

BILL**SECTION 3057**

1 ***-0536/1.5*** **SECTION 3057.** 767.265 (1m) of the statutes, as created by 1999
2 Wisconsin Act ... (this act), is amended to read:

3 767.265 (1m) If a party's current obligation to pay maintenance, child support,
4 spousal support ~~or~~, family support or the annual receiving and disbursing fee
5 terminates but the party has an arrearage in the payment of one or more of those
6 payments, the assignment shall continue in effect, in an amount up to the amount
7 of the assignment before the party's current obligation terminated, until the
8 arrearage is paid in full.

9 ***-0536/1.6*** **SECTION 3058.** 767.265 (2h) of the statutes is amended to read:

10 767.265 (2h) If a court-ordered assignment, including the assignment
11 specified under sub. (1) for the payment of any arrearages due, does not require
12 immediately effective withholding and a payer fails to make a required maintenance,
13 child support, spousal support or family support payment within 10 days after its due
14 date, within 20 days after the payment's due date the court ~~or~~, family court
15 commissioner or county child support agency under s. 59.53 (5) shall cause the
16 assignment to go into effect by providing notice of the assignment in the manner
17 provided under sub. (2r) and shall send a notice by regular mail to the last-known
18 address of the payer. The notice sent to the payer shall inform the payer that an
19 assignment is in effect and that the payer may, within a 10-day period, by motion
20 request a hearing on the issue of whether the assignment should remain in effect.
21 The court or family court commissioner shall hold a hearing requested under this
22 subsection within 10 working days after the date of the request. If at the hearing the
23 payer establishes that the assignment is not proper because of a mistake of fact, the
24 court or family court commissioner may direct that the assignment be withdrawn.
25 Either party may, within 15 working days after the date of a decision by a family court

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1 commissioner under this subsection, seek review of the decision by the court with
2 jurisdiction over the action.

3 ***-0536/1.7* SECTION 3059.** 767.265 (2h) of the statutes, as affected by 1999
4 Wisconsin Act (this act), is amended to read:

5 767.265 (2h) If a court-ordered assignment, including the assignment
6 specified under sub. (1) for the payment of any arrearages due, does not require
7 immediately effective withholding and a payer fails to make a required maintenance,
8 child support, spousal support ~~or~~ family support or annual receiving and disbursing
9 fee payment within 10 days after its due date, within 20 days after the payment's due
10 date the court, family court commissioner or county child support agency under s.
11 59.53 (5) shall cause the assignment to go into effect by providing notice of the
12 assignment in the manner provided under sub. (2r) and shall send a notice by regular
13 mail to the last-known address of the payer. The notice sent to the payer shall inform
14 the payer that an assignment is in effect and that the payer may, within a 10-day
15 period, by motion request a hearing on the issue of whether the assignment should
16 remain in effect. The court or family court commissioner shall hold a hearing
17 requested under this subsection within 10 working days after the date of the request.
18 If at the hearing the payer establishes that the assignment is not proper because of
19 a mistake of fact, the court or family court commissioner may direct that the
20 assignment be withdrawn. Either party may, within 15 working days after the date
21 of a decision by a family court commissioner under this subsection, seek review of the
22 decision by the court with jurisdiction over the action.

23 ***-0536/1.8* SECTION 3060.** 767.265 (2m) of the statutes is created to read:

24 767.265 (2m) An obligation to pay unpaid fees under s. 767.29 (1) (dm)
25 constitutes an assignment of all commissions, earnings, salaries, wages, pension

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1 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments
2 and other money due or to be due in the future to the department or its designee. The
3 county child support agency under s. 59.53 (5) may cause the assignment to go into
4 effect by providing notice of the assignment in the manner provided under sub. (2r)
5 and sending a notice by regular mail to the last-known address of the payer. The
6 notice sent to the payer shall inform the payer that an assignment is in effect and
7 that the payer may, within a 10-day period, by motion request a hearing on the issue
8 of whether the assignment should remain in effect. The court or family court
9 commissioner shall hold a hearing requested under this subsection within 10
10 working days after the date of the request. If at the hearing the payer establishes
11 that the assignment is not proper because of a mistake of fact, the court or family
12 court commissioner may direct that the assignment be withdrawn. The payer or the
13 county child support agency may, within 15 working days after the date of a decision
14 by a family court commissioner under this subsection, seek review of the decision by
15 the court with jurisdiction over the action.

16 ***-0536/1.9*** **SECTION 3061.** 767.265 (2r) of the statutes, as affected by 1997
17 Wisconsin Act 191, section 414, is amended to read:

18 767.265 (2r) Upon entry of each order for child support, maintenance, family
19 support or, support by a spouse or the annual receiving and disbursing fee, and upon
20 approval of each stipulation for child support, unless the court finds that income
21 withholding is likely to cause the payer irreparable harm or unless s. 767.267
22 applies, the court, family court commissioner or county child support agency under
23 s. 59.53 (5) shall provide notice of the assignment by regular mail or by facsimile
24 machine, as defined in s. 134.72 (1) (a), or other electronic means to the last-known
25 address of the person from whom the payer receives or will receive money. The notice

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1 shall provide that the amount withheld may not exceed the maximum amount that
2 is subject to garnishment under 15 USC 1673 (b) (2). If the department or its
3 designee, whichever is appropriate, does not receive the money from the person
4 notified, the court, family court commissioner or county child support agency under
5 s. 59.53 (5) shall provide notice of the assignment to any other person from whom the
6 payer receives or will receive money. Notice under this subsection may be a notice
7 of the court, a copy of the executed assignment or a copy of that part of the court order
8 directing payment.

9 ***-0536/1.10* SECTION 3062.** 767.29 (1) (d) (intro.) and 1. of the statutes, as
10 created by 1997 Wisconsin Act 27, are consolidated, renumbered 767.29 (1) (d) and
11 amended to read:

12 767.29 (1) (d) For receiving and disbursing maintenance, child support or
13 family support payments, and for maintaining the records required under par. (c),
14 the department or its designee shall collect an annual fee of \$25 ~~to be paid by each~~
15 ~~party ordered to make payments~~. The court or family court commissioner shall order
16 each party ordered to make payments to pay the annual fee under this paragraph at
17 ~~the time of, and in addition to, the first payment to the department or its designee~~
18 in each year for which payments are ordered. In directing the manner of payment
19 of the annual fee, the court or family court commissioner shall order that the annual
20 fee be withheld from income and sent to the department or its designee, as provided
21 under s. 767.265. All fees collected under this paragraph shall be deposited in the
22 appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment
23 of an annual fee under this paragraph, the court or family court commissioner shall
24 notify each party ordered to make payments of the requirement to pay the annual
25 fee and of the amount of the annual fee. If the annual fee under this section

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1 paragraph is not paid when due, the department or its designee may not deduct the
2 annual fee from the maintenance or child or family support payment, but may ~~do any~~
3 ~~of the following:~~ 1. Move move the court for a remedial sanction under ch. 785.

4 ***-0536/1.11* SECTION 3063.** 767.29 (1)(d) 2. of the statutes, as created by 1997
5 Wisconsin Act 27, is repealed.

6 ***-0536/1.12* SECTION 3064.** 767.29 (1)(dm) of the statutes is created to read:
7 767.29 (1)(dm) The department or its designee may collect any unpaid fees
8 under s. 814.61 (12)(b), 1997 stats., that are shown on the department's automated
9 payment and collection system on December 31, 1998, and shall deposit all fees
10 collected under this paragraph in the appropriation account under s. 20.445 (3)(ja).
11 The department or its designee may collect unpaid fees under this paragraph
12 through income withholding under s. 767.265 (2m). If the department or its designee
13 determines that income withholding is inapplicable, ineffective or insufficient for the
14 collection of any unpaid fees under this paragraph, the department or its designee
15 may move the court for a remedial sanction under ch. 785. The department or its
16 designee may contract with or employ a collection agency or other person for the
17 collection of any unpaid fees under this paragraph and, notwithstanding s. 20.930,
18 may contract with or employ an attorney to appear in any action in state or federal
19 court to enforce the payment obligation. The department or its designee may not
20 deduct the amount of unpaid fees from any maintenance or child or family support
21 payment.

22 ***-1085/4.7* SECTION 3065.** 775.01 of the statutes is amended to read:

23 **775.01 Actions against state; bond.** ~~Upon~~ Except as provided in s. 893.83,
24 upon the refusal of the legislature to allow a claim against the state, the claimant
25 may commence an action against the state by service as provided in s. 801.11 (3) and

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1 by filing with the clerk of court a bond, not exceeding \$1,000, with 2 or more sureties,
2 to be approved by the attorney general, to the effect that the claimant will indemnify
3 the state against all costs that may accrue in such action and pay to the clerk of court
4 all costs, in case the claimant fails to obtain judgment against the state.

5 ***-0063/2.13* SECTION 3066.** 778.02 of the statutes is amended to read:

6 **778.02 Action in name of state; complaint; attachment.** Every such
7 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
8 allege in the complaint that the defendant is indebted to the plaintiff in the amount
9 of the forfeiture claimed, according to the provisions of the statute that imposes it,
10 specifying the statute and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
11 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
12 enforcement assessment imposed by s. 165.755, the enforcement assessment
13 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information
14 assessment imposed by s. 100.261 and any applicable domestic abuse assessment
15 imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or
16 delinquencies the complaint shall specify the particular offense or delinquency for
17 which the action is brought, with a demand for judgment for the amount of the
18 forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
19 enforcement assessment, any applicable enforcement assessment, any applicable
20 consumer information assessment and any applicable domestic abuse assessment.
21 If the defendant is a nonresident of the state, an attachment may issue.

