

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB212)

Received: 04/04/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Youth report center; county board authorization; reimbursement by municipality

Instructions:

See Attached--1. Require county board authorization for creation of youth report center (not mandate imposed by the court). 2. Require municipality to reimburse county for youth report center participation ordered by municipal court.

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 04/04/2001	wjackson 04/05/2001					
/1			pgreensl 04/06/2001		lrb_docadmin 04/06/2001	lrb_docadmin 04/06/2001	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	malaigm 04/11/2001	wjackson 04/11/2001	martykr 04/12/2001	_____	lrb_docadmin 04/12/2001	lrb_docadmin 04/12/2001	

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB212)

Received: 04/04/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Youth report center; county board authorization; reimbursement by municipality

Instructions:

See Attached--1. Require county board authorization for creation of youth report center (not mandate imposed by the court). 2. Require municipality to reimburse county for youth report center participation ordered by municipal court.

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 04/04/2001	wjackson 04/05/2001					
/1		1/2 WJ 4/11	pgreensl 04/06/2001		lrb_docadmin 04/06/2001	lrb_docadmin 04/06/2001	
			km 4/12	df km 4/12			

Vers. Drafted Reviewed Typcd Proofed Submitted . Jacketed Required

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB212)

Received: 04/04/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Youth report center; county board authorization; reimbursement by municipality

Instructions:

See Attached--1. Require county board authorization for creation of youth report center (not mandate imposed by the court). 2. Require municipality to reimburse county for youth report center participation ordered by municipal court.

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>
1?	malaigm	1 WLJ 4/5	4/6 P8	4/6 P8/Ch			

FE Sent For:

Malaise, Gordon

From: Gibson-Glass, Mary
Sent: Wednesday, April 04, 2001 9:00 AM
To: Malaise, Gordon
Cc: Miller, Mark
Subject: FW: AB 212 amendment request
Gordon,

Representative Miller intended for you to get this e-mail.

Mary

-----Original Message-----

From: Miller, Mark
Sent: Tuesday, April 03, 2001 6:23 PM
To: Gibson-Glass, Mary
Cc: Gilbert, Melissa
Subject: AB 212 amendment request

Ms Gibson-Glass,

During discussions with county officials regarding AB 212 , the Juvenile Report Center bill, I'd like to amend the bill to accomplish the following:

1. Clarify that a disposition to a youth report center is subject to the availability of such a program. The concern here is that a juvenile judge may use the authority granted in this bill to force a county to create a youth report center program. We also don't want to create a 24 hour mandate. The thrust of the legislation is to create this additional disposition in the law so that jurisdictions will consider creating such a program where it makes sense. The scope of a youth report center program offered needs to remain a local policy decision, not a judicial decision.
2. If a youth report center disposition is a disposition for a municipal offense, (118.63) the judge shall order reimbursement by the municipality to the jurisdiction operating the youth report center . There is a similar requirement in 938.17(2)(i)4m. Personally, I don't think it makes a lot of sense to mix truants with delinquents, but if the local municipalities want to use this flexibility, then the costs should be borne appropriately.

Thank you.

Mark Miller

Mark Miller

48th Assembly District
Capitol Room 112 North
P.O. 8953, Madison, WI 53708

04/04/2001



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0393/71
GMM.../.....
Wlj

Soon

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 212

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 11: after that line insert:

3 "SECTION ⁿⁿ⁻³ 938.06 (6) of the statutes is created to read:

4 938.06 (6) YOUTH REPORT CENTER PROGRAMMING. The county board of

5 supervisors may, by resolution, authorize the court to use participation in the
6 programming of a youth report center as a disposition under s. 938.34 (7j), 938.342

7 (1d) (c) or (1g) (k), 938.343 (3m), or 938.344 (2g) (a) 5. a sanction under s. 938.355

8 (6) (d) 5. or (6^m) (a) 4. or (ag); ^{semicolons} an obligation under a deferred prosecution agreement

9 under s. 938.245 (2) (a) 9m.; or a condition of a consent decree under s. 938.32 (1p).

