

2001 DRAFTING REQUEST

Bill

Received: 11/30/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: Mellissa Gilbert

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: **Children - juvenile justice**

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Various juvenile correctional changes

Instructions:

Draft Assembly companion to LRB-2636/5.

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>
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FE Sent For:

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2001 - 2002 LEGISLATURE

Sam
(Companion)

LRB-2006/5-1
GMM:fld/pg

4344/1

2001 BILL

Regen

1 AN ACT *to repeal* 938.357 (4) (d); *to amend* 48.366 (8), 48.415 (4) (a), 301.03 (10)
2 (d), 302.11 (10), 302.255, 302.386 (5) (d), 938.183 (3), 938.185 (2), 938.355 (4) (a),
3 938.355 (4) (b), 938.356 (1), 938.538 (3) (a) 1., 938.538 (3) (a) 1m., 938.538 (3)
4 (a) 2., 938.538 (3) (b), 938.538 (4) (a), 938.538 (5) (c), 938.538 (6), 938.992 (3),
5 973.013 (3m) and 976.08; and *to create* 808.075 (4) (fn) 10. and 938.538 (4m)
6 of the statutes; **relating to:** permitting the period for which a serious juvenile
7 offender program participant may be placed in a juvenile secured correctional
8 facility to be extended; prohibiting a juvenile who has been adjudicated
9 delinquent from being transferred to an adult prison; permitting a juvenile who
10 has been sentenced as an adult to be transferred to an adult prison on reaching
11 15 years of age; permitting a juvenile to be placed in a juvenile secured
12 correctional facility only until the juvenile reaches 18 years of age; and
13 requiring the juvenile court, when placing a juvenile who has been adjudged
14 delinquent outside the home or when denying parental visitation with such a

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1 juvenile, to warn the parents of any applicable termination of parental rights
2 grounds and of the conditions necessary for the juvenile to be returned to the
3 home or for the parent to be granted visitation.

Analysis by the Legislative Reference Bureau

Under current law, a court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may place a juvenile ten years of age or over who has committed a Class A felony or a juvenile 14 years of age or over who has committed a Class B felony in the serious juvenile offender program (SJOP) if the juvenile court finds that the only other disposition that would be appropriate for the juvenile would be placement in a juvenile secured correctional facility. The SJOP contains various component phases for its participants, including placement in a juvenile secured correctional facility or, if the participant is 17 years of age or over, an adult prison. The SJOP also includes a component phase of intensive or other field supervision, including juvenile corrective sanctions supervision, juvenile aftercare supervision or, if the participant is 17 years of age or over, adult intensive sanctions supervision. Also, under current law, the department of corrections (DOC) may transfer a juvenile who is placed in a juvenile secured correctional facility to the Racine Youthful Offender Correctional Facility, which is a medium security adult correctional institution for offenders 15 to 21 years of age, if the juvenile is 15 years of age or over and the conduct of the juvenile in the juvenile secured correctional facility presents a serious problem to the juvenile or others.

The Wisconsin Supreme Court recently held, however, in *State of Wisconsin v. Hezzie R.*, 219 Wis. 2d 849 (1998), that subjecting a juvenile who has no right to a trial by jury under the juvenile justice code to placement in an adult prison violates the juvenile's constitutional right to a trial by jury because placement in an adult prison constitutes criminal punishment rather than juvenile rehabilitation. Accordingly, this bill eliminates the authority of DOC to transfer a juvenile who has been adjudicated delinquent to an adult prison, including the intensive sanctions program, which is defined in the statutes as a state prison.

Current law contains conflicting provisions relating to the age under which a juvenile who has been sentenced to an adult prison (juvenile prisoner) must be placed in a juvenile secured correctional facility and the age at which a juvenile prisoner may be transferred to an adult prison. One provision requires DOC to keep juvenile prisoners under 15 years of age in a juvenile secured correctional facility, another provision requires DOC to keep juvenile prisoners under 16 years of age in a juvenile secured correctional facility, and another provision does not permit DOC to transfer a juvenile prisoner to an adult prison until the juvenile attains 17 years of age. This bill provides a uniform age of 15 years at which DOC may transfer a juvenile prisoner to an adult prison.