22 ***-0063/2.14* SECTION 3067.** 778.03 of the statutes is amended to read:

23 **778.03 Complaint to recover forfeited goods.** In an action to recover
24 property forfeited by any statute it shall be sufficient to allege in the complaint that
25 the property has been forfeited, specifying the statute, with a demand of judgment

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1 for the delivery of the property, or the value thereof and for payment of the penalty
2 assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1),
3 the crime laboratories and drug law enforcement assessment imposed by s. 165.755,
4 the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable
5 consumer information assessment imposed by s. 100.261 and any applicable
6 domestic abuse assessment imposed by s. 973.055 (1).

7 ***-0063/2.15* SECTION 3068.** 778.06 of the statutes is amended to read:

8 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
9 specific sum or when it is not less than one sum or more than another, the action may
10 be brought for the highest sum specified and for the penalty assessment imposed by
11 s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories
12 and drug law enforcement assessment imposed by s. 165.755, the enforcement
13 assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer
14 information assessment imposed by s. 100.261 and any applicable domestic abuse
15 assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum
16 as the court or jury shall assess or determine to be proportionate to the offense.

17 ***-0063/2.16* SECTION 3069.** 778.10 of the statutes is amended to read:

18 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
19 any ordinance or regulation of any county, town, city or village, or of any other
20 domestic corporation may be sued for and recovered, under this chapter, in the name
21 of the county, town, city, village or corporation. It is sufficient to allege in the
22 complaint that the defendant is indebted to the plaintiff in the amount of the
23 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
24 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
25 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by

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1 s. 165.755, any applicable consumer information assessment imposed by s. 100.261
2 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the
3 ordinance or regulation imposes a penalty or forfeiture for several offenses or
4 delinquencies the complaint shall specify the particular offenses or delinquency for
5 which the action is brought, with a demand for judgment for the amount of the
6 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
7 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
8 assessment imposed by s. 165.755, any applicable consumer information assessment
9 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
10 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of
11 the county, town, city, village or corporation, except that all jail assessments shall be
12 paid to the county treasurer.

13 *~~0063/2.17~~* **SECTION 3070.** 778.105 of the statutes is amended to read:

14 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
15 any court or any branch thereof for the violation of any municipal or county
16 ordinance shall be paid to the municipality or county. Penalty assessment payments
17 shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be
18 made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
19 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
20 assessments shall be made as provided in s. 973.055. Consumer information
21 assessment payments shall be made as provided in s. 100.261.

22 *~~0063/2.18~~* **SECTION 3071.** 778.13 of the statutes is amended to read:

23 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
24 of the state for forfeiture, except the portion to be paid to any person who sues with
25 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the

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1 county within which the forfeiture was incurred within 20 days after its receipt. In
2 case of any failure in the payment the county treasurer may collect the payment of
3 the officer by action, in the name of the office and upon the official bond of the officer,
4 with interest at the rate of 12% per year from the time when it should have been paid.
5 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail
6 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
7 and drug law enforcement assessment payments shall be paid as provided in s.
8 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
9 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer
10 information assessment payments shall be made as provided in s. 100.261.

11 *~~0063/2.19~~* **SECTION 3072.** 778.18 of the statutes is amended to read:

12 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
13 own will, dismisses any action brought before the judge under this chapter, unless
14 by order of the district attorney or attorney general or the person joined as plaintiff
15 with the state, or renders a less judgment therein than is prescribed by law, or
16 releases or discharges any such judgment or part thereof without payment or
17 collection, the judge and the judge's sureties shall be liable, in an action upon the
18 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture
19 imposed by the judge and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
20 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
21 enforcement assessment imposed by s. 165.755, any applicable consumer
22 information assessment imposed by s. 100.261 and any applicable domestic abuse
23 assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which
24 any such judgment or any part thereof is released or discharged. If any municipal
25 judge gives time or delay to any person against whom any such judgment is rendered

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1 by the judge, or takes any bond or security for its future payment, the judge and the
2 judge's sureties shall also be liable for the payment of the judgment upon the judge's
3 bond.

4 ***-0623/1.6* SECTION 3073.** 799.01 (1) (am) of the statutes is amended to read:

5 799.01 (1) (am) *Return of earnest money.* Actions for the return of earnest
6 money tendered pursuant to a contract for purchase of real property, including a
7 condominium unit, as defined in s. 703.02 (15), ~~and time-share property, as defined~~
8 ~~in s. 707.02 (32)~~, that includes 1 to 4 dwelling units, as defined in s. 101.61 (1), by sale,
9 exchange or land contract unless the transfer is exempt from the real estate transfer
10 fee under s. 77.25 regardless of the amount claimed.

11 ***-0063/2.20* SECTION 3074.** 800.02 (2) (a) 8. of the statutes is amended to read:

12 800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear
13 in court at the time fixed in the citation, the defendant is deemed to have tendered
14 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment
15 and crime laboratories and drug law enforcement assessment, any applicable
16 consumer information assessment and any applicable domestic abuse assessment
17 plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of
18 the deposit. The notice shall also state that the court may decide to summon the
19 defendant rather than accept the deposit and plea.

20 ***-0063/2.21* SECTION 3075.** 800.02 (3) (a) 5. of the statutes is amended to read:

21 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
22 event or occurrence from which the violation arose and showing that the plaintiff is
23 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
24 is based and a demand for a forfeiture, the amount of which shall not exceed the
25 maximum set by the statute involved, the penalty assessment, the jail assessment,

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1 the crime laboratories and drug law enforcement assessment, any applicable
2 consumer information assessment, any applicable domestic abuse assessment and
3 such other relief that is sought by the plaintiff.

4 ***-0063/2.22* SECTION 3076.** 800.03 (3) of the statutes is amended to read:

5 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
6 shall not be effective until approved by the governing body of the municipality. The
7 amount shall not exceed the maximum penalty for the offense, including any penalty
8 assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that
9 would be applicable under s. 302.46 (1), any crime laboratories and drug law
10 enforcement assessment that would be applicable under s. 165.755, any consumer
11 information assessment that would be applicable under s. 100.261 and any domestic
12 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,
13 including the fee prescribed in s. 814.65 (1).

14 ***-0063/2.23* SECTION 3077.** 800.04 (2) (b) of the statutes is amended to read:

15 800.04 (2) (b) If the municipal judge determines that the defendant should not
16 be released under par. (a) and the defendant is charged with a traffic or boating
17 violation, the municipal judge shall release the defendant on a deposit in the amount
18 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
19 For other violations, the municipal judge shall establish a deposit in an amount not
20 to exceed the maximum penalty for the offense, including any penalty assessment
21 that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that would be
22 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement
23 assessment that would be applicable under s. 165.755, any consumer information
24 assessment that would be applicable under s. 100.261 and any domestic abuse
25 assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class

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1 city determines that a defendant appearing before the judge through interactive
2 video and audio transmission should not be released under par. (a), the judge shall
3 inform the defendant that he or she has the right to appear personally before a judge
4 for a determination, not prejudiced by the first appearance, as to whether he or she
5 should be released without a deposit. On failure of the defendant to make a deposit
6 under this paragraph, he or she may be committed to jail pending trial only if the
7 judge finds that there is a reasonable basis to believe the person will not appear in
8 court.

9 ***-0063/2.24* SECTION 3078.** 800.04 (2) (c) of the statutes is amended to read:

10 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
11 and does not appear, he or she is deemed to have tendered a plea of no contest and
12 submits to a forfeiture, a penalty assessment imposed by s. ~~165.87~~ 757.05, a jail
13 assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement
14 assessment imposed by s. 165.755, any applicable consumer information assessment
15 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
16 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the
17 amount of the deposit. The court may either accept the plea of no contest and enter
18 judgment accordingly, or reject the plea and issue a summons. If the court finds that
19 the violation meets the conditions in s. 800.093 (1), the court may summon the
20 alleged violator into court to determine if restitution shall be ordered under s.
21 800.093. If the defendant fails to appear in response to the summons, the court shall
22 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,
23 the court shall allow the defendant to withdraw the plea of no contest.

24 ***-0063/2.25* SECTION 3079.** 800.09 (1) (intro.) of the statutes is amended to

25 read:

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1 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
2 may render judgment by ordering restitution under s. 800.093 and payment of a
3 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
4 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
5 assessment imposed by s. 165.755, any applicable consumer information assessment
6 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
7 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The
8 court shall apply any payment received on a judgment that includes restitution to
9 first satisfy any payment of restitution ordered, then to pay the forfeiture,
10 assessments and costs. If the judgment is not paid, the court may proceed under par.
11 (a), (b) or (c) or any combination of those paragraphs, as follows:

12 *~~0063/2.26~~* **SECTION 3080.** 800.09 (1) (a) of the statutes is amended to read:

13 800.09 (1) (a) The court may defer payment of any judgment or provide for
14 instalment payments. At the time the judgment is rendered, the court shall inform
15 the defendant, orally and in writing, of the date by which restitution and the
16 payment of the forfeiture, the penalty assessment, the jail assessment, the crime
17 laboratories and drug law enforcement assessment, any applicable consumer
18 information assessment and any applicable domestic abuse assessment plus costs
19 must be made, and of the possible consequences of failure to do so in timely fashion,
20 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
21 motor vehicle operating privilege, as provided in par. (c), if applicable. If the
22 defendant is not present, the court shall ensure that the information is sent to the
23 defendant by mail. In 1st class cities, all of the written information required by this
24 paragraph shall be printed in English and Spanish and provided to each defendant.

