

1999 DRAFTING REQUEST

Bill

Received: **01/13/99**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-1103**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact:

Alt. Drafters: **malaigm**

Subject: **Education - state superintendent
Children - delinquency**

Extra Copies: **MJL
GMM**

Topic:

DOA:.....Milioto - Eliminate youth village program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 01/13/99	chanaman 01/13/99		_____			S&L
/1			jfrantze 01/14/99	_____	lrb_docadmin 01/14/99		

FE Sent For:

<END>

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1?	grantpr	LMH 1/13 11	1/14	1/14			
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1 1/13 jlg

FE Sent For:

<END>

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: January 12, 1999

To: Stephen R. Miller
Legislative Reference Bureau

From: Steven Milioto *SRM*
Executive Policy and Budget Analyst

Subject: 1991-2001 Biennial Budget Drafting Request -- **Repeal Youth Village Program**

Please repeal DPI's Youth Village Program and delete appropriation 20.255 (3)(eb) of the statutes.

If you have any questions regarding this item, please contact me at 6-1103 or Steve.Milioto@doa.state.wi.us.

BRIAN after 10:30

RP 118-42 ✓

20-255(3)(b) — RP ✓

46-03(2)(a) — AM ✓

48-60(2)(h) — RP ✓

938-24(5) — AM ✓

938-245(2)(a) 9. — RP ✓

938-32(1)(a) — AM ✓

(2)(c) — AM ✓

938-34(3)(am) — RP ✓

1999

Date (time) needed soon

LRB - 1732, 1

DOA BUDGET DRAFT

PG & Comm. comm.
JLg

Use the appropriate components and routines developed for bills.

>>FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT . . . [DO NOT generate catalog]; relating to: the budget.

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Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

For the subheading [old =S], execute: create → anal: → title: → sub

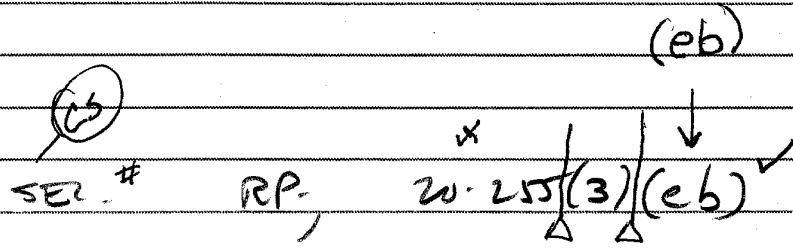
For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

*See ANALYSIS INSERT
(attached)*

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

SECTION #.

(15)
SER # RP, 20-255(3)(eb) ✓



CS X
Section #. 46.03 (22) (a) of the statutes is amended to read:

46.03 (22) (a) "Community living arrangement" means any of the following facilities licensed or operated, or permitted under the authority of the department: child welfare agencies under s. 48.60, group homes for children under s. 48.02 (7) and community-based residential facilities under s. 50.01; but does not include adult family homes, as defined in s. 50.01, day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. ~~"Community living arrangement" also includes a youth village program as described in s. 118.42.~~ ✓

History: 1971 c. 270 s. 104; 1973 c. 90; 1973 c. 284 ss. 2, 32; 1973 c. 333; 1975 c. 39, 82; 1975 c. 189 s. 99 (1), (2); 1975 c. 224, 377, 413, 422; 1977 c. 29, 193; 1977 c. 196 s. 131; 1977 c. 203, 205, 271, 354; 1977 c. 418 ss. 287 to 289m, 924 (18) (d); 1977 c. 447, 449; 1979 c. 32 s. 92 (1); 1979 c. 34; 1979 c. 175 s. 46; 1979 c. 221, 331, 352; 1981 c. 20, 81; 1981 c. 314 s. 144; 1981 c. 390; 1983 a. 27, 193; 1983 a. 435 s. 7; 1983 a. 447, 474; 1983 a. 532 s. 36; 1985 a. 19, 29, 120, 176, 234, 285, 328, 331; 1985 a. 332 s. 251 (3); 1987 a. 3, 5, 27, 161, 186, 307, 339, 385, 399, 403, 413; 1989 a. 31 ss. 938m to 951, 2909g, 2909i; 1989 a. 56, 105, 107, 122; 1991 a. 39, 277; 1993 a. 16 ss. 851 to 859, 3072d; 1993 a. 98, 377, 385, 446, 481; 1995 a. 27 ss. 2026m to 2038b, 9126 (19); 1995 a. 77, 201, 225, 352, 370, 404, 448; 1997 a. 3, 27, 111, 283, 292.

