



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2105/1
GMM:kg:ch

DOA:.....Montgomery – Secured group homes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, the department of corrections (DOC) may operate or contract for the operation of secured correctional facilities for holding in secure custody juveniles who have been adjudicated delinquent and placed in a secured correctional facility under the supervision of DOC by the court assigned to exercise jurisdiction under the juvenile justice code (juvenile court). Current law also permits DOC to license child welfare agencies to operate secured child caring institutions (secured CCIs) for holding in secure custody juveniles who have been adjudicated delinquent and referred to the child welfare agency by the juvenile court or by DOC. Currently, a juvenile court may place a juvenile in a secured correctional facility or a secured CCI only if the juvenile has been adjudicated delinquent for committing an act that would be punishable by a sentence of 6 months or more if committed by an adult and has been found to be a danger to the public and in need of restrictive custodial treatment.

This bill permits a county board of supervisors of not more than one county to establish, and DOC to license, a secured group home for holding in secure custody juveniles who have been adjudicated delinquent for committing an act that would be punishable by a sentence of six months or more if committed by an adult, who have been found to be a danger to the public and in need of restrictive custodial treatment and who have been placed under the supervision of DOC by the juvenile court.

Under current law, various laws apply to juveniles who are placed in a secured correctional facility or a secured CCI. Those laws relate to such subjects as sex offender registration, the commitment of sexually violent persons, a deoxyribonucleic acid data bank of sex offenders, human immunodeficiency virus (HIV) testing when certain persons have been significantly exposed to HIV, adult jurisdiction and criminal penalties for certain persons who commit assault, transfers to a state treatment facility, aftercare planning, escape, notification of victims and witnesses when a juvenile is released or escapes from correctional custody, taking runaways into custody, strip searches and an exception to the open records law when disclosing a record would endanger the security of an institution. This bill applies those laws to juveniles who are placed in a county-operated secured group home in the same manner as those laws apply to juveniles who are placed in a secured correctional facility or a secured CCI operated or contracted for by DOC under current law.

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:

1 **SECTION 1.** 16.385 (7) of the statutes is amended to read:

2 16.385 (7) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES. No
3 payment under sub. (6) may be made to a prisoner who is imprisoned in a state prison
4 under s. 302.01 or to a person placed at a secured correctional facility, as defined in
5 s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g),
6 or a secured group home, as defined in s. 938.02 (15p).

7 **SECTION 2.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

8 19.35 (1) (am) 2. c. Endanger the security, including the security of the
9 population or staff, of any state correctional institution, as defined in s. 301.01 (4)
10 prison under s. 302.01, jail, as defined in s. 165.85 (2) (bg), secured correctional
11 facility, as defined in s. 938.02 (15m), secured child caring institution, as defined in
12 s. 938.02 (15g), secured group home, as defined in s. 938.02 (15p), mental health
13 institute, as defined in s. 51.01 (12), or center for the developmentally disabled, as

1 defined in s. 51.01 (3), ~~or the population or staff of any of these institutions, facilities~~
2 ~~or jails.~~

3 **SECTION 3.** 20.410 (3) (ho) of the statutes is amended to read:

4 20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for
5 providing foster care, treatment foster care, group home care, including secured
6 group home care, and institutional child care to delinquent juveniles under ss. 49.19
7 (10) (d), 938.48 (4) and (14) and 938.52. All moneys transferred under s. 301.26 (4)
8 (cm) and all moneys received in payment for providing foster care, treatment foster
9 care, group home care, including secured group home care, and institutional child
10 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52
11 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account.
12 If moneys generated by the daily rate exceed actual fiscal year foster care, treatment
13 foster care, group home care, including secured group home care, and institutional
14 child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the
15 counties during the subsequent calendar year or transferred to the appropriation
16 account under par. (kx) during the subsequent fiscal year. Each county and the
17 department shall receive a proportionate share of the remittance and transfer
18 depending on the total number of days of placement in foster care, treatment foster
19 care, group home care, including secured group home care, or institutional child care.
20 Counties shall use the funds for purposes specified in s. 301.26. The department
21 shall deposit in the general fund the amounts transferred under this paragraph to
22 the appropriation account under par. (kx).

23 **SECTION 4.** 46.036 (4) (a) of the statutes is amended to read:

24 46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double
25 entry accounting system and a management information system which are

1 compatible with cost accounting and control systems prescribed by the department.
2 The department shall establish a simplified double entry bookkeeping system for use
3 by family-operated group homes. Each purchaser shall determine whether a
4 family-operated group home from which it purchases services shall use the double
5 entry accounting system or the simplified system and shall include this
6 determination in the purchase of service contract. In this paragraph,
7 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for
8 which the licensee is one or more individuals who operate not more than one group
9 home.

10 **SECTION 5.** 48.02 (17) of the statutes is amended to read:

11 48.02 (17) “Shelter care facility” means a nonsecure place of temporary care
12 and physical custody for children, including a holdover room, licensed by the
13 department under s. 48.66 (1) (a).

14 **SECTION 6.** 48.48 (9) of the statutes is amended to read:

15 48.48 (9) To license foster homes or treatment foster homes as provided in s.
16 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
17 requested to do so, for the use of county departments.

18 **SECTION 7.** 48.48 (9m) of the statutes is amended to read:

19 48.48 (9m) To license shelter care facilities as provided in s. 48.66 (1) (a).

20 **SECTION 8.** 48.48 (10) of the statutes is amended to read:

21 48.48 (10) To license child welfare agencies and day care centers as provided
22 in s. 48.66 (1) (a).

23 **SECTION 9.** 48.66 (1) of the statutes is renumbered 48.66 (1) (a) and amended

24 to read:

1 48.66 (1) (a) Except as provided under in s. 48.715 (6) and (7), the department
2 shall license and supervise child welfare agencies, as required by s. 48.60, group
3 homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and
4 day care centers, as required by s. 48.65. The department may license foster homes
5 or treatment foster homes, as provided by s. 48.62, and may license and supervise
6 county departments in accordance with the procedures specified in this section and
7 in ss. 48.67 to 48.74.

8 **(b) Except as provided under in** s. 48.715 (6), the department of corrections may
9 license a child welfare agency to operate a secured child caring institution, as defined
10 in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted
11 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h) or
12 (4m) and referred to the child welfare agency by the court or the department of
13 corrections and to provide supervision, care and maintenance for those juveniles.
14 The department of corrections may also license not more than one county
15 department, as defined in s. 938.02 (2g), to operate a group home that has been
16 licensed under par. (a) as a secured group home, as defined in s. 938.02 (15p), for
17 holding in secure custody juveniles who have been convicted under s. 938.183 or
18 adjudicated delinquent under s. 938.183 or 938.34 (4h) or (4m) and referred to the
19 department of corrections by the court and to provide supervision, care and
20 maintenance for those juveniles.

21 **(c)** A license issued under ~~this subsection~~ par. (a) or (b), other than a license to
22 operate a foster home, treatment foster home ~~or~~, secured child caring institution or
23 secured group home, is valid until revoked or suspended. A license issued under this
24 subsection to operate a foster home, treatment foster home ~~or~~, secured child caring
25 institution or secured group home may be for any term not to exceed 2 years from the

1 date of issuance. No license issued under ~~this subsection~~ par. (a) or (b) is
2 transferable.

3 **SECTION 10.** 48.66 (2m) (a) of the statutes is amended to read:

4 48.66 (2m) (a) The department of health and family services shall require each
5 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
6 home, shelter care facility or day care center who is an individual to provide that
7 department with the applicant's social security number, and shall require each
8 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
9 home, shelter care facility or day care center who is not an individual to provide that
10 department with the applicant's federal employer identification number, when
11 initially applying for or applying to continue the license.

12 **SECTION 11.** 48.66 (2m) (am) of the statutes is amended to read:

13 48.66 (2m) (am) The department of corrections shall require each applicant for
14 a license under sub. (1) (b) to operate a secured child caring institution who is an
15 individual to provide that department with the applicant's social security number
16 when initially applying for or applying to renew the license.

17 **SECTION 12.** 48.66 (2m) (b) of the statutes is amended to read:

18 48.66 (2m) (b) The department of health and family services may not issue or
19 continue a license under sub. (1) (a) to operate a child welfare agency, group home,
20 shelter care facility or day care center to or for an applicant who is an individual
21 unless the applicant has provided the applicant's social security number to that
22 department and may not issue or continue a license under sub. (1) (a) to operate a
23 child welfare agency, group home, shelter care facility or day care center to or for an
24 applicant who is not an individual unless the applicant has provided the applicant's
25 federal employer identification number to that department.

1 **SECTION 13.** 48.66 (2m) (bm) of the statutes is amended to read:

2 48.66 **(2m)** (bm) The department of corrections may not issue or renew a license
3 under sub. (1) (b) to operate a secured child caring institution to or for an applicant
4 who is an individual unless the applicant has provided the applicant's social security
5 number to that department.

