

1 **SECTION 531h.** 938.355 (2) (b) 6r. of the statutes is created to read:

2 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
3 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county
4 department or agency primarily responsible for providing services under the court
5 order is not required to make reasonable efforts with respect to the parent to make
6 it possible for the juvenile to return safely to his or her home.

7 **SECTION 531k.** 938.355 (2b) of the statutes is amended to read:

8 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
9 department ~~that provides social services~~ or the agency primarily responsible for
10 providing services to a juvenile under a court order may, at the same time as the
11 county department or agency is making the reasonable efforts required under sub.
12 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible
13 for the juvenile to return safely to his or her home, work with the department of
14 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a
15 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
16 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
17 other alternative permanent placement.

18 **SECTION 531m.** 938.355 (2c) (b) of the statutes is amended to read:

19 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
20 the county department or the agency primarily responsible for providing services to
21 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~
22 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency
23 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~
24 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules

1 between the juvenile and his or her parents were implemented, unless visitation was
2 denied or limited by the court.

3 **SECTION 531p.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

4 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~
5 not required to include in a dispositional order a finding as to whether ~~a~~ the county
6 department which provides social services or the agency primarily responsible for
7 providing services under a court order has made reasonable efforts with respect to
8 a parent of a juvenile to prevent the removal of the juvenile from the home, while
9 assuring that the juvenile's health and safety are the paramount concerns, or, if
10 applicable, a finding as to whether the county department or agency primarily
11 responsible for providing services under a court order has made reasonable efforts
12 with respect to a parent of a juvenile to make it possible for the juvenile to return
13 achieve the permanency plan goal of returning the juvenile safely to his or her home,
14 if the court finds, as evidenced by a final judgment of conviction, any of the following:

15 **SECTION 531q.** 938.355 (2d) (b) 1. of the statutes is amended to read:

16 938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated
17 circumstances, as evidenced by a final judgment of conviction.

18 **SECTION 531r.** 938.355 (2d) (b) 2. of the statutes is amended to read:

19 938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
20 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
21 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
22 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
23 committed in this state, as evidenced by a final judgment of conviction, and that the
24 victim of that violation is a child of the parent.

25 **SECTION 531t.** 938.355 (2d) (b) 3. of the statutes is amended to read:

1 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),
2 (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)
3 or a violation of the law of any other state or federal law, if that violation would be
4 a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
5 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
6 of conviction, and that the violation resulted in great bodily harm, as defined in s.
7 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile
8 or another child of the parent.

9 **SECTION 532b.** 938.355 (2d) (b) 3. of the statutes, as affected by 2001 Wisconsin
10 Act (this act), is amended to read:

11 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
12 1999 stats., or s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
13 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
14 if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4), or (5), 940.225 (1) or (2),
15 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as
16 evidenced by a final judgment of conviction, and that the violation resulted in great
17 bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined
18 in s. 939.22 (38), to the juvenile or another child of the parent.

19 **SECTION 532d.** 938.355 (2d) (b) 4. of the statutes is amended to read:

20 938.355 (2d) (b) 4. That the parental rights of the parent to another child have
21 been involuntarily terminated, as evidenced by a final order of a court of competent
22 jurisdiction terminating those parental rights.

23 **SECTION 532g.** 938.355 (2d) (bm) of the statutes is created to read:

24 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
25 on a case-by-case basis based on circumstances specific to the juvenile and shall

1 document or reference the specific information on which that finding is based in the
2 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
3 without documenting or referencing that specific information in the dispositional
4 order or an amended dispositional order that retroactively corrects an earlier
5 dispositional order that does not comply with this paragraph is not sufficient to
6 comply with this paragraph.

7 **SECTION 532j.** 938.355 (2d) (c) of the statutes is renumbered 938.355 (2d) (c)

8 1. and amended to read:

9 938.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the
10 circumstances specified in par. (b) 1., ~~2., 3., or 4. to 4.~~ applies with respect to a parent,
11 the court shall hold a hearing within 30 days after the date of that finding to
12 determine the permanency plan for the juvenile. If a hearing is held under this
13 ~~paragraph subdivision~~, the agency responsible for preparing the permanency plan
14 shall file the permanency plan with the court not less than 5 days before the date of
15 the hearing.

16 **SECTION 532k.** 938.355 (2d) (c) 2. and 3. of the statutes are created to read:

17 938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the
18 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
19 custodian of the juvenile, and any foster parent, treatment foster parent, or other
20 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
21 purpose of the hearing.

22 3. The court shall give a foster parent, treatment foster parent, or other
23 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
24 2. an opportunity to be heard at the hearing by permitting the foster parent,
25 treatment foster parent, or other physical custodian to make a written or oral

1 statement during the hearing, or to submit a written statement prior to the hearing,
2 relevant to the issues to be determined at the hearing. A foster parent, treatment
3 foster parent, or other physical custodian who receives a notice of a hearing under
4 subd. 2. and an opportunity to be heard under this subdivision does not become a
5 party to the proceeding on which the hearing is held solely on the basis of receiving
6 that notice and opportunity to be heard.

7 **SECTION 532t.** 938.355 (4) (a) of the statutes is amended to read:

8 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, ~~all orders an~~
9 order under this section shall terminate at the end of one year unless the court
10 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions
11 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places
12 or continues the placement of the juvenile in his or her home shall terminate at the
13 end of one year after its entry unless the court specifies a shorter period of time. No
14 extension under s. 938.365 of an original dispositional order may be granted for a
15 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the
16 juvenile is 17 years of age or older when the original dispositional order terminates.
17 Any order made before the juvenile reaches the age of majority shall be effective for
18 a time up to one year after its entry unless the court specifies a shorter period of time
19 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,
20 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches
21 18 years of age that places or continues the placement of the juvenile in a foster home,
22 treatment foster home, group home, or residential care center for children and youth
23 or in the home of a relative other than a parent shall terminate when the juvenile
24 reaches 18 years of age, at the end of one year after its entry, or, if the juvenile is a
25 full-time student at a secondary school or its vocational or technical equivalent and

1 is reasonably expected to complete the program before reaching 19 years of age, when
2 the juvenile reaches 19 years of age, whichever is later, unless the court specifies a
3 shorter period of time or the court terminates the order sooner.

4 **SECTION 532v.** 938.355 (4) (b) of the statutes is amended to read:

5 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~
6 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~
7 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before
8 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until
9 the juvenile's 18th birthdate birthday, whichever is earlier and the judge shall make,
10 unless the court specifies a shorter period of time or the court terminates the order
11 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
12 the juvenile reaches 18 years of age shall apply for 5 years after its entry, if the
13 juvenile is adjudicated delinquent for committing an act that would be punishable
14 as a Class B felony if committed by an adult, or until the juvenile reaches 25 years
15 of age, if the juvenile is adjudicated delinquent for committing an act that would be
16 punishable as a Class A felony if committed by an adult. Except as provided in s.
17 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before
18 the juvenile reaches 17 years of age shall terminate at the end of one year after its
19 entry unless the court specifies a shorter period of time or the court terminates the
20 order sooner. No extension under s. 938.365 of an original dispositional order under
21 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age
22 or older when the original dispositional order terminates.

23 **SECTION 533b.** 938.355 (4) (b) of the statutes, as affected by 2001 Wisconsin Act

24 (this act), is amended to read:

1 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
2 or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years
3 after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the
4 court specifies a shorter period of time or the court terminates the order sooner.
5 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
6 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile
7 is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing
8 an act that would be punishable as a Class B or C felony if committed by an adult,
9 or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent
10 for committing an act that would be punishable as a Class A felony if committed by
11 an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34
12 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall
13 terminate at the end of one year after its entry unless the court specifies a shorter
14 period of time or the court terminates the order sooner. No extension under s.
15 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may
16 be granted for a juvenile who is 17 years of age or older when the original
17 dispositional order terminates.

18 **SECTION 533bb.** 938.355 (6) (a) of the statutes is amended to read:

19 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
20 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
21 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
22 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
23 under s. 938.335, the court explained the conditions to the juvenile and informed the
24 juvenile of those possible sanctions or if before the violation the juvenile has
25 acknowledged in writing that he or she has read, or has had read to him or her, those

1 conditions and possible sanctions and that he or she understands those conditions
2 and possible sanctions. If a juvenile who has been found to be in need of protection
3 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in
4 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in
5 par. (d), other than placement in a secure detention facility or juvenile portion of a
6 county jail, if, at the dispositional hearing under s. 938.335, the court explained the
7 conditions to the juvenile and informed the juvenile of those possible sanctions or if
8 before the violation the juvenile has acknowledged in writing that he or she has read,
9 or has had read to him or her, those conditions and possible sanctions and that he or
10 she understands those conditions and possible sanctions.

11 (cm) The court may not order the sanction of placement in a place of nonsecure
12 custody specified in par. (d) 1. unless the court finds that the agency primarily
13 responsible for providing services for the juvenile has made reasonable efforts to
14 prevent the removal of the juvenile from his or her home and that continued
15 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
16 The court shall make the findings specified in this paragraph on a case-by-case basis
17 based on circumstances specific to the juvenile and shall document or reference the
18 specific information on which that finding is based in the sanction order. A sanction
19 order that merely references this paragraph without documenting or referencing
20 that specific information in the sanction order or an amended sanction order that
21 retroactively corrects an earlier sanction order that does not comply with this
22 paragraph is not sufficient to comply with this paragraph.

23 **SECTION 533bd.** 938.355 (6m) (cm) of the statutes is created to read:

24 938.355 **(6m)** (cm) The court may not order the sanction of placement in a place
25 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency

1 primarily responsible for providing services for the juvenile has made reasonable
2 efforts to prevent the removal of the juvenile from his or her home and that continued
3 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
4 The court shall make the findings specified in this paragraph on a case-by-case basis
5 based on circumstances specific to the juvenile and shall document or reference the
6 specific information on which that finding is based in the sanction order. A sanction
7 order that merely references this paragraph without documenting or referencing
8 that specific information in the sanction order or an amended sanction order that
9 retroactively corrects an earlier sanction order that does not comply with this
10 paragraph is not sufficient to comply with this paragraph.

11 **SECTION 533bf.** 938.357 (1) (a) of the statutes, as affected by 2001 Wisconsin
12 Act 103, and is amended to read:

13 938.357 (1) (a) The person or agency primarily responsible for implementing
14 the dispositional order or the district attorney may request a change in the
15 placement of the juvenile, whether or not the change requested is authorized in the
16 dispositional order, ~~and as provided in par. (am) or (c), whichever is applicable.~~

17 (am) 1. If the proposed change in placement involves any change in placement
18 other than a change in placement specified in par. (c), the person or agency primarily
19 responsible for implementing the dispositional order or the district attorney shall
20 cause written notice of the proposed change in placement to be sent to the juvenile
21 ~~or the juvenile's counsel or guardian ad litem~~, the parent, guardian, and legal
22 custodian of the juvenile, and any foster parent, treatment foster parent, or other
23 physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain
24 the name and address of the new placement, the reasons for the change in placement,
25 a statement describing why the new placement is preferable to the present

1 placement, and a statement of how the new placement satisfies objectives of the
2 treatment plan ordered by the court.