Under current law, a participant in the SJOP who has committed a Class A felony may be placed in a juvenile secured correctional facility or an adult prison

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until the participant reaches 25 years of age and a participant in the SJOP who has committed a Class B felony may be placed in such a facility or prison for not more than three years. This bill permits the juvenile court to extend the period for which a participant in the SJOP may be placed in a juvenile secured correctional facility for not more than an additional two years if the juvenile court finds that the participant is in need of the supervision, care, and rehabilitation that a placement in a juvenile secured correctional facility provides and that public safety considerations require that the participant be placed in such a facility. Under the bill, the juvenile court may extend a juvenile's placement one or more times, but the total cumulative period of all extensions may not exceed two years. The bill also permits DOC to extend the period for which a participant in the SJOP may be placed in a juvenile secured correctional facility one or more times for an additional total cumulative period of not more than 30 days without a hearing, unless DOC provides for a hearing by rule. In addition, the bill specifies that a 30-day extension under the bill does not preclude a two-year extension under the bill, and vice versa.

Under current law, in the case of a delinquency proceeding that is commenced before a juvenile reaches 17 years of age, the juvenile court retains jurisdiction over the proceeding after the juvenile reaches 17 years of age. Current law, however, is ambiguous as to the period of time for which a juvenile who is 17 years of age or older when his or her dispositional order is entered may be placed in a juvenile secured correctional facility. One provision provides that a dispositional order terminates at the end of one year, which would permit a juvenile who is 17 years of age or older when his or her dispositional order is entered to be placed in a juvenile secured correctional facility until after the juvenile reaches 18 years of age. Another provision permits the juvenile court to place a juvenile in a juvenile secured correctional facility for up to two years or until the juvenile's 18th birthdate, whichever is earlier. This bill clarifies that a juvenile may be placed in a juvenile secured correctional facility only until the juvenile reaches 18 years of age.

Under current law, when the juvenile court orders a juvenile in need of protection or services to be placed outside the juvenile's home or denies a parent visitation with the juvenile in a dispositional order, a change in placement order, or an order revising or extending a dispositional order, the juvenile court must notify the juvenile's parents, both orally and in writing, of any ground for termination of parental rights (TPR) that may be applicable and of the conditions necessary for the juvenile to be returned to the home or for the parent to be granted visitation. This bill requires the juvenile court to provide that notice when placing a juvenile who has been adjudged delinquent outside the home or when denying parental visitation with such a juvenile. The bill also expands the TPR ground based on continuing denial of visitation to include a parent who is denied visitation for over one year under a delinquency order containing the required notice.

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

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

1 **SECTION 1.** 48.366 (8) ✓ of the statutes, as affected by 2001 Wisconsin Act 16, is
2 amended to read:

3 48.366 (8) ~~TRANSFER TO OR BETWEEN FACILITIES.~~ The department of corrections
4 may transfer a person subject to an order between secured correctional facilities.
5 After the person attains the age of ~~17~~ 15 years, the department of corrections may
6 place the person in a state prison named in s. 302.01, except that the department of
7 corrections may not place any person under the age of 18 years in the correctional
8 institution authorized in s. 301.16 (1n). ~~If the person is 15 years of age or over, the~~
9 ~~department of corrections may transfer the person to the Racine youthful offender~~
10 ~~correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ If the
11 department of corrections places a person subject to an order under this section in
12 a state prison, that department shall provide services for that person from the
13 appropriate appropriation under s. 20.410 (1). The department of corrections may
14 transfer a person placed in a state prison under this subsection to or between state
15 prisons named in s. 302.01 without petitioning for revision of the order under sub.
16 (5) (a), except that the department of corrections may not transfer any person under
17 the age of 18 years to the correctional institution authorized in s. 301.16 (1n).

18 **SECTION 2.** 48.415 (4) (a) of the statutes is amended to read:

19 48.415 (4) (a) That the parent has been denied periods of physical placement
20 by court order in an action affecting the family or has been denied visitation under

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1 an order under ~~s. 48.345, 48.363, 48.365, 938.345, 938.363 or 938.365~~ containing the
2 notice required by s. 48.356 (2) or 938.356 (2).