25 *~~1615/1.2~~* **SECTION 3081.** 800.09 (1) (c) of the statutes is amended to read:

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1 800.09 (1) (c) ~~The Subject to the fee under s. 85.135, if applicable, the court may~~
2 suspend the defendant's operating privilege, as defined in s. 340.01 (40), until
3 restitution is made and the forfeiture, assessments and costs are paid, if the
4 defendant has not done so within 60 days after the date the restitution or payments
5 or both are to be made under par. (a) and has not notified the court that he or she is
6 unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that
7 the suspension period may not exceed 5 years. The court shall take possession of the
8 suspended license and shall forward the license, along with a notice of the suspension
9 clearly stating that the suspension is for failure to comply with a judgment of the
10 court, to the department of transportation.

11 *~~0063/2.27~~* SECTION 3082. 800.09 (2) (b) of the statutes is amended to read:

12 800.09 (2) (b) If the person charged fails to appear personally or by an attorney
13 at the time fixed for hearing of the case, the defendant may be deemed to have
14 entered a plea of no contest and the money deposited, if any, or such portion thereof
15 as the court determines to be an adequate penalty, plus the penalty assessment, the
16 jail assessment, the crime laboratories and drug law enforcement assessment, any
17 applicable consumer information assessment and any applicable domestic abuse
18 assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared
19 forfeited by the court or may be ordered applied upon the payment of any penalty
20 which may be imposed, together with the penalty assessment, the jail assessment,
21 the crime laboratories and drug law enforcement assessment, any applicable
22 consumer information assessment and any applicable domestic abuse assessment
23 plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1),
24 the court may summon the alleged violator into court to determine if restitution shall
25 be ordered under s. 800.093. Any money remaining after payment of any penalties,

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1 assessments, costs and restitution shall be refunded to the person who made the
2 deposit.

3 ***-1615/1.3* SECTION 3083.** 800.095 (4) (b) 4. of the statutes is amended to read:

4 800.095 (4) (b) 4. ~~That~~ Subject to the fee under s. 85.135, if applicable, that the
5 defendant's operating privilege, as defined in s. 340.01 (40), be suspended until the
6 judgment is complied with, except that the suspension period may not exceed 5 years.

7 ***-0063/2.28* SECTION 3084.** 800.10 (2) of the statutes is amended to read:

8 800.10 (2) All forfeitures, fees, penalty assessments, crime laboratories and
9 drug law enforcement assessments, consumer information assessments, domestic
10 abuse assessments and costs paid to a municipal court under a judgment before a
11 municipal judge shall be paid to the municipal treasurer within 7 days after receipt
12 of the money by a municipal judge or other court personnel. At the time of the
13 payment, the municipal judge shall report to the municipal treasurer the title of the
14 action, the offense for which a forfeiture was imposed and the total amount of the
15 forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement
16 assessments, consumer information assessments, domestic abuse assessments and
17 costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1). All
18 jail assessments paid to a municipal court under a judgment before a municipal judge
19 shall be paid to the county treasurer within 7 days after receipt of the money by a
20 municipal judge or other court personnel.

21 ***-0063/2.29* SECTION 3085.** 800.12 (2) of the statutes is amended to read:

22 800.12 (2) A municipality may by ordinance provide that a municipal judge
23 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
24 or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05,
25 jail assessment under s. 302.46 ~~and,~~ crime laboratories and drug law enforcement

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1 assessment under s. 165.755, any applicable consumer information assessment
2 under s. 100.261 and any applicable domestic abuse assessment under s. 973.055 (1),
3 a jail sentence not to exceed 7 days.

4 ***-0265/1.3*** SECTION 3086. 803.03 (2) (b) of the statutes is amended to read:

5 803.03 (2) (b) *Options after joinder.* Any party joined pursuant to par. (a) may
6 1. participate in the prosecution of the action, 2. agree to have his or her interest
7 represented by the party who caused the joinder, or 3. move for dismissal with or
8 without prejudice. If the party joined chooses to participate in the prosecution of the
9 action, the party joined shall have an equal voice with other claimants in such
10 prosecution. If Except as provided in par. (bm), if the party joined chooses to have
11 his or her interest represented by the party who caused the joinder, the party joined
12 shall sign a written waiver of the right to participate which shall express consent to
13 be bound by the judgment in the action. Such waiver shall become binding when filed
14 with the court, but a party may withdraw the waiver upon timely motion to the judge
15 to whom the case has been assigned with notice to the other parties. A party who
16 represents the interest of another party and who obtains a judgment favorable to
17 such other party may be awarded reasonable attorneys fees by the court. If the party
18 joined moves for dismissal without prejudice as to his or her claim, the party shall
19 demonstrate to the court that it would be unjust to require the party to prosecute the
20 claim with the principal claim. In determining whether to grant the motion to
21 dismiss, the court shall weigh the possible prejudice to the movant against the state's
22 interest in economy of judicial effort.

23 ***-0265/1.4*** SECTION 3087. 803.03 (2) (bm) of the statutes is created to read:

24 803.03 (2) (bm) *Joinders because of implication of medical assistance.* If the
25 department of health and family services is joined as a party pursuant to par. (a) and

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1 s. 49.89 (2) because of the provision of benefits under subch. IV of ch. 49, the
2 department of health and family services need not sign a waiver of the right to
3 participate in order to have its interests represented by the party that caused the
4 joinder. If the department of health and family services makes no selection under
5 par. (b), the party causing the joinder shall represent the interests of the department
6 of health and family services and the department of health and family services shall
7 be bound by the judgment in the action. Regardless of whether the department of
8 health and family services joins in prosecuting the claim, the portion of the proceeds
9 of the claim that represents benefits paid under subch. IV of ch. 49 as a result of the
10 occurrence of injury, sickness or death for which the claim arose shall be paid to the
11 department of health and family services pursuant to s. 49.89 (5).

12 ***-1836/2.28* SECTION 3088.** 813.16 (7) of the statutes is amended to read:

13 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
14 is a corporation supervised by the division of savings and loan institutions, home
15 loan bank board, U.S. office of thrift supervision, federal deposit insurance
16 corporation or resolution trust corporation, the court, unless the opposing party
17 objects, shall appoint an officer of such corporation as receiver to act without
18 compensation and to give such bond as the court requires.

19 ***-0265/1.5* SECTION 3089.** 814.03 (3) of the statutes is amended to read:

20 814.03 (3) Notwithstanding subs. (1) and (2), where the department of health
21 and family services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and
22 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49, ~~and where~~
23 ~~the interests of the department of health and family services or of the county are~~
24 ~~represented under s. 803.03 (2) (b) by the party who caused the joinder, the~~

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1 department of health and family services or the county shall not be liable for costs
2 to any prevailing defendant.

3 ***-1597/3.1* SECTION 3090.** 814.04 (1) (a) of the statutes is amended to read:

4 814.04 (1) (a) When the amount recovered or the value of the property involved
5 is ~~\$1,000 or over~~ equal to or greater than the maximum amount specified in s. 799.01
6 (1) (d), attorney fees shall be \$100 may not exceed \$500; when it is less than \$1,000
7 and is \$500 or over, \$50 the maximum amount specified in s. 799.01 (1) (d), but is
8 \$1,000 or more, attorney fees may not exceed \$300; when it is less than \$500 and is
9 \$200 or over, \$25; and when it is less than \$200, \$15 \$1,000, attorney fees may not
10 exceed \$100. In all other cases in which there is no amount recovered or that do not
11 involve property, attorney fees may not exceed \$500.

12 ***-1597/3.2* SECTION 3091.** 814.04 (1) (b) of the statutes is repealed.

13 ***-1597/3.3* SECTION 3092.** 814.04 (2) of the statutes is amended to read:

14 814.04 (2) DISBURSEMENTS. All the necessary disbursements and fees allowed
15 by law; the compensation of referees; a reasonable disbursement for the service of
16 process or other papers in an action when the same are served by a person authorized
17 by law other than an officer, but the item may not exceed the authorized sheriff's fee
18 for the same service; amounts actually paid out for certified and other copies of
19 papers and records in any public office; postage, telegraphing photocopying,
20 telephoning, electronic communications, facsimile transmissions and express or
21 overnight delivery; depositions including copies; plats and photographs, not
22 exceeding ~~\$50~~ \$100 for each item; an expert witness fee not exceeding ~~\$100~~ \$300 for
23 each expert who testifies, exclusive of the standard witness fee and mileage which
24 shall also be taxed for each expert; and in actions relating to or affecting the title to

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1 lands, the cost of procuring an abstract of title to the lands. Guardian ad litem fees
2 shall not be taxed as a cost or disbursement.

3 ***-1597/3.4* SECTION 3093.** 814.07 of the statutes is amended to read:

4 **814.07 Costs on motion.** Costs may be allowed on a motion, in the discretion
5 of the court or judge, not exceeding ~~\$50~~ \$300, and may be absolute or directed to abide
6 the event of the action.

7 ***-1265/7.39* SECTION 3094.** 814.60 (2) (a) of the statutes is amended to read:

8 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

9 ***-0063/2.30* SECTION 3095.** 814.60 (2) (ai) of the statutes is created to read:

10 814.60 (2) (ai) Consumer information assessment imposed by s. 100.261.

11 ***-1615/1.4* SECTION 3096.** 814.613 of the statutes is created to read:

12 **814.613 Fees for driver's license suspensions or revocations.** A court
13 may require a person to pay a fee upon ordering the suspension or revocation of that
14 person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b) 4.,
15 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended or
16 revoked solely for failure to pay a forfeiture imposed for violating an ordinance that
17 is unrelated to the violator's operation of a motor vehicle. The amount of the fee may
18 not exceed the amount that the court is required to pay under s. 85.135.

19 ***-1265/7.40* SECTION 3097.** 814.63 (3) (a) of the statutes is amended to read:

20 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

21 ***-0063/2.31* SECTION 3098.** 814.63 (3) (ai) of the statutes is created to read:

22 814.63 (3) (ai) Consumer information assessment imposed by s. 100.261.