6 **SECTION 14.** 48.68 (1) of the statutes is amended to read:

7 48.68 **(1)** After receipt of an application for a license, the department shall
8 investigate to determine if the applicant meets the minimum requirements for a
9 license adopted by the department under s. 48.67 and meets the requirements
10 specified in s. 48.685, if applicable. In determining whether to issue or continue a
11 license, the department may consider any action by the applicant, or by an employe
12 of the applicant, that constitutes a substantial failure by the applicant or employe
13 to protect and promote the health, safety and welfare of a child. Upon satisfactory
14 completion of this investigation and payment of the fee required under s. 48.615 (1)
15 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a
16 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
17 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
18 licensure and license renewal, the department shall provide a foster home licensee
19 with written information relating to the age-related monthly foster care rates and
20 supplemental payments specified in s. 48.62 (4), including payment amounts,
21 eligibility requirements for supplemental payments and the procedures for applying
22 for supplemental payments.

23 **SECTION 15.** 48.69 of the statutes is amended to read:

24 **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),
25 if any child welfare agency, shelter care facility, group home or day care center that

1 has not been previously issued a license under s. 48.66 (1) (a) applies for a license,
2 meets the minimum requirements for a license established under s. 48.67 and pays
3 the applicable fee referred to in s. 48.68 (1), the department shall issue a
4 probationary license to that child welfare agency, shelter care facility, group home
5 or day care center. A probationary license is valid for up to 6 months after the date
6 of issuance unless renewed under this section or suspended or revoked under s.
7 48.715. Before a probationary license expires, the department shall inspect the child
8 welfare agency, shelter care facility, group home or day care center holding the
9 probationary license and, except as provided under s. 48.715 (6) and (7), if the child
10 welfare agency, shelter care facility, group home or day care center meets the
11 minimum requirements for a license established under s. 48.67, the department
12 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this
13 section may be renewed for one 6-month period.

14 **SECTION 16.** 48.715 (1) of the statutes is amended to read:

15 48.715 (1) In this section, “licensee” means a person who holds a license under
16 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare
17 agency, shelter care facility, group home or day care center.

18 **SECTION 17.** 48.715 (2) (a) of the statutes is amended to read:

19 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
20 facility, group home or day care center if the child welfare agency, shelter care facility,
21 group home or day care center is without a license in violation of s. 48.66 (1) (a) or
22 a probationary license in violation of s. 48.69.

23 **SECTION 18.** 48.715 (2) (b) of the statutes is amended to read:

24 48.715 (2) (b) That a person who employs a person who has had a license under
25 s. 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous

1 5 years terminate the employment of that person within 30 days after the date of the
2 order. This paragraph includes employment of a person in any capacity, whether as
3 an officer, director, agent or employe.

4 **SECTION 19.** 48.715 (4) (intro.) of the statutes is amended to read:

5 48.715 (4) (intro.) If the department provides written notice of revocation and
6 the grounds for revocation as provided in sub. (4m) and an explanation of the process
7 for appealing a revocation under this subsection, the department may revoke a
8 license issued under s. 48.66 (1) (a) or a probationary license issued under s. 48.69
9 for any of the following reasons:

10 **SECTION 20.** 48.715 (5) of the statutes is amended to read:

11 48.715 (5) The department may deny a license under s. 48.66 (1) (a) or a
12 probationary license under s. 48.69 to any person who has had a license under s.
13 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous 5
14 years.

15 **SECTION 21.** 48.715 (6) of the statutes is amended to read:

16 48.715 (6) The department of health and family services shall deny, suspend,
17 restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) (a) or a
18 probationary license under s. 48.69 to operate a child welfare agency, group home,
19 shelter care facility or day care center, and the department of corrections shall deny,
20 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)
21 (b) to operate a secured child caring institution, for failure of the applicant or licensee
22 to pay court-ordered payments of child or family support, maintenance, birth
23 expenses, medical expenses or other expenses related to the support of a child or
24 former spouse or for failure of the applicant or licensee to comply, after appropriate
25 notice, with a subpoena or warrant issued by the department of workforce

1 development or a county child support agency under s. 59.53 (5) and related to
2 paternity or child support proceedings, as provided in a memorandum of
3 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
4 taken under this subsection is subject to review only as provided in the memorandum
5 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

6 **SECTION 22.** 48.715 (7) of the statutes is amended to read:

7 48.715 (7) The department shall deny an application for the issuance or
8 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
9 to operate a child welfare agency, group home, shelter care facility or day care center,
10 or revoke such a license already issued, if the department of revenue certifies under
11 s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action
12 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
13 and not as provided in s. 48.72.

14 **SECTION 23.** 49.857 (1) (d) 3. of the statutes is amended to read:

15 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).

16 **SECTION 24.** 51.01 (14k) of the statutes is created to read:

17 51.01 (14k) “Secured child caring institution” has the meaning given in s.
18 938.02 (15g).

19 **SECTION 25.** 51.01 (14m) of the statutes is created to read:

20 51.01 (14m) “Secured correctional facility” has the meaning given in s. 938.02
21 (15m).

22 **SECTION 26.** 51.01 (14p) of the statutes is created to read:

23 51.01 (14p) “Secured group home” has the meaning given in s. 938.02 (15p).

24 **SECTION 27.** 51.05 (2) of the statutes is amended to read:

1 51.05 (2) The department may not accept for admission to a mental health
2 institute any resident person, except in an emergency, unless the county department
3 under s. 51.42 in the county where the person has legal residency authorizes the care,
4 as provided in s. 51.42 (3) (as). Patients who are committed to the department under
5 s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17, 975.06 or 980.06,
6 admitted by the department under s. 975.17, 1977 stats., or are transferred from a
7 juvenile secured correctional facility ~~or, a secured child caring institution, as defined~~
8 ~~in s. 938.02 (15g), or a secured group home~~ to a state treatment facility under s. 51.35
9 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are not
10 subject to this section.

11 **SECTION 28.** 51.35 (3) (title) of the statutes is amended to read:

12 51.35 (3) (title) ~~TRANSFER OF CERTAIN JUVENILES FROM JUVENILE CORRECTIONAL~~
13 ~~SECURED JUVENILE FACILITIES AND SECURED CHILD CARING INSTITUTIONS.~~

14 **SECTION 29.** 51.35 (3) (a) of the statutes is amended to read:

15 51.35 (3) (a) A licensed psychologist of a juvenile secured correctional facility
16 ~~or a secured child caring institution, as defined in s. 938.02 (15g),~~ or a licensed
17 physician of the department of corrections, who has reason to believe that any
18 individual confined in the ~~facility or institution~~ secured correctional facility, secured
19 child caring institution or secured group home is, in his or her opinion, in need of
20 services for developmental disability, alcoholism or drug dependency or in need of
21 psychiatric services, and who has obtained voluntary consent to make a transfer for
22 treatment, shall make a report, in writing, to the superintendent of the ~~facility or~~
23 ~~institution~~ secured correctional facility, secured child caring institution or secured
24 group home, stating the nature and basis of the belief and verifying the consent. In
25 the case of a minor age 14 and over, the minor and the minor's parent or guardian

1 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
2 a minor under the age of 14, only the minor's parent or guardian need consent. The
3 superintendent shall inform, orally and in writing, the minor and the minor's parent
4 or guardian, that transfer is being considered and shall inform them of the basis for
5 the request and their rights as provided in s. 51.13 (3). If the department of
6 corrections, upon review of a request for transfer, determines that transfer is
7 appropriate, that department shall immediately notify the department of health and
8 family services and, if the department of health and family services consents, the
9 department of corrections may immediately transfer the individual. The
10 department of ~~corrections~~ health and family services shall file a petition under s.
11 51.13 (4) (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the
12 county where the treatment facility is located.

13 **SECTION 30.** 51.35 (3) (c) of the statutes is amended to read:

14 51.35 (3) (c) A licensed psychologist of a ~~juvenile~~ secured correctional facility
15 or a secured child caring institution, ~~as defined in s. 938.02 (15g)~~, or a licensed
16 physician of the department of corrections, who has reason to believe that any
17 individual confined in the ~~facility or institution~~ secured correctional facility, secured
18 child caring institution or secured group home, in his or her opinion, is mentally ill,
19 drug dependent or developmentally disabled and is dangerous as described in s.
20 51.20 (1) (a) 2. a., b., c. or d., is mentally ill, is dangerous and satisfies the standard
21 under s. 51.20 (1) (a) 2. e. or is an alcoholic and is dangerous as described in s. 51.45
22 (13) (a) 1. and 2., shall file a written report with the superintendent of the ~~facility or~~
23 ~~institution~~ secured correctional facility, secured child caring institution or secured
24 group home, stating the nature and basis of the belief. If the superintendent, upon
25 review of the allegations in the report, determines that transfer is appropriate, he

1 or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
2 exercise jurisdiction under chs. 48 and 938 of the county where the secured
3 correctional facility ~~or~~, secured child caring institution or secured group home is
4 located. The court shall hold a hearing according to procedures provided in s. 51.20
5 or 51.45 (13).