3 **SECTION 533bg.** 938.357 (1) (b) of the statutes, as affected by 2001 Wisconsin
4 Act 103, is renumbered 938.357 (1) (am) 2. and amended to read:

5 938.357 (1) (am) 2. Any person receiving the notice under ~~par. (a) subd. 1.~~ or
6 notice of a specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may
7 obtain a hearing on the matter by filing an objection with the court within 10 days
8 after receipt of the notice. Placements may not be changed until 10 days after that
9 notice is sent to the court unless the parent, guardian, or legal custodian and the
10 juvenile, if 12 or more years of age, sign written waivers of objection, except that
11 ~~placement changes in placement~~ that were authorized in the dispositional order may
12 be made immediately if notice is given as required under ~~par. (a) subd. 1.~~ In addition,
13 a hearing is not required for placement changes authorized in the dispositional order
14 except when an objection filed by a person who received notice alleges that new
15 information is available that affects the advisability of the court's dispositional order.

16 **SECTION 533bh.** 938.357 (1) (am) 3. of the statutes is created to read:

17 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
18 placement outside the home to another placement outside the home, the change in
19 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

20 **SECTION 533bj.** 938.357 (1) (c) of the statutes is created to read:

21 938.357 (1) (c) 1. If the proposed change in placement would change the
22 placement of a juvenile placed in the home to a placement outside the home, the
23 person or agency primarily responsible for implementing the dispositional order or
24 the district attorney shall submit a request for the change in placement to the court.
25 The request shall contain the name and address of the new placement, the reasons

1 for the change in placement, a statement describing why the new placement is
2 preferable to the present placement, and a statement of how the new placement
3 satisfies objectives of the treatment plan ordered by the court. The request shall also
4 contain specific information showing that continued placement of the juvenile in his
5 or her home would be contrary to the welfare of the juvenile and, unless any of the
6 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
7 showing that the agency primarily responsible for implementing the dispositional
8 order has made reasonable efforts to prevent the removal of the juvenile from the
9 home, while assuring that the juvenile's health and safety are the paramount
10 concerns.

11 2. The court shall hold a hearing prior to ordering any change in placement
12 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall
13 provide notice of the hearing, together with a copy of the request for the change in
14 placement, to the juvenile, the parent, guardian, and legal custodian of the juvenile,
15 and all parties that are bound by the dispositional order. If all parties consent, the
16 court may proceed immediately with the hearing.

17 3. If the court changes the juvenile's placement from a placement in the
18 juvenile's home to a placement outside the juvenile's home, the change in placement
19 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements
20 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the
21 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
22 the determination specified in sub. (2v) (a) 3.

23 **SECTION 533bL.** 938.357 (2) of the statutes, as affected by 2001 Wisconsin Act
24 103, is amended to read:

1 938.357 (2) If emergency conditions necessitate an immediate change in the
2 placement of a juvenile placed outside the home, the person or agency primarily
3 responsible for implementing the dispositional order may remove the juvenile to a
4 new placement, whether or not authorized by the existing dispositional order,
5 without the prior notice provided in sub. (1) ~~(a)~~ (am) 1. The notice shall, however, be
6 sent within 48 hours after the emergency change in placement. Any party receiving
7 notice may demand a hearing under sub. (1) ~~(b)~~ (am) 2. In emergency situations, a
8 juvenile may be placed in a licensed public or private shelter care facility as a
9 transitional placement for not more than 20 days, as well as in any placement
10 authorized under s. 938.34 (3).

11 **SECTION 533bn.** 938.357 (2m) (a) of the statutes, as affected by 2001 Wisconsin
12 Act 103, and is amended to read:

13 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the
14 juvenile, or any person or agency primarily bound by the dispositional order, other
15 than the person or agency responsible for implementing the order, may request a
16 change in placement under this paragraph. The request shall contain the name and
17 address ~~of the place~~ of the new placement requested and shall state what new
18 information is available that affects the advisability of the current placement. If the
19 proposed change in placement would change the placement of a juvenile placed in the
20 home to a placement outside the home, the request shall also contain specific
21 information showing that continued placement of the juvenile in the home would be
22 contrary to the welfare of the juvenile and, unless any of the circumstances specified
23 in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
24 primarily responsible for implementing the dispositional order has made reasonable
25 efforts to prevent the removal of the juvenile from the home, while assuring that the

1 juvenile's health and safety are the paramount concerns. The request shall be
2 submitted to the court. In addition, the court may propose a change in placement on
3 its own motion.

4 **SECTION 533bo.** 938.357 (2m) (b) of the statutes, as affected by 2001 Wisconsin
5 Act 103, is amended to read:

6 938.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
7 any change in placement requested or proposed under par. (a) if the request states
8 that new information is available that affects the advisability of the current
9 placement, unless the requested or proposed change in placement involves any
10 change in placement other than a change in placement of a juvenile placed in the
11 home to a placement outside the home and written waivers of objection to the
12 proposed change in placement are signed by all parties entitled to receive notice
13 under sub. (1) (a) (am) 1. and the court approves. If a hearing is scheduled, the court
14 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
15 any foster parent, treatment foster parent, or other physical custodian described in
16 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order
17 at least 3 days prior to the hearing. A copy of the request or proposal for the change
18 in placement shall be attached to the notice. If all of the parties consent, the court
19 may proceed immediately with the hearing.

20 **SECTION 533bp.** 938.357 (2m) (c) of the statutes is created to read:

21 938.357 (2m) (c) If the court changes the juvenile's placement from a placement
22 in the juvenile's home to a placement outside the juvenile's home, the change in
23 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the
24 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of

1 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
2 parent, the determination specified in sub. (2v) (a) 3.

3 **SECTION 533br.** 938.357 (2r) of the statutes, as affected by 2001 Wisconsin Act
4 103, is amended to read:

5 938.357 (2r) If a hearing is held under sub. (1) (b) (am) 2. or (2m) (b) and the
6 change in placement would remove a juvenile from a foster home, treatment foster
7 home, or other placement with a physical custodian described in s. 48.62 (2), the court
8 shall give the foster parent, treatment foster parent, or other physical custodian
9 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the
10 foster parent, treatment foster parent, or other physical custodian to make a written
11 or oral statement during the hearing or to submit a written statement prior to the
12 hearing relating to the juvenile and the requested change in placement. ~~Any written~~
13 ~~or oral statement made under this subsection shall be made under oath or~~
14 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian
15 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or
16 (2m) (b) and an opportunity to be heard under this subsection does not become a
17 party to the proceeding on which the hearing is held solely on the basis of receiving
18 that notice and opportunity to be heard.

19 **SECTION 533bt.** 938.357 (2v) of the statutes, as affected by 2001 Wisconsin Act
20 103, is renumbered 938.357 (2v) (a) 2. and amended to read:

21 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the~~
22 ~~change in placement would place the juvenile outside the home in a placement order~~
23 would change the placement of the juvenile to a placement outside the home
24 recommended by the person or agency primarily responsible for implementing the
25 dispositional order, ~~the change in placement order shall include whether from a~~

1 placement in the home or from another placement outside the home, a statement
2 that the court approves the placement recommended by the person or agency or, if
3 ~~the juvenile is placed outside the home in a placement other than~~ change in
4 placement order would change the placement of the juvenile to a placement outside
5 the home that is not a placement recommended by that person or agency, whether
6 from a placement in the home or from another placement outside the home, a
7 statement that the court has given bona fide consideration to the recommendations
8 made by that person or agency and all parties relating to the juvenile's placement.

9 **SECTION 533bv.** 938.357 (2v) (a) (intro.) of the statutes is created to read:

10 938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)
11 shall contain all of the following:

12 **SECTION 533bx.** 938.357 (2v) (a) 1. of the statutes is created to read:

13 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
14 placement in the juvenile's home to a placement outside the juvenile's home, a
15 finding that continued placement of the juvenile in his or her home would be contrary
16 to the welfare of the juvenile and, unless a circumstance specified in s. 938.355 (2d)
17 (b) 1. to 4. applies, a finding that the agency primarily responsible for implementing
18 the dispositional order has made reasonable efforts to prevent the removal of the
19 juvenile from the home, while assuring that the juvenile's health and safety are the
20 paramount concerns.

21 **SECTION 533bz.** 938.357 (2v) (a) 3. of the statutes is created to read:

22 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
23 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
24 agency primarily responsible for providing services under the change in placement

1 order is not required to make reasonable efforts with respect to the parent to make
2 it possible for the juvenile to return safely to his or her home.

3 **SECTION 533c.** 938.357 (2v) (b) of the statutes is created to read:

4 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and
5 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
6 document or reference the specific information on which those findings are based in
7 the change in placement order. A change in placement order that merely references
8 par. (a) 1. or 3. without documenting or referencing that specific information in the
9 change in placement order or an amended change in placement order that
10 retroactively corrects an earlier change in placement order that does not comply with
11 this paragraph is not sufficient to comply with this paragraph.

12 **SECTION 533cb.** 938.357 (2v) (c) of the statutes is created to read:

13 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
14 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
15 the court shall hold a hearing within 30 days after the date of that finding to
16 determine the permanency plan for the juvenile. If a hearing is held under this
17 paragraph, the agency responsible for preparing the permanency plan shall file the
18 permanency plan with the court not less than 5 days before the date of the hearing.

19 2. If a hearing is held under subd. 1, at least 10 days before the date of the
20 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
21 of the juvenile, and any foster parent, treatment foster parent, or other physical
22 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
23 the hearing.

24 3. The court shall give a foster parent, treatment foster parent, or other
25 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.

1 2. an opportunity to be heard at the hearing by permitting the foster parent,
2 treatment foster parent, or other physical custodian to make a written or oral
3 statement during the hearing, or to submit a written statement prior to the hearing,
4 relevant to the issues to be determined at the hearing. A foster parent, treatment
5 foster parent, or other physical custodian who receives a notice of a hearing under
6 subd. 2. and an opportunity to be heard under this subdivision does not become a
7 party to the proceeding on which the hearing is held solely on the basis of receiving
8 that notice and opportunity to be heard.

9 **SECTION 533cd.** 938.357 (3) of the statutes, as affected by 2001 Wisconsin Act
10 103, is amended to read:

11 938.357 (3) Subject to subs. (4) (b) and (c) and (5) (e), if the proposed change
12 in placement would involve placing a juvenile in a secured correctional facility, a
13 secured child caring institution, or a secured group home, notice shall be given as
14 provided in sub. (1) ~~(a)~~ (am) 1. A hearing shall be held, unless waived by the juvenile,
15 parent, guardian, and legal custodian, before the judge makes a decision on the
16 request. The juvenile shall be entitled to counsel at the hearing, and any party
17 opposing or favoring the proposed new placement may present relevant evidence and
18 cross-examine witnesses. The proposed new placement may be approved only if the
19 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
20 met.

21 **SECTION 533ce.** 938.357 (4) (b) 1. of the statutes, as affected by 2001 Wisconsin
22 Act 103, is amended to read:

23 938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2
24 secured correctional facility operated by a child welfare agency violates a condition
25 of his or her placement in the Type 2 secured correctional facility, the child welfare

1 agency operating the Type 2 secured correctional facility shall notify the department
2 and the department, after consulting with the child welfare agency, may place the
3 juvenile in a Type 1 secured correctional facility under the supervision of the
4 department without a hearing under sub. (1) ~~(b)~~ (am) 2.