23 ***-1037/2.2* SECTION 3099.** 814.635 (1) of the statutes is amended to read:

24 814.635 (1) Except for an action for a safety belt use violation under s. 347.48
25 (2m), the clerk of circuit court shall charge and collect a ~~\$7~~ \$9 justice information

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1 system fee from any person, including any governmental unit as defined in s. 108.02
2 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b)
3 or 814.63 (1). The justice information system fee is in addition to the other fees listed
4 in this section.

5 ***-1615/1.5* SECTION 3100.** 814.65 (6) of the statutes is created to read:

6 814.65 (6) FEE FOR DRIVER'S LICENSE SUSPENSION OR REVOCATION. A municipal
7 court may require a person to pay a fee upon ordering the suspension or revocation
8 of that person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)
9 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended
10 or revoked solely for failure to pay a forfeiture imposed for violating an ordinance
11 that is unrelated to the violator's operation of a motor vehicle. The amount of the fee
12 may not exceed the amount that the court is required to pay under s. 85.135.

13 ***-1806/3.15* SECTION 3101.** 815.18 (3) (o) of the statutes is amended to read:

14 815.18 (3) (o) *Tuition units.* Tuition units purchased under s. ~~16.24~~ 14.63.

15 ***-0030/2.123* SECTION 3102.** 859.02 (2) (a) of the statutes is amended to read:

16 859.02 (2) (a) It is a claim based on tort, on a marital property agreement that
17 is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,
18 franchise, sales, withholding, gift or death taxes, or on unemployment insurance
19 contributions due or benefits overpaid; a claim for funeral or administrative
20 expenses; a claim of this state under s. 46.27 (7g), 49.496 or 49.682 or rules
21 promulgated under s. 46.286 (7); or a claim of the United States; or

22 ***-0030/2.124* SECTION 3103.** 859.07 (2) of the statutes is amended to read:

23 859.07 (2) If the decedent was at the time of death or at any time prior thereto
24 a patient or inmate of any state or county hospital or institution or any person
25 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10,

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1 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent
2 ever received the family care benefit under s. 46.286, medical assistance under
3 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7)
4 or aid under s. 49.68, 49.683 or 49.685, the personal representative shall send notice
5 in writing of the date set under s. 859.01 by registered or certified mail to the
6 department of health and family services or the department of corrections, as
7 applicable, and the county clerk of the applicable county not less than 30 days before
8 the date set under s. 859.01, upon such blanks and containing such information as
9 the applicable department or county clerk may provide. The applicable county is the
10 county of residence, as defined in s. 49.001 (6).

11 ***-0030/2.125*** **SECTION 3104.** 867.01 (3) (a) 4. of the statutes is amended to
12 read:

13 867.01 (3) (a) 4. Whether the decedent or the decedent's spouse received the
14 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
15 long-term community support services funded under s. 46.27 (7) or aid under s.
16 49.68, 49.683 or 49.685.

17 ***-0030/2.126*** **SECTION 3105.** 867.01 (3) (d) of the statutes is amended to read:

18 867.01 (3) (d) *Notice.* The court may hear the matter without notice or order
19 notice to be given under s. 879.03. If the decedent or the decedent's spouse received
20 the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
21 long-term community support services funded under s. 46.27 (7) or aid under s.
22 49.68, 49.683 or 49.685, the petitioner shall give notice by certified mail to the
23 department of health and family services as soon as practicable after filing the
24 petition with the court.

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1 *~~0030/2.127~~* **SECTION 3106.** 867.02 (2) (a) 6. of the statutes is amended to
2 read:

3 867.02 (2) (a) 6. Whether the decedent or the decedent's spouse received the
4 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
5 long-term community support services funded under s. 46.27 (7) or aid under s.
6 49.68, 49.683 or 49.685.

7 *~~0030/2.128~~* **SECTION 3107.** 867.03 (1g)(c) of the statutes is amended to read:

8 867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received the
9 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
10 long-term community support services funded under s. 46.27 (7) or aid under s.
11 49.68, 49.683 or 49.685.

12 *~~0030/2.129~~* **SECTION 3108.** 867.03 (1m) (a) of the statutes is amended to
13 read:

14 867.03 (1m) (a) Whenever an heir or person who was guardian of the decedent
15 at the time of the decedent's death intends to transfer a decedent's property by
16 affidavit under sub. (1g) and the decedent or the decedent's spouse ever received the
17 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
18 long-term community support services funded under s. 46.27 (7) or aid under s.
19 49.68, 49.683 or 49.685, the heir or person who was guardian of the decedent at the
20 time of the decedent's death shall give notice to the department of health and family
21 services of his or her intent. The notice shall include the information in the affidavit
22 under sub. (1g) and the heir or person who was guardian of the decedent at the time
23 of the decedent's death shall give the notice by certified mail, return receipt
24 requested.

BILL**SECTION 3109**

1 *~~0030/2.130~~* **SECTION 3109.** 867.03 (1m) (b) of the statutes is amended to
2 read:

3 867.03 (**1m**) (b) An heir or person who was guardian of the decedent at the time
4 of the decedent's death who files an affidavit under sub. (1g) that states that the
5 decedent or the decedent's spouse received the family care benefit under s. 46.286,
6 medical assistance under subch. IV of ch. 49, long-term community support services
7 funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685 shall attach to the
8 affidavit the proof of mail delivery of the notice required under par. (a) showing a
9 delivery date that is not less than 10 days before the day on which the heir or person
10 who was guardian of the decedent at the time of the decedent's death files the
11 affidavit.

12 *~~0030/2.131~~* **SECTION 3110.** 867.035 (1) (a) (intro.) of the statutes is amended
13 to read:

14 867.035 (**1**) (a) (intro.) Except as provided in par. (bm), the department of
15 health and family services may collect from the property of a decedent, including
16 funds of a decedent that are held by the decedent immediately before death in a joint
17 account or a P.O.D. account, by affidavit under this section an amount equal to the
18 medical assistance that is recoverable under s. 49.496 (3) (a), the long-term
19 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)
20 1., the family care benefit that is recoverable under rules promulgated under s.
21 46.286 (7) or the aid under s. 49.68, 49.683 or 49.685 that is recoverable under s.
22 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse,
23 if all of the following conditions are satisfied:

24 *~~0028/7.81~~* **SECTION 3111.** 867.035 (4) of the statutes is amended to read:

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1 867.035 (4) From the appropriation under s. 20.435 ~~(5)~~ (4) (im), with respect
2 to funds collected by the department under sub. (1) related to medical assistance paid
3 on behalf of the decedent or the decedent's spouse, the department of health and
4 family services shall pay claims under sub. (3), shall pay to the federal government
5 from the amount recovered under this section and not paid out as claims under sub.
6 (3) an amount equal to the amount of federal funds used to pay the benefits recovered
7 under this section and shall spend the remainder of the amount recovered under this
8 section for medical assistance benefits under subch. IV of ch. 49.

9 *~~-1831/1.1~~* SECTION 3112. 880.60 (4) of the statutes is amended to read:

10 880.60 (4) LIMITATION ON NUMBER OF WARDS. No person or corporate entity other
11 than a county having a population of 100,000 or more, or a bank or trust company
12 ~~or the commandant of the Wisconsin veterans home at King~~ shall be guardian of
13 more than 5 wards at one time, unless all the wards are members of one family. ~~Such~~
14 A county shall act only for patients in its county hospital or mental hospital and for
15 residents of its county home or infirmary, and shall serve without fee. ~~The~~
16 ~~commandant shall act only for members of the Wisconsin veterans home and shall~~
17 ~~serve without fee.~~ Upon presentation of a petition by an attorney of the U.S.
18 department of veterans affairs or other interested person, alleging that a guardian
19 is acting in a fiduciary capacity for more than 5 wards ~~as herein provided~~ and
20 requesting the guardian's discharge for that reason, the court, upon proof
21 substantiating the petition, shall require a final accounting ~~forthwith~~ from ~~such~~ the
22 guardian and shall discharge the guardian from guardianship in excess of 5 and
23 ~~forthwith~~ appoint a successor.

24 *~~-1085/4.8~~* SECTION 3113. 893.83 of the statutes is created to read:

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1 **893.83 Claims against state and local governments resulting from**
2 **computational date errors. (1)** In this section:

3 (a) “Action” means any civil action or proceeding including any action for
4 declaratory or injunctive relief.

5 (b) “Computational date error” means:

6 1. The failure of a computer system to handle correctly and consistently all
7 dates before, during and after the year 2000; or

8 2. The inability of a computer system to correctly interpret, produce, calculate,
9 generate, utilize, manipulate, represent or account for all dates before, during and
10 after the year 2000.

11 (c) “Computer system” means any electronic or collection of devices, including
12 support devices, networks, and embedded chips, that contains computer programs
13 or electronic instructions and that performs functions including logic, arithmetic,
14 data processing, data storage and retrieval, communication or control.

15 (d) “Local governmental unit” means a political subdivision of this state, a
16 special purpose district in this state, an instrumentality or corporation of such a
17 political subdivision or special purpose district, a combination or subunit of any of
18 the foregoing or a combination of an instrumentality of the state and any of the
19 foregoing.

20 (e) “State governmental unit” means this state, and every subunit or
21 instrumentality of this state, including any institution or authority, regardless of
22 whether moneys are appropriated to the unit.