6 **SECTION 31.** 51.35 (3) (c) of the statutes, as affected by 1995 Wisconsin Act 292,
7 section 28, and 1999 Wisconsin Act (this act), is repealed and recreated to read:

8 51.35 (3) (c) A licensed psychologist of a secured correctional facility or a
9 secured child caring institution or a licensed physician of the department of
10 corrections, who has reason to believe that any individual confined in the secured
11 correctional facility, secured child caring institution or secured group home, in his
12 or her opinion, is mentally ill, drug dependent or developmentally disabled and is
13 dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is dangerous as
14 described in s. 51.45 (13) (a) 1. and 2., shall file a written report with the
15 superintendent of the secured correctional facility, secured child caring institution
16 or secured group home, stating the nature and basis of the belief. If the
17 superintendent, upon review of the allegations in the report, determines that
18 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45
19 in the court assigned to exercise jurisdiction under ch. 48 of the county where the
20 secured correctional facility, secured child caring institution or secured group home
21 is located. The court shall hold a hearing according to procedures provided in s. 51.20
22 or 51.45 (13).

23 **SECTION 32.** 51.35 (3) (e) of the statutes is amended to read:

24 51.35 (3) (e) The department of corrections may authorize emergency transfer
25 of an individual from a juvenile secured correctional facility ~~or~~, a secured child caring

1 institution, ~~as defined in s. 938.02 (15g), or a secured group home~~ to a state treatment
2 facility if there is cause to believe that the individual is mentally ill, drug dependent
3 or developmentally disabled and exhibits conduct which constitutes a danger as
4 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is
5 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is
6 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian
7 of the sending ~~facility or institution~~ secured correctional facility, secured child caring
8 institution or secured group home shall execute a statement of emergency detention
9 or petition for emergency commitment for the individual and deliver it to the
10 receiving state treatment facility. The department of health and family services
11 shall file the statement or petition with the court within 24 hours after the subject
12 individual is received for detention or commitment. The statement or petition shall
13 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,
14 the director of the receiving facility may file a petition for continued commitment
15 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility or~~
16 ~~institution~~ secured correctional facility, secured child caring institution or secured
17 group home from which the transfer was made. As an alternative to this procedure,
18 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no ~~prisoner~~
19 individual may be released without the approval of the court which directed
20 confinement in the secured correctional facility ~~or~~, secured child caring institution
21 or secured group home.

22 **SECTION 33.** 51.35 (3) (e) of the statutes, as affected by 1995 Wisconsin Act 292,
23 section 28, and 1999 Wisconsin Act (this act), is repealed and recreated to read:

24 51.35 (3) (e) The department of corrections may authorize emergency transfer
25 of an individual from a secured correctional facility, a secured child caring institution

1 or a secured group home to a state treatment facility if there is cause to believe that
2 the individual is mentally ill, drug dependent or developmentally disabled and
3 exhibits conduct which constitutes a danger as described under s. 51.20 (1) (a) 2. to
4 the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45
5 (13) (a) 1. and 2. The custodian of the sending secured correctional facility, secured
6 child caring institution or secured group home shall execute a statement of
7 emergency detention or petition for emergency commitment for the individual and
8 deliver it to the receiving state treatment facility. The department of health and
9 family services shall file the statement or petition with the court within 24 hours
10 after the subject individual is received for detention or commitment. The statement
11 or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency
12 transfer is made, the director of the receiving facility may file a petition for continued
13 commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the
14 secured correctional facility, secured child caring institution or secured group home
15 from which the transfer was made. As an alternative to this procedure, the
16 procedure provided in s. 51.15 or 51.45 (12) may be used, except that no individual
17 may be released without the approval of the court which directed confinement in the
18 secured correctional facility, secured child caring institution or secured group home.

19 **SECTION 34.** 51.35 (3) (g) of the statutes is amended to read:

20 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
21 facility under par. (a) may request in writing a return to the juvenile secured
22 correctional facility or, secured child caring institution, as defined in s. 938.02 (15g)
23 or secured group home. In the case of a minor under 14 years of age, the parent or
24 guardian may make the request. Upon receipt of a request for return from a minor
25 14 years of age or over, the director shall immediately notify the minor's parent or

1 guardian. The minor shall be returned to the juvenile secured correctional facility
2 ~~or~~, secured child caring institution or secured group home within 48 hours after
3 submission of the request unless a petition or statement is filed for emergency
4 detention, emergency commitment, involuntary commitment or protective
5 placement.

6 **SECTION 35.** 73.0301 (1) (d) 2. of the statutes is amended to read:

7 73.0301 (1) (d) 2. A license issued by the department of health and family
8 services under s. 48.66 (1) (a) to a child welfare agency, group home, shelter care
9 facility or day care center, as required by s. 48.60, 48.625, 48.65 or 938.22 (7).

10 **SECTION 36.** 115.81 (9) (c) of the statutes is amended to read:

11 115.81 (9) (c) Notwithstanding ss. 48.345, 48.363, 48.427 (3), 767.24 (3), 880.12,
12 880.15, 938.183, 938.34 (4), (4d), (4h), (4m) and (4n), 938.345, 938.357 (4) and
13 938.363, a surrogate parent has the authority to act as the child's parent in all
14 matters relating to this subchapter.

15 **SECTION 37.** 118.125 (4) of the statutes is amended to read:

16 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
17 transfer to another school or school district all pupil records relating to a specific
18 pupil if the transferring school district has received written notice from the pupil if
19 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
20 pupil intends to enroll in the other school or school district or written notice from the
21 other school or school district that the pupil has enrolled or from a court that the pupil
22 has been placed in a juvenile secured correctional facility ~~or~~, as defined in s. 938.02
23 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured
24 group home, as defined in s. 938.02 (15p). In this subsection, "school" and "school
25 district" include any juvenile secured correctional facility, secured child caring

1 institution ~~as defined in s. 938.02 (15g), secured group home~~, adult correctional
2 institution, mental health institute or center for the developmentally disabled, that
3 provides an educational program for its residents instead of or in addition to that
4 which is provided by public and private schools.

5 **SECTION 38.** 165.76 (1) (a) of the statutes is amended to read:

6 165.76 (1) (a) Is in prison ~~or~~, a secured correctional facility, as defined in s.
7 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), ~~or~~
8 a secured group home, as defined in s. 938.02 (15p), or on probation, extended
9 supervision, parole, supervision or aftercare supervision on or after
10 August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

11 **SECTION 39.** 165.76 (2) (b) 2. of the statutes is amended to read:

12 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
13 correctional facility ~~or~~, a secured child caring institution or a secured group home,
14 he or she shall provide the specimen under par. (a) at the office of a county sheriff as
15 soon as practicable after release on parole, extended supervision or aftercare
16 supervision, as directed by his or her probation, extended supervision and parole
17 agent or aftercare agent, except that the department of corrections or the county
18 department under s. 46.215, 46.22 or 46.23 operating the secured group home in
19 which the person is placed may require the person to provide the specimen while he
20 or she is in prison or in a the secured correctional facility ~~or a~~, secured child caring
21 institution or secured group home.

22 **SECTION 40.** 252.15 (1) (ab) of the statutes is amended to read:

23 252.15 (1) (ab) "Affected person" means an emergency medical technician, first
24 responder, fire fighter, peace officer, correctional officer, person who is employed at
25 a secured correctional facility, as defined in s. 938.02 (15m), ~~or at~~ a secured child

1 caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined
2 in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated
3 with custodial authority by the jailer or keeper, health care provider, employe of a
4 health care provider or staff member of a state crime laboratory.

5 **SECTION 41.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

6 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
7 emergency medical technician, first responder, fire fighter, peace officer, correctional
8 officer, person who is employed at a secured correctional facility, as defined in s.
9 938.02 (15m), ~~or at~~ a secured child caring institution, as defined in s. 938.02 (15g),
10 or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or
11 keeper of a jail or person designated with custodial authority by the jailer or keeper
12 who, during the course of providing care or services to an individual; or a peace
13 officer, correctional officer, state patrol officer, jailer or keeper of a jail or person
14 designated with custodial authority by the jailer or keeper who, while searching or
15 arresting an individual or while controlling or transferring an individual in custody;
16 or a health care provider or an employe of a health care provider who, during the
17 course of providing care or treatment to an individual or handling or processing
18 specimens of body fluids or tissues of an individual; or a staff member of a state crime
19 laboratory who, during the course of handling or processing specimens of body fluids
20 or tissues of an individual; is significantly exposed to the individual may subject the
21 individual's blood to a test or a series of tests for the presence of HIV, antigen or
22 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of
23 the results.

