

2001 DRAFTING REQUEST

Bill

Received: **01/26/2001**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Miller (608) 266-5342**

By/Representing: **Jamie Kuhn**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - truancy**
Children - juvenile justice
Children - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Juvenile participation in programming of a youth report center

Instructions:

Redraft 1999 LRB-4653/2.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 01/26/2001	wjackson 02/05/2001		_____			Local
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FE Sent For:

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1/?	malaigm	1 WJ 2/5	2/6 Pg	2/6 Pg			

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<END>

2277/1

2001

1999 BILL

LPS: Please
proof amended
stats. w/ stats.

Regenerate

1 AN ACT to amend 103.67 (2) (j), 938.17 (2) (h) 1., 938.245 (5), 938.32 (1) (a),
 2 938.355 (6m) (a) (intro.) and 938.355 (6m) (ag); and to create 118.163 (1m) (c),
 3 118.163 (2) (L), 938.245 (2) (a) 10., 938.32 (1p), 938.34 (7j), 938.342 (1d) (c),
 4 938.342 (1g) (k), 938.343 (3m), 938.344 (2g) (a) 5., 938.355 (6) (d) 5. and 938.355
 5 (6m) (a) 4. of the statutes; relating to: participation in the programming of a
 6 youth report center as a condition of a juvenile disposition, sanction, deferred
 7 prosecution agreement or consent decree.

Analysis by the Legislative Reference Bureau

Under current law, a court assigned to exercise jurisdiction under the juvenile justice code (juvenile court) may impose certain dispositions on a juvenile who has been adjudicated delinquent, found to have committed a civil law or ordinance violation, or found to be in need of protection or services. Dispositions permitted under current law include placement under supervision, performance of community service work, and participation in certain educational programming ordered by the juvenile court. Current law also permits the juvenile court to impose certain sanctions on a juvenile who has violated a condition of his or her dispositional order. Sanctions permitted under current law include placement in secure or nonsecure custody for not more than ten days, suspension of the juvenile's operating privilege (driver's license) for not more than three years or, in the case of a juvenile who is

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truant or habitually truant from school, one year, performance of not more than 25 hours of community service work and home detention for not more than 30 days. In addition, current law permits a juvenile and the juvenile court intake worker, prior to the filing of a juvenile court petition, to enter into a deferred prosecution agreement under which the juvenile agrees to abide by certain obligations, such as supervision, curfews, and school attendance requirements, as will tend to ensure the juvenile's rehabilitation. Similarly, current law permits a juvenile and a judge or commissioner of the juvenile court, after the filing of a juvenile court petition, but before the entry of judgment, to enter into a consent decree under which the juvenile is placed under supervision in the juvenile's home or present placement subject to certain terms and conditions established by the juvenile court.

This bill permits a juvenile court to impose as a disposition for a juvenile who has been adjudicated delinquent, found to have committed a civil law or ordinance violation, or found to be in need of protection or services, and as a sanction for a juvenile who has violated a condition of his or her dispositional order, an order requiring the juvenile to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. The bill also permits reporting to a youth report center and participation in the center's programming to be included as an obligation under a deferred prosecution agreement or as a condition of a consent decree.

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

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

1. SECTION 1. 103.67 (2) (j) of the statutes is amended to read:

2. 103.67 (2) (j) Minors under 14 years of age may be employed as participants

3. in a restitution project under s. 938.245 (2) (a) 5., 938.32 (1t) (a), 938.34 (5) or 938.345

4. ~~or~~ in a supervised work program or other community service work under s. 938.245

5. (2) (a) 6., 938.32 (1t) (b), 938.34 (5g), 938.343 (3) or 938.345 or in the community

6. service component of a youth report center program under s. 938.245 (2) (a) 10,

7. 938.32 (1p), 938.34 (7j), 938.342 (1d) (c) or (1g) (k), 938.343 (3m), 938.344 (2g) (a) 5.,

8. 938.345) or 938.355 (6) (d) 5. or (6m) (a) 4.