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

4 301.03 (10) (d) Administer the office of juvenile offender review in the division
5 of juvenile corrections in the department. The office shall be responsible for decisions
6 regarding case planning, and the release of juvenile offenders from secured
7 correctional facilities or secured child caring institutions to aftercare placements
8 ~~and the transfer of juveniles to the Racine youthful offender correctional facility~~
9 ~~named in s. 302.01 as provided in s. 938.357 (4) (d).~~

10 **SECTION 4.** 302.11 (10) ✓ of the statutes is amended to read:

11 302.11 (10) An inmate subject to an order under s. 48.366 ~~or 938.34 (4h)~~ is not
12 entitled to mandatory release and may be released or discharged only as provided
13 under s. 48.366 ~~or 938.538~~.

14 **SECTION 5.** 302.255 ✓ of the statutes is amended to read:

15 **302.255 Interstate corrections compact; additional applicability.**

16 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order
17 under s. 48.366 who are confined to a state prison under s. 302.01 ~~and persons subject~~
18 ~~to an order under s. 938.34 (4h) who are 17 years of age or older.~~

19 **SECTION 6.** 302.386 (5) (d) ✓ of the statutes is amended to read:

20 302.386 (5) (d) Any participant in the serious juvenile offender program under
21 s. 938.538 unless ~~he or she~~ the participant is placed in a Type 1 secured correctional
22 facility, as defined in s. 938.02 (19), ~~or in a Type 1 prison other than the institution~~
23 ~~authorized under s. 301.046 (1).~~

24 **SECTION 7.** 808.075 (4) (fn) 10. ✓ of the statutes is created to read:

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1 808.075 (4) (fn) 10. Extension, under s. 938.538 (4m) (a) 2., of a placement
2 under s. 938.538 (3) (a) 1.

3 **SECTION 8.** 938.183 (3) ✓ of the statutes, as affected by 2001 Wisconsin Act 16,
4 is amended to read:

5 938.183 (3) Except as provided in s. 973.013 (3m), the department shall place
6 a juvenile under 15 years of age who is subject to a criminal penalty under sub. (1m)
7 or (2) in a secured correctional facility or a secured child caring institution. When
8 a juvenile who is subject to a criminal penalty under sub. (1m) or (2) attains the age
9 of ~~17~~ 15 years, the department may place the juvenile in a state prison named in s.
10 302.01, except that the department may not place any person under the age of 18
11 years in the correctional institution authorized in s. 301.16 (1n). ~~If a juvenile who~~
12 ~~is subject to a criminal penalty under sub. (1m) or (2) is 15 years of age or over, the~~
13 ~~department may transfer the juvenile to the Racine youthful offender correctional~~
14 ~~facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ A juvenile who is subject
15 to a criminal penalty under sub. (1m) or (2) for an act committed before
16 December 31, 1999, is eligible for parole under s. 304.06.

17 **SECTION 9.** 938.185 (2) ✓ of the statutes is amended to read:

18 938.185 (2) Venue for any proceeding under s. 938.363 ~~or~~, 938.365, or 938.538
19 (4m) (a) 2. shall be in the county where the dispositional order was issued, unless the
20 juvenile's county of residence has changed, or the parent of the juvenile has resided
21 in a different county of this state for 6 months. In either case, the court may, upon
22 a motion and for good cause shown, transfer the case, along with all appropriate
23 records, to the county of residence of the juvenile or parent.