10 The use by the court of a disposition under s. 938.34 (7j), 938.342 (1d) (c) or (1g) (k),

11 938.343 (3m), or 938.344 (2g) (a) 5.; a sanction under s. 938.355 (6) (d) 5. or (6^m) (a)

12 4. or (ag); an obligation under s. 938.245 (2) (a) 9m.; or a condition under s. 938.32

13 (1p) is subject to any resolution adopted under this subsection."

1 **2.** Page 4, line 2: after that line insert:

2 “SECTION 4g. 938.17 (2) (h) 4[✓] of the statutes is amended to read:

3 938.17 (2) (h) 4. If the court assigned to exercise jurisdiction under this chapter
4 and ch. 48 imposes the sanction specified in s. 938.355 (6) (d) 1. or home detention
5 with monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d)
6 3., on a petition described in subd. 1., that court shall order the municipality of the
7 municipal court that filed the petition to pay to the county the cost of providing the
8 sanction imposed under s. 938.355 (6) (d) 1. or 3. If a municipal court imposes as a
9 sanction participation in the programming of a youth report center under s. 938.355
10 (6) (d) 5[✓], the municipal court shall order the municipality of the municipality court
11 to pay the cost of providing that sanction to the county operating the youth report
12 center.

History: 1995 a. 77, 352, 448; 1997 a. 205, 239, 258; 1999 a. 9.

13 **SECTION 4j.** 938.17 (2) (i) 4m[✓] of the statutes is amended to read:

14 938.17 (2) (i) 4m. If the court assigned to exercise jurisdiction under this
15 chapter and ch. 48 imposes the sanction specified in s. 938.355 (6m) (a) 1g., on a
16 petition described in subd. 2m., that court shall order the municipality of the
17 municipal court that filed the petition to pay to the county the cost of providing the
18 sanction imposed under s. 938.355 (6m) (a) 1g. If a municipal court imposes as a
19 sanction participation in the programming of a youth report center under s. 938.355
20 (6m) (a) 4[✓] or (ag) 4[✓], the municipal court shall order the municipality of the municipality
21 court to pay the cost of providing that sanction to the county operating the youth
22 report center.”.

History: 1995 a. 77, 352, 448; 1997 a. 205, 239, 258; 1999 a. 9.

23 **3.** Page 4, line 9: after “subdivision.” insert “The use of participation in the
24 programming of a youth report center as an obligation under a deferred prosecution[✓]

1 agreement under this subdivision is subject to the adoption of a resolution by the
2 county board of supervisors under s. 938.06 (6) authorizing the use of that
3 participation as an obligation under a deferred prosecution agreement.”.

4 4. Page 5, line 10: after “subsection.” insert “The use of participation in the
5 programming of a youth report center as a condition of a consent decree under this
6 subsection is subject to the adoption of a resolution by the county board of supervisors
7 under s. 938.06 (6) authorizing the use of that participation as a condition of a
8 consent decree.”.

9 5. Page 5, line 17: after “subsection.” insert “The use of participation in the
10 programming of a youth report center as a disposition under this subsection is
11 subject to the adoption of a resolution by the county board of supervisors under s.
12 938.06 (6) authorizing the use of that participation as a disposition under this
13 subsection.”.

14 6. Page 5, line 24: after “paragraph.” insert “The use of participation in the
15 programming of a youth report center as a disposition under this paragraph is
16 subject to the adoption of a resolution by the county board of supervisors under s.
17 938.06 (6) authorizing the use of that participation as a disposition under this
18 paragraph. If a municipal court imposes participation in the programming of a youth
19 report center as a disposition under this paragraph, the municipal court shall order
20 the municipality of the municipal court to pay the cost of providing that
21 disposition to the county operating the youth report center.”.

22 7. Page 6, line 6: after “paragraph.” insert “The use of participation in the
23 programming of a youth report center as a disposition under this paragraph is
24 subject to the adoption of a resolution by the county board of supervisors under s.