5 **SECTION 533cf.** 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin
6 Act 103, is amended to read:

7 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
8 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
9 the Type 2 child caring institution, the child welfare agency operating the Type 2
10 child caring institution shall notify the county department that has supervision over
11 the juvenile and, if the county department agrees to a change in placement under this
12 subdivision, the child welfare agency shall notify the department, and the
13 department, after consulting with the child welfare agency, may place the juvenile
14 in a Type 1 secured correctional facility under the supervision of the department,
15 without a hearing under sub. (1) ~~(b)~~ (am) 2., for not more than 10 days. If a juvenile
16 is placed in a Type 1 secured correctional facility under this subdivision, the county
17 department that has supervision over the juvenile shall reimburse the child welfare
18 agency operating the Type 2 child caring institution in which the juvenile was placed
19 at the rate established under s. 46.037, and that child welfare agency shall reimburse
20 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is
21 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
22 correctional facility.

23 **SECTION 533ch.** 938.357 (4) (c) 1. of the statutes, as affected by 2001 Wisconsin
24 Act 103, is amended to read:

1 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility
2 operated by a child welfare agency under par. (a) and it appears that a less restrictive
3 placement would be appropriate for the juvenile, the department, after consulting
4 with the child welfare agency that is operating the Type 2 secured correctional
5 facility in which the juvenile is placed, may place the juvenile in a less restrictive
6 placement, and may return the juvenile to the Type 2 secured correctional facility
7 without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall establish
8 a rate for each type of placement in the manner provided in s. 46.037.

9 **SECTION 533cj.** 938.357 (4) (c) 2. of the statutes, as affected by 2001 Wisconsin
10 Act 103, is amended to read:

11 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
12 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate
13 for the juvenile, the child welfare agency operating the Type 2 child caring
14 institution shall notify the county department that has supervision over the juvenile
15 and, if the county department agrees to a change in placement under this
16 subdivision, the child welfare agency may place the juvenile in a less restrictive
17 placement. A child welfare agency may also, with the agreement of the county
18 department that has supervision over a juvenile who is placed in a less restrictive
19 placement under this subdivision, return the juvenile to the Type 2 child caring
20 institution without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall
21 establish a rate for each type of placement in the manner provided in s. 46.037.

22 **SECTION 533cL.** 938.357 (4) (d) of the statutes, as affected by 2001 Wisconsin
23 Act 103, is amended to read:

24 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type
25 1 secured correctional facility to the Racine youthful offender correctional facility

1 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile
2 offender review in the department has determined that the conduct of the juvenile
3 in the Type 1 secured correctional facility presents a serious problem to the juvenile
4 or others. The factors that the office of juvenile offender review may consider in
5 making that determination shall include, but are not limited to, whether and to what
6 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and
7 disruptive, the security needs of the Type 1 secured correctional facility, and whether
8 and to what extent the juvenile is refusing to cooperate or participate in the
9 treatment programs provided for the juvenile in the Type 1 secured correctional
10 facility. Notwithstanding sub. (1) ~~(b)~~ (am) 2., a juvenile is not entitled to a hearing
11 regarding the department's exercise of authority under this paragraph unless the
12 department provides for a hearing by rule. A juvenile may seek review of a decision
13 of the department under this paragraph only by the common law writ of certiorari.
14 If the department transfers a juvenile under this paragraph, the department shall
15 send written notice of the transfer to the parent, guardian, legal custodian, and
16 committing court.

17 **SECTION 533cn.** 938.357 (5) (a) of the statutes, as affected by 2001 Wisconsin
18 Act 103, is amended to read:

19 938.357 (5) (a) The department or a county department, whichever has been
20 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the
21 aftercare status of that juvenile. Revocation of aftercare supervision shall not
22 require prior notice under sub. (1) ~~(a)~~ (am) 1.

23 **SECTION 533cp.** 938.357 (6) of the statutes is amended to read:

24 938.357 (6) No change in placement may extend the expiration date of the
25 original order, except that if the change in placement is from a placement in the

1 juvenile's home to a placement in a foster home, treatment foster home, group home,
2 or residential care center for children and youth or in the home of a relative who is
3 not a parent, the court may extend the expiration date of the original order to the date
4 on which the juvenile reaches 18 years of age, to the date that is one year after the
5 date of the change in placement order, or, if the juvenile is a full-time student at a
6 secondary school or its vocational or technical equivalent and is reasonably expected
7 to complete the program before reaching 19 years of age, to the date on which the
8 juvenile reaches 19 years of age, whichever is later, or for a shorter period of time as
9 specified by the court. If the change in placement is from a placement in a foster
10 home, treatment foster home, group home, or residential care center for children and
11 youth or in the home of a relative to a placement in the juvenile's home and if the
12 expiration date of the original order is more than one year after the date of the change
13 in placement order, the court shall shorten the expiration date of the original order
14 to the date that is one year after the date of the change in placement order or to an
15 earlier date as specified by the court.

16 **SECTION 533cr.** 938.363 (1m) of the statutes is amended to read:

17 938.363 (1m) If a hearing is held under sub. (1) (a), any party may present
18 evidence relevant to the issue of revision of the dispositional order. In addition, the
19 court shall give a foster parent, treatment foster parent, or other physical custodian
20 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by
21 permitting the foster parent, treatment foster parent, or other physical custodian to
22 make a written or oral statement during the hearing, or to submit a written
23 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~
24 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
25 foster parent, treatment foster parent, or other physical custodian described in s.

1 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
2 heard under this subsection does not become a party to the proceeding on which the
3 hearing is held solely on the basis of receiving that notice and opportunity to be
4 heard.

5 **SECTION 533ct.** 938.365 (1) of the statutes is amended to read:

6 938.365 (1) In this section, a juvenile is considered to have been placed outside
7 of his or her home on the date on which ~~the juvenile was first placed outside of his~~
8 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~
9 ~~or on the date that is 60 days after the date on which the juvenile was first removed~~
10 ~~from his or her home, whichever is earlier, except that in the case of a juvenile who~~
11 on removal from his or her home was first placed in a secure detention facility, a
12 secured correctional facility, a secured child caring institution, or a secured group
13 home for 60 days or more and then moved to a nonsecured out-of-home placement,
14 the juvenile is considered to have been placed outside of his or her home on the date
15 on which the juvenile was moved to the nonsecured out-of-home placement.

16 **SECTION 533cv.** 938.365 (2g) (b) 2. of the statutes is amended to read:

17 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
18 and of any progress the juvenile has made, suggestions for amendment of the
19 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~
20 ~~home and specific information showing the efforts that have been made to achieve~~
21 the goal of the permanency plan, including, if applicable, the efforts of the parents
22 to remedy the factors which that contributed to the juvenile's placement and, if
23 continued placement outside of the juvenile's home is recommended, an explanation
24 of why returning the juvenile to his or her home is not safe or feasible, unless return

1 of the juvenile to the home is the goal of the permanency plan and any of the
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

3 **SECTION 533cx.** 938.365 (2g) (b) 3. of the statutes is amended to read:

4 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
5 for 15 of the most recent 22 months, not including any period during which the
6 juvenile was a runaway from the out-of-home placement or the first 6 months of any
7 period during which the juvenile was returned to his or her home for a trial home
8 visit, a statement of whether or not a recommendation has been made to terminate
9 the parental rights of the parents of the juvenile. If a recommendation for a
10 termination of parental rights has been made, the statement shall indicate the date
11 on which the recommendation was made, any previous progress made to accomplish
12 the termination of parental rights, any barriers to the termination of parental rights,
13 specific steps to overcome the barriers and when the steps will be completed, reasons
14 why adoption would be in the best interest of the juvenile and whether or not the
15 juvenile should be registered with the adoption information exchange. If a
16 recommendation for termination of parental rights has not been made, the
17 statement shall include an explanation of the reasons why a recommendation for
18 termination of parental rights has not been made. If the lack of appropriate adoptive
19 resources is the primary reason for not recommending a termination of parental
20 rights, the agency shall recommend that the juvenile be registered with the adoption
21 information exchange or report the reason why registering the juvenile is contrary
22 to the best interest of the juvenile.

23 **SECTION 533cz.** 938.365 (2m) (a) of the statutes is renumbered 938.365 (2m)

24 (a) 1. and amended to read:

1 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
2 extension. If the juvenile is placed outside of his or her home, the person or agency
3 primarily responsible for providing services to the juvenile shall present as evidence
4 specific information showing that the agency has made reasonable efforts to achieve
5 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
6 is the goal of the permanency plan and any of the circumstances specified in s.
7 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions
8 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall
9 include a finding as to whether reasonable efforts were made by the agency primarily
10 responsible for providing services to the juvenile to ~~make it possible for the juvenile~~
11 ~~to return safely to his or her home~~ achieve the goal of the juvenile's permanency plan,
12 unless return of the juvenile to the home is the goal of the permanency plan and the
13 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
14 applies. An order shall be issued under s. 938.355.

15 **SECTION 533d.** 938.365 (2m) (a) 2. of the statutes is created to read:

16 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified
17 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include
18 a determination that the person or agency primarily responsible for providing
19 services to the juvenile is not required to make reasonable efforts with respect to the
20 parent to make it possible for the juvenile to return safely to his or her home.

21 **SECTION 533db.** 938.365 (2m) (a) 3. of the statutes is created to read:

22 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.
23 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan
24 and the findings specified in subd. 2. on a case-by-case basis based on circumstances
25 specific to the juvenile and shall document or reference the specific information on

1 which those findings are based in the order issued under s. 938.355. An order that
2 merely references subd. 1. or 2. without documenting or referencing that specific
3 information in the order or an amended order that retroactively corrects an earlier
4 order that does not comply with this subdivision is not sufficient to comply with this
5 subdivision.

6 **SECTION 533dd.** 938.365 (2m) (ad) of the statutes is created to read:

7 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified
8 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a
9 hearing within 30 days after the date of that finding to determine the permanency
10 plan for the juvenile. If a hearing is held under this subdivision, the agency
11 responsible for preparing the permanency plan shall file the permanency plan with
12 the court not less than 5 days before the date of the hearing.

13 2. If a hearing is held under subd. 1., at least 10 days before the date of the
14 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian
15 of the juvenile, and any foster parent, treatment foster parent, or other physical
16 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of
17 the hearing.

18 **SECTION 533df.** 938.365 (2m) (ag) of the statutes is amended to read:

19 938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
20 court shall give a foster parent, treatment foster parent, or other physical custodian
21 described in s. 48.62 (2) ~~of the juvenile who is notified of a hearing under par. (ad)~~
22 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
23 parent, treatment foster parent, or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issue of extension. ~~Any written or oral statement made under this~~

1 ~~paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster
2 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
3 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
4 paragraph does not become a party to the proceeding on which the hearing is held
5 solely on the basis of receiving that notice and opportunity to be heard.

6 **SECTION 533dh.** 938.365 (5) of the statutes is amended to read:

7 938.365 (5) Except as provided in s. 938.368, all orders an order under this
8 section that continues the placement of a juvenile in his or her home or that extends
9 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time
10 not to exceed one year after its date of entry. Except as provided in s. 938.368, an
11 order under this section that continues the placement of a juvenile in a foster home,
12 treatment foster home, group home, or residential care center for children and youth
13 or in the home of a relative other than a parent shall be for a specified length of time
14 not to exceed the date on which the juvenile reaches 18 years of age, one year after
15 the date of entry of the order, or, if the juvenile is a full-time student at a secondary
16 school or its vocational or technical equivalent and is reasonably expected to
17 complete the program before reaching 19 years of age, the date on which the juvenile
18 reaches 19 years of age, whichever is later.