24 **SECTION 42.** 301.01 (2) (b) of the statutes is amended to read:

1 301.01 (2) (b) Any resident of a secured correctional facility, ~~as defined in s.~~
2 ~~938.02 (15m), or of a secured child caring institution, as defined in s. 938.02 (15g) or~~
3 a secured group home.

4 **SECTION 43.** 301.01 (3k) of the statutes is created to read:

5 301.01 (3k) “Secured child caring institution” has the meaning given in s.
6 938.02 (15g).

7 **SECTION 44.** 301.01 (3m) of the statutes is created to read:

8 301.01 (3m) “Secured correctional facility” has the meaning given in s. 938.02
9 (15m).

10 **SECTION 45.** 301.01 (3p) of the statutes is created to read:

11 301.01 (3p) “Secured group home” has the meaning given in s. 938.02 (15p).

12 **SECTION 46.** 301.01 (4) of the statutes is amended to read:

13 301.01 (4) “State correctional institution” means a state prison under s. 302.01
14 or a secured correctional facility, ~~as defined in s. 938.02 (15m), other than the~~
15 Mendota Juvenile Treatment Center operated by the department.

16 **SECTION 47.** 301.027 of the statutes is amended to read:

17 **301.027 Treatment program at one or more juvenile secured**
18 **correctional ~~institutions~~ facilities.** The department shall maintain a
19 cottage-based intensive alcohol and other drug abuse program at one or more
20 juvenile secured correctional ~~institutions~~ facilities.

21 **SECTION 48.** 301.03 (10) (d) of the statutes is amended to read:

22 301.03 (10) (d) Administer the office of juvenile offender review in the division
23 of juvenile corrections in the department. The office shall be responsible for decisions
24 regarding case planning, the release of juvenile offenders from juvenile secured
25 correctional ~~institutions~~ facilities, secured child caring institutions or secured group

1 homes to aftercare placements and the transfer of juveniles to the Racine youthful
2 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).

3 **SECTION 49.** 301.03 (10) (e) of the statutes is amended to read:

4 301.03 (10) (e) Provide educational programs in all secured correctional
5 facilities, ~~as defined in s. 938.02 (15m), other than the Mendota Juvenile Treatment~~
6 Center operated by the department.

7 **SECTION 50.** 301.03 (10) (f) of the statutes is amended to read:

8 301.03 (10) (f) Provide health services and psychiatric services for residents of
9 all secured correctional facilities, ~~as defined in s. 938.02 (15m), other than the~~
10 Mendota Juvenile Treatment Center operated by the department.

11 **SECTION 51.** 301.08 (1) (b) 3. of the statutes is amended to read:

12 301.08 (1) (b) 3. Contract with public, private or voluntary agencies for the
13 supervision, maintenance and operation of secured correctional facilities, ~~as defined~~
14 ~~in s. 938.02 (15m),~~ child caring institutions, as defined in s. 938.02 (2c), and secured
15 child caring institutions, ~~as defined in s. 938.02 (15g),~~ for the placement of juveniles
16 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
17 or 938.34 (4d), (4h) or (4m). The department may designate a secured correctional
18 facility, child caring institution or a secured child caring institution contracted for
19 under this subdivision as a Type 2 secured correctional facility, as defined in s. 938.02
20 (20), and may designate a child caring institution or secured child caring institution
21 contracted for under this subdivision as a Type 2 child caring institution, as defined
22 in s. 938.02 (19r).

23 **SECTION 52.** 301.08 (1) (b) 4. of the statutes is created to read:

24 301.08 (1) (b) 4. Contract with not more than one county for the operation of
25 a secured group home for the placement of juveniles who have been convicted under

1 s. 938.183 or adjudicated delinquent under s. 983.183 or 938.34 (4h) or (4m). The
2 contract shall specify that the county operating the secured group home must comply
3 with all rules of the department that are applicable to the treatment of juveniles who
4 are placed in a secured correctional facility.

5 **SECTION 53.** 301.205 of the statutes is amended to read:

6 **301.205 Reimbursement to visiting families.** The department may
7 reimburse families visiting girls at a secured correctional facility, ~~as defined in s.~~
8 ~~938.02 (15m).~~ If the department decides to provide the reimbursement, ~~it~~ the
9 department shall establish criteria for the level of reimbursement, which shall
10 include family income and size and other relevant factors.

11 **SECTION 54.** 301.26 (4) (c) of the statutes is amended to read:

12 301.26 (4) (c) Notwithstanding pars. (a), (b) and (bm), the department of
13 corrections shall pay, from the appropriation ~~account~~ under s. 20.410 (3) (hm), (ho)
14 or (hr), the costs of care, services and supplies provided for each person receiving
15 services under s. 46.057, 48.366, 51.35 (3), 938.183 or 938.34 who was under the
16 guardianship of the department of health and family services pursuant to an order
17 under ch. 48 at the time that the person was adjudicated delinquent.

18 **SECTION 55.** 301.26 (4) (cm) 1. of the statutes is amended to read:

19 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
20 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
21 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured
22 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~
23 ~~938.02 (15g),~~ secured group homes, alternate care providers, aftercare supervision
24 providers and corrective sanctions supervision providers for costs incurred
25 beginning on July 1, 1996, for the care of any juvenile 14 years of age or over who has

1 been placed in a ~~juvenile~~ secured correctional facility based on a delinquent act that
2 is a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31,
3 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1),
4 948.025, 948.30 (2), 948.35 (1) (b) or 948.36 and for the care of any juvenile 10 years
5 of age or over who has been placed in a ~~juvenile secured~~ correctional ~~institution or~~
6 ~~a facility~~, secured child caring institution or secured group home for attempting or
7 committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

8 **SECTION 56.** 301.26 (4) (cm) 2. of the statutes is amended to read:

9 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall
10 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
11 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile secured
12 correctional institutions facilities, secured child caring institutions, ~~as defined in s.~~
13 ~~938.02 (15g)~~, alternate care providers, aftercare supervision providers and corrective
14 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
15 care of any juvenile 14 years of age or over and under 18 years of age who has been
16 placed in a juvenile secured correctional facility under s. 48.366 based on a
17 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

18 **SECTION 57.** 301.26 (4) (dt) of the statutes is amended to read:

19 301.26 (4) (dt) ~~For~~ Except as provided in pars. (e) to (g), for serious juvenile
20 offender services, all uniform fee collections under s. 301.03 (18) shall be credited to
21 the appropriation account under s. 20.410 (3) (hm).

22 **SECTION 58.** 301.26 (4) (e) of the statutes is amended to read:

23 301.26 (4) (e) For foster care, treatment foster care, group home care, including
24 secured group home care, and institutional child care to delinquent juveniles under
25 ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all payments and deductions made

1 under this subsection and uniform fee collections under s. 301.03 (18) shall be
2 credited to the appropriation account under s. 20.410 (3) (ho).

3 **SECTION 59.** 301.26 (4) (ed) of the statutes is amended to read:

4 301.26 (4) (ed) For foster care, treatment foster care, group home care,
5 including secured group home care, and institutional child care to serious juvenile
6 offenders under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all uniform fee
7 collections under s. 301.03 (18) shall be credited to the appropriation account under
8 s. 20.410 (3) (ho).

9 **SECTION 60.** 301.263 (3) of the statutes is amended to read:

10 301.263 (3) The department shall distribute 33% of the amounts distributed
11 under sub. (1) based on each county's proportion of the violent Part I juvenile arrests
12 reported statewide under the uniform crime reporting system of the office of justice
13 assistance in the department of administration, during the most recent 2-year
14 period for which that information is available. The department shall distribute 33%
15 of the amounts distributed under sub. (1) based on each county's proportion of the
16 number of juveniles statewide who are placed in a juvenile secured correctional
17 ~~institution or facility~~, a secured child caring institution, as defined in s. 938.02 (15g),
18 or a secured group home during the most recent 2-year period for which that
19 information is available. The department shall distribute 34% of the amounts
20 distributed under sub. (1) based on each county's proportion of the total Part I
21 juvenile arrests reported statewide under the uniform crime reporting system of the
22 office of justice assistance, during the most recent 2-year period for which that
23 information is available.

24 **SECTION 61.** 301.36 (1) of the statutes is amended to read:

1 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
2 supervise all of the state ~~correctional institutions~~ prisons under s. 302.01, all secured
3 correctional facilities, all secured child caring institutions, all secured group homes
4 and all secure detention facilities and familiarize itself with all of the circumstances
5 affecting their management and usefulness.