23 (2) No person may bring an action against a state authority or local
24 governmental unit or an officer, employe or agent of a state or local governmental
25 unit acting within the scope of his or her employment or agency for the alleged failure

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1 of the authority, unit, officer, employe or agent to plan for, test for, detect, disclose,
2 prevent, report on, reprogram, remediate or otherwise effect control over a
3 computational date error or to have in place alternative provisions to deal with the
4 effects of a computational date error or for any other act or omission related to a
5 computational date error for which there would otherwise be liability if the authority,
6 unit, officer, employe or agent made a good faith effort to address the alleged failure.

7 (3) Any provision of a contract entered into, extended, modified or renewed by
8 a state or local governmental unit or by a state authority on or after the effective date
9 of this subsection [revisor inserts date], contrary to sub. (2) is void.

10 *~~0583/2.1~~* SECTION 3114. 895.82 of the statutes is created to read:

11 **895.82 Interpretation of contracts and other legal instruments:**

12 **European currency.** (1) In this section:

13 (a) "Euro" means the currency of participating member states of the European
14 Union who have adopted a single currency in accordance with the provisions of the
15 1992 Treaty on European Union.

16 (b) "European currency unit" means the currency basket that is the monetary
17 unit of account of the European Economic Community.

18 (2) Unless otherwise required in a contract or other legal instrument, if a
19 subject or medium of payment of a contract or other legal instrument is a currency
20 that has been replaced by the euro, the euro shall be a commercially reasonable
21 substitute for that currency. The valuation of the currency in euros shall be
22 determined in accordance with any applicable regulations adopted by the council of
23 the European Union.

24 (3) Unless otherwise required in a contract or other legal instrument, if a
25 subject or medium of payment of a contract or other legal instrument is the European

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1 currency unit, the euro shall be a commercially reasonable substitute for the
2 European currency unit. The valuation of the European currency unit in euros shall
3 be determined in accordance with any applicable regulations adopted by the council
4 of the European Union.

5 (4) No person may discharge or otherwise excuse performance under any
6 contract or other legal instrument, nor unilaterally alter the terms of, or terminate,
7 any contract or other legal instrument, as a result of sub. (2) or (3).

8 (5) This section shall apply only to a contract or other legal instrument entered
9 into or executed in this state or that contains provisions requiring the contract or
10 other legal instrument to be interpreted according to the law of this state.

11 ***-0085/4.3* SECTION 3115.** 938.02 (6) of the statutes is amended to read:

12 938.02 (6) "Foster home" means any facility that is operated by a person
13 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
14 no more than 4 juveniles ~~unless all of the juveniles are siblings or, if necessary to~~
15 enable a sibling group to remain together, for no more than 6 juveniles or, if the
16 department of health and family services promulgates rules permitting a different
17 number of juveniles, for the number of juveniles permitted under those rules.

18 ***-0674/1.7* SECTION 3116.** 938.02 (14m) of the statutes is amended to read:

19 938.02 (14m) "Pupil assistance program" means a program provided by a
20 school board under s. ~~115.362 (4) (b) 2.~~ 115.361 to intervene in the abuse of alcohol
21 and other drugs by pupils.

22 ***-2105/1.67* SECTION 3117.** 938.02 (15g) of the statutes is amended to read:

23 938.02 (15g) "Secured child caring institution" means a child caring institution
24 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in
25 secure custody persons adjudged delinquent.

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1 ***-2105/1.68*** SECTION 3118. 938.02 (15m) of the statutes is amended to read:

2 938.02 (15m) “Secured correctional facility” means a correctional institution
3 operated or contracted for by the department of corrections or operated by the
4 department of health and family services for holding in secure custody persons
5 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile
6 treatment center under s. 46.057, the facility at which the juvenile boot camp
7 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)
8 (b), 938.538 (4) (b) or 938.539 (5).

9 ***-2105/1.69*** SECTION 3119. 938.02 (15p) of the statutes is created to read:

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

14 ***-2105/1.70*** SECTION 3120. 938.02 (17) of the statutes is amended to read:

15 938.02 (17) “Shelter care facility” means a nonsecure place of temporary care
16 and physical custody for juveniles, including a holdover room, licensed by the
17 department of health and family services under s. 48.66 (1) (a).

18 ***-0276/1.1*** SECTION 3121. 938.06 (1) (a) 2. of the statutes is amended to read:

19 938.06 (1) (a) 2. The Subject to subd. 2m., the chief judge of the judicial
20 administrative district shall formulate written judicial policy governing intake and
21 court services for juvenile matters under this chapter and the director shall be
22 charged with executing the judicial policy. The chief judge shall direct and supervise
23 the work of all personnel of the court, except the work of the district attorney or
24 corporation counsel assigned to the court. The chief judge may delegate his or her
25 supervisory functions under s. 938.065 (1).

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1 ***-0276/1.2*** **SECTION 3122.** 938.06 (1) (a) 2m. of the statutes is created to read:

2 938.06 (1) (a) 2m. In formulating judicial policy under subd. 2. governing
3 intake and court services, the chief judge may not direct the department of health
4 and family services to provide those services in any case in which the referral
5 information indicates that a juvenile should be referred to the court as delinquent,
6 in need of protection or services under this chapter or in violation of a civil law or
7 ordinance, unless that information indicates that the juvenile should also be referred
8 to the court as in need of protection or services under ch. 48. The chief judge shall
9 direct the department of health and family services and the county department to
10 coordinate the provision of services in cases in which the intake worker determines
11 under s. 48.24 (1) that prima facie jurisdiction exists under this chapter instead of
12 or in addition to ch. 48 and in cases in which the intake worker determines under s.
13 938.24 (1) that prima facie jurisdiction exists under ch. 48 instead of or in addition
14 to this chapter.

15 ***-2105/1.71*** **SECTION 3123.** 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 ***-2105/1.72*** **SECTION 3124.** 938.08 (3) (a) (intro.) of the statutes is amended
20 to read:

21 938.08 (3) (a) (intro.) In addition to the law enforcement authority specified in
22 sub. (2), department personnel designated by the department ~~and~~, personnel of an
23 agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between
24 the agency and the department and personnel of a county contracted with under s.
25 301.08 (1) (b) 4. designated by agreement between the county and the department

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

3 ***-2105/1.73* SECTION 3125.** 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 ***-2105/1.74* SECTION 3126.** 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 ***-2105/1.75* SECTION 3127.** 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 ***-2105/1.76* SECTION 3128.** 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 ***-1615/1.6* SECTION 3129.** 938.17 (2) (d) of the statutes is amended to read:
24 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
25 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that

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1 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
2 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
3 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
4 imposed by the municipal court, the court may not impose a jail sentence but may
5 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
6 years, or, subject to the fee under s. 85.135, if applicable may suspend the juvenile's
7 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more
8 than 5 years. If a court suspends a license or privilege under this section, the court
9 shall immediately take possession of the applicable license and forward it to the
10 department that issued the license, together with the notice of suspension clearly
11 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
12 the forfeiture is paid during the period of suspension, the court shall immediately
13 notify the department, which shall thereupon return the license to the person.

14 ***-2105/1.77* SECTION 3130.** 938.183 (1) (a) of the statutes is amended to read:

15 938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is
16 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional
17 facility, a secure detention facility ~~or~~, a secured child caring institution or a secured
18 group home or who has been adjudicated delinquent and who is alleged to have
19 committed a violation of s. 940.20 (2m).

20 ***-2105/1.78* SECTION 3131.** 938.208 (2) of the statutes is amended to read:

21 938.208 (2) Probable cause exists to believe that the juvenile is a fugitive from
22 another state or has run away from a secured correctional facility, a secured child
23 caring institution or a secured group home and there has been no reasonable
24 opportunity to return the juvenile.

25 ***-2105/1.79* SECTION 3132.** 938.22 (title) of the statutes is amended to read:

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1 **938.22** (title) **Establishment of secure detention facilities and shelter**
2 **care county or private juvenile facilities.**

3 ***-2105/1.80*** SECTION 3133. 938.22 (1) (a) of the statutes is amended to read:

4 938.22 (1) (a) Subject to s. 48.66 (1)(b), the county board of supervisors of any
5 county may establish a secured group home or a secure detention facility in
6 accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or
7 more counties may jointly establish a secure detention facility in accordance with ss.
8 46.20, 301.36 and 301.37. The county board of supervisors of any county may
9 establish a ~~secure detention facility or a shelter care facility or both~~ in accordance
10 with ss. 46.16 and 46.17 or the county boards of supervisors for 2 or more counties
11 may jointly establish a ~~secure detention facility or a shelter care facility or both~~ in
12 accordance with ss. 46.16, 46.17 and 46.20 and 301.36. A private entity may
13 establish a secure detention facility in accordance with ss. 301.36 and 301.37 and
14 contract with one or more county boards of supervisors under s. 938.222 for holding
15 juveniles in the private secure detention facility.

16 ***-2105/1.81*** SECTION 3134. 938.22 (1) (b) of the statutes is amended to read:

17 938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less
18 than 500,000, the nonjudicial operational policies of a public secured group home,
19 secure detention facility or shelter care facility shall be determined by the county
20 board of supervisors or, in the case of a public secured group home, secure detention
21 facility or shelter care facility established by 2 or more counties, by the county boards
22 of supervisors for the 2 or more counties jointly. Those policies shall be executed by
23 the superintendent appointed under sub. (3) (a).

24 ***-2105/1.82*** SECTION 3135. 938.22 (1) (c) of the statutes is amended to read:

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

6 *~~-2105/1.83~~* **SECTION 3136.** 938.22 (2) (a) of the statutes is amended to read:

7 938.22 (2) (a) Counties shall submit plans for the secured group home, secure
8 detention facility or juvenile portion of the county jail to the department of
9 corrections and submit plans for the shelter care facility to the department of health
10 and family services. A private entity that proposes to establish a secure detention
11 facility shall submit plans for the secure detention facility to the department of
12 corrections. The applicable department shall review the submitted plans. A county
13 or a private entity may not implement any such plan unless the applicable
14 department has approved the plan. The department of corrections shall promulgate
15 rules establishing minimum requirements for the approval of the operation of
16 secured group homes, secure detention facilities and the juvenile portion of county
17 jails. The plans and rules shall be designed to protect the health, safety and welfare
18 of the juveniles ~~in these~~ placed in those facilities.