19 **SECTION 533dj.** 938.38 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
20 Act 59, is amended to read:

21 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
22 for each juvenile living in a foster home, treatment foster home, group home,
23 residential care center for children and youth, secure detention facility, or shelter
24 care facility, the agency that placed the juvenile or arranged the placement or the
25 agency assigned primary responsibility for providing services to the juvenile under

1 s. 938.355 shall prepare a written permanency plan, if any of the following conditions
2 exists, and, for each juvenile living in the home of a relative other than a parent, that
3 agency shall prepare a written permanency plan, if any of the conditions specified
4 in pars. (a) to (e) exists:

5 **SECTION 533dL.** 938.38 (2) (c) of the statutes is amended to read:

6 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
7 (2) ~~or pursuant to, under a consent decree under s. 938.32 (1) (c), or under a court~~
8 order under s. 938.355.

9 **SECTION 533dn.** 938.38 (2) (f) of the statutes is amended to read:

10 938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 but
11 for s. 49.19 (20).

12 **SECTION 533dp.** 938.38 (3) (intro.) of the statutes is amended to read:

13 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1, the agency shall file
14 the permanency plan with the court within 60 days after the date on which the
15 juvenile was first ~~held in physical custody or placed outside of~~ removed from his or
16 her home ~~under a court order~~, except under either of the following conditions:

17 **SECTION 533dr.** 938.38 (4) (intro.) of the statutes is amended to read:

18 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
19 ~~description of~~ all of the following:

20 **SECTION 533dt.** 938.38 (4) (a) of the statutes is renumbered 938.38 (4) (ar) and
21 amended to read:

22 938.38 (4) (ar) ~~The~~ A description of the services offered and any service services
23 provided in an effort to prevent holding or placing the juvenile outside of the removal
24 of the juvenile from his or her home, while assuring that the health and safety of the
25 juvenile are the paramount concerns, and to ~~make it possible for the juvenile to~~

1 ~~return safely home~~ achieve the goal of the permanency plan, except that the
2 permanency plan ~~need not~~ is not required to include a description of ~~those the~~
3 services offered or provided with respect to a parent of the juvenile to prevent the
4 removal of the juvenile from the home or to achieve the permanency plan goal of
5 returning the juvenile safely to his or her home if any of the circumstances specified
6 in s. 938.355 (2d) (b) 1., ~~2., 3. or~~ to 4. apply to that parent.

7 **SECTION 533dv.** 938.38 (4) (ag) of the statutes is created to read:

8 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
9 parent, guardian, and legal custodian.

10 **SECTION 533dx.** 938.38 (4) (am) of the statutes is created to read:

11 938.38 (4) (am) The date on which the juvenile was removed from his or her
12 home and the date on which the juvenile was placed in out-of-home care.

13 **SECTION 533dz.** 938.38 (4) (bm) of the statutes is amended to read:

14 938.38 (4) (bm) ~~The~~ A statement as to the availability of a safe and appropriate
15 placement with a fit and willing relative of the juvenile and, if a decision is made not
16 to place the juvenile with an available relative, a statement as to why placement with
17 the relative is not safe or appropriate.

18 **SECTION 533e.** 938.38 (4) (dg) of the statutes is created to read:

19 938.38 (4) (dg) Information about the juvenile's education, including all of the
20 following:

21 1. The name and address of the school in which the juvenile is or was most
22 recently enrolled.

23 2. Any special education programs in which the juvenile is or was previously
24 enrolled.

1 3. The grade level in which the juvenile is or was most recently enrolled and
2 all information that is available concerning the juvenile's grade level performance.

3 4. A summary of all available education records relating to the juvenile that are
4 relevant to any education goals included in the education services plan prepared
5 under s. 938.33 (1) (e).

6 **SECTION 533eb.** 938.38 (4) (dm) of the statutes is created to read:

7 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
8 transferred from the school in which the juvenile is or most recently was enrolled,
9 documentation that a placement that would maintain the juvenile in that school is
10 either unavailable or inappropriate or that a placement that would result in the
11 juvenile's transfer to another school would be in the juvenile's best interests.

12 **SECTION 533ed.** 938.38 (4) (dr) of the statutes is created to read:

13 938.38 (4) (dr) Medical information relating to the juvenile, including all of the
14 following:

15 1. The names and addresses of the juvenile's physician, dentist, and any other
16 health care provider that is or was previously providing health care services to the
17 juvenile.

18 2. The juvenile's immunization record, including the name and date of each
19 immunization administered to the juvenile.

20 3. Any known medical condition for which the juvenile is receiving medical care
21 or treatment and any known serious medical condition for which the juvenile has
22 previously received medical care or treatment.

23 4. The name, purpose, and dosage of any medication that is being administered
24 to the juvenile and the name of any medication that causes the juvenile to suffer an
25 allergic or other negative reaction.

1 **SECTION 533ef.** 938.38 (4) (e) of the statutes is amended to read:

2 938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
3 placement and a description of the services provided to meet the needs of the juvenile
4 and family, including a discussion of services that have been investigated and
5 considered and are not available or likely to become available within a reasonable
6 time to meet the needs of the juvenile or, if available, why such services are not safe
7 or appropriate.

8 **SECTION 533eh.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

9 938.38 (4) (f) (intro.) The A description of the services that will be provided to
10 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
11 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living,
12 or the relative with whom the juvenile is living to carry out the dispositional order,
13 including services planned to accomplish all of the following:

14 **SECTION 533ej.** 938.38 (4) (fg) of the statutes is created to read:

15 938.38 (4) (fg) The goal of the permanency plan or, if the agency is making
16 concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency
17 plan. If a goal of the permanency plan is any goal other than return of the juvenile
18 to his or her home, the permanency plan shall include the rationale for deciding on
19 that goal. If a goal of the permanency plan is an alternative permanent placement
20 under subd. 5., the permanency plan shall document a compelling reason why it
21 would not be in the best interest of the juvenile to pursue a goal specified in subds.
22 1. to 4. The agency shall determine one or more of the following goals to be the goal
23 or goals of a juvenile's permanency plan:

- 24 1. Return of the juvenile to the juvenile's home.
25 2. Placement of the juvenile for adoption.

1 3. Placement of the juvenile with a guardian.

2 4. Permanent placement of the juvenile with a fit and willing relative.

3 5. Some other alternative permanent placement, including sustaining care,
4 independent living, or long-term foster care.

5 **SECTION 533eL.** 938.38 (4) (fm) of the statutes is amended to read:

6 938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place
7 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
8 other alternative permanent placement, the efforts made to ~~place the juvenile for~~
9 ~~adoption, with a guardian or in some other alternative permanent placement~~ achieve
10 that goal.

11 **SECTION 533en.** 938.38 (4) (h) of the statutes is created to read:

12 938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the
13 programs and services that are or will be provided to assist the juvenile in preparing
14 for the transition from out-of-home care to independent living. The description
15 shall include all of the following:

16 1. The anticipated age at which the juvenile will be discharged from
17 out-of-home care.

18 2. The anticipated amount of time available in which to prepare the juvenile
19 for the transition from out-of-home care to independent living.

20 3. The anticipated location and living situation of the juvenile on discharge
21 from out-of-home care.

22 4. A description of the assessment processes, tools, and methods that have been
23 or will be used to determine the programs and services that are or will be provided
24 to assist the juvenile in preparing for the transition from out-of-home care to
25 independent living.

1 5. The rationale for each program or service that is or will be provided to assist
2 the juvenile in preparing for the transition from out-of-home care to independent
3 living, the time frames for delivering those programs or services, and the intended
4 outcome of those programs or services.

5 **SECTION 533ep.** 938.38 (5) (a) of the statutes, as affected by 2001 Wisconsin Act
6 69, is amended to read:

7 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
8 appointed under ~~this paragraph~~ par. (ag) shall review the permanency plan ~~every in~~
9 the manner provided in this subsection not later than 6 months from after the date
10 on which the juvenile was first ~~held in physical custody or placed outside of~~ removed
11 from his or her home and every 12 months after a previous review under this
12 subsection for as long as the juvenile is placed outside the home, except that for the
13 review that is required to be conducted not later than 12 months after the juvenile
14 was first removed from his or her home and the reviews that are required to be
15 conducted every 12 months after that review the court shall hold a hearing under
16 sub. (5m) to review the permanency plan, which hearing may be instead of or in
17 addition to the review under this subsection.

18 ~~(ag)~~ If the court elects not to review the permanency plan, the court shall
19 appoint a panel to review the permanency plan. The panel shall consist of 3 persons
20 who are either designated by an independent agency that has been approved by the
21 chief judge of the judicial administrative district or designated by the agency that
22 prepared the permanency plan. A voting majority of persons on each panel shall be
23 persons who are not employed by the agency that prepared the permanency plan and
24 who are not responsible for providing services to the juvenile or the parents of the
25 juvenile whose permanency plan is the subject of the review.

1 **SECTION 533er.** 938.38 (5) (b) of the statutes is amended to read:

2 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
3 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
4 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the
5 juvenile is living, or the relative with whom the juvenile is living of the date, time,
6 and place of the review, of the issues to be determined as part of the review, and of
7 the fact that they may have an opportunity to be heard at the review by submitting
8 written comments not less than 10 working days before the review or by
9 participating at the review. The court or agency shall notify the person representing
10 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
11 of the date of the review, of the issues to be determined as part of the review, and of
12 the fact that they may submit written comments not less than 10 working days before
13 the review. The notices under this paragraph shall be provided in writing not less
14 than 30 days before the review and copies of the notices shall be filed in the juvenile's
15 case record.

16 **SECTION 533et.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

17 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
18 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including
19 any period during which the juvenile was a runaway from the out-of-home
20 placement or the first 6 months of any period during which the juvenile was returned
21 to his or her home for a trial home visit, the appropriateness of the permanency plan
22 and the circumstances which prevent the juvenile from any of the following:

23 **SECTION 533ev.** 938.38 (5) (c) 6. am. of the statutes is renumbered 938.38 (5)
24 (c) 6. cm. and amended to read:

1 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
2 juvenile.

3 **SECTION 533ex.** 938.38 (5) (c) 6. cg. of the statutes is created to read:

4 938.38 (5) (c) 6. cg. Being placed with a guardian.

5 **SECTION 533ez.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

6 938.38 (5) (c) 6. d. Being placed in some other alternative permanent
7 placement, including sustaining care, independent living, or long-term foster care.

8 **SECTION 533f.** 938.38 (5) (c) 7. of the statutes is amended to read:

9 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make~~
10 ~~it possible for the juvenile to return safely to his or her home, except that the court~~
11 ~~or panel need not determine whether those reasonable efforts were made with~~
12 ~~respect to a parent of the juvenile if any of the circumstances specified in s. 938.355~~
13 ~~(2d) (b) 1., 2., 3. or 4. apply to that parent~~ achieve the goal of the permanency plan,
14 unless return of the juvenile to the home is the goal of the permanency plan and any
15 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

16 **SECTION 533fb.** 938.38 (5m) of the statutes is created to read:

17 938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
18 review the permanency plan and to make the determinations specified in sub. (5) (c)
19 no later than 12 months after the date on which the juvenile was first removed from
20 the home and every 12 months after a previous hearing under this subsection for as
21 long as the juvenile is placed outside the home.