1 938.06 (6) authorizing the use of that participation as a disposition under this
2 paragraph. If a municipal court imposes participation in the programming of a youth
3 report center as a disposition under this paragraph, the municipal court shall order
4 the municipality of the municipality court to pay the cost of providing that
5 disposition to the county operating the youth report center.”.

6 **8.** Page 6, line 13: after “subsection.” insert “The use of participation in the
7 programming of a youth report center as a disposition under this subsection is
8 subject to the adoption of a resolution by the county board of supervisors under s.
9 938.06 (6) authorizing the use of that participation as a disposition under this
10 subsection. If a municipal court imposes participation in the programming of a youth
11 report center as a disposition under this subsection, the municipal court shall order
12 the municipality of the municipality court to pay the cost of providing that
13 disposition to the county operating the youth report center.”.

14 **9.** Page 6, line 20: after “subdivision.” insert “The use of participation in the
15 programming of a youth report center as a disposition under this subdivision is
16 subject to the adoption of a resolution by the county board of supervisors under s.
17 938.06 (6) authorizing the use of that participation as a disposition under this
18 subdivision. If a municipal court imposes participation in the programming of a
19 youth report center as a disposition under this subdivision, the municipal court shall
20 order the municipality of the municipality court to pay the cost of providing that
21 disposition to the county operating the youth report center.”.

22 **10.** Page 7, line 2: after “subdivision.” insert “The use of participation in the
23 programming of a youth report center as a sanction under this subdivision is subject

1 to the adoption of a resolution by the county board of supervisors under s. 938.06 (6) ✓
2 authorizing the use of that participation as a sanction under this subdivision. ✓

3 **11.** Page 7, line 22: after "subdivision." insert "The use of participation in the ✓
4 programming of a youth report center as a sanction under this subdivision is subject ✓
5 to the adoption of a resolution by the county board of supervisors under s. 938.06 (6) ✓
6 authorizing the use of that participation as a sanction under this subdivision. ✓

7 **12.** Page 8, line 10: after "sanctions." insert "The use of participation in the
8 programming of a youth report center as a sanction under this paragraph is subject
9 to the adoption of a resolution by the county board of supervisors under s. 938.06 (6) ✓
10 authorizing the use of that participation as a sanction under this paragraph. ✓

11

(END)

Malaise, Gordon

From: Gibson-Glass, Mary
Sent: Wednesday, April 11, 2001 8:47 AM
To: Malaise, Gordon
Subject: FW: AB 212 amendment request

Gordon, this message was intended for you.

Mary

-----Original Message-----

From: Miller, Mark
Sent: Tuesday, April 10, 2001 7:14 PM
To: Gibson-Glass, Mary
Cc: Gilbert, Melissa; Kuhn, Jamie; Sen.Meyer
Subject: FW: AB 212 amendment request

Ms. Gibson-Glass,

Thank you for drafting the amendment to AB212 . The amendment, LRB a393/1, requires the county board to adopt a resolution authorizing the use of a youth reporting center before it can be used as a disposition. I anticipate that this programming may become available through means other than action by a county board. The youth report center program in Dane County was not created by action of the Dane County Board, except indirectly through approval of the Human Services budget for a contract for services.

I would prefer that the check on judicial authority to order juveniles to a program that may not exist be done by saying "subject to the availability of such programming," or words to that effect.

This could be accomplished by (referencing LRBa393/1):

1. Page 1, delete lines 2 through 13.
2. On page 3, line 1, replace "...adoption of a resolution...deferred prosecution agreement" with "...availability of programming."
3. Repeat 2, above, for all the subsequent sections of the amendment.

I will be in and out Wednesday until early afternoon, depending on the length of Natural Resources Committee Public hearing. If you need to confer with me before proceeding with these changes, please call Jamie in my office. She will retrieve me so I can clarify any questions.