6 **SECTION 62.** 301.37 (1) of the statutes is amended to read:

7 301.37 (1) The department shall fix reasonable standards and regulations for
8 the design, construction, repair and maintenance of all houses of correction,
9 reforestation camps maintained under s. 303.07, jails as defined in s. 302.30,
10 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
11 lockup facilities as defined in s. 302.30, work camps under s. 303.10, Huber facilities
12 under s. 303.09 and, after consulting with the department of health and family
13 services, all secured group homes and secure detention facilities operated by county
14 departments under s. 46.215, 46.22 or 46.23, with respect to their adequacy and
15 fitness for the needs which they are to serve.

16 **SECTION 63.** 301.45 (1) (b) of the statutes is amended to read:

17 301.45 (1) (b) Is in prison, a secured correctional facility, ~~as defined in s. 938.02~~
18 ~~(15m), or a secured child caring institution, as defined in s. 938.02 (15g), or a secured~~
19 group home or is on probation, extended supervision, parole, supervision or aftercare
20 supervision on or after December 25, 1993, for any violation, or for the solicitation,
21 conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),
22 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or
23 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
24 victim's parent.

25 **SECTION 64.** 301.45 (1) (bm) of the statutes is amended to read:

1 301.45 (1) (bm) Is in prison, a secured correctional facility, ~~as defined in s.~~
2 ~~938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or~~
3 a secured group home or is on probation, extended supervision, parole, supervision
4 or aftercare supervision on or after December 25, 1993, for a violation, or for the
5 solicitation, conspiracy or attempt to commit a violation, of a law of this state that
6 is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,
7 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a
8 violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the
9 victim's parent.

10 **SECTION 65.** 301.45 (3) (a) 2. of the statutes is amended to read:

11 301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured
12 correctional facility ~~or~~, a secured child caring institution or a secured group home,
13 he or she is subject to this subsection upon being released on parole, extended
14 supervision or aftercare supervision.

15 **SECTION 66.** 301.45 (5) (a) 2. of the statutes is amended to read:

16 301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured
17 correctional facility ~~or~~, a secured child caring institution or a secured group home,
18 15 years after discharge from parole or aftercare supervision.

19 **SECTION 67.** 938.02 (15g) of the statutes is amended to read:

20 938.02 (15g) "Secured child caring institution" means a child caring institution
21 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in
22 secure custody persons adjudged delinquent.

23 **SECTION 68.** 938.02 (15m) of the statutes is amended to read:

24 938.02 (15m) "Secured correctional facility" means a correctional institution
25 operated or contracted for by the department of corrections or operated by the

1 department of health and family services for holding in secure custody persons
2 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile
3 treatment center under s. 46.057, the facility at which the juvenile boot camp
4 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)
5 (b), 938.538 (4) (b) or 938.539 (5).

6 **SECTION 69.** 938.02 (15p) of the statutes is created to read:

7 938.02 (15p) “Secured group home” means a group home operated by a county
8 department that is licensed under s. 48.66 (1) (b) to hold in secure custody persons
9 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
10 or 938.34 (4h) or (4m).

11 **SECTION 70.** 938.02 (17) of the statutes is amended to read:

12 938.02 (17) “Shelter care facility” means a nonsecure place of temporary care
13 and physical custody for juveniles, including a holdover room, licensed by the
14 department of health and family services under s. 48.66 (1) (a).

15 **SECTION 71.** 938.069 (1) (dj) of the statutes is amended to read:

16 938.069 (1) (dj) Provide aftercare services for a juvenile who has been released
17 from a secured correctional facility ~~or~~, a secured child caring institution or a secured
18 group home.

19 **SECTION 72.** 938.08 (3) (a) (intro.) of the statutes is amended to read:

20 938.08 (3) (a) (intro.) In addition to the law enforcement authority specified in
21 sub. (2), department personnel designated by the department ~~and~~, personnel of an
22 agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between
23 the agency and the department and personnel of a county contracted with under s.
24 301.08 (1) (b) 4. designated by agreement between the county and the department

1 have the power of law enforcement authorities to take a juvenile into physical
2 custody under the following conditions:

3 **SECTION 73.** 938.08 (3) (a) 1. of the statutes is amended to read:

4 938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away
5 from a secured correctional facility ~~or~~ a child caring institution or a secured group
6 home.

7 **SECTION 74.** 938.08 (3) (a) 2. of the statutes is amended to read:

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

11 **SECTION 75.** 938.08 (3) (b) of the statutes is amended to read:

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

16 **SECTION 76.** 938.17 (1) (c) of the statutes is amended to read:

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

23 **SECTION 77.** 938.183 (1) (a) of the statutes is amended to read:

24 938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is
25 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional

1 facility, a secure detention facility ~~or~~, a secured child caring institution or a secured
2 group home or who has been adjudicated delinquent and who is alleged to have
3 committed a violation of s. 940.20 (2m).

4 **SECTION 78.** 938.208 (2) of the statutes is amended to read:

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

9 **SECTION 79.** 938.22 (title) of the statutes is amended to read:

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

12 **SECTION 80.** 938.22 (1) (a) of the statutes is amended to read:

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

25 **SECTION 81.** 938.22 (1) (b) of the statutes is amended to read:

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

8 **SECTION 82.** 938.22 (1) (c) of the statutes is amended to read:

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

14 **SECTION 83.** 938.22 (2) (a) of the statutes is amended to read:

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

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

3 **SECTION 84.** 938.22 (3) (a) of the statutes is amended to read:

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

13 **SECTION 85.** 938.22 (3) (b) of the statutes is amended to read:

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

20 **SECTION 86.** 938.22 (7) (a) of the statutes is amended to read:

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

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

3 **SECTION 87.** 938.22 (7) (b) of the statutes is amended to read:

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

12 **SECTION 88.** 938.22 (7) (c) of the statutes is amended to read:

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

18 **SECTION 89.** 938.23 (1) (a) of the statutes is amended to read:

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

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

3 **SECTION 90.** 938.33 (3) (intro.) of the statutes is amended to read:

4 938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending
5 placement of a juvenile in a secured correctional facility ~~under the supervision of the~~
6 ~~department or~~, a secured child caring institution or a secured group home shall be
7 in writing, except that the report may be presented orally at the dispositional
8 hearing if the juvenile and the juvenile's counsel consent. A report that is presented
9 orally shall be transcribed and made a part of the court record. In addition to the
10 information specified under sub. (1) (a) to (d), the report shall include all of the
11 following:

12 **SECTION 91.** 938.33 (3) (a) of the statutes is amended to read:

13 938.33 (3) (a) A description of any less restrictive alternatives that are
14 available and that have been considered, and why they have been determined to be
15 inappropriate. If the judge has found that any of the conditions specified in s. 938.34
16 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative
17 than placement in a secured correctional facility ~~or~~, a secured child caring institution
18 or a secured group home is not appropriate.

19 **SECTION 92.** 938.33 (3r) of the statutes is amended to read:

20 938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been
21 adjudicated delinquent for committing a violation for which the juvenile may be
22 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
23 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
24 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for
25 placement in the serious juvenile offender program under s. 938.34 (4h) or in a

1 secured correctional facility or a secured group home under s. 938.34 (4m), a
2 placement specified in s. 938.34 (3) or placement in the juvenile's home with
3 supervision and community-based programming and a recommendation as to the
4 type of placement for which the juvenile is best suited.

5 **SECTION 93.** 938.34 (4m) (intro.) of the statutes is amended to read:

6 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured
7 correctional facility, a secured child caring institution or a secured group home under
8 the supervision of the department if the juvenile is 12 years of age or over or, if the
9 juvenile is under 12 years of age, in a secured child caring institution or a secured
10 group home under the supervision of the department, unless the department, after
11 an examination under s. 938.50, determines that placement in a secured correctional
12 facility is more appropriate, but only if all of the following apply:

13 **SECTION 94.** 938.34 (4n) (intro.) of the statutes is amended to read:

14 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any
15 arrangement between the department and a county department regarding the
16 provision of aftercare supervision for juveniles who have been released from a
17 secured correctional facility ~~or~~, a secured child caring institution or a secured group
18 home, designate one of the following to provide aftercare supervision for the juvenile
19 following the juvenile's release from the secured correctional facility ~~or~~, secured child
20 caring institution or secured group home:

21 **SECTION 95.** 938.34 (4n) (b) of the statutes is amended to read:

22 938.34 (4n) (b) The county department of the county of the court that placed
23 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or
24 secured group home.

25 **SECTION 96.** 938.34 (8d) (c) of the statutes is amended to read:

1 938.34 (8d) (c) If a juvenile placed in a secured correctional facility ~~or~~, a secured
2 child caring institution or a secured group home fails to pay the surcharge under par.
3 (a), the department shall assess and collect the amount owed from the juvenile's
4 wages or other moneys. Any amount collected shall be transmitted to the state
5 treasurer.