22 (b) Not less than 30 days before the date of the hearing, the court shall notify
23 the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster
24 parent or treatment foster parent, the operator of the facility in which the juvenile
25 is living, the juvenile's counsel, and the juvenile's guardian ad litem; or the relative

1 with whom the juvenile is living; the agency that prepared the permanency plan; and
2 the person representing the interests of the public of the date, time, and place of the
3 hearing.

4 (c) Any person who is provided notice of the hearing may have an opportunity
5 to be heard at the hearing by submitting written comments relevant to the
6 determinations specified in sub. (5) (c) not less than 10 working days before the date
7 of the hearing or by participating at the hearing. A foster parent, treatment foster
8 parent, operator of a facility in which a juvenile is living, or relative with whom a
9 juvenile is living who receives notice of a hearing under par. (b) and an opportunity
10 to be heard under this paragraph does not become a party to the proceeding on which
11 the hearing is held solely on the basis of receiving that notice and opportunity to be
12 heard.

13 (d) At least 5 days before the date of the hearing the agency that prepared the
14 permanency plan shall provide a copy of the permanency plan and any written
15 comments submitted under par. (c) to the court, to the juvenile's parent, guardian,
16 and legal custodian, to the person representing the interests of the public, and to the
17 juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person
18 representing the interests of the public and the juvenile's counsel or guardian ad
19 litem may have access to any other records concerning the juvenile for the purpose
20 of participating in the review. A person permitted access to a juvenile's records under
21 this paragraph may not disclose any information from the records to any other
22 person.

23 (e) After the hearing, the court shall make written findings of fact and
24 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
25 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's

1 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster
2 parent, the operator of the facility in which the juvenile is living, or the relative with
3 whom the juvenile is living; the agency that prepared the permanency plan; and the
4 person representing the interests of the public. The court shall make the findings
5 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
6 the juvenile and shall document or reference the specific information on which those
7 findings are based in the findings of fact and conclusions of law prepared under this
8 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
9 7. without documenting or referencing that specific information in the findings of fact
10 and conclusions of law or amended findings of fact and conclusions of law that
11 retroactively correct earlier findings of fact and conclusions of law that do not comply
12 with this paragraph are not sufficient to comply with this paragraph.

13 (f) If the findings of fact and conclusions of law under par. (e) conflict with the
14 juvenile's dispositional order or provide for any additional services not specified in
15 the dispositional order, the court shall revise the dispositional order under s. 938.363
16 or order a change in placement under s. 938.357, as appropriate.

17 **SECTION 533fd.** 938.78 (2) (a) of the statutes is amended to read:

18 938.78 (2) (a) No agency may make available for inspection or disclose the
19 contents of any record kept or information received about an individual in its care
20 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)
21 or (5m) (d), or 938.51 or by order of the court.”.

22 **455.** Page 228, line 3: after that line insert:

23 “**SECTION 535m.** 939.24 (2) of the statutes is amended to read:

1 939.24 (2) Except as provided in ss. 940.285, 940.29 and, 940.295, and 943.76,
2 if criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness
3 is indicated by the term “reckless” or “recklessly”.”

4 **456.** Page 232, line 6: after that line insert:

5 “**SECTION 559v.** 939.615 (1) (b) 1. of the statutes is amended to read:

6 939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to
7 commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025
8 (1), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.11 (2) (a),
9 948.12, or 948.13.”

10 **457.** Page 233, line 3: delete lines 3 to 9 and substitute:

11 “**SECTION 566d.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

12 939.62 (2m) (a) 2m. b. Any felony under s. 940.01, 940.02, 940.03, 940.05,
13 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
14 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),
15 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,
16 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

17 **SECTION 566f.** 939.62 (2m) (a) 2m. b. of the statutes, as affected by 2001
18 Wisconsin (this act), is amended to read:

19 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
20 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
21 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
22 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
23 (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
24 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), 948.35 (1) (b) or (c), or 948.36.”.

1 **458.** Page 235, line 25: after that line insert:

2 “**SECTION 582p.** 939.74 (2) (c) of the statutes, as affected by 2001 Wisconsin Act
3 16, is amended to read:

4 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
5 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be
6 commenced before the victim reaches the age of 31 years or be barred, except as
7 provided in sub. (2d) (c).”.

8 **459.** Page 248, line 19: after that line insert:

9 “**SECTION 657b.** 940.32 (1) (a) of the statutes is renumbered 940.32 (1) (a)
10 (intro.) and amended to read:

11 940.32 (1) (a) (intro.) “Course of conduct” means ~~repeatedly maintaining a~~
12 ~~visual or physical proximity to a person. a series of 2 or more acts carried out over~~
13 time, however short or long, that show a continuity of purpose, including any of the
14 following:

15 **SECTION 657c.** 940.32 (1) (a) 1. of the statutes is created to read:

16 940.32 (1) (a) 1. Maintaining a visual or physical proximity to the victim.

17 **SECTION 657d.** 940.32 (1) (a) 2. of the statutes is created to read:

18 940.32 (1) (a) 2. Approaching or confronting the victim.

19 **SECTION 657e.** 940.32 (1) (a) 3. of the statutes is created to read:

20 940.32 (1) (a) 3. Appearing at the victim’s workplace or contacting the victim’s
21 employer or coworkers.

22 **SECTION 657f.** 940.32 (1) (a) 4. of the statutes is created to read:

23 940.32 (1) (a) 4. Appearing at the victim’s home or contacting the victim’s
24 neighbors.

1 **SECTION 657g.** 940.32 (1) (a) 5. of the statutes is created to read:

2 940.32 (1) (a) 5. Entering property owned, leased, or occupied by the victim.

3 **SECTION 657h.** 940.32 (1) (a) 6. of the statutes is created to read:

4 940.32 (1) (a) 6. Contacting the victim by telephone or causing the victim's
5 telephone or any other person's telephone to ring repeatedly or continuously,
6 regardless of whether a conversation ensues.

7 **SECTION 657i.** 940.32 (1) (a) 7. of the statutes is created to read:

8 940.32 (1) (a) 7. Sending material by any means to the victim or, for the purpose
9 of obtaining information about, disseminating information about, or communicating
10 with the victim, to a member of the victim's family or household or an employer,
11 coworker, or friend of the victim.

12 **SECTION 657j.** 940.32 (1) (a) 8. of the statutes is created to read:

13 940.32 (1) (a) 8. Placing an object on or delivering an object to property owned,
14 leased, or occupied by the victim.

15 **SECTION 657k.** 940.32 (1) (a) 9. of the statutes is created to read:

16 940.32 (1) (a) 9. Delivering an object to a member of the victim's family or
17 household or an employer, coworker, or friend of the victim or placing an object on,
18 or delivering an object to, property owned, leased, or occupied by such a person with
19 the intent that the object be delivered to the victim.

20 **SECTION 657m.** 940.32 (1) (a) 10. of the statutes is created to read:

21 940.32 (1) (a) 10. Causing a person to engage in any of the acts described in
22 subs. 7. to 9.

23 **SECTION 657n.** 940.32 (1) (am) of the statutes is created to read:

24 940.32 (1) (am) "Domestic abuse" has the meaning given in s. 813.12 (1) (am).

25 **SECTION 657no.** 940.32 (1) (ap) of the statutes is created to read:

1 940.32 (1) (ap) “Domestic abuse offense” means an act of domestic abuse that
2 constitutes a crime.

3 **SECTION 657p.** 940.32 (1) (b) of the statutes is renumbered 940.32 (1) (cb) and
4 amended to read:

5 940.32 (1) (cb) ~~“Immediate family”~~ “Member of a family” means a spouse,
6 parent, child, sibling, or any other person ~~who regularly resides in the household or~~
7 ~~who within the prior 6 months regularly resided in the household~~ who is related by
8 blood or adoption to another.

9 **SECTION 657q.** 940.32 (1) (cd) of the statutes is created to read:

10 940.32 (1) (cd) “Member of a household” means a person who regularly resides
11 in the household of another or who within the previous 6 months regularly resided
12 in the household of another.

13 **SECTION 657r.** 940.32 (1) (d) of the statutes is repealed.

14 **SECTION 657s.** 940.32 (2) (intro.) of the statutes is amended to read:

15 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
16 ~~A misdemeanor~~ E felony:”.

17 **460.** Page 248, line 20: delete lines 20 to 22 and substitute:

18 **“SECTION 658b.** 940.32 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
19 Act (this act), is amended to read:

20 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
21 E I felony:

22 **SECTION 658c.** 940.32 (2) (a) of the statutes is amended to read:

23 940.32 (2) (a) The actor intentionally engages in a course of conduct directed
24 at a specific person that would cause a reasonable person under the same

1 ~~circumstances to fear bodily injury to himself or herself or a member of his or her~~
2 ~~immediate family or to fear the death of himself or herself or a member of his or her~~
3 ~~immediate family or household.~~

4 **SECTION 658d.** 940.32 (2) (b) of the statutes is amended to read:

5 940.32 (2) (b) The actor ~~has knowledge or should have knowledge~~ intends that
6 at least one of the acts that constitute the course of conduct will place the specific
7 person ~~will be placed~~ in reasonable fear of bodily injury to ~~himself or herself or a~~
8 ~~member of his or her immediate family or will be placed in reasonable fear of the~~
9 death of himself or herself or a member of his or her ~~immediate family or household.~~

10 **SECTION 658e.** 940.32 (2) (c) of the statutes is amended to read:

11 940.32 (2) (c) The actor's acts induce fear in the specific person of bodily injury
12 ~~to himself or herself or a member of his or her immediate family or induce fear in the~~
13 ~~specific person of the death of himself or herself or a member of his or her immediate~~
14 ~~family or household.~~

15 **SECTION 658f.** 940.32 (2e) of the statutes is created to read:

16 940.32 (2e) Whoever meets all of the following criteria is guilty of a Class E
17 felony:

18 (a) After having been convicted of sexual assault under s. 940.225, 948.02, or
19 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub.
20 (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic
21 abuse offense.

22 (b) The actor intends that the act will place the specific person in reasonable
23 fear of bodily injury to or the death of himself or herself or a member of his or her
24 family or household.

1 (c) The actor's act induces fear in the specific person of bodily injury to or the
2 death of himself or herself or a member of his or her family or household.

3 **SECTION 658g.** 940.32 (2e) (intro.) of the statutes, as created by 2001 Wisconsin
4 Act (this act), is amended to read:

5 940.32 (2e) (intro.) Whoever meets all of the following criteria is guilty of a
6 Class ~~E~~ I felony:

7 **SECTION 658h.** 940.32 (2m) of the statutes is renumbered 940.32 (2m) (intro.)
8 and amended to read:

9 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class D felony if ~~he~~
10 ~~or she~~ any of the following applies:

11 (c) The actor intentionally gains access or causes another person to gain access
12 to a record in electronic format that contains personally identifiable information
13 regarding the victim in order to facilitate the violation ~~under sub. (2).~~”.