9. SECTION 2. 118.163 (1m) (c) of the statutes is created to read:

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1 118.163 (1m) (c) An order for the person to report to a youth report center after
2 school, in the evening, on weekends, on other nonschool days, or at any other time that
3 the person is not under immediate adult supervision, for participation in the social,
4 behavioral, academic, community service, and other programming of the center as
5 described in s. 938.342 (1d) (c).[↓]

6 SECTION 3. 118.163 (2) (L) [↓] of the statutes is created to read:

7 118.163 (2) (L) An order for the person to report to a youth report center after
8 school, in the evening, on weekends, on other nonschool days, or at any other time that
9 the person is not under immediate adult supervision, for participation in the social,
10 behavioral, academic, community service, and other programming of the center as
11 described in s. 938.342 (1g) (k).[↓]

12 SECTION 4. 938.17 (2) (h) 1. [↓] of the statutes is amended to read:

13 938.17 (2) (h) 1. If a juvenile who has violated a municipal ordinance, other
14 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or
15 her dispositional order, the municipal court may impose on the juvenile any of the
16 sanctions specified in s. 938.355 (6) (d) 2. to ^{plain space} 4, 5, that are authorized under par. (cm)
17 except for monitoring by an electronic monitoring system or may petition the court
18 assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the
19 juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with
20 monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if
21 authorized under par. (cm), if at the time of judgment the court explained the
22 conditions to the juvenile and informed the juvenile of the possible sanctions under
23 s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the
24 violation the juvenile has acknowledged in writing that he or she has read, or has had

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1 read to him or her, those conditions and possible sanctions and that he or she
 2 understands those conditions and possible sanctions.

3 SECTION 5. 938.245 (2) (a) ^{9m}10 of the statutes is created to read:

4 938.245 (2) (a) ¹10. That the juvenile report to a youth report center after school,
 5 in the evening, on weekends, on other nonschool days, or at any other time that the
 6 juvenile is not under immediate adult supervision, for participation in the social,
 7 behavioral, academic, community service, and other programming of the center.
 8 Section 938.34 (5g) applies to any community service work performed by a juvenile
 9 under this subdivision.

10 SECTION 6. 938.245 (5) ¹ of the statutes, ~~as affected by 1999 Wisconsin Act 9,~~ is
 11 amended to read:

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

15 SECTION 7. 938.32 (1) (a) ¹ of the statutes, ~~as affected by 1999 Wisconsin Act 9,~~
 16 is amended to read:

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

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1 conditions specified in sub. (1g), the consent decree shall include provisions for
2 payment of the services as specified in s. 938.361. The consent decree shall be
3 reduced to writing and given to the parties.

4 **SECTION 8.** 938.32 (1p)[✓] of the statutes is created to read:

5 938.32 (1p) The judge or juvenile court commissioner may establish as a
6 condition under sub. (1) that the juvenile report to a youth report center after school,
7 in the evening, on weekends, on other nonschool days, or at any other time that the
8 juvenile is not under immediate adult supervision, for participation in the social,
9 behavioral, academic, community service, and other programming of the center.
10 Section 938.34 (5g)[✓] applies to any community service work performed by a juvenile
11 under this subsection.

12 **SECTION 9.** 938.34 (7j)[✓] of the statutes is created to read:

13 938.34 (7j) YOUTH REPORT CENTER. Order the juvenile to report to a youth report
14 center after school, in the evening, on weekends, on other nonschool days, or at any
15 other time that the juvenile is not under immediate adult supervision, for
16 participation in the social, behavioral, academic, community service, and other
17 programming of the center. Subsection (5g)[✓] applies to any community service work
18 performed by a juvenile under this subsection.

19 **SECTION 10.** 938.342 (1d) (c)[✓] of the statutes is created to read:

20 938.342 (1d) (c) Order the person to report to a youth report center after school,
21 in the evening, on weekends, on other nonschool days, or at any other time that the
22 person is not under immediate adult supervision, for participation in the social,
23 behavioral, academic, community service, and other programming of the center.
24 Section 938.34 (5g) applies to any community service work performed by a juvenile
25 under this paragraph.
person

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SECTION 11. 938.342 (1g) (k) of the statutes is created to read:

938.342 (1g) (k) Order the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center.