6 **SECTION 97.** 938.345 (1) (a) of the statutes is amended to read:

7 938.345 (1) (a) Place the juvenile in the serious juvenile offender program, a
8 secured correctional facility ~~or~~, a secured child caring institution or a secured group
9 home.

10 **SECTION 98.** 938.355 (1) of the statutes is amended to read:

11 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
12 decide on a placement and treatment finding based on evidence submitted to the
13 court. The disposition shall employ those means necessary to promote the objectives
14 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated
15 delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall include a
16 finding that the juvenile's current residence will not safeguard the welfare of the
17 juvenile or the community due to the serious nature of the act for which the juvenile
18 was adjudicated delinquent. If the judge has determined that any of the conditions
19 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima
20 facie evidence that a less restrictive alternative than placement in a secured
21 correctional facility ~~or~~, a secured child caring institution or a secured group home is
22 not appropriate. If information under s. 938.331 has been provided in a court report
23 under s. 938.33 (1), the court shall consider that information when deciding on a
24 placement and treatment finding.

25 **SECTION 99.** 938.357 (3) of the statutes is amended to read:

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

11 **SECTION 100.** 938.357 (4) (a) of the statutes is amended to read:

12 938.357 (4) (a) When the juvenile is placed with the department under s.
13 938.183 or 938.34 (4m), the department may, after an examination under s. 938.50,
14 place the juvenile in a secured correctional facility ~~or~~, a secured child caring
15 institution, a secured group home or on aftercare supervision, either immediately or
16 after a period of placement in a secured correctional facility ~~or~~, a secured child caring
17 institution or a secured group home. The department shall send written notice of the
18 change to the parent, guardian, legal custodian, county department designated
19 under s. 938.34 (4n), if any, and committing court. If the department places a juvenile
20 in a Type 2 secured correctional facility operated by a child welfare agency, the
21 department shall reimburse the child welfare agency at the rate established under
22 s. 46.037 that is applicable to the type of placement that the child welfare agency is
23 providing for the juvenile. A juvenile who is placed in a Type 2 secured correctional
24 facility ~~or~~, a secured child caring institution or a secured group home remains under

1 the supervision of the department, remains subject to the rules and discipline of ~~that~~
2 the department and is considered to be in custody, as defined in s. 946.42 (1) (a).

3 **SECTION 101.** 938.357 (4g) (a) of the statutes is amended to read:

4 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
5 is placed in a secured correctional facility ~~or~~, a secured child caring institution or a
6 secured group home, or within 30 days after the date on which the department
7 requests the aftercare plan, whichever is earlier, the aftercare provider designated
8 under s. 938.34 (4n) shall prepare an aftercare plan for the juvenile. If the aftercare
9 provider designated under s. 938.34 (4n) is a county department, that county
10 department shall submit the aftercare plan to the department within the time limits
11 specified in this paragraph, unless the department waives those time limits under
12 par. (b).

13 **SECTION 102.** 938.357 (4g) (b) of the statutes is amended to read:

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

22 **SECTION 103.** 938.357 (4g) (d) of the statutes is amended to read:

23 938.357 (4g) (d) A juvenile may be released from a secured correctional facility
24 ~~or~~, a secured child caring institution or a secured group home whether or not an
25 aftercare plan has been prepared under this subsection.

1 **SECTION 104.** 938.357 (5) (e) of the statutes is amended to read:

2 938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a
3 condition of aftercare supervision, the hearing examiner shall determine whether
4 confinement in a secured correctional facility ~~or~~, a secured child caring institution
5 or a secured group home is necessary to protect the public, to provide for the juvenile's
6 rehabilitation or to not depreciate the seriousness of the violation.

7 **SECTION 105.** 938.357 (5) (f) of the statutes is amended to read:

8 938.357 (5) (f) Review of a revocation decision shall be by certiorari to the court
9 by whose order the juvenile was placed in a secured correctional facility ~~or~~, a secured
10 child caring institution or a secured group home.

11 **SECTION 106.** 938.38 (3) (a) of the statutes is amended to read:

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

21 **SECTION 107.** 938.48 (4) of the statutes is amended to read:

22 938.48 (4) Provide appropriate care and training for juveniles under its
23 supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4); including
24 serving those juveniles in their own homes, placing them in licensed foster homes or
25 licensed treatment foster homes in accordance with s. 48.63 or licensed group homes,

1 contracting for their care by licensed child welfare agencies or replacing them in
2 ~~juvenile secured~~ correctional ~~institutions or facilities~~, secured child caring
3 institutions or secured group homes in accordance with rules promulgated under ch.
4 227, except that the department may not purchase the educational component of
5 private day treatment programs for juveniles in its custody unless the department,
6 the school board as defined in s. 115.001 (7) and the state superintendent of public
7 instruction all determine that an appropriate public education program is not
8 available. Disputes between the department and the school district shall be resolved
9 by the state superintendent of public instruction.

10 **SECTION 108.** 938.51 (1) (intro.) of the statutes is amended to read:

11 938.51 (1) (intro.) At least 15 days prior to the date of release from a secured
12 correctional facility ~~or~~, a secured child caring institution or a secured group home of
13 a juvenile who has been adjudicated delinquent and at least 15 days prior to the
14 release from the supervision of the department or a county department of a juvenile
15 who has been adjudicated delinquent, the department or county department having
16 supervision over the juvenile shall make a reasonable attempt to do all of the
17 following:

18 **SECTION 109.** 938.51 (1m) of the statutes is amended to read:

19 938.51 (1m) The department or county department having supervision over a
20 juvenile described in sub. (1) shall determine the local agencies that it will notify
21 under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's
22 intended residence specified in the juvenile's aftercare supervision plan or, if those
23 methods do not indicate the community in which the juvenile will reside following
24 release from a secured correctional facility ~~or, from~~, a secured child caring institution
25 or a secured group home or from the supervision of the department or county

1 department, the community in which the juvenile states that he or she intends to
2 reside.

3 **SECTION 110.** 938.51 (4) (intro.) of the statutes is amended to read:

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

15 **SECTION 111.** 938.533 (3) (a) of the statutes is amended to read:

16 938.533 (3) (a) A participant in the corrective sanctions program remains
17 under the supervision of the department, remains subject to the rules and discipline
18 of that department and is considered to be in custody, as defined in s. 946.42 (1) (a).
19 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that
20 juvenile's participation in the corrective sanctions program the department may,
21 without a hearing, take the juvenile into custody and place the juvenile in a secured
22 detention facility or return the juvenile to placement in a Type 1 secured correctional
23 facility ~~or~~, a secured child caring institution or a secured group home.

24 **SECTION 112.** 938.535 of the statutes is amended to read:

1 **938.535 Early release and intensive supervision program; limits.** The
2 department may establish a program for the early release and intensive supervision
3 of juveniles who have been placed in a secured correctional facility ~~or~~, a secured child
4 caring institution or a secured group home under s. 938.183 or 938.34 (4m). The
5 program may not include any juveniles who have been placed in a secured
6 correctional facility ~~or~~, a secured child caring institution or a secured group home as
7 a result of a delinquent act involving the commission of a violent crime as defined in
8 s. 969.035, but not including the crime specified in s. 948.02 (1).

9 **SECTION 113.** 938.538 (3) (a) 1. of the statutes is amended to read:

10 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured
11 correctional facility, a secured child caring institution, a secured group home or, if the
12 participant is 17 years of age or over or 15 years of age or over and transferred under
13 s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more
14 than 3 years.

15 **SECTION 114.** 938.538 (3) (a) 1m. of the statutes is amended to read:

16 938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for
17 committing an act that would be a Class A felony if committed by an adult, placement
18 in a Type 1 secured correctional facility, a secured child caring institution, a secured
19 group home or, if the participant is 17 years of age or over or 15 years of age or over
20 and transferred under s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5),
21 until the participant reaches 25 years of age, unless the participant is released
22 sooner, subject to a mandatory minimum period of confinement of not less than one
23 year.

24 **SECTION 115.** 938.538 (3) (a) 1p. of the statutes is amended to read:

1 938.538 (3) (a) 1p. Alternate care, including placement in a foster home,
2 treatment foster home, group home, secured group home, child caring institution or
3 secured child caring institution.

4 **SECTION 116.** 938.538 (4) (a) of the statutes is amended to read:

5 938.538 (4) (a) A participant in the serious juvenile offender program is under
6 the supervision and control of the department, is subject to the rules and discipline
7 of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).
8 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
9 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
10 secured correctional facility the department may, without a hearing, take the
11 participant into custody and return him or her to placement in a Type 1 secured
12 correctional facility, a secured child caring institution, a secured group home or, if the
13 participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any
14 intentional failure of a participant to remain within the extended limits of his or her
15 placement while participating in the serious juvenile offender program or to return
16 within the time prescribed by the administrator of the division of intensive sanctions
17 in the department is considered an escape under s. 946.42 (3) (c).