14 **461.** Page 248, line 23: delete the material beginning with that line and
15 ending with page 249, line 2, and substitute:

16 “**SECTION 659b.** 940.32 (2m) (intro.) of the statutes, as affected by 2001
17 Wisconsin Act (this act), is amended to read:

18 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class ~~D~~ H felony if
19 any of the following applies:

20 **SECTION 659c.** 940.32 (2m) (a) of the statutes is created to read:

21 940.32 (2m) (a) The actor has a previous conviction for a violent crime, as
22 defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013
23 (1r), (1t), (1v), or (1x).

24 **SECTION 659d.** 940.32 (2m) (b) of the statutes is created to read:

1 940.32 (2m) (b) The actor has a previous conviction for a crime, the victim of
2 that crime is the victim of the present violation of sub. (2), and the present violation
3 occurs within 7 years after the prior conviction.

4 **SECTION 659e.** 940.32 (2m) (d) of the statutes is created to read:

5 940.32 (2m) (d) The person violates s. 968.31 (1) or 968.34 (1) in order to
6 facilitate the violation.

7 **SECTION 659f.** 940.32 (2m) (e) of the statutes is created to read:

8 940.32 (2m) (e) The victim is under the age of 18 years at the time of the
9 violation.

10 **SECTION 659g.** 940.32 (3) (intro.) of the statutes is amended to read:

11 940.32 (3) (intro.) Whoever violates sub. (2) ~~under any of the following~~
12 ~~circumstances~~ is guilty of a Class ~~E~~ C felony if any of the following applies:”.

13 **462.** Page 249, line 3: delete lines 3 to 5 and substitute:

14 “**SECTION 660b.** 940.32 (3) (intro.) of the statutes, as affected by 2001 Wisconsin
15 Act (this act), is amended to read:

16 940.32 (3) (intro.) Whoever violates sub. (2) is guilty of a Class ~~C~~ F felony if any
17 of the following applies:

18 **SECTION 660c.** 940.32 (3) (a) of the statutes is amended to read:

19 940.32 (3) (a) The act results in bodily harm to the victim or a member of the
20 victim’s family or household.

21 **SECTION 660d.** 940.32 (3) (b) of the statutes is amended to read:

22 940.32 (3) (b) The actor has a previous conviction for a violent crime, as defined
23 in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r),
24 (1t), (1v) or (1x) for a violation against, the same victim of that crime is the victim of

1 the present violation of sub. (2), and the present violation occurs within 7 years after
2 the prior conviction.

3 **SECTION 660e.** 940.32 (3) (c) of the statutes is created to read:

4 940.32 (3) (c) The actor uses a dangerous weapon in carrying out any of the acts
5 listed in sub. (1) (a) 1. to 9.”

6 **463.** Page 249, line 6: delete lines 6 to 8 and substitute:

7 “**SECTION 661b.** 940.32 (3m) of the statutes is repealed.”

8 **464.** Page 271, line 8: after that line insert:

9 “**SECTION 810g.** 943.76 (1) of the statutes, as created by 2001 Wisconsin Act 16,
10 is renumbered 943.76 (1) (intro.) and amended to read:

11 943.76 (1) (intro.) In this section, ~~“livestock”~~:

12 (a) “Livestock” means cattle, horses, swine, sheep, goats, farm-raised deer, as
13 defined in s. 95.001 (1) (a), poultry, and other animals used or to be used in the
14 production of food, fiber, or other commercial products.

15 **SECTION 810k.** 943.76 (1) (b) of the statutes is created to read:

16 943.76 (1) (b) “Paratuberculosis” has the meaning given in s. 95.001 (1) (c).

17 **SECTION 810n.** 943.76 (1) (c) of the statutes is created to read:

18 943.76 (1) (c) “Reckless conduct” means conduct which creates a substantial
19 risk of an animal’s death or a substantial risk of bodily harm to an animal if the actor
20 is aware of that risk.”

21 **465.** Page 271, line 18: after that line insert:

22 “**SECTION 812m.** 943.76 (3) of the statutes is created to read:

1 943.76 (3) (a) Whoever, through reckless conduct, introduces a contagious or
2 infectious disease other than paratuberculosis into livestock without the consent of
3 the owner of the livestock is guilty of a Class A misdemeanor.

4 (b) Whoever, through reckless conduct, introduces a contagious or infectious
5 disease other than paratuberculosis into wild deer without the consent of the
6 department of natural resources is guilty of a Class A misdemeanor.

7 (c) This subsection does not apply if the actor's conduct is undertaken pursuant
8 to a directive issued by the department of agriculture, trade and consumer protection
9 or an agreement between the actor and the department of agriculture, trade and
10 consumer protection, if the purpose of the directive or the agreement is to prevent
11 or control the spread of the disease.”.

12 **466.** Page 271, line 18: after that line insert:

13 “SECTION 812t. 943.76 (4) of the statutes is created to read:

14 943.76 (4) (a) Whoever intentionally threatens to introduce a contagious or
15 infectious disease into livestock located in this state without the consent of the owner
16 of the livestock is guilty of a Class D felony if one of the following applies:

17 1. The owner of the livestock is aware of the threat and reasonably believes that
18 the actor will attempt to carry out the threat.

19 2. The owner of the livestock is unaware of the threat, but if the owner were
20 apprised of the threat, it would be reasonable for the owner to believe that the actor
21 would attempt to carry out the threat.

22 (b) Whoever intentionally threatens to introduce a contagious or infectious
23 disease into wild deer located in this state without the consent of the department of
24 natural resources is guilty of a Class D felony if one of the following applies:

1 1. The department of natural resources is aware of the threat and reasonably
2 believes that the actor will attempt to carry out the threat.

3 2. The department of natural resources is unaware of the threat, but if the
4 department were apprised of the threat, it would be reasonable for the department
5 to believe that the actor would attempt to carry out the threat.

6 **SECTION 812u.** 943.76 (4) (a) (intro.) of the statutes, as created by 2001
7 Wisconsin Act (this act), is amended to read:

8 943.76 (4) (a) (intro.) Whoever intentionally threatens to introduce a
9 contagious or infectious disease into livestock located in this state without the
10 consent of the owner of the livestock is guilty of a Class D H felony if one of the
11 following applies:

12 **SECTION 812v.** 943.76 (4) (b) (intro.) of the statutes, as created by 2001
13 Wisconsin Act (this act), is amended to read:

14 943.76 (4) (b) (intro.) Whoever intentionally threatens to introduce a
15 contagious or infectious disease into wild deer located in this state without the
16 consent of the department of natural resources is guilty of a Class D H felony if one
17 of the following applies:”.

18 **467.** Page 282, line 8: after that line insert:

19 “**SECTION 874x.** 947.013 (1t) of the statutes is amended to read:

20 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E felony if the person
21 has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2),
22 (2e), (2m), or (3) or (3m) involving the same victim and the present violation occurs
23 within 7 years of the prior conviction.”.

24 **468.** Page 282, line 9: delete lines 9 to 13 and substitute:

1 **“SECTION 875b.** 947.013 (1t) of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is amended to read:

3 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the
4 person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s.
5 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation
6 occurs within 7 years of the prior conviction.”.

7 **469.** Page 282, line 21: after that line insert:

8 **“SECTION 877g.** 947.013 (1x) (a) of the statutes is amended to read:

9 947.013 (1x) (a) The person has a prior conviction under sub. (1r), (1t) or (1v)
10 or this subsection or s. 940.32 (2), (2e), (2m), or (3) ~~or (3m)~~.”.

11 **470.** Page 284, line 14: after that line insert:

12 **“SECTION 886f.** 948.025 (3) of the statutes is amended to read:

13 948.025 (3) The state may not charge in the same action a defendant with a
14 violation of this section and with a felony violation involving the same child under
15 ch. 944 or a violation involving the same child under s. 948.02, 948.05, 948.06,
16 948.07, 948.075, 948.08, 948.10, 948.11, or 948.12, unless the other violation
17 occurred outside of the time period applicable under sub. (1). This subsection does
18 not prohibit a conviction for an included crime under s. 939.66 when the defendant
19 is charged with a violation of this section.”.

20 **471.** Page 287, line 17: after that line insert:

21 **“SECTION 904m.** 948.075 of the statutes is created to read:

22 **948.075 Use of a computer to facilitate a child sex crime.** (1) Whoever
23 uses a computerized communication system to communicate with an individual who
24 the actor believes or has reason to believe has not attained the age of 16 years with

1 intent have sexual contact or sexual intercourse with the individual in violation of
2 s. 948.02 (1) or (2) is guilty of a Class BC felony.

3 (2) This section does not apply if, at the time of the communication, the actor
4 reasonably believed that the age of the person to whom the communication was sent
5 was no more than 24 months less than the age of the actor.

6 (3) Proof that the actor did an act, other than use a computerized
7 communication system to communicate with the individual, to effect the actor's
8 intent under sub. (1) shall be necessary to prove that intent.

9 **SECTION 904n.** 948.075 (1) of the statutes, as created by 2001 Wisconsin Act
10 ... (this act), is amended to read:

11 948.075 (1) Whoever uses a computerized communication system to
12 communicate with an individual who the actor believes or has reason to believe has
13 not attained the age of 16 years with intent have sexual contact or sexual intercourse
14 with the individual in violation of s. 948.02 (1) or (2) is guilty of a ~~Class BC~~ Class D
15 felony.”.

16 **472.** Page 288, line 23: after that line insert:

17 “**SECTION 910v.** 948.13 (1) (a) of the statutes is amended to read:

18 948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim
19 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1),
20 948.025 (1), 948.05 (1) or (1m), 948.06 ~~or~~, 948.07 (1), (2), (3), or (4), or 948.075.”.

21 **473.** Page 293, line 14: after that line insert:

22 “**SECTION 939m.** 950.04 (1v) (gm) of the statutes is created to read:

23 950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
24 petitions for sentence adjustment as provided under s. 973.195 (1r) (d).”.

1 **474.** Page 327, line 10: after that line insert:

2 “**SECTION 1108d.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

3 971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason
4 of mental disease or defect for a violation, or for the solicitation, conspiracy, or
5 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02
6 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11
7 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was
8 a minor and the defendant was not the victim’s parent, the court shall require the
9 defendant to comply with the reporting requirements under s. 301.45 unless the
10 court determines, after a hearing on a motion made by the defendant, that the
11 defendant is not required to comply under s. 301.45 (1m).”.

12 **475.** Page 332, line 7: after that line insert:

13 “**SECTION 1131m.** 973.01 (3m) of the statutes is amended to read:

14 973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing
15 a bifurcated sentence under this section on a person convicted of a crime other than
16 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
17 948.07, 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its
18 sentencing discretion, decide whether the person being sentenced is eligible or
19 ineligible for the challenge incarceration program under s. 302.045 during the term
20 of confinement in prison portion of the bifurcated sentence.”.

21 **476.** Page 332, line 13: substitute “302.113 (9g), or 973.195 (1r)” for “or
22 302.113 (9g)”.

23 **477.** Page 332, line 17: delete lines 17 to 23 and substitute:

24 “**SECTION 1134f.** 973.0135 (1) (b) 2. of the statutes is amended to read:

1 973.0135 (1) (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
2 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
3 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),
4 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,
5 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

6 **SECTION 1134g.** 973.0135 (1) (b) 2. of the statutes, as affected by 2001
7 Wisconsin Act (this act), is amended to read:

8 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
9 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.
10 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
11 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
12 (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
13 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), 948.35 (1) (b) or (c), or 948.36.”.