19 *~~-2105/1.84~~* **SECTION 3137.** 938.22 (3) (a) of the statutes is amended to read:

20 938.22 (3) (a) In counties having a population of less than 500,000, public
21 secured group homes, secure detention facilities and public shelter care facilities
22 shall be in the charge of a superintendent. The county board of supervisors or, where
23 2 or more counties operate joint public secured group homes, secure detention
24 facilities or ~~public~~ shelter care facilities, the county boards of supervisors for the 2
25 or more counties jointly shall appoint the superintendent and other necessary

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1 personnel for the care and education of the juveniles ~~in secure detention or shelter~~
2 ~~care~~ placed in those facilities, subject to par. (am) and to civil service regulations in
3 counties having civil service.

4 ***-2105/1.85* SECTION 3138.** 938.22 (3) (b) of the statutes is amended to read:
5 938.22 (3) (b) In counties having a population of 500,000 or more, the director
6 of the children's court center shall be in charge of and responsible for public secured
7 group homes, secure detention facilities, the secure detention section of the center
8 and the personnel assigned to this section, including a detention supervisor or
9 superintendent. The director of the children's court center may also serve as
10 superintendent of detention if the county board of supervisors so determines.

11 ***-2105/1.86* SECTION 3139.** 938.22 (7) (a) of the statutes is amended to read:
12 938.22 (7) (a) No person may establish a shelter care facility without first
13 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
14 operate a shelter care facility, a person must meet the minimum requirements for a
15 license established by the department of health and family services under s. 48.67,
16 meet the requirements specified in s. 48.685 and pay the license fee under par. (b).
17 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until
18 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

19 ***-2105/1.87* SECTION 3140.** 938.22 (7) (b) of the statutes is amended to read:
20 938.22 (7) (b) Before the department of health and family services may issue
21 a license under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility
22 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15
23 per juvenile, based on the number of juveniles that the shelter care facility is licensed
24 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66
25 (1) (a) shall pay the fee under this paragraph by the continuation date of the license.

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1 A new shelter care facility shall pay the fee under this paragraph by no later than
2 30 days before the opening of the shelter care facility.

3 ***-2105/1.88* SECTION 3141.** 938.22 (7) (c) of the statutes is amended to read:

4 938.22 (7) (c) A shelter care facility that wishes to continue a license issued
5 under s. 48.66 (1) (a) and that fails to pay the fee under par. (b) by the continuation
6 date of the license or a new shelter care facility that fails to pay the fee under par.
7 (b) by 30 days before the opening of the shelter care facility shall pay an additional
8 fee of \$5 per day for every day after the deadline that the facility fails to pay the fee.

9 ***-2105/1.89* SECTION 3142.** 938.23 (1) (a) of the statutes is amended to read:

10 938.23 (1) (a) Any juvenile alleged to be delinquent under s. 938.12 or held in
11 a secure detention facility shall be represented by counsel at all stages of the
12 proceedings, but a juvenile 15 years of age or older may waive counsel if the court is
13 satisfied that the waiver is knowingly and voluntarily made and the court accepts
14 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured
15 correctional facility, a secured child caring institution or a secured group home,
16 transfer supervision of the juvenile to the department for participation in the serious
17 juvenile offender program or transfer jurisdiction over the juvenile to adult court.

18 ***-1732/1.5* SECTION 3143.** 938.24 (5) of the statutes is amended to read:

19 938.24 (5) The intake worker shall request that a petition be filed, enter into
20 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
21 of referral information. Before entering into a deferred prosecution agreement, the
22 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
23 or a deferred prosecution agreement is entered into, the district attorney, corporation
24 counsel or other official under s. 938.09 shall receive written notice of such action.
25 If the case is closed, the known victims of the juvenile's alleged act shall receive notice

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1 as provided under sub. (5m), if applicable. ~~In addition, if a deferred prosecution~~
2 ~~agreement is entered into placing a juvenile in a youth village program as described~~
3 ~~in s. 118.42, the judge or juvenile court commissioner shall receive written notice of~~
4 ~~such action and, on receipt of that notice, shall enter an order requiring compliance~~
5 ~~with that agreement.~~ A notice of deferred prosecution of an alleged delinquency case
6 shall include a summary of the facts surrounding the allegation and a list of prior
7 intake referrals and dispositions. If a law enforcement officer has made a
8 recommendation concerning the juvenile, the intake worker shall forward this
9 recommendation to the district attorney under s. 938.09. Notwithstanding the
10 requirements of this section, the district attorney may initiate a delinquency petition
11 under s. 938.25 within 20 days after notice that the case has been closed or that a
12 deferred prosecution agreement has been entered into. The judge shall grant
13 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
14 which is not referred or filed within the time limits specified within this subsection.
15 Failure to object if a petition is not referred or filed within a time limit specified in
16 this subsection waives that time limit.

17 *~~1732/1.6~~* SECTION 3144. 938.245 (2) (a) 9. of the statutes is repealed.

18 *~~1732/1.7~~* SECTION 3145. 938.245 (2) (b) of the statutes is amended to read:

19 938.245 (2) (b) A deferred prosecution agreement, ~~other than an agreement~~
20 ~~under par. (a) 9.,~~ may not include any form of out-of-home placement and may not
21 exceed one year.

22 *~~1732/1.8~~* SECTION 3146. 938.245 (3) of the statutes is amended to read:

23 938.245 (3) The obligations imposed under a deferred prosecution agreement
24 and its effective date shall be set forth in writing. ~~If the deferred prosecution~~
25 ~~agreement places the juvenile in a youth village program under sub. (2) (a) 9., the~~

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1 ~~judge or juvenile court commissioner shall receive written notice that a deferred~~
2 ~~prosecution agreement has been entered into and, on receipt of that notice, shall~~
3 ~~enter an order requiring compliance with that agreement.~~ The juvenile and a parent,
4 guardian and legal custodian shall receive a copy of the agreement and order, as shall
5 any agency providing services under the agreement.

6 ***-1732/1.9* SECTION 3147.** 938.245 (4) of the statutes is amended to read:

7 938.245 (4) The intake worker shall inform the juvenile and the juvenile's
8 parent, guardian and legal custodian in writing of their right to terminate ~~or, if the~~
9 ~~juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to~~
10 ~~request the court to terminate~~ the deferred prosecution agreement at any time or to
11 object at any time to the fact or terms of the deferred prosecution agreement. If an
12 objection arises the intake worker may alter the terms of the agreement or request
13 the district attorney or corporation counsel to file a petition. If the deferred
14 prosecution agreement is terminated the intake worker may request the district
15 attorney or corporation counsel to file a petition.

16 ***-1732/1.10* SECTION 3148.** 938.245 (5) of the statutes is amended to read:

17 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
18 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
19 custodian. ~~A deferred prosecution agreement under sub. (2) (a) 9. may be terminated~~
20 ~~by the court upon the request of the juvenile, parent, guardian or legal custodian.~~

21 ***-1732/1.11* SECTION 3149.** 938.32 (1) (a) of the statutes is amended to read:

22 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
23 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
24 commissioner may suspend the proceedings and place the juvenile under
25 supervision in the juvenile's own home or present placement ~~or in a youth village~~

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1 ~~program as described in s. 118.42.~~ The court may establish terms and conditions
2 applicable to the parent, guardian or legal custodian, and to the juvenile, including
3 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
4 under this section shall be known as a consent decree and must be agreed to by the
5 juvenile; the parent, guardian or legal custodian; and the person filing the petition
6 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
7 the consent decree shall include provisions for payment of the services as specified
8 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

9 ***-1732/1.12* SECTION 3150.** 938.32 (2) (c) of the statutes is amended to read:

10 938.32 (2) (c) Upon the motion of the court or the application of the juvenile,
11 parent, guardian, legal custodian, intake worker or any agency supervising the
12 juvenile under the consent decree, the court may, after giving notice to the parties
13 to the consent decree and their counsel, if any, extend the decree for up to an
14 additional 6 months ~~or, if the consent decree places the juvenile in a youth village
15 program as described in s. 118.42, for up to an additional one year~~ in the absence of
16 objection to extension by the parties to the initial consent decree. If the parent,
17 guardian or legal custodian objects to the extension, the court shall schedule a
18 hearing and make a determination on the issue of extension. ~~A consent decree
19 placing a juvenile in a youth village program as described in s. 118.42 may be
20 extended no more than twice.~~

21 ***-2105/1.90* SECTION 3151.** 938.33 (3) (intro.) of the statutes is amended to
22 read:

23 938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending
24 placement of a juvenile in a secured correctional facility ~~under the supervision of the
25 department or, a secured child caring institution~~ or a secured group home shall be

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1 in writing, except that the report may be presented orally at the dispositional
2 hearing if the juvenile and the juvenile's counsel consent. A report that is presented
3 orally shall be transcribed and made a part of the court record. In addition to the
4 information specified under sub. (1) (a) to (d), the report shall include all of the
5 following:

6 ***-2105/1.91* SECTION 3152.** 938.33 (3) (a) of the statutes is amended to read:

7 938.33 (3) (a) A description of any less restrictive alternatives that are
8 available and that have been considered, and why they have been determined to be
9 inappropriate. If the judge has found that any of the conditions specified in s. 938.34
10 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative
11 than placement in a secured correctional facility ~~or~~ a secured child caring institution
12 or a secured group home is not appropriate.