18 **SECTION 117.** 938.57 (1) (c) of the statutes is amended to read:

19 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
20 care, including providing services for juveniles and their families in their own homes,
21 placing the juveniles in licensed foster homes, licensed treatment foster homes or
22 licensed group homes in this state or another state within a reasonable proximity to
23 the agency with legal custody or contracting for services for them by licensed child
24 welfare agencies or replacing them in juvenile secured correctional institutions or
25 facilities, secured child caring institutions or secured group homes in accordance

1 with rules promulgated under ch. 227, except that the county department may not
2 purchase the educational component of private day treatment programs unless the
3 county department, the school board as defined in s. 115.001 (7) and the state
4 superintendent of public instruction all determine that an appropriate public
5 education program is not available. Disputes between the county department and
6 the school district shall be resolved by the state superintendent of public instruction.

7 **SECTION 118.** 938.57 (4) of the statutes is amended to read:

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

20 **SECTION 119.** 938.59 (1) of the statutes is amended to read:

21 938.59 (1) The county department shall investigate the personal and family
22 history and environment of any juvenile transferred to its legal custody or placed
23 under its supervision under s. 938.34 (4d) or (4n) and make any physical or mental
24 examinations of the juvenile considered necessary to determine the type of care
25 ~~necessary for the juvenile or placement that is best suited to the juvenile and to the~~

1 protection of the public. The county department shall screen a juvenile who is
2 examined under this subsection to determine whether the juvenile is in need of
3 special treatment or care because of alcohol or other drug abuse, mental illness or
4 severe emotional disturbance. The county department shall keep a complete record
5 of the information received from the court, the date of reception, all available data
6 on the personal and family history of the juvenile, the results of all tests and
7 examinations given the juvenile and a complete history of all placements of the
8 juvenile while in the legal custody or under the supervision of the county
9 department.

10 **SECTION 120.** 938.78 (3) of the statutes is amended to read:

11 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
12 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
13 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
14 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
15 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
16 (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
17 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
18 correctional facility, child caring institution, secured group home, inpatient facility,
19 as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail,
20 or from the custody of a peace officer or a guard of such a facility, institution or jail,
21 or has been allowed to leave a secured correctional facility, child caring institution,
22 secured group home, inpatient facility, secure detention facility or juvenile portion
23 of a county jail for a specified time period and is absent from the facility, institution,
24 home or jail for more than 12 hours after the expiration of the specified period, the
25 department or county department having supervision over the juvenile may release

1 the juvenile's name and any information about the juvenile that is necessary for the
2 protection of the public or to secure the juvenile's return to the facility, institution,
3 home or jail. The department of corrections shall promulgate rules establishing
4 guidelines for the release of the juvenile's name or information about the juvenile to
5 the public.

6 **SECTION 121.** 939.635 (1) of the statutes is amended to read:

7 939.635 (1) Except as provided in sub. (2), if a person who has been adjudicated
8 delinquent is convicted of violating s. 940.20 (1) while placed in a secured correctional
9 facility, as defined in s. 938.02 (15m), a secure detention facility, as defined in s.
10 938.02 (16), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or a
11 secured group home, as defined in s. 938.02 (15p), or is convicted of violating s. 940.20
12 (2m), the court shall sentence the person to not less than 3 years of imprisonment.
13 Except as provided in sub. (2), if a person is convicted of violating s. 946.43 while
14 placed in a secured correctional facility, as defined in s. 938.02 (15m), a secure
15 detention facility, as defined in s. 938.02 (16), ~~or~~ a secured child caring institution,
16 as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p),
17 the court shall sentence the person to not less than 5 years of imprisonment.

18 **SECTION 122.** 939.635 (2) (b) of the statutes is amended to read:

19 939.635 (2) (b) That imposing the applicable presumptive minimum sentence
20 specified in sub. (1) is not necessary to deter the person or other persons from
21 committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed
22 in a secured correctional facility, as defined in s. 938.02 (15m), a secure detention
23 facility, as defined in s. 938.02 (16), or a secured child caring institution, as defined
24 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or from
25 committing violations of s. 940.20 (2m).

1 **SECTION 123.** 940.20 (2m) (a) 1. of the statutes is amended to read:

2 940.20 **(2m)** (a) 1. “Aftercare agent” means any person authorized by the
3 department of corrections or a county department under s. 46.215, 46.22 or 46.23 to
4 exercise control over a juvenile on aftercare.

5 **SECTION 124.** 946.42 (1) (a) of the statutes is amended to read:

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

22 **SECTION 125.** 946.44 (2) (c) of the statutes is amended to read:

23 946.44 **(2)** (c) “Institution” includes a secured correctional facility, as defined
24 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),

1 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
2 institution, as defined in s. 938.02 (19r).

3 **SECTION 126.** 946.44 (2) (d) of the statutes is amended to read:

4 946.44 (2) (d) “Prisoner” includes a person who is under the supervision of the
5 department of corrections under s. 938.34 (4h) ~~or~~ who is placed in a secured
6 correctional facility ~~or~~ a secured child caring institution or a secured group home
7 under s. ~~938.183~~, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or~~ who is placed in a Type 2
8 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
9 48.366.

10 **SECTION 127.** 946.45 (2) (c) of the statutes is amended to read:

11 946.45 (2) (c) “Institution” includes a secured correctional facility, as defined
12 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
13 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
14 institution, as defined in s. 938.02 (19r).

15 **SECTION 128.** 946.45 (2) (d) of the statutes is amended to read:

16 946.45 (2) (d) “Prisoner” includes a person who is under the supervision of the
17 department of corrections under s. 938.34 (4h) ~~or~~ who is placed in a secured
18 correctional facility ~~or~~ a secured child caring institution or a secured group home
19 under s. ~~938.183~~, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or~~ who is placed in a Type 2
20 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
21 48.366.

22 **SECTION 129.** 968.255 (7) (b) of the statutes is amended to read:

23 968.255 (7) (b) Is placed in or transferred to a secured correctional facility, as
24 defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02
25 (15g), or a secured group home, as defined in s. 938.02 (15p).

1 **SECTION 130.** 973.013 (3m) of the statutes is amended to read:

2 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
3 to the Wisconsin state prisons, the department of corrections shall place the person
4 at a secured juvenile correctional facility ~~or~~, a secured child caring institution or a
5 secured group home, unless the department of corrections determines that
6 placement in an institution under s. 302.01 is appropriate based on the person's prior
7 record of adjustment in a correctional setting, if any; the person's present and
8 potential vocational and educational needs, interests and abilities; the adequacy and
9 suitability of available facilities; the services and procedures available for treatment
10 of the person within the various institutions; the protection of the public; and any
11 other considerations promulgated by the department of corrections by rule. This
12 subsection does not preclude the department of corrections from designating an
13 adult correctional institution as a reception center for the person and subsequently
14 transferring the person to a secured juvenile correctional facility ~~or~~, a secured child
15 caring institution or a secured group home. Section 302.11 and ch. 304 apply to all
16 persons placed in a secured juvenile correctional facility ~~or~~, a secured child caring
17 institution or a secured group home under this subsection.

18 **SECTION 131.** 980.015 (2) (b) of the statutes is amended to read:

19 980.015 (2) (b) The anticipated release from a secured correctional facility, as
20 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
21 (15g), or a secured group home, as defined in s. 938.02 (15p), of a person adjudicated
22 delinquent under s. 938.183 or 938.34 on the basis of a sexually violent offense.

23 **SECTION 132.** 980.02 (1) (b) 2. of the statutes is amended to read:

24 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
25 his or her discharge from a sentence, release on parole or extended supervision, or

1 release from imprisonment, from a secured correctional facility, as defined in s.
2 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),
3 from a secured group home, as defined in s. 938.02 (15p), or from a commitment order.

4 **SECTION 133.** 980.02 (2) (ag) of the statutes is amended to read:

5 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,
6 extended supervision or otherwise, from a sentence that was imposed for a conviction
7 for a sexually violent offense, from a secured correctional facility, as defined in s.
8 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),
9 or from a secured group home, as defined in s. 938.02 (15p), if the person was placed
10 in the facility for being adjudicated delinquent under s. 938.183 or 938.34 on the
11 basis of a sexually violent offense or from a commitment order that was entered as
12 a result of a sexually violent offense.

13 **SECTION 134.** 980.02 (4) (am) of the statutes is amended to read:

14 980.02 (4) (am) The circuit court for the county in which the person will reside
15 or be placed upon his or her discharge from a sentence, release on parole or extended
16 supervision, or release from imprisonment, from a secured correctional facility, as
17 defined in s. 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in
18 s. 938.02 (15g), from a secured group home, as defined in s. 938.02 (15p), or from a
19 commitment order.