14 **478.** Page 338, line 20: delete “only”.

15 **479.** Page 338, line 21: after “decision” insert “or there is not substantial
16 evidence in the record to support the sentencing decision”.

17 **480.** Page 339, line 13: after that line insert:

18 **“SECTION 1138k.** 973.034 of the statutes is amended to read:

19 **973.034 Sentencing; restriction on child sex offender working with**
20 **children.** Whenever a court imposes a sentence or places a defendant on probation
21 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is
22 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1),
23 948.025 (1), 948.05 (1) or (1m), 948.06 or, 948.07 (1), (2), (3), or (4), or 948.075, the
24 court shall inform the defendant of the requirements and penalties under s. 948.13.

1 **SECTION 1138n.** 973.048 (2m) of the statutes is amended to read:

2 973.048 (2m) If a court imposes a sentence or places a person on probation for
3 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
4 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
5 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or
6 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
7 victim's parent, the court shall require the person to comply with the reporting
8 requirements under s. 301.45 unless the court determines, after a hearing on a
9 motion made by the person, that the person is not required to comply under s. 301.45
10 (1m).”.

11 **481.** Page 342, line 6: after that line insert:

12 “**SECTION 1143m.** 973.195 of the statutes is created to read:

13 **973.195 Sentence adjustment. (1g) DEFINITION.** In this section, “applicable
14 percentage” means 85% for a Class C to E felony and 75% for a Class F to I felony.

15 **(1r) CONFINEMENT IN PRISON.** (a) An inmate who is serving a sentence imposed
16 under s. 973.01 for a crime other than a Class B felony may petition the sentencing
17 court to adjust the sentence if the inmate has served at least the applicable
18 percentage of the term of confinement in prison portion of the sentence. If an inmate
19 is subject to more than one sentence imposed under this section, the sentences shall
20 be treated individually for purposes of sentence adjustment under this subsection.

21 (b) Any of the following is a ground for a petition under par. (a):

22 1. The inmate's conduct, efforts at and progress in rehabilitation, or
23 participation and progress in education, treatment, or other correctional programs
24 since he or she was sentenced.

1 3. A change in law or procedure related to sentencing or revocation of extended
2 supervision effective after the inmate was sentenced that would have resulted in a
3 shorter term of confinement in prison or, if the inmate was returned to prison upon
4 revocation of extended supervision, a shorter period of confinement in prison upon
5 revocation, if the change had been applicable when the inmate was sentenced.

6 4. The inmate is subject to a sentence of confinement in another state or the
7 inmate is in the United States illegally and may be deported.

8 5. Sentence adjustment is otherwise in the interests of justice.

9 (c) Upon receipt of a petition filed under par. (a), the sentencing court may deny
10 the petition or hold the petition for further consideration. If the court holds the
11 petition for further consideration, the court shall notify the district attorney of the
12 inmate's petition. If the district attorney objects to adjustment of the inmate's
13 sentence within 45 days of receiving notification under this paragraph, the court
14 shall deny the inmate's petition.

15 (d) If the sentence for which the inmate seek's adjustment is for an offense
16 under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district attorney does not
17 object to the petition within 10 days of receiving notice under par. (c), the district
18 attorney shall notify the the victim, as defined under s. 950.02 (4), of the inmate's
19 petition. The notice to the victim shall include information on the sentence
20 adjustment petition process under this subsection, including information on how to
21 object to the inmate's petition. If the victim objects to adjustment of the inmate's
22 sentence within 45 days of the date on which the district attorney received notice
23 under par. (c), the court shall deny the inmate's petition.

24 (e) Notwithstanding the confidentiality of victim address information obtained
25 under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a

1 victim under par. (d) may obtain from the clerk of the circuit court victim address
2 information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

3 (f) If the sentencing court receives no objection to sentence adjustment from the
4 district attorney under par. (c) or the victim under par. (d) and the court determines
5 that sentence adjustment is in the public interest, the court may adjust the inmate's
6 sentence as provided under par. (g). The court shall include in the record written
7 reasons for any sentence adjustment granted under this subsection.

8 (g) Except as provided under par. (h), the only sentence adjustments that a
9 court may make under this subsection are as follows:

10 1. If the inmate is serving the term of confinement in prison portion of the
11 sentence, a reduction in the term of confinement in prison by the amount of time
12 remaining in the term of confinement in prison portion of the sentence, less up to 30
13 days, and a corresponding increase in the term of extended supervision.

14 2. If the inmate is confined in prison upon revocation of extended supervision,
15 a reduction in the amount of time remaining in the period of confinement in prison
16 imposed upon revocation, less up to 30 days, and a corresponding increase in the term
17 of extended supervision.

18 (h) 1. If the court adjusts a sentence under par. (g) on the basis of a change in
19 law or procedure as provided under par. (b) 3. and the total sentence length of the
20 adjusted sentence is greater than the maximum sentence length that the offender
21 could have received if the change in law or procedure had been applicable when the
22 inmate was originally sentenced, the court may reduce the length of the term of
23 extended supervision so that the total sentence length does not exceed the maximum
24 sentence length that the offender could have received if the change in law or
25 procedure had been applicable when the inmate was originally sentenced.

1 2. If the court adjusts a sentence under par. (g) on the basis of a change in law
2 or procedure as provided under par. (b) 3. and the adjusted term of extended
3 supervision is greater than the maximum term of extended supervision that the
4 offender could have received if the change in law or procedure had been applicable
5 when the inmate was originally sentenced, the court may reduce the length of the
6 term of extended supervision so that the term of extended supervision does not
7 exceed the maximum term of extended supervision that the offender could have
8 received if the change in law or procedure had been applicable when the inmate was
9 originally sentenced.

10 (i) An inmate may submit only one petition under this subsection for each
11 sentence imposed under s. 973.01.”

12 **482.** Page 345, line 19: after that line insert:

13 “**SECTION 1151r.** 979.012 of the statutes is created to read:

14 **979.012 Reporting deaths of public health concern.** (1) If a coroner or
15 medical examiner is aware of the death of a person who, at the time of his or her
16 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner
17 or medical examiner shall report the illness or health condition to the department
18 of health and family services and to the local health department, as defined in s.
19 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing
20 or by electronic transmission within 24 hours of learning of the deceased’s illness or
21 health condition.

22 (2) In a report under sub. (1), the coroner or medical examiner shall include all
23 of the following information if such information is available:

24 (a) The illness or health condition of the deceased.

1 (b) The name, date of birth, gender, race, occupation, and home and work
2 addresses of the deceased.

3 (c) The name and address of the coroner or medical examiner.

4 (d) If the illness or health condition was related to an animal or insect bite, the
5 suspected location where the bite occurred and the name and address of the owner
6 of the animal or insect, if an owner is identified.”

7 **483.** Page 345, line 25: after that line insert:

8 “SECTION 1157s. 1999 Wisconsin Act 9, section 9158 (8w) (e) is amended to
9 read:

10 [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the procedures
11 for dissolution of a regional planning commission that are specified under section
12 66.945 (15) of the statutes, the Dane County regional planning commission shall be
13 dissolved on October 1, ~~2002~~ 2004. All unexpended funds of the commission on that
14 date shall be applied to any outstanding indebtedness of the commission. If any
15 outstanding indebtedness of the commission remains after the application of the
16 unexpended funds to such debts, the remaining indebtedness shall be assessed to
17 Dane County. If the commission has no outstanding indebtedness and has
18 unexpended funds, such funds shall be returned to the cities, villages, towns or
19 county that supplied them.”

20 **484.** Page 346, line 8: after that line insert:

21 “SECTION 1160p. 2001 Wisconsin Act 16, section 9157 (7e) is amended to read:

22 [2001 Wisconsin Act 16] Section 9157 (7e) COST-EFFECTIVE TRANSPORTATION
23 SERVICES FOR VETERANS. The department of veterans affairs and the department of
24 administration, jointly, shall determine the most cost-effective methods for

1 providing statewide transportation services to disabled veterans under section 45.43
2 (7m) of the statutes, as created by this act.”.

3 **485.** Page 346, line 8: after that line insert:

4 **“SECTION 1160p.** 2001 Wisconsin Act 16, section 9158 (8x) is amended to read:

5 [2001 Wisconsin Act 16] Section 9158 (8x) COMMUNITY YOUTH GRANTS.

6 Notwithstanding section 49.175 (1) (z) of the statutes, as affected by this act, from
7 the moneys allocated under section 49.175 (1) (z) of the statutes, as affected by this
8 act, the department of workforce development shall provide grants in each fiscal year
9 of the 2001–03 fiscal biennium to the Wisconsin chapters of the Boys and Girls Clubs
10 of America to improve social, academic, and employment skills of youth who are
11 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.
12 The total amount of grants that are provided under this subsection in each fiscal year
13 of the 2001–03 fiscal biennium shall be ~~\$50,000~~ \$300,000.”.

14 **486.** Page 346, line 13: after that line insert:

15 **“SECTION 1160rd.** 2001 Wisconsin Act 16, section 9323 (18k), (18m), (18n),

16 (18pk), (18pm) and (18pn) are repealed.

17 **SECTION 1160ut.** 2001 Wisconsin Act 16, section 9423 (18k) is repealed.”.

18 **487.** Page 348, line 9: after that line insert:

19 **“(6e) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP DUES IN**
20 **NATIONAL, STATE, AND LOCAL NONGOVERNMENTAL ORGANIZATIONS ARE PAID.**

21 (a) In this subsection:

22 1. “Secretary” means the secretary of administration.

23 2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

1 (b) The secretary shall determine for each state agency the amount expended
2 by the state agency for membership dues for any national, state, or local
3 nongovernmental organization in the 2000–01 fiscal year that was funded from
4 general purpose revenue and the appropriation from which the dues were paid.

5 (c) From each sum certain appropriation of general purpose revenue identified
6 in paragraph (b), the secretary shall lapse to the general fund in the 2002–03 fiscal
7 year an amount that equals 20% of the amount specified in paragraph (b) for that
8 appropriation. After the secretary makes the lapse, each of the sum certain
9 appropriations is decreased by the amount of the lapse.

10 (d) For each sum sufficient appropriation of general purpose revenue identified
11 in paragraph (b), the expenditure estimate for the appropriation during the 2002–03
12 fiscal year is reestimated to subtract an amount that equals 20% of the amount
13 specified in paragraph (b) for that appropriation.”.

14 **488.** Page 350, line 2: after that line insert:

15 “(8w) TUITION APPROPRIATION EXPENDITURE ESTIMATE INCREASE. When amending
16 the schedule under section 20.004 (2) of the statutes, in addition to making any other
17 reduction required by law, the department of administration shall increase the
18 estimated expenditure amount that appears in the schedule for the appropriation
19 account under section 20.285 (1) (im) of the statutes by \$6,700,000 to reflect
20 additional academic fees and tuition that may be received under section 36.27 (1)
21 (cm) of the statutes, as created by this act.”.

22 **489.** Page 350, line 3: delete lines 3 to 11.

23 **490.** Page 352, line 12: after that line insert:

24 “(9b) SALE OR LEASE OF STATE SURPLUS PROPERTY.

1 (a) In this subsection:

2 1. “State agency” has the meaning given in section 20.001 (1) of the statutes.