Section 938.34 (5g) applies to any community service work performed by a juvenile under this paragraph.

SECTION 12. 938.343 (3m) of the statutes is created to read:

938.343 (3m) Order the juvenile to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center.

Section 938.34 (5g) applies to any community service work performed by a juvenile under this subsection.

SECTION 13. 938.344 (2g) (a) 5. of the statutes is created to read:

938.344 (2g) (a) 5. Report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. Section 938.34 (5g) applies to any community service work performed by a juvenile under this subdivision.

SECTION 14. 938.355 (6) (d) 5. of the statutes is created to read:

938.355 (6) (d) 5. Participation after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, in the social, behavioral, academic, community service, and other

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1 programming of a youth report center. Subdivision 4. and s. 938.34 (5g) apply to any
2 community service work performed by a juvenile under this subdivision.

3 **SECTION 15.** 938.355 (6m) (a) (intro.) of the statutes is amended to read:

4 938.355 (6m) (a) (intro.) If the court finds by a preponderance of the evidence
5 that a juvenile who has been found to have violated a municipal ordinance enacted
6 under s. 118.163 (2) or who has been found to be in need of protection or services
7 under s. 938.13 (6) has violated a condition specified under sub. (2) (b) 7., the court
8 may order as a sanction any combination of the sanctions specified in subds. 1g. to
9 ~~3.~~ 4. and the dispositions specified in s. 938.342 (1g) (d) to (j) and (1m), regardless of
10 whether the disposition was imposed in the order violated by the juvenile, if at the
11 dispositional hearing under s. 938.335 the court explained those conditions to the
12 juvenile and informed the juvenile of the possible sanctions under this paragraph for
13 a violation or if before the violation the juvenile has acknowledged in writing that
14 he or she has read, or has had read to him or her, those conditions and possible
15 sanctions and that he or she understands those conditions and possible sanctions.

16 The court may order as a sanction under this paragraph any of the following:

17 **SECTION 16.** 938.355 (6m) (a) 4. of the statutes is created to read:

18 938.355 (6m) (a) 4. Participation after school, in the evening, on weekends, on
19 other nonschool days or at any other time that the juvenile is not under immediate
20 adult supervision, in the social, behavioral, academic, community service and other
21 programming of a youth report center. Subdivision 2. and s. 938.34 (5g) apply to any
22 community service work performed by a juvenile under this subdivision.

23 **SECTION 17.** 938.355 (6m) (ag) of the statutes is amended to read:

24 938.355 (6m) (ag) If the court finds by a preponderance of the evidence that a
25 juvenile who has been found to have violated a municipal ordinance enacted under

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1 s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7., the court may
2 order as a sanction any combination of the operating privilege suspension specified
3 in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to ~~(j)~~ (k) and (1m),
4 regardless of whether the disposition was imposed in the order violated by the
5 juvenile, if at the dispositional hearing under s. 938.335 the court explained those
6 conditions to the juvenile and informed the juvenile of the possible sanctions under
7 this paragraph for a violation or if before the violation the juvenile has acknowledged
8 in writing that he or she has read, or has had read to him or her, those conditions and
9 possible sanctions and that he or she understands those conditions and possible
10 sanctions.

SECTION 18. Initial applicability.

11
12 (1) YOUTH REPORT CENTER. This act first applies to a juvenile who commits a
13 delinquent act or a civil law or ordinance violation, or who is found to be in need of
14 protection or services under section 938.13[✓] of the statutes, on the effective date of this
15 subsection.[✓]

16 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 6, 2001

MEMORANDUM

To: Representative Miller

From: Gordon M. Malaise, Senior Legislative Attorney

Re: LRB-2277 Juvenile participation in programming of a youth report center

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

X JACKET FOR ASSEMBLY _____ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9738 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.