24 **SECTION 10.** 938.355 (4) (a) ✓ of the statutes is amended to read:

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1 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders under
2 this section made before the juvenile reaches the age of 18 and all extensions under
3 s. 938.365 made before the juvenile reaches the age of 18 shall terminate at the end
4 of one year unless the court specifies a shorter period of time. ~~Except if s. 938.368~~
5 ~~applies, extensions or revisions shall terminate at the end of one year unless the~~
6 ~~court specifies a shorter period of time. No extension under s. 938.365 of an original~~
7 ~~dispositional order may be granted for a juvenile who is subject to an order under s.~~
8 ~~938.34 (4d), (4h), (4m) or (4n) if the juvenile is 17 years of age or older when the~~
9 ~~original dispositional order terminates. Any order made before the juvenile reaches~~
10 ~~the age of majority shall be effective for a time up to one year after its entry unless~~
11 ~~the court specifies a shorter period of time.~~

12 **SECTION 11.** 938.355 (4) (b) [✓] of the statutes is amended to read:

13 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~
14 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~
15 ~~an Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before~~
16 ~~the juvenile reaches the age of 18 may apply for up to 2 years or until the juvenile's~~
17 ~~18th birthdate, whichever is earlier and the judge shall make an, unless the court~~
18 ~~specifies a shorter period of time. Except as provided in s. 938.368, an order under~~
19 ~~s. 938.34 (4h) made before the juvenile reaches the age of 18 shall apply for 5 years,~~
20 ~~if the juvenile is adjudicated delinquent for committing an act that would be~~
21 ~~punishable as a Class B felony if committed by an adult, or until the juvenile reaches~~
22 ~~25 years of age, if the juvenile is adjudicated delinquent for committing an act that~~
23 ~~would be punishable as a Class A felony if committed by an adult. Except as provided~~
24 ~~in s. 938.368, extensions of an order under s. 938.34 (4d), (4h), (4m), or (4n) made~~
25 ~~before the juvenile reaches the age of 17 shall terminate at the end of one year unless~~

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1 the court specifies a shorter period of time. No extension under s. 938.365 of an
2 original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted
3 for a juvenile who is 17 years of age or older when the original dispositional order
4 terminates.

5 **SECTION 12.** 938.356 (1) [✓] of the statutes is amended to read:

6 938.356 (1) Whenever the court orders a juvenile to be placed outside his or her
7 home or denies a parent visitation because the juvenile has been adjudged
8 delinquent or to be in need of protection or services under s. ~~938.183, 938.34, 938.345,~~
9 938.357, 938.363, or 938.365, the court shall orally inform the parent or parents who
10 appear in court of any grounds for termination of parental rights under s. 48.415
11 which that may be applicable and of the conditions necessary for the juvenile to be
12 returned to the home or for the parent to be granted visitation.

13 **SECTION 13.** 938.357 (4) (d) [✓] of the statutes is repealed.

14 **SECTION 14.** 938.538 (3) (a) 1. [✓] of the statutes is amended to read:

15 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured
16 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~
17 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~
18 ~~(d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years,~~
19 unless that period is extended under sub. (4m) (a) 1. or 2. or both.

20 **SECTION 15.** 938.538 (3) (a) 1m. [✓] of the statutes is amended to read:

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

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1 reaches 25 years of age, unless the participant is released sooner, subject to a
2 mandatory minimum period of confinement of not less than one year.

3 **SECTION 16.** 938.538 (3) (a) 2. ✓ of the statutes is amended to read:

4 938.538 (3) (a) 2. Intensive or other field supervision, including corrective
5 sanctions supervision under s. 938.533, or aftercare supervision or, if the participant
6 is 17 years of age or over, intensive sanctions supervision under s. 301.048.

7 **SECTION 17.** 938.538 (3) (b) ✓ of the statutes is amended to read:

8 938.538 (3) (b) The department may provide the sanctions under par. (a) in any
9 order, may provide more than one sanction at a time ~~and~~, may return a participant
10 to a sanction that was used previously for -a- the participant, and, in returning a
11 participant to the sanction provided in par. (a) 1., may extend the period specified in
12 par. (a) 1. as provided in sub. (4m) (a) 1. or petition the court to extend that period
13 as provided in sub. (4m) (a) 2., or both. Notwithstanding ss. 938.357, 938.363, and
14 938.533 (3), but subject to sub. (4m) (a) 2., a participant is not entitled to a hearing
15 regarding the department's exercise of authority under this subsection unless the
16 department provides for a hearing by rule.

