jail or in a
8 hospital, center or facility specified by s. 51.15 (2). The state has the burden of
9 proving by clear and convincing evidence that any rule or condition of release has
10 been violated, or that the safety of others requires that supervised release be
11 revoked. If the court determines after hearing that any rule or condition of release
12 has been violated, or that the safety of others requires that supervised release be
13 revoked, it may revoke the order for supervised release and order that the released
14 person be placed in an appropriate institution until the person is discharged from the
15 commitment under s. 980.09 or until again placed on supervised release under s.
16 ~~980.08~~ this section.

17 **SECTION 3230m.** 980.065 (1m) of the statutes is amended to read:

18 980.065 (1m) The department ~~may~~ shall place a person committed ~~to~~
19 ~~institutional care~~ under s. 980.06 (2) (b) at a ~~mental health unit or facility, including~~
20 a the secure mental health unit ~~or facility~~ at established under s. 46.055, the
21 Wisconsin resource center established under s. 46.056 or a secure mental health unit
22 or facility provided by the department of corrections under sub. (2).

23 **SECTION 3231m.** 980.065 (2) of the statutes is amended to read:

24 980.065 (2) The department may contract with the department of corrections
25 for the provision of a secure mental health unit or facility for persons committed ~~to~~

1 institutional care under s. 980.06 (2) (b). The department shall operate a secure
2 mental health unit or facility provided by the department of corrections under this
3 subsection and shall promulgate rules governing the custody and discipline of
4 persons placed by the department in the secure mental health unit or facility
5 provided by the department of corrections under this subsection.

6 **SECTION 3232.** 980.07 (1) of the statutes is amended to read:

7 980.07 (1) If a person has been committed under s. 980.06 and has not been
8 discharged under s. 980.09, the department shall conduct an examination of his or
9 her mental condition within 6 months after an initial commitment under s. 980.06
10 and again thereafter at least once each 12 months for the purpose of determining
11 whether the person has made sufficient progress ~~to be entitled to transfer to a less~~
12 ~~restrictive facility, to~~ for the court to consider whether the person should be placed
13 on supervised release or to discharge discharged. At the time of a reexamination
14 under this section, the person who has been committed may retain or, ~~if he or she is~~
15 ~~indigent and so requests,~~ seek to have the court may appoint a qualified expert or a
16 professional person to examine him or her an examiner as provided under s. 980.03
17 (4).

18 **SECTION 3232p.** 980.08 (1) of the statutes is amended to read:

19 980.08 (1) Any person who is committed ~~to institutional care~~ under s. 980.06
20 may petition the committing court to modify its order by authorizing supervised
21 release if at least ~~6~~ 18 months have elapsed since the initial commitment order was
22 entered, ~~or at least 6 months have elapsed since the most recent release petition was~~
23 denied or the most recent order for supervised release was revoked. The director of
24 the facility at which the person is placed may file a petition under this subsection on
25 the person's behalf at any time.

1 **SECTION 3233.** 980.08 (3) of the statutes is amended to read:

2 980.08 (3) Within 20 days after receipt of the petition, the court shall appoint
3 one or more examiners having the specialized knowledge determined by the court to
4 be appropriate, who shall examine the person and furnish a written report of the
5 examination to the court within 30 days after appointment. The examiners shall
6 have reasonable access to the person for purposes of examination and to the person's
7 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health
8 care records, as provided under s. 146.82 (2) (c). If any such examiner believes that
9 the person is appropriate for supervised release under the criterion specified in sub.
10 (4), the examiner shall report on the type of treatment and services that the person
11 may need while in the community on supervised release. The county shall pay the
12 costs of an examiner appointed under this subsection as provided under s. 51.20 (18)
13 (a).

14 **SECTION 3234m.** 980.08 (4) of the statutes is amended to read:

15 980.08 (4) The court, without a jury, shall hear the petition within 30 days after
16 the report of the court-appointed examiner is filed with the court, unless the
17 petitioner waives this time limit. Expenses of proceedings under this subsection
18 shall be paid as provided under s. 51.20 (18) (b), (c) and (d). The court shall grant the
19 petition unless the state proves by clear and convincing evidence that the person is
20 still a sexually violent person and that it is still substantially probable that the
21 person will engage in acts of sexual violence if the person is not continued in
22 institutional care. In making a decision under this subsection, the court may
23 consider, without limitation because of enumeration, the nature and circumstances
24 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)
25 (a), the person's mental history and present mental condition, where the person will

1 live, how the person will support himself or herself and what arrangements are
2 available to ensure that the person has access to and will participate in necessary
3 treatment, including pharmacological treatment using an antiandrogen or the
4 chemical equivalent of an antiandrogen if the person is a serious child sex offender.
5 A decision under this subsection on a petition filed by a person who is a serious child
6 sex offender may not be made based on the fact that the person is a proper subject
7 for pharmacological treatment using an antiandrogen or the chemical equivalent of
8 an antiandrogen or on the fact that the person is willing to participate in
9 pharmacological treatment using an antiandrogen or the chemical equivalent of an
10 antiandrogen.