CS
SEC. # REP. ✓ X
48.60 (2) (h)

CS
SEC. # REP. ✓ X
118.42

CS X
Section #. 938.245 (2) (b) of the statutes is amended to read:

938.245 (2) (b) A deferred prosecution agreement, [✓]other than an agreement under par. (a) 9., may not include any form of out-of-home placement and may not exceed one year.

History: 1995 a. 77, 352, 448; 1997 a. 80, 181, 183, 205, 239, 292; s. 13.93 (2) (c).

CS

X

Section #. 938.245 (3) of the statutes is amended to read:

(plan)

938.245 (3) The obligations imposed under a deferred prosecution agreement and its effective date shall be set forth in writing. ~~If the deferred prosecution agreement places the juvenile in a youth village program under sub. (2) (a) 9., the judge or juvenile court commissioner shall receive written notice that a deferred prosecution agreement has been entered into and, on receipt of that notice, shall enter an order requiring compliance with that agreement. The juvenile and a parent, guardian and legal custodian shall receive a copy of the agreement and order, as shall any agency providing services under the agreement.~~

History: 1995 a. 77, 352, 448; 1997 a. 80, 181, 183, 205, 239, 292; s. 13.93 (2) (c).

CS

Section #. 938.245 (4) of the statutes is amended to read:

✓ (plain)

938.245 (4) The intake worker shall inform the juvenile and the juvenile's parent, guardian and legal custodian in writing of their right to terminate ~~or, if the juvenile is subject to a deferred prosecution~~

Strike 2

~~agreement under sub (2) (a) 9., to request the court to terminate the deferred prosecution agreement at any time or to object at any time to the fact or terms of the deferred prosecution agreement. If an objection arises the intake worker may alter the terms of the agreement or request the district attorney or corporation counsel to file a petition.~~

If the deferred prosecution agreement is terminated the intake worker may request the district attorney or corporation counsel to file a petition.

History: 1995 a. 77, 352, 448; 1997 a. 80, 181, 183, 205, 239, 292; s. 13.93 (2) (c).

CS
4

Section #. 938.245 (5) of the statutes is amended to read:

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

History: 1995 a. 77, 352, 448; 1997 a. 80, 181, 183, 205, 239, 292; s. 13.93 (2) (c).

CS X

Section #. 938.32 (1) (a) of the statutes is amended to read:

plain period

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

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239; s. 13.93 (2) (c).

CS
x

Section #. 938.32 (2) (c) of the statutes is amended to read:

938.32 (2) (c) Upon the motion of the court or the application of the juvenile, parent, guardian, legal custodian, intake worker or any agency supervising the juvenile under the consent decree, the court may, after giving notice to the parties to the consent decree and their counsel, if any, extend the decree for up to an additional 6 months ~~or, if the consent decree places the juvenile in a youth village program as described in s. 118.42, for up to an additional one year~~ in the absence of objection to extension by the parties to the initial consent decree. If the parent, guardian or legal custodian objects to the extension, the court shall schedule a hearing and make a determination on the issue of extension. ~~A consent decree placing a juvenile in a youth village program as described in s. 118.42 may be extended no more than twice.~~

plain space

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239; s. 13.93 (2) (c).

CS
SER. # RP, 938.34 (3) (dm) ✓

(Encl)

ANALYSIS

EDUCATION

HEAD

PRIMARY AND SECONDARY EDUCATION

SUB

Q1 Current law authorizes ~~a nonprofit corporation~~
 the state superintendent of public instruction to award
 a grant to a nonprofit corporation to ~~partially~~
 fund ^{partially} the costs of planning, developing and

operating a youth village program. ~~A~~ youth
 village program ~~is a residential program that~~ provides an alternative

educational experience for pupils whose home or
 social environment seriously interferes with their

educational progress and are who are functioning
 below their grade level in basic academic skills, are
 behind in academic credits or have a record of poor
 grades or attendance problems.

Q1 This bill eliminates the youth village
 grant program.

A FE-SL

(END OF INSERT)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1732/1
PG&GMM:cmh&jlg:jf

DOA:.....Milioto - Eliminate youth village program

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law authorizes the state superintendent of public instruction to award a grant to a nonprofit corporation to fund partially the costs of planning, developing and operating a youth village program. A youth village program is a residential program that provides an alternative educational experience for pupils whose home or social environment seriously interferes with their educational progress and who are functioning below their grade level in basic academic skills, are behind in academic credits or have a record of poor grades or attendance problems.

This bill eliminates the youth village grant program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

2 **SECTION 1.** 20.255 (3) (eb) of the statutes is repealed.