17 **SECTION 18.** 938.538 (4) (a) ✓ of the statutes, as affected by 2001 Wisconsin Act
18 16, is amended to read:

19 938.538 (4) (a) A participant in the serious juvenile offender program is under
20 the supervision and control of the department, is subject to the rules and discipline
21 of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
22 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
23 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
24 secured correctional facility the department may, without a hearing, take the
25 participant into custody and return him or her to placement in a Type 1 secured

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1 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~
2 ~~years of age or over, a Type 1 prison, as defined in s. 301.01 (5).~~ Any intentional
3 failure of a participant to remain within the extended limits of his or her placement
4 while participating in the serious juvenile offender program ~~or to return within the~~
5 ~~time prescribed by the administrator of the division of intensive sanctions in the~~
6 ~~department~~ is considered an escape under s. 946.42 (3) (c). This paragraph does not
7 preclude a juvenile who has violated a condition of the juvenile's participation in the
8 program under sub. (3) (a) 2. to 9. from being taken into and held in custody under
9 ss. 938.19 to 938.21.

10 **SECTION 19.** 938.538 (4m) [✓] of the statutes is created to read:

11 938.538 (4m) EXTENSION OF TYPE 1 PLACEMENT PERIOD. (a) 1. The department
12 may extend the period for which a participant may be placed as described in sub. (3)
13 (a) 1. one or more times for an additional total cumulative period of not more than
14 30 days. A participant is not entitled to a hearing regarding the department's
15 exercise of authority under this subdivision unless the department provides for a
16 hearing by rule.

17 2. The department or the district attorney of the county in which the
18 dispositional order was entered may petition the court to extend the period for which
19 a participant may be placed as described in sub. (3) (a) 1. for an additional period of
20 not more than 2 years. The petition shall set forth in detail facts showing that the
21 participant is in need of the supervision, care, and rehabilitation that a placement
22 described in sub. (3) (a) 1. provides and that public safety considerations require that
23 the participant be placed in that placement. The court shall hold a hearing on the
24 petition, unless written waivers of objection to the extension are signed by all parties
25 entitled to receive notice and the court approves. If a hearing is held, the court shall

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1 provide notice of the hearing, together with a copy of the petition, to the participant,
2 the participant's parent, guardian, and legal custodian, all parties bound by the
3 dispositional order, and the district attorney of the county in which the dispositional
4 order was entered at least 3 days prior to the hearing and, at the hearing, any of those
5 persons may present evidence relevant to the issue of extension and make
6 alternative placement recommendations. If the court finds by a preponderance of the
7 evidence that the participant is in need of the supervision, care, and rehabilitation
8 that a placement described in sub. (3) (a) 1. provides and that public safety
9 considerations require that the participant be placed in that placement, the court
10 may extend the period for which the participant may be placed as described in sub
11 (3) (a) 1. for an additional period of not more than 2 years. The department or the
12 district attorney may petition the court to extend a participant's placement under
13 this subdivision one or more times, and the court may grant one or more extensions,
14 but the total cumulative period of all extensions granted under this subdivision may
15 not exceed 2 years.

16 3. An extension of a participant's placement under subd. 1. does not preclude
17 an extension of that participant's placement under subd. 2., and vice versa.

18 (b) By the first day of the 2nd month beginning after the effective date of this
19 paragraph [revisor inserts date], the department shall provide notice to all
20 participants in the serious juvenile offender program that a placement under sub.
21 (3) (a) 1. may be extended under par. (a) 1. or 2. or both. Notwithstanding par. (a) 1.
22 and 2. and sub. (3) (a) 1., the department may not extend, or petition the court to
23 extend, the placement under sub. (3) (a) 1. of a juvenile who is a participant in the
24 serious juvenile offender program on the effective date of this paragraph [revisor

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1 inserts date], based on acts committed by that participant prior to the date on which
2 the notice under this paragraph is given to that participant.