11 **SECTION 3238d.** 980.08 (6) of the statutes is repealed.

12 **SECTION 3238h.** 980.09 (1) (c) of the statutes is amended to read:

13 980.09 (1) (c) If the court is satisfied that the state has not met its burden of
14 proof under par. (b), the petitioner shall be discharged from the custody or
15 supervision of the department. If the court is satisfied that the state has met its
16 burden of proof under par. (b), the court may proceed ~~under s. 980.06~~ to determine,
17 using the criterion specified in s. 980.08 (4), whether to modify the petitioner's
18 existing commitment order by authorizing supervised release.

19 **SECTION 3238j.** 980.09 (2) (c) of the statutes is amended to read:

20 980.09 (2) (c) If the court is satisfied that the state has not met its burden of
21 proof under par. (b), the person shall be discharged from the custody or supervision
22 of the department. If the court is satisfied that the state has met its burden of proof
23 under par. (b), the court may proceed ~~under s. 980.06~~ to determine, using the
24 criterion specified in s. 980.08 (4), whether to modify the person's existing
25 commitment order by authorizing supervised release.

1 **SECTION 3238t.** 980.11 (2) (intro.) of the statutes is amended to read:

2 980.11 (2) (intro.) If the court places a person on supervised release under s.
3 ~~980.06~~ 980.08 or discharges a person under s. 980.09 or 980.10, the department shall
4 do all of the following:

5 **SECTION 3239.** 980.12 (1) of the statutes is amended to read:

6 980.12 (1) The Except as provided in ss. 980.03 (4) and 980.08 (3), the
7 department shall pay from the appropriations under s. 20.435 (2) (a) and (bm) for all
8 costs relating to the evaluation, treatment and care of persons evaluated or
9 committed under this chapter.

10 **SECTION 3239d.** 980.12 (2) of the statutes is amended to read:

11 980.12 (2) By February 1, 2002, the department shall submit a report to the
12 legislature under s. 13.172 (2) concerning the extent to which pharmacological
13 treatment using an antiandrogen or the chemical equivalent of an antiandrogen has
14 been required as a condition of supervised release under s. ~~980.06, 1997 stats., or s.~~
15 980.08 and the effectiveness of the treatment in the cases in which its use has been
16 required.

17 **SECTION 3240.** 985.01 (1) of the statutes is renumbered 985.01 (1m).

18 **SECTION 3241.** 985.01 (1g) of the statutes is created to read:

19 985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and
20 includes a family care district board under s. 46.2895.

21 **SECTION 3242.** 985.01 (3) of the statutes is amended to read:

22 985.01 (3) "Municipality" has the meaning in s. 345.05 (1) (c) and "governing
23 body" ~~the meaning in s. 345.05 (1) (b) with reference to such municipality includes~~
24 a family care district under s. 46.2895.

25 **SECTION 3243a.** 992.21 of the statutes is created to read:

1 **992.21 Actions by division of savings and loan validated.** Any action
2 taken by the division of savings and loan between July 1, 1996, and the effective date
3 of this section [revisor inserts date], under the name of the division of savings
4 institutions has the same force and effect in all respects as if the action had been
~~5~~ taken under the name of the division of savings and loan.

~~6~~ **SECTION 3242g.** 985.03 (1) (a) (intro.) of the statutes is amended to read:

7 985.03 (1) (a) (intro.) ~~No~~ Except as provided in par. (am), no publisher of any
8 newspaper in this state shall be awarded or be entitled to any compensation or fee
9 for the publishing of any legal notice unless, for at least 2 of the 5 years immediately
10 before the date of the notice publication, the newspaper has been published regularly
11 and continuously in the city, village or town where published, and has had a bona fide
12 paid circulation:

~~13~~ **SECTION 3242i.** 985.03 (1) (a) 2. of the statutes is amended to read:

14 985.03 (1) (a) 2. That has had actual subscribers at each publication of not less
15 than 1,000 copies in 1st and 2nd class cities, or 300 copies if in 3rd and class cities
16 or 150 copies if in 4th class cities, villages or towns.