Mark Miller
6-5342

-----Original Message-----

From: Miller, Mark
Sent: Tuesday, April 03, 2001 6:23 PM
To: Gibson-Glass, Mary
Cc: Gilbert, Melissa
Subject: AB 212 amendment request

04/11/2001

Ms Gibson-Glass,

During discussions with county officials regarding AB 212 , the Juvenile Report Center bill, I'd like to amend the bill to accomplish the following:

1. Clarify that a disposition to a youth report center is subject to the availability of such a program. The concern here is that a juvenile judge may use the authority granted in this bill to force a county to create a youth report center program. We also don't want to create a 24 hour mandate. The thrust of the legislation is to create this additional disposition in the law so that jurisdictions will consider creating such a program where it makes sense. The scope of a youth report center program offered needs to remain a local policy decision, not a judicial decision.
2. If a youth report center disposition is a disposition for a municipal offense, (118.63) the judge shall order reimbursement by the municipality to the jurisdiction operating the youth report center . There is a similar requirement in 938.17(2)(i)4m. Personally, I don't think it makes a lot of sense to mix truants with delinquents, but if the local municipalities want to use this flexibility, then the costs should be borne appropriately.

Thank you.

Mark Miller

Mark Miller

48th Assembly District

Capitol Room 112 North

P.O. 8953, Madison, WI 53708

608-266-5342, 608-282-3648 Fax

Rep.Miller@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0393/1 (2)

GMM:wlj: [initials]

5200

**ASSEMBLY AMENDMENT ,
TO 2001 ASSEMBLY BILL 212**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 11: after that line insert:

3 **"SECTION 3r.** 938.06 (6) of the statutes is created to read:

4 938.06 (6) YOUTH REPORT CENTER PROGRAMMING. The county board of
5 supervisors may, by resolution, authorize the court to use participation in the
6 programming of a youth report center as a disposition under s. 938.34 (7j), 938.342
7 (1d) (c) or (1g) (k), 938.343 (3m), or 938.344 (2g) (a) 5.; a sanction under s. 938.355
8 (6) (d) 5. or (6m) (a) 4. or (ag); an obligation under a deferred prosecution agreement
9 under s. 938.245 (2) (a) 9m.; or a condition of a consent decree under s. 938.32 (1p).
10 The use by the court of a disposition under s. 938.34 (7j), 938.342 (1d) (c) or (1g) (k),
11 938.343 (3m), or 938.344 (2g) (a) 5.; a sanction under s. 938.355 (6) (d) 5. or (6m) (a)
12 4. or (ag); an obligation under s. 938.245 (2) (a) 9m.; or a condition under s. 938.32
13 (1p) is subject to any resolution adopted under this subsection."

1 **2.** Page 4, line 2: after that line insert:

2 “**SECTION 4g.** 938.17 (2) (h) 4. of the statutes is amended to read:

3 938.17 (2) (h) 4. If the court assigned to exercise jurisdiction under this chapter
4 and ch. 48 imposes the sanction specified in s. 938.355 (6) (d) 1. or home detention
5 with monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d)
6 3., on a petition described in subd. 1., that court shall order the municipality of the
7 municipal court that filed the petition to pay to the county the cost of providing the
8 sanction imposed under s. 938.355 (6) (d) 1. or 3. If a municipal court imposes as a
9 sanction participation in the programming of a youth report center under s. 938.355
10 (6) (d) 5., the municipal court shall order the municipality of the municipal court to
11 pay the cost of providing that sanction to the county operating the youth report
12 center.

13 **SECTION 4j.** 938.17 (2) (i) 4m. of the statutes is amended to read:

14 938.17 (2) (i) 4m. If the court assigned to exercise jurisdiction under this
15 chapter and ch. 48 imposes the sanction specified in s. 938.355 (6m) (a) 1g., on a
16 petition described in subd. 2m., that court shall order the municipality of the
17 municipal court that filed the petition to pay to the county the cost of providing the
18 sanction imposed under s. 938.355 (6m) (a) 1g. If a municipal court imposes as a
19 sanction participation in the programming of a youth report center under s. 938.355
20 (6m) (a) 4. or (ag), the municipal court shall order the municipality of the municipal
21 court to pay the cost of providing that sanction to the county operating the youth
22 report center.”.