20 **SECTION 135.** 980.02 (4) (b) of the statutes is amended to read:

21 980.02 (4) (b) The circuit court for the county in which the person is in custody
22 under a sentence, a placement to a secured correctional facility, as defined in s.
23 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or
24 a secured group home, as defined in s. 938.02 (15p), or a commitment order.

25 **SECTION 136.** 980.04 (1) of the statutes is amended to read:

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

14 **SECTION 9111. Nonstatutory provisions; corrections.**

15 (1) SECURED GROUP HOME RATES. By January 1, 2000, the department of
16 corrections shall calculate and submit to the department of administration per
17 person daily cost assessments under section 301.26 (4) (d) 3. and 4. of the statutes
18 for juveniles who are placed in a secured group home, as defined in section 938.02
19 (15p) of the statutes, as created by this act.

20 **SECTION 9311. Initial applicability; corrections.**

21 (1) SECURED GROUP HOMES. The renumbering and amendment of section 48.66
22 (1) of the statutes, the amendment of sections 16.385 (7), 19.35 (1) (am) 2. c., 20.410
23 (3) (ho), 46.036 (4) (a), 48.02 (17), 48.48 (9), 48.48 (9m), 48.48 (10), 48.66 (2m) (a),
24 48.66 (2m) (am), 48.66 (2m) (b), 48.66 (2m) (bm), 48.68 (1), 48.69, 48.715 (1), 48.715
25 (2) (a), 48.715 (2) (b), 48.715 (4) (intro.), 48.715 (5), 48.715 (6), 48.715 (7), 49.857 (1)

1 (d) 3., 51.05 (2), 51.35 (3) (title), 51.35 (3) (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g),
2 73.0301 (1) (d) 2., 115.81 (9) (c), 118.125 (4), 165.76 (1) (a), 165.76 (2) (b) 2., 252.15
3 (1) (ab), 252.15 (2) (a) 7. a., 301.01 (2) (b), 301.01 (4), 301.027, 301.03 (10) (d), 301.03
4 (10) (e), 301.03 (10) (f), 301.08 (1) (b) 3., 301.205, 301.26 (4) (c), 301.26 (4) (cm) 1.,
5 301.26 (4) (cm) 2., 301.26 (4) (dt), 301.26 (4) (e), 301.26 (4) (ed), 301.263 (3), 301.36
6 (1), 301.37 (1), 301.45 (1) (b), 301.45 (1) (bm), 301.45 (3) (a) 2., 301.45 (5) (a) 2., 938.02
7 (15g), 938.02 (15m), 938.02 (17), 938.069 (1) (dj), 938.08 (3) (a) (intro.), 938.08 (3) (a)
8 1., 938.08 (3) (a) 2., 938.08 (3) (b), 938.17 (1) (c), 938.183 (1) (a), 938.208 (2), 938.22
9 (title), 938.22 (1) (a), 938.22 (1) (b), 938.22 (1) (c), 938.22 (2) (a), 938.22 (3) (a), 938.22
10 (3) (b), 938.22 (7) (a), 938.22 (7) (b), 938.22 (7) (c), 938.23 (1) (a), 938.33 (3) (intro.),
11 938.33 (3) (a), 938.33 (3r), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.34 (4n) (b),
12 938.34 (8d) (c), 938.345 (1) (a), 938.355 (1), 938.357 (3), 938.357 (4) (a), 938.357 (4g)
13 (a), 938.357 (4g) (b), 938.357 (4g) (d), 938.357 (5) (e), 938.357 (5) (f), 938.38 (3) (a),
14 938.48 (4), 938.51 (1) (intro.), 938.51 (1m), 938.51 (4) (intro.), 938.533 (3) (a), 938.535,
15 938.538 (3) (a) 1., 938.538 (3) (a) 1m., 938.538 (3) (a) 1p., 938.538 (4) (a), 938.57 (1)
16 (c), 938.57 (4), 938.59 (1), 938.78 (3), 939.635 (1), 939.635 (2) (b), 940.20 (2m) (a) 1.,
17 946.42 (1) (a), 946.44 (2) (c), 946.44 (2) (d), 946.45 (2) (c), 946.45 (2) (d), 968.255 (7)
18 (b), 973.013 (3m), 980.015 (2) (b), 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am),
19 980.02 (4) (b) and 980.04 (1) of the statutes and the creation of sections 51.01 (14k),
20 51.01 (14m), 51.01 (14p), 301.01 (3k), 301.01 (3m), 301.01 (3p), 301.08 (1) (b) 4. and
21 938.02 (15p) of the statutes first apply to delinquent acts committed on the effective
22 date of this subsection.

23 **SECTION 9411. Effective dates; corrections.**

24 (1) SECURED GROUP HOMES.

1 (a) The renumbering and amendment of section 48.66 (1) of the statutes, the
2 amendment of sections 16.385 (7), 19.35 (1) (am) 2. c., 20.410 (3) (ho), 46.036 (4) (a),
3 48.02 (17), 48.48 (9), 48.48 (9m), 48.48 (10), 48.66 (2m) (a), 48.66 (2m) (am), 48.66
4 (2m) (b), 48.66 (2m) (bm), 48.68 (1), 48.69, 48.715 (1), 48.715 (2) (a), 48.715 (2) (b),
5 48.715 (4) (intro.), 48.715 (5), 48.715 (6), 48.715 (7), 49.857 (1) (d) 3., 51.05 (2), 51.35
6 (3) (title), 51.35 (3) (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 73.0301 (1) (d) 2., 115.81
7 (9) (c), 118.125 (4), 165.76 (1) (a), 165.76 (2) (b) 2., 252.15 (1) (ab), 252.15 (2) (a) 7. a.,
8 301.01 (2) (b), 301.01 (4), 301.027, 301.03 (10) (d), 301.03 (10) (e), 301.03 (10) (f),
9 301.08 (1) (b) 3., 301.205, 301.26 (4) (c), 301.26 (4) (cm) 1., 301.26 (4) (cm) 2., 301.26
10 (4) (dt), 301.26 (4) (e), 301.26 (4) (ed), 301.263 (3), 301.36 (1), 301.37 (1), 301.45 (1)
11 (b), 301.45 (1) (bm), 301.45 (3) (a) 2., 301.45 (5) (a) 2., 938.02 (15g), 938.02 (15m),
12 938.02 (17), 938.069 (1) (dj), 938.08 (3) (a) (intro.), 938.08 (3) (a) 1., 938.08 (3) (a) 2.,
13 938.08 (3) (b), 938.17 (1) (c), 938.183 (1) (a), 938.208 (2), 938.22 (title), 938.22 (1) (a),
14 938.22 (1) (b), 938.22 (1) (c), 938.22 (2) (a), 938.22 (3) (a), 938.22 (3) (b), 938.22 (7) (a),
15 938.22 (7) (b), 938.22 (7) (c), 938.23 (1) (a), 938.33 (3) (intro.), 938.33 (3) (a), 938.33
16 (3r), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.34 (4n) (b), 938.34 (8d) (c), 938.345
17 (1) (a), 938.355 (1), 938.357 (3), 938.357 (4) (a), 938.357 (4g) (a), 938.357 (4g) (b),
18 938.357 (4g) (d), 938.357 (5) (e), 938.357 (5) (f), 938.38 (3) (a), 938.48 (4), 938.51 (1)
19 (intro.), 938.51 (1m), 938.51 (4) (intro.), 938.533 (3) (a), 938.535, 938.538 (3) (a) 1.,
20 938.538 (3) (a) 1m., 938.538 (3) (a) 1p., 938.538 (4) (a), 938.57 (1) (c), 938.57 (4), 938.59
21 (1), 938.78 (3), 939.635 (1), 939.635 (2) (b), 940.20 (2m) (a) 1., 946.42 (1) (a), 946.44
22 (2) (c), 946.44 (2) (d), 946.45 (2) (c), 946.45 (2) (d), 968.255 (7) (b), 973.013 (3m),
23 980.015 (2) (b), 980.02 (1) (b) 2., 980.02 (2) (ag), 980.02 (4) (am), 980.02 (4) (b) and
24 980.04 (1) of the statutes, the creation of sections 51.01 (14k), 51.01 (14m), 51.01

1 (14p), 301.01 (3k), 301.01 (3m), 301.01 (3p), 301.08 (1) (b) 4. and 938.02 (15p) of the
2 statutes and SECTION 9311 (1) of this act take effect on January 1, 2000.

3 (b) The repeal and recreation of section 51.35 (3) (c) and (e) of the statutes takes
4 effect on December 1, 2001.

5 (END)