3 **SECTION 20.** 938.538 (5) (c) ✓ of the statutes is amended to read:

4 938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of
5 placement and revisions of orders for a juvenile who is a participant in the serious
6 juvenile offender program, ~~except that s. 938.357 (4) (d) applies to the transfer of a~~
7 ~~participant to the Racine youthful offender correctional facility named in s. 302.01.~~

8 **SECTION 21.** 938.538 (6) ✓ of the statutes is amended to read:

9 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract
10 with the department of health and family services, a county department, or any
11 public or private agency for the purchase of goods, care, and services for participants
12 in the serious juvenile offender program. The department of corrections shall
13 reimburse a person from whom it purchases goods, care, or services under this
14 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~
15 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~
16 ~~301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the~~
17 appropriate appropriation under s. 20.410 (1).

18 **SECTION 22.** 938.992 (3) ✓ of the statutes is amended to read:

19 938.992 (3) Notwithstanding s. 938.991 (3) (b), “delinquent juvenile” does not
20 include a person subject to an order under s. 48.366 who is confined to a state prison
21 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~
22 ~~of age or over.~~

23 **SECTION 23.** 973.013 (3m) ✓ of the statutes, as affected by 2001 Wisconsin Act 16,
24 is amended to read:

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1 973.013 (3m) If a person who has not attained the age of ~~16~~ 15 years is
2 sentenced to the Wisconsin state prisons, the department shall place the person at
3 a secured juvenile correctional facility or a secured child caring institution, unless
4 the department determines that placement in an institution under s. 302.01 is
5 appropriate based on the person's prior record of adjustment in a correctional setting,
6 if any; the person's present and potential vocational and educational needs, interests
7 and abilities; the adequacy and suitability of available facilities; the services and
8 procedures available for treatment of the person within the various institutions; the
9 protection of the public; and any other considerations promulgated by the
10 department by rule. The department may not place any person under the age of 18
11 years in the correctional institution authorized in s. 301.16 (1n). This subsection
12 does not preclude the department from designating an adult correctional institution,
13 other than the correctional institution authorized in s. 301.16 (1n), as a reception
14 center for the person and subsequently transferring the person to a secured juvenile
15 correctional facility or a secured child caring institution. Section 302.11 and ch. 304
16 apply to all persons placed in a secured juvenile correctional facility or a secured
17 child caring institution under this subsection.

18 **SECTION 24.** 976.08[✓] of the statutes is amended to read:

19 **976.08 Additional applicability.** In this chapter, "prisoner" includes any
20 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
21 state prison and ~~any person subject to an order under s. 938.34 (4h) who is 17 years~~
22 ~~of age or older.~~

23 **SECTION 25. Initial applicability.**

24 (1) TRANSFER OF JUVENILE TO ADULT PRISON. The treatment of sections 301.03 (10)
25 (d), 302.11 (10), 302.255, 302.386 (5) (d), 938.183 (3) (with respect to transfer of a

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1 juvenile to the Racine Youthful Offender Correctional Facility), 938.357 (4) (d),
2 938.538 (3) (a) 1. (with respect to placement of a juvenile in a Type 1 prison), 1m., and
3 2., (5) (c), and (6), 938.992 (3), and 976.08 of the statutes, the amendment of section
4 938.538 (4) (a) of the statutes, and the repeal and recreation of section 938.538 (4)
5 (a) of the statutes first apply to violations committed on July 1, 1996.

6 (2) AGE OF JUVENILE PLACEMENT IN ADULT PRISON. The treatment of sections
7 938.183 (3) (with respect to placement of a juvenile in a secured correctional facility,
8 a secured child caring institution, or a state prison) and 973.013 (3m) of the statutes
9 first applies to violations committed on the effective date of this subsection.

10 **SECTION 26. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) TERMINATION OF PARENTAL RIGHTS WARNING; MAXIMUM AGE OF JUVENILE SECURED
13 CORRECTIONAL FACILITY PLACEMENT. The treatment of sections 48.415 (4) (a), 938.355
14 (4) (a) and (b), and 938.356 (1) of the statutes takes effect on the first day of the 2nd
15 month beginning after publication.

16 (END)



State of Wisconsin

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STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
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December 3, 2001

MEMORANDUM

To: Representative Walker

From: Gordon M. Malaise, Senior Legislative Attorney

Re: LRB-4344/1 Various juvenile correctional changes

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.

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.