23 **3.** Page 4, line 9: after “subdivision.” insert “The use of participation in the
24 programming of a youth report center as an obligation under a deferred prosecution

availability of that programming

1 agreement under this subdivision is subject to the adoption of a resolution by the
2 county board of supervisors under s. 938.06 (6) authorizing the use of that
3 participation as an obligation under a deferred prosecution agreement.”

4 4. Page 5, line 10: after “subsection.” insert “The use of participation in the
5 programming of a youth report center as a condition of a consent decree under this
6 subsection is subject to the adoption of a resolution by the county board of supervisors
7 under s. 938.06 (6) authorizing the use of that participation as a condition of a
8 consent decree.”

9 5. Page 5, line 17: after “subsection.” insert “The use of participation in the
10 programming of a youth report center as a disposition under this subsection is
11 subject to the adoption of a resolution by the county board of supervisors under s.
12 938.06 (6) authorizing the use of that participation as a disposition under this
13 subsection.”

14 6. Page 5, line 24: after “paragraph.” insert “The use of participation in the
15 programming of a youth report center as a disposition under this paragraph is
16 subject to the adoption of a resolution by the county board of supervisors under s.
17 938.06 (6) authorizing the use of that participation as a disposition under this
18 paragraph. If a municipal court imposes participation in the programming of a youth
19 report center as a disposition under this paragraph, the municipal court shall order
20 the municipality of the municipal court to pay the cost of providing that disposition
21 to the county operating the youth report center.”

22 7. Page 6, line 6: after “paragraph.” insert “The use of participation in the
23 programming of a youth report center as a disposition under this paragraph is
24 subject to the adoption of a resolution by the county board of supervisors under s.

(see 3 times)

availability of that programming

1) ~~938.06 (6) authorizing the use of that participation as a disposition under this~~
 2) ~~paragraph.~~ If a municipal court imposes participation in the programming of a youth
 3 report center as a disposition under this paragraph, the municipal court shall order
 4 the municipality of the municipal court to pay the cost of providing that disposition
 5 to the county operating the youth report center.”.

6 **8.** Page 6, line 13: after “subsection.” insert “The use of participation in the
 7 programming of a youth report center as a disposition under this subsection is
 8 subject to the ~~adoption of a resolution by the county board of supervisors under s.~~

9 ~~938.06 (6) authorizing the use of that participation as a disposition under this~~
 10 ~~subsection.~~ If a municipal court imposes participation in the programming of a youth
 11 report center as a disposition under this subsection, the municipal court shall order
 12 the municipality of the municipal court to pay the cost of providing that disposition
 13 to the county operating the youth report center.”.

14 **9.** Page 6, line 20: after “subdivision.” insert “The use of participation in the
 15 programming of a youth report center as a disposition under this subdivision is
 16 subject to the ~~adoption of a resolution by the county board of supervisors under s.~~

17 ~~938.06 (6) authorizing the use of that participation as a disposition under this~~
 18 ~~subdivision.~~ If a municipal court imposes participation in the programming of a
 19 youth report center as a disposition under this subdivision, the municipal court shall
 20 order the municipality of the municipal court to pay the cost of providing that
 21 disposition to the county operating the youth report center.”.

22 **10.** Page 7, line 2: after “subdivision.” insert “The use of participation in the
 23 programming of a youth report center as a sanction under this subdivision is subject

(Use final)

availability of that programming

1) to the adoption of a resolution by the county board of supervisors under s. 938.06 (6)
2) ~~authorizing the use of that participation as a sanction under this subdivision."~~

3) **11.** Page 7, line 22: after "subdivision." insert "The use of participation in the
4) programming of a youth report center as a sanction under this subdivision is subject
5) to the adoption of a resolution by the county board of supervisors under s. 938.06 (6)
6) ~~authorizing the use of that participation as a sanction under this subdivision."~~

7) **12.** Page 8, line 10: after "sanctions." insert "The use of participation in the
8) programming of a youth report center as a sanction under this paragraph is subject
9) to the adoption of a resolution by the county board of supervisors under s. 938.06 (6)
10) ~~authorizing the use of that participation as a sanction under this paragraph."~~

11

(END)

availability of that programming