13 ***-2105/1.92* SECTION 3153.** 938.33 (3r) of the statutes is amended to read:

14 938.33 (3r) **SERIOUS JUVENILE OFFENDER REPORT.** If a juvenile has been
15 adjudicated delinquent for committing a violation for which the juvenile may be
16 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
17 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
18 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for
19 placement in the serious juvenile offender program under s. 938.34 (4h) or in a
20 secured correctional facility or a secured group home under s. 938.34 (4m), a
21 placement specified in s. 938.34 (3) or placement in the juvenile's home with
22 supervision and community-based programming and a recommendation as to the
23 type of placement for which the juvenile is best suited.

24 ***-1732/1.13* SECTION 3154.** 938.34 (3) (dm) of the statutes is repealed.

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1 *~~-2105/1.93~~* **SECTION 3155.** 938.34 (4m) (intro.) of the statutes is amended to
2 read:

3 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured
4 correctional facility, a secured child caring institution or a secured group home under
5 the supervision of the department if the juvenile is 12 years of age or over or, if the
6 juvenile is under 12 years of age, in a secured child caring institution or a secured
7 group home under the supervision of the department, unless the department, after
8 an examination under s. 938.50, determines that placement in a secured correctional
9 facility is more appropriate, but only if all of the following apply:

10 *~~-2105/1.94~~* **SECTION 3156.** 938.34 (4n) (intro.) of the statutes is amended to
11 read:

12 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any
13 arrangement between the department and a county department regarding the
14 provision of aftercare supervision for juveniles who have been released from a
15 secured correctional facility ~~or~~, a secured child caring institution or a secured group
16 home, designate one of the following to provide aftercare supervision for the juvenile
17 following the juvenile's release from the secured correctional facility ~~or~~, secured child
18 caring institution or secured group home:

19 *~~-2105/1.95~~* **SECTION 3157.** 938.34 (4n) (b) of the statutes is amended to read:

20 938.34 (4n) (b) The county department of the county of the court that placed
21 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or
22 secured group home.

23 *~~-0400/7.19~~* **SECTION 3158.** 938.34 (5m) of the statutes is amended to read:

24 938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to
25 participate in a youth corps program, as defined in s. ~~16.22~~ 46.78 (1) (dm) or another

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1 community service work program, if the sponsor of the program approves the
2 juvenile's participation in the program.

3 ***-1615/1.7* SECTION 3159.** 938.34 (8) of the statutes is amended to read:

4 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
5 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
6 maximum forfeiture that the court may impose under this subsection for a violation
7 by a juvenile is the maximum amount of the fine that may be imposed on an adult
8 for committing that violation or, if the violation is applicable only to a person under
9 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
10 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
11 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
12 other alternatives under this section, in accordance with the conditions specified in
13 this chapter; or the court may suspend any license issued under ch. 29 for not less
14 than 30 days nor more than 5 years, or, subject to the fee under s. 85.135, if
15 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01 (40)
16 for not less than 30 days nor more than 5 years. If the court suspends any license
17 under this subsection, the clerk of the court shall immediately take possession of the
18 suspended license and forward it to the department which issued the license,
19 together with a notice of suspension clearly stating that the suspension is for failure
20 to pay a forfeiture imposed by the court. If the forfeiture is paid during the period
21 of suspension, the suspension shall be reduced to the time period which has already
22 elapsed and the court shall immediately notify the department which shall then
23 return the license to the juvenile. Any recovery under this subsection shall be
24 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
25 (b).

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1 ***-2105/1.96*** SECTION 3160. 938.34 (8d) (c) of the statutes is amended to read:

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

7 ***-1615/1.8*** SECTION 3161. 938.343 (2) of the statutes is amended to read:

8 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
9 be imposed on an adult for committing that violation or, if the violation is only
10 applicable to a person under 18 years of age, \$50. Any such order shall include a
11 finding that the juvenile alone is financially able to pay and shall allow up to 12
12 months for the payment. If a juvenile fails to pay the forfeiture, the court may
13 suspend any license issued under ch. 29 or, subject to the fee under s. 85.135, if
14 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01
15 (40), for not less than 30 days nor more than 5 years. The court shall immediately
16 take possession of the suspended license and forward it to the department which
17 issued the license, together with the notice of suspension clearly stating that the
18 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is
19 paid during the period of suspension, the court shall immediately notify the
20 department, which will thereupon return the license to the person. Any recovery
21 under this subsection shall be reduced by the amount recovered as a forfeiture for
22 the same act under s. 938.45 (1r) (b).

23 ***-2105/1.97*** SECTION 3162. 938.345 (1) (a) of the statutes is amended to read:

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

4 ***-2105/1.98*** **SECTION 3163.** 938.355 (1) of the statutes is amended to read:

5 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
6 decide on a placement and treatment finding based on evidence submitted to the
7 court. The disposition shall employ those means necessary to promote the objectives
8 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated
9 delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall include a
10 finding that the juvenile's current residence will not safeguard the welfare of the
11 juvenile or the community due to the serious nature of the act for which the juvenile
12 was adjudicated delinquent. If the judge has determined that any of the conditions
13 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima
14 facie evidence that a less restrictive alternative than placement in a secured
15 correctional facility ~~or~~, a secured child caring institution or a secured group home is
16 not appropriate. If information under s. 938.331 has been provided in a court report
17 under s. 938.33 (1), the court shall consider that information when deciding on a
18 placement and treatment finding.

19 ***-2105/1.99*** **SECTION 3164.** 938.357 (3) of the statutes is amended to read:

20 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in
21 placement would involve placing a juvenile in a secured correctional facility ~~or in~~, a
22 secured child caring institution or a secured group home, notice shall be given as
23 provided in sub. (1). A hearing shall be held, unless waived by the juvenile, parent,
24 guardian and legal custodian, before the judge makes a decision on the request. The
25 juvenile shall be entitled to counsel at the hearing, and any party opposing or

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1 favoring the proposed new placement may present relevant evidence and
2 cross-examine witnesses. The proposed new placement may be approved only if the
3 judge finds, on the record, that the conditions set forth in s. 938.34 (4h) or (4m) have
4 been met.

5 ***-2105/1.100* SECTION 3165.** 938.357 (4) (a) of the statutes is amended to read:

6 938.357 (4) (a) When the juvenile is placed with the department under s.
7 938.183 or 938.34 (4m), the department may, after an examination under s. 938.50,
8 place the juvenile in a secured correctional facility ~~or~~, a secured child caring
9 institution, a secured group home or on aftercare supervision, either immediately or
10 after a period of placement in a secured correctional facility ~~or~~, a secured child caring
11 institution or a secured group home. The department shall send written notice of the
12 change to the parent, guardian, legal custodian, county department designated
13 under s. 938.34 (4n), if any, and committing court. If the department places a juvenile
14 in a Type 2 secured correctional facility operated by a child welfare agency, the
15 department shall reimburse the child welfare agency at the rate established under
16 s. 46.037 that is applicable to the type of placement that the child welfare agency is
17 providing for the juvenile. A juvenile who is placed in a Type 2 secured correctional
18 facility ~~or~~, a secured child caring institution or a secured group home remains under
19 the supervision of the department, remains subject to the rules and discipline of ~~that~~
20 the department and is considered to be in custody, as defined in s. 946.42 (1) (a).

21 ***-2105/1.101* SECTION 3166.** 938.357 (4g) (a) of the statutes is amended to
22 read:

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

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

7 ***-2105/1.102* SECTION 3167.** 938.357 (4g) (b) of the statutes is amended to
8 read:

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

17 ***-2105/1.103* SECTION 3168.** 938.357 (4g) (d) of the statutes is amended to
18 read:

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

22 ***-2105/1.104* SECTION 3169.** 938.357 (5) (e) of the statutes is amended to read:

23 938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a
24 condition of aftercare supervision, the hearing examiner shall determine whether
25 confinement in a secured correctional facility ~~or~~, a secured child caring institution

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1 or a secured group home is necessary to protect the public, to provide for the juvenile's
2 rehabilitation or to not depreciate the seriousness of the violation.

3 ***-2105/1.105* SECTION 3170.** 938.357 (5) (f) of the statutes is amended to read:

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

7 ***-2105/1.106* SECTION 3171.** 938.38 (3) (a) of the statutes is amended to read:

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

17 ***-2105/1.107* SECTION 3172.** 938.48 (4) of the statutes is amended to read:

18 938.48 (4) Provide appropriate care and training for juveniles under its
19 supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4); including
20 serving those juveniles in their own homes, placing them in licensed foster homes or
21 licensed treatment foster homes in accordance with s. 48.63 or licensed group homes,
22 contracting for their care by licensed child welfare agencies or replacing them in
23 juvenile secured correctional ~~institutions or facilities~~, secured child caring
24 institutions or secured group homes in accordance with rules promulgated under ch.
25 227, except that the department may not purchase the educational component of

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1 private day treatment programs for juveniles in its custody unless the department,
2 the school board as defined in s. 115.001 (7) and the state superintendent of public
3 instruction all determine that an appropriate public education program is not
4 available. Disputes between the department and the school district shall be resolved
5 by the state superintendent of public instruction.