~~17~~ **SECTION 3242m.** 985.03 (1) (am) of the statutes is created to read:

18 985.03 (1) (am) The requirement that, for a newspaper to receive any
19 compensation or fee for publishing a legal notice, the newspaper be published
20 regularly and continuously in the city, village or town where published for at least
21 2 of the 5 years immediately before the date of the notice publication does not apply
22 to a newspaper publishing a legal notice at the request of a 4th class city, village or
23 town.

~~24~~ **SECTION 3244.** Laws of 1929, chapter 151, section 1 is amended to read:

1 [Laws of 1929, chapter 151] Section 1. All the right, title and interest of the
2 state of Wisconsin in the lands hereinafter described, whether any part or parcel
3 thereof may be, at the time of the passage and publication of this act, dry or
4 submerged under the waters of Lake Michigan are hereby ceded, granted and
5 confirmed to the city of Milwaukee, a municipal corporation, for the purpose of
6 improving, filling, and utilizing the same for public park purposes or in aid of
7 navigation and the fisheries, in any manner the said city may deem expedient, ~~and~~
8 ~~particularly for the purpose of.~~ Such land may also be used for the purpose of
9 establishing and maintaining thereon breakwaters, bulkheads, piers, wharves,
10 warehouses, transfer sheds, railway tracks, airports, and other harbor facilities,
11 together with such other uses not inconsistent with the improvement of navigation
12 and fisheries in Lake Michigan, and the navigable waters tributary thereto, as said
13 city may deem expedient.

14 **SECTION 3245.** Laws of 1929, chapter 151, section 3 is amended to read:

15 [Laws of 1929, chapter 151] Section 3. The said grantee, the city of Milwaukee,
16 shall not convey any portion or the whole of the lands so granted, ceded and
17 confirmed, and described in section 2 of this act, to any other party, either by
18 warranty deed, quit claim, or in any other manner, except that it may convey to the
19 government of the United States such portion thereof as may be desirable for the
20 promotion of navigation; and it may also convey said lands to any harbor district or
21 other public corporation that may hereafter be organized, under any law of this state,
22 for public park purposes or for the purpose of maintaining and operating a public
23 port; and it may further lease for limited terms not exceeding thirty years, such
24 particular parcels or portions thereof as the board of harbor commissioners may
25 deem expedient, to parties desiring to employ such leased portions and parcels for

1 public park purposes or in the maintaining, operating or using of any harbor facilities
2 thereon.

3 **SECTION 3246.** Laws of 1929, chapter 151, section 4 is amended to read:

4 [Laws of 1929, chapter 151] Section 4. Whenever the said city of Milwaukee
5 shall convey or attempt to convey the whole or any portion of the lands hereby
6 granted, ceded or confirmed, to any other party except as herein provided, or shall
7 use said lands or any part thereof for purposes permanently inconsistent with their
8 use for public park purposes or for the promotion of navigation and the fisheries, such
9 land, or any part thereof so conveyed or attempted to be conveyed, or used
10 inconsistently as hereinabove stated, shall revert to the state of Wisconsin.

11 **SECTION 3247.** Laws of 1973, chapter 76, section 1 is amended to read:

12 [Laws of 1973, chapter 76] Section 1. All the right, title and interest of the state
13 of Wisconsin in the lands hereinafter described, whether any part or parcel thereof
14 may be, at the time of the passage and publication of this act, dry or submerged under
15 the waters of Lake Michigan are hereby ceded, granted and confirmed to the city of
16 Milwaukee, a municipal corporation, for the purpose of improving, filling, and
17 utilizing the same for public park purposes or in aid of navigation and the fisheries
18 and in addition for such further and other use which the board of harbor
19 commissioners of the city of Milwaukee may deem appropriate and expedient and
20 which the common council approves by resolution. Such land ~~shall~~ may also be used
21 for the purpose of establishing and maintaining thereon breakwaters, bulkheads,
22 piers, wharves, warehouses, transfer sheds, railway tracks, airports, and other
23 harbor facilities, together with such other uses not inconsistent with the
24 improvement of navigation and fisheries in Lake Michigan, and the navigable
25 waters tributary thereto, as the city may deem expedient.