3 2. “State property” means land and improvements thereto that are owned by
4 this state.

5 3. “Surplus property” means state property under the jurisdiction of the
6 building commission or any other state agency that is not used or needed to carry out
7 the program responsibilities of a state agency and is not included in the plan of a state
8 agency for construction or development.

9 (b) The department of administration shall compile an inventory of surplus
10 property that has the potential to be sold or leased by the state no later than March
11 15, 2003.

12 (c) No later than October 1, 2003, the department of administration shall
13 submit to the cochairpersons of the joint committee on finance a report containing
14 a list of surplus property that the department recommends be offered for sale or
15 lease. In the report, the department shall specify, for each property listed, whether
16 a sale or lease is recommended. If the cochairpersons of the committee do not notify
17 the department that the committee has scheduled a meeting for the purpose of
18 reviewing the proposed sale or lease of a particular surplus property that is included
19 in the report, the department shall direct the building commission to proceed with
20 the sale or lease. If, within 14 working days after the date of the department’s
21 submittal, the cochairpersons of the committee notify the department that the
22 committee has scheduled a meeting for the purpose of reviewing the proposed sale
23 or lease of a particular surplus property, the department and the building
24 commission shall not proceed with the proposed sale or lease unless the sale or lease
25 is approved by the committee.”

1 **491.** Page 352, line 18: after that line insert:

2 “(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

3 (a) *Assets and liabilities.* All assets and liabilities of the department of
4 agriculture, trade and consumer protection that are primarily related to programs
5 or functions transferred to the department of justice under this act shall become the
6 assets and liabilities of the department of justice. The departments of justice and
7 agriculture, trade and consumer protection shall jointly determine these assets and
8 liabilities and shall jointly develop and implement a plan for their orderly transfer.
9 In the event of any disagreement between the departments, the secretary of
10 administration shall decide the question. If either department is dissatisfied with
11 the secretary’s decision, the department may bring the matter to the cochairpersons
12 of the joint committee on finance for consideration by the committee, and the
13 committee shall affirm or modify the decision.

14 (b) *Employee transfers.* In the department of agriculture, trade and consumer
15 protection 21.0 FTE positions that are primarily related to programs or functions
16 that are transferred to the department of justice under this act, and the incumbents
17 holding these positions are transferred to the department of justice. The secretary
18 of administration shall determine which incumbents will be transferred. If either
19 department is dissatisfied with the secretary’s decision, the department may bring
20 the matter to the cochairpersons of the joint committee on finance for consideration
21 by the committee, and the committee shall affirm or modify the decision.

22 (c) *Employee status.* Employees transferred under paragraph (b) have all the
23 rights and same status under subchapter V of chapter 111 and chapter 230 of the
24 statutes in the department of justice that they enjoyed in the department of

1 agriculture, trade and consumer protection immediately before the transfer.
2 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
3 has attained permanent status in class is required to serve a probationary period.

4 (d) *Supplies and equipment.* All tangible personal property, including records,
5 of the department of agriculture, trade and consumer protection that are primarily
6 related to programs or functions that are transferred to the department of justice
7 under this act are transferred to the department of justice. The departments of
8 justice and agriculture, trade and consumer protection shall jointly identify the
9 tangible personal property, including records, and shall jointly develop and
10 implement a plan for their orderly transfer. In the event of any disagreement
11 between the departments, the secretary of administration shall decide the question.
12 If either department is dissatisfied with the secretary's decision, the department
13 may bring the matter to the cochairpersons of the joint committee on finance for
14 consideration by the committee, and the committee shall affirm or modify the
15 decision.

16 (e) *Pending matters.* Any matter pending with the department of agriculture,
17 trade and consumer protection that is primarily related to a program or function that
18 is transferred to the department of justice under this act is transferred to the
19 department of justice. All materials submitted or actions taken by the department
20 of agriculture, trade and consumer protection with respect to the pending matter are
21 considered as having been submitted to or taken by the department of justice.

22 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
23 and consumer protection or the department of justice that are primarily related to
24 programs or functions transferred to the department of justice under this act, and
25 that are in effect on the effective date of this paragraph, remain in effect and those

1 contracts entered into by the department of agriculture, trade and consumer
2 protection are transferred to the department of justice. The departments of justice
3 and agriculture, trade and consumer protection shall jointly identify these contracts
4 and shall jointly develop and implement a plan for their orderly transfer. In the event
5 of any disagreement between the departments, the secretary of administration shall
6 decide the question. If either department is dissatisfied with the secretary's decision,
7 the department may bring the matter to the cochairpersons of the joint committee
8 on finance for consideration by the committee, and the committee shall affirm or
9 modify the decision. The department of justice shall carry out the obligations under
10 these contracts until the obligations are modified or rescinded by the department of
11 justice to the extent allowed under the contract.

12 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
13 trade and consumer protection that are in effect on the effective date of this
14 paragraph and that are primarily related to programs or functions that are
15 transferred to the department of justice under this act remain in effect until their
16 specified expiration date or until amended or repealed by the department of justice.
17 All orders issued by the department of agriculture, trade and consumer protection
18 that are in effect on the effective date of this paragraph and that are primarily related
19 to programs or functions transferred to the department of justice under this act
20 remain in effect until their specified expiration date or until modified or rescinded
21 by the department of justice.

22 (h) *Decrease in positions.* The authorized FTE positions for the department of
23 agriculture, trade and consumer protection, funded from the appropriation under
24 section 20.115 (8) (jm), 1999 stats., are decreased by 5.5 PR positions.”

1 **492.** Page 352, line 19: after that line insert:

2 “(1c) MILWAUKEE ART MUSEUM. The arts board shall spend the amount in the
3 appropriation account under section 20.215 (1) (cm) of the statutes, as created by this
4 act, for the Leonardo da Vinci and the Splendor of Poland art exhibitions at the
5 Milwaukee Art Museum.”

6 **493.** Page 353, line 12: after that line insert:

7 “(1b) SALE OR LEASE OF STATE SURPLUS PROPERTY. Notwithstanding section 13.48
8 (14) (am) of the statutes, the building commission shall offer for sale or lease the
9 surplus property authorized under SECTION 9107 (9b) of this act in accordance with
10 section 13.48 (14) (b) of the statutes. Notwithstanding section 13.48 (14) (c) of the
11 statutes, the commission shall deposit any net proceeds from sales or leases of those
12 properties, after depositing any amount required to be deposited into the bond
13 security and redemption fund, into the budget stabilization fund. Section 13.48 (14)
14 (d) of the statutes does not apply to that property.”

15 **494.** Page 353, line 15: after that line insert:

16 “(1z) RELATIVE PLACEMENT PERMANENCY PLANS.
17 (a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for
18 children or juveniles who are living in the home of a relative, as defined in section
19 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under
20 section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32
21 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on
22 the day before the effective date of this paragraph, the agency assigned primary
23 responsibility for providing services to those children or juveniles shall file a
24 permanency plan with that court with respect to not less than 33% of those children

1 or juveniles by September 1, 2002, with respect to not less than 67% of those children
2 or juveniles by November 1, 2002, and with respect to all of those children or
3 juveniles by January 1, 2003, giving priority to those children or juveniles who have
4 been living in the home of a relative for the longest period of time.

5 (b) The agency shall request the court assigned to exercise jurisdiction under
6 chapters 48 and 938 of the statutes, as affected by this act, to make a finding under
7 section 48.363 or 938.363 of the statutes that reasonable efforts have been made to
8 prevent the removal of the child or juvenile from the home or that those efforts are
9 not required to be made because a circumstance specified in section 48.355 (2d) (b)
10 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the
11 statutes, as affected by this act, applies, not more than 60 days after the date on
12 which the permanency plan is filed.

13 (c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act,
14 section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the
15 statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created
16 by this act, a permanency plan filed under this subsection shall be reviewed within
17 6 months after the date on which the permanency plan is filed and a permanency
18 plan hearing shall be had to review a permanency plan filed under this subsection
19 within 12 months after the date on which the permanency plan is filed.”.

20 **495.** Page 353, line 16: after that line insert:

21 “(1v) PROPOSAL FOR RURAL FINANCE AUTHORITY. The department of commerce
22 shall work with the department of administration, the department of agriculture,
23 trade and consumer protection, and the Wisconsin Housing and Economic
24 Development Authority to develop a proposal, to be included in the department of

1 commerce's budget request that is submitted to the department of administration,
2 for the 2003–05 biennium for the creation of a rural finance authority. In developing
3 the proposal, the departments and the authority shall do all of the following:

4 (a) Consider proposing that the rural finance authority be created to offer
5 low-interest loans to agricultural producers in this state.

6 (b) Include a governing board to head the authority and consider the feasibility
7 of an 11-member board consisting of 3 agricultural producers; 3 commercial bankers;
8 2 other members appointed by the governor; the secretary of commerce and the
9 secretary of agriculture, trade and consumer protection or their designees; and the
10 executive director of the Wisconsin Housing and Economic Development Authority
11 or his or her designee.

12 (c) Consider including programs such as farm purchase assistance loans,
13 including seller assisted loans; beginning farmer loans for the purchase of animals,
14 machinery, and real estate; an agricultural improvement program to finance
15 physical improvements of farm operations; a livestock modernization program; and
16 a program to finance purchases by agricultural producers of stock in cooperatives
17 that engage in agricultural processing.

18 (d) Consider transferring agricultural programs administered by the
19 Wisconsin Housing and Economic Development Authority to the rural finance
20 authority.”.

21 **496.** Page 353, line 16: after that line insert:

22 “(1c) GRANT TO FORWARD WISCONSIN, INC., FOR STUDY AND PROPOSAL ON BRAND
23 IMAGE. From the appropriation under section 20.143 (1) (bp) of the statutes, as
24 created by this act, the department of commerce shall provide a grant of \$50,000 in

1 fiscal year 2002–03 to Forward Wisconsin, Inc., to contract for a study and the
2 creation of a proposal for a national brand image for the state related to technology
3 and biotechnology. The department of commerce shall enter into an agreement with
4 Forward Wisconsin, Inc., that specifies the uses for the grant proceeds under this
5 subsection and reporting and auditing requirements. No later than December 31,
6 2003, the department of commerce shall submit to the appropriate standing
7 committees of the legislature in the manner provided under section 13.172 (3) of the
8 statutes a report that includes the results of the study and the conclusions and
9 recommendations of Forward Wisconsin, Inc., with respect to a proposal for a
10 national brand image for the state.”

11 **497.** Page 353, line 16: after that line insert:

12 “(1z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. The authorized FTE
13 positions for the department of commerce are increased by 2.5 PR positions on July
14 1, 2002, or on the day after publication, whichever is later, to be funded from the
15 appropriation under section 20.143 (1) (g) of the statutes, for the division of
16 international and export services.”

17 **498.** Page 355, line 15: after that line insert:

18 “(1v) HIRING FREEZE EXEMPTION. Notwithstanding any action of the governor or
19 the secretary of administration under section 16.505 (3) of the statutes before the
20 effective date of this subsection, the department of employee trust funds may fill 3.5
21 FTE GPR positions that are vacant on the effective date of this subsection, that are
22 authorized to the department under section 16.505 of the statutes, and that are
23 funded from the appropriation under section 20.512 (2) (a) of the statutes.”

24 **499.** Page 356, line 1: delete lines 1 to 4.