6 ***-2105/1.108* SECTION 3173.** 938.51 (1) (intro.) of the statutes is amended to
7 read:

8 938.51 (1) (intro.) At least 15 days prior to the date of release from a secured
9 correctional facility ~~or~~ a secured child caring institution or a secured group home of
10 a juvenile who has been adjudicated delinquent and at least 15 days prior to the
11 release from the supervision of the department or a county department of a juvenile
12 who has been adjudicated delinquent, the department or county department having
13 supervision over the juvenile shall make a reasonable attempt to do all of the
14 following:

15 ***-2105/1.109* SECTION 3174.** 938.51 (1m) of the statutes is amended to read:

16 938.51 (1m) The department or county department having supervision over a
17 juvenile described in sub. (1) shall determine the local agencies that it will notify
18 under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's
19 intended residence specified in the juvenile's aftercare supervision plan or, if those
20 methods do not indicate the community in which the juvenile will reside following
21 release from a secured correctional facility ~~or, from~~ a secured child caring institution
22 or a secured group home or from the supervision of the department or county
23 department, the community in which the juvenile states that he or she intends to
24 reside.

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1 ***-2105/1.110*** SECTION 3175. 938.51 (4) (intro.) of the statutes is amended to
2 read:

3 938.51 (4) (intro.) If a juvenile described in sub. (1), (1d) or (1g) escapes from
4 a secured correctional facility, child caring institution, secured group home,
5 inpatient facility, secure detention facility or juvenile portion of a county jail, or from
6 the custody of a peace officer or a guard of such a facility, institution, home or jail,
7 or has been allowed to leave a secured correctional facility, child caring institution,
8 secured group home, inpatient facility, secure detention facility or juvenile portion
9 of a county jail for a specified period of time and is absent from the facility, institution,
10 home or jail for more than 12 hours after the expiration of the specified period, as
11 soon as possible after the department or county department having supervision over
12 the juvenile discovers that escape or absence, that department or county department
13 shall make a reasonable attempt to notify by telephone all of the following persons:

14 ***-1070/1.1*** SECTION 3176. 938.533 (2) of the statutes is amended to read:
15 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
16 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
17 an average daily population of ~~106 juveniles in fiscal year 1997-98~~ and 136 juveniles
18 ~~in fiscal year 1998-99~~, or an average daily population of more than ~~106 juveniles in~~
19 ~~fiscal year 1997-98~~ and 136 juveniles ~~in fiscal year 1998-99~~ if the appropriation
20 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
21 for the program are increased under s. 13.101 or 16.505 (2) or if funding and positions
22 to serve more than ~~these~~ that average daily ~~populations~~ population are otherwise
23 available, in not less than 3 counties, including Milwaukee County. The office of
24 juvenile offender review in the department shall evaluate and select for participation
25 in the program juveniles who have been placed under the supervision of the

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1 department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The department
2 shall place a program participant in the community, provide intensive surveillance
3 of that participant and provide an average of ~~\$5,000~~ \$3,000 per year per slot to
4 purchase community-based treatment services for each participant. The
5 department shall make the intensive surveillance required under this subsection
6 available 24 hours a day, 7 days a week, and may purchase or provide electronic
7 monitoring for the intensive surveillance of program participants. The department
8 shall provide a report center in Milwaukee County to provide on-site programming
9 after school and in the evening for juveniles from Milwaukee County who are placed
10 in the corrective sanctions program. A contact worker providing services under the
11 program shall have a case load of approximately 10 juveniles and, during the initial
12 phase of placement in the community under the program of a juvenile who is
13 assigned to that contact worker, shall have not less than one face-to-face contact per
14 day with that juvenile. Case management services under the program shall be
15 provided by a corrective sanctions agent who shall have a case load of approximately
16 15 juveniles. The department shall promulgate rules to implement the program.

17 ***-2105/1.111* SECTION 3177.** 938.533 (3) (a) of the statutes is amended to read:

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

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1 ***-2105/1.112*** **SECTION 3178.** 938.535 of the statutes is amended to read:

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

10 ***-2105/1.113*** **SECTION 3179.** 938.538 (3) (a) 1. of the statutes is amended to
11 read:

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

17 ***-2105/1.114*** **SECTION 3180.** 938.538 (3) (a) 1m. of the statutes is amended to
18 read:

19 938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for
20 committing an act that would be a Class A felony if committed by an adult, placement
21 in a Type 1 secured correctional facility, a secured child caring institution, a secured
22 group home or, if the participant is 17 years of age or over or 15 years of age or over
23 and transferred under s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5),
24 until the participant reaches 25 years of age, unless the participant is released

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1 sooner, subject to a mandatory minimum period of confinement of not less than one
2 year.

3 ***-2105/1.115* SECTION 3181.** 938.538 (3) (a) 1p. of the statutes is amended to
4 read:

5 938.538 (3) (a) 1p. Alternate care, including placement in a foster home,
6 treatment foster home, group home, secured group home, child caring institution or
7 secured child caring institution.

8 ***-2105/1.116* SECTION 3182.** 938.538 (4) (a) of the statutes is amended to read:

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

22 ***-2105/1.117* SECTION 3183.** 938.57 (1) (c) of the statutes is amended to read:

23 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
24 care, including providing services for juveniles and their families in their own homes,
25 placing the juveniles in licensed foster homes, licensed treatment foster homes or

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

11 ***-2105/1.118*** SECTION 3184. 938.57 (4) of the statutes is amended to read:

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

24 ***-2105/1.119*** SECTION 3185. 938.59 (1) of the statutes is amended to read:

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1 938.59 (1) The county department shall investigate the personal and family
2 history and environment of any juvenile transferred to its legal custody or placed
3 under its supervision under s. 938.34 (4d) or (4n) and make any physical or mental
4 examinations of the juvenile considered necessary to determine the type of care
5 ~~necessary for the juvenile or placement that is best suited to the juvenile and to the~~
6 protection of the public. The county department shall screen a juvenile who is
7 examined under this subsection to determine whether the juvenile is in need of
8 special treatment or care because of alcohol or other drug abuse, mental illness or
9 severe emotional disturbance. The county department shall keep a complete record
10 of the information received from the court, the date of reception, all available data
11 on the personal and family history of the juvenile, the results of all tests and
12 examinations given the juvenile and a complete history of all placements of the
13 juvenile while in the legal custody or under the supervision of the county
14 department.

15 *~~-2105/1.120~~* **SECTION 3186.** 938.78 (3) of the statutes is amended to read:

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

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

11 ***-0086/3.2* SECTION 3187.** 938.78 (4) of the statutes is created to read:

12 938.78 (4) (a) Except as provided under pars. (b) and (c) or by order of the court,
13 no agency may make available for inspection or disclose the contents of any record
14 kept or information received relating to a foster parent, treatment foster parent or
15 family-operated group home, as defined in s. 48.627 (1), parent or a family member
16 of a foster parent, treatment foster parent or family-operated group home parent
17 without first receiving the written permission of the foster parent, treatment foster
18 parent or family-operated group home parent.

19 (b) Paragraph (a) does not apply to the confidential exchange of information
20 between an agency and another social welfare agency. A social welfare agency that
21 obtains information under this paragraph shall keep the information confidential as
22 required under this section and s. 48.78.

23 (c) Paragraph (a) does not prohibit an agency from disclosing the name and
24 address of a foster parent, treatment foster parent or family-operated group home
25 parent under s. 938.20 (8), 938.33 (5), 938.355 (2) (b) 2., 938.357 (1), (2m) or (4) (a)

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1 or (c) 3. or 938.38 (4) (c) or from disclosing to the parent, guardian or legal custodian
2 of a juvenile the location of an alternate placement of the juvenile under s. 938.538
3 (3) (a) 1p.

4 ***-2105/1.121* SECTION 3188.** 939.635 (1) of the statutes is amended to read:

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

11 Except as provided in sub. (2), if a person is convicted of violating s. 946.43 while
12 placed in a secured correctional facility, as defined in s. 938.02 (15m), a secure
13 detention facility, as defined in s. 938.02 (16), ~~or~~ a secured child caring institution,
14 as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p),
15 the court shall sentence the person to not less than 5 years of imprisonment.

16 ***-2105/1.122* SECTION 3189.** 939.635 (2) (b) of the statutes is amended to read:

17 939.635 (2) (b) That imposing the applicable presumptive minimum sentence
18 specified in sub. (1) is not necessary to deter the person or other persons from
19 committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed
20 in a secured correctional facility, as defined in s. 938.02 (15m), a secure detention
21 facility, as defined in s. 938.02 (16), or a secured child caring institution, as defined
22 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or from
23 committing violations of s. 940.20 (2m).

24 ***-2105/1.123* SECTION 3190.** 940.20 (2m) (a) 1. of the statutes is amended to
25 read:

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

4 ***-1516/4.18*** SECTION 3191. 944.21 (8) (b) 3. a. of the statutes is amended to
5 read:

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

9 ***-2105/1.124*** SECTION 3192. 946.42 (1) (a) of the statutes is amended to read:

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

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1 ***-2105/1.125*** **SECTION 3193.** 946.44 (2) (c) of the statutes is amended to read:
2 946.44 (2) (c) “Institution” includes a secured correctional facility, as defined
3 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
4 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
5 institution, as defined in s. 938.02 (19r).

6 ***-2105/1.126*** **SECTION 3194.** 946.44 (2) (d) of the statutes is amended to read:
7 946.44 (2) (d) “Prisoner” includes a person who is under the supervision of the
8 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
9 correctional facility ~~or, a secured child caring institution or a secured group home~~
10 under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2
11 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
12 48.366.

13 ***-2105/1.127*** **SECTION 3195.** 946.45 (2) (c) of the statutes is amended to read:
14 946.45 (2) (c) “Institution” includes a secured correctional facility, as defined
15 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
16 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
17 institution, as defined in s. 938.02 (19r).

18 ***-2105/1.128*** **SECTION 3196.** 946.45 (2) (d) of the statutes is amended to read:
19 946.45 (2) (d) “Prisoner” includes a person who is under the supervision of the
20 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
21 correctional facility ~~or, a secured child caring institution or a secured group home~~
22 under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2
23 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
24 48.366.