3 **SECTION 2.** 46.03 (22) (a) of the statutes is amended to read:

1 46.03 (22) (a) “Community living arrangement” means any of the following
2 facilities licensed or operated, or permitted under the authority of the department:
3 child welfare agencies under s. 48.60, group homes for children under s. 48.02 (7) and
4 community-based residential facilities under s. 50.01; but does not include adult
5 family homes, as defined in s. 50.01, day care centers, nursing homes, general
6 hospitals, special hospitals, prisons and jails. “Community living arrangement” also
7 includes a youth village program as described in s. 118.42.

8 **SECTION 3.** 48.60 (2) (h) of the statutes is repealed.

9 **SECTION 4.** 118.42 of the statutes is repealed.

10 **SECTION 5.** 938.24 (5) of the statutes is amended to read:

11 938.24 (5) The intake worker shall request that a petition be filed, enter into
12 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
13 of referral information. Before entering into a deferred prosecution agreement, the
14 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
15 or a deferred prosecution agreement is entered into, the district attorney, corporation
16 counsel or other official under s. 938.09 shall receive written notice of such action.
17 If the case is closed, the known victims of the juvenile’s alleged act shall receive notice
18 as provided under sub. (5m), if applicable. ~~In addition, if a deferred prosecution~~
19 ~~agreement is entered into placing a juvenile in a youth village program as described~~
20 ~~in s. 118.42, the judge or juvenile court commissioner shall receive written notice of~~
21 ~~such action and, on receipt of that notice, shall enter an order requiring compliance~~
22 ~~with that agreement.~~ A notice of deferred prosecution of an alleged delinquency case
23 shall include a summary of the facts surrounding the allegation and a list of prior
24 intake referrals and dispositions. If a law enforcement officer has made a
25 recommendation concerning the juvenile, the intake worker shall forward this

1 recommendation to the district attorney under s. 938.09. Notwithstanding the
2 requirements of this section, the district attorney may initiate a delinquency petition
3 under s. 938.25 within 20 days after notice that the case has been closed or that a
4 deferred prosecution agreement has been entered into. The judge shall grant
5 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
6 which is not referred or filed within the time limits specified within this subsection.
7 Failure to object if a petition is not referred or filed within a time limit specified in
8 this subsection waives that time limit.

9 **SECTION 6.** 938.245 (2) (a) 9. of the statutes is repealed.

10 **SECTION 7.** 938.245 (2) (b) of the statutes is amended to read:

11 938.245 (2) (b) A deferred prosecution agreement, ~~other than an agreement~~
12 ~~under par. (a) 9.,~~ may not include any form of out-of-home placement and may not
13 exceed one year.

14 **SECTION 8.** 938.245 (3) of the statutes is amended to read:

15 938.245 (3) The obligations imposed under a deferred prosecution agreement
16 and its effective date shall be set forth in writing. ~~If the deferred prosecution~~
17 ~~agreement places the juvenile in a youth village program under sub. (2) (a) 9., the~~
18 ~~judge or juvenile court commissioner shall receive written notice that a deferred~~
19 ~~prosecution agreement has been entered into and, on receipt of that notice, shall~~
20 ~~enter an order requiring compliance with that agreement.~~ The juvenile and a parent,
21 guardian and legal custodian shall receive a copy of the agreement and order, as shall
22 any agency providing services under the agreement.

23 **SECTION 9.** 938.245 (4) of the statutes is amended to read:

24 938.245 (4) The intake worker shall inform the juvenile and the juvenile's
25 parent, guardian and legal custodian in writing of their right to terminate or, if the

SECTION 9

1 ~~juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to~~
2 ~~request the court to terminate~~ the deferred prosecution agreement at any time or to
3 object at any time to the fact or terms of the deferred prosecution agreement. If an
4 objection arises the intake worker may alter the terms of the agreement or request
5 the district attorney or corporation counsel to file a petition. If the deferred
6 prosecution agreement is terminated the intake worker may request the district
7 attorney or corporation counsel to file a petition.

8 **SECTION 10.** 938.245 (5) of the statutes is amended to read:

9 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
10 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
11 custodian. ~~A deferred prosecution agreement under sub. (2) (a) 9. may be terminated~~
12 ~~by the court upon the request of the juvenile, parent, guardian or legal custodian.~~

13 **SECTION 11.** 938.32 (1) (a) of the statutes is amended to read:

14 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
15 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
16 commissioner may suspend the proceedings and place the juvenile under
17 supervision in the juvenile's own home or present placement ~~or in a youth village~~
18 ~~program as described in s. 118.42.~~ The court may establish terms and conditions
19 applicable to the parent, guardian or legal custodian, and to the juvenile, including
20 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
21 under this section shall be known as a consent decree and must be agreed to by the
22 juvenile; the parent, guardian or legal custodian; and the person filing the petition
23 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
24 the consent decree shall include provisions for payment of the services as specified
25 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

