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1 *~~4532~~/2.3* SECTION 522. 814.634 (1) (c) of the statutes is amended to read:
2 814.634 (1) (c) Notwithstanding par (a), the clerk of circuit court shall charge
3 and collect a \$30 \$39 court support services fee from any person, including any
4 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or
5 (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying
6 the fee seeks the recovery of money and the amount claimed is equal to or less than
7 the amount under s. 799.01 (1) (d).


8 *~~b2892~~/3.4* SECTION 523c. 814.70 (1) of the statutes is amended to read:

9 814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a
10 summons or any other process for commencement of an action, a writ, an order of
11 injunction, a subpoena, or any other order, \$12 for each defendant or person. If there
12 is more than one defendant or person to be served at a given address, \$6 for each
13 additional defendant or person. No fee charged under this subsection in any action
14 commenced under s. 813.12, 813.122, or 813.123 may be collected from a petitioner
15 under s. 813.12, 813.122, or 813.123. The fee charged under this subsection in any
16 action commenced under s. 813.12, 813.122, 813.123, or 813.125 shall be collected
17 from the respondent under s. 813.12, 813.122, or 813.123 if he or she is convicted of
18 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
19 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4). No fee charged under this
20 subsection in any action commenced under s. 813.125 may be collected from a
21 petitioner under s. 813.125 if the petition alleges conduct that is the same as or
22 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)
23 (am) 1. to ~~4.~~ 6. If no fee is collected under this subsection from a petitioner under
24 s. 813.125, the fee charged under this subsection in any action commenced under s.
25 813.125 shall be collected from the respondent under s. 813.125 if he or she is


convicted of violating a temporary restraining order or injunction issued under s. 813.125 (3) or (4).

 ***b2892/3.4* SECTION 523f.** 814.70 (3) (intro.) of the statutes is amended to read:

814.70 (3) (intro.) For travel in serving any summons, writ or other process, except criminal warrants, and except that a fee under this subsection in any action commenced under s. 813.12, 813.122, or 813.123 may not be collected from a petitioner but shall be collected from the respondent if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4), 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under this subsection in any action commenced under s. 813.125 may not be collected from a petitioner if the petition alleges conduct that is the same as or similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a) ~~(a)~~ (am) 1. to ~~4.~~ 6. but shall be collected from the respondent if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.125 (3) or (4):

 ***b2892/3.4* SECTION 523h.** 895.73 (1) (a) of the statutes is amended to read:

895.73 (1) (a) “Abusive conduct” means domestic abuse, as defined under s. 46.95 (1) (a), 813.12 (1) ~~(a)~~ (am), or 968.075 (1) (a), harassment, as defined under s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss. 948.02 to 948.11.

 ***b2892/3.4* SECTION 523m.** 905.045 of the statutes is created to read:

905.045 Domestic violence or sexual assault advocate-victim privilege. (1) DEFINITIONS. In this section:

(a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a), of a child, as defined in s. 48.02 (2), interspousal battery, as described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s. 940.225.

(b) “Advocate” means an individual who is an employee of or a volunteer for an organization the purpose of which is to provide counseling, assistance, or support services free of charge to a victim.

(c) A communication or information is “confidential” if not intended to be disclosed to 3rd persons other than persons present to further the interest of the person receiving counseling, assistance, or support services, persons reasonably necessary for the transmission of the communication or information, and persons who are participating in providing counseling, assistance, or support services under the direction of an advocate, including family members of the person receiving counseling, assistance, or support services and members of any group of individuals with whom the person receives counseling, assistance, or support services.

(d) “Victim” means an individual who has been the subject of abusive conduct or who alleges that he or she has been the subject of abusive conduct. It is immaterial that the abusive conduct has not been reported to any government agency.

(2) GENERAL RULE OF PRIVILEGE. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made or information obtained or disseminated among the victim, an advocate who is acting in the scope of his or her duties as an advocate, and persons who are participating in providing counseling, assistance, or support services under the direction of an advocate, if the communication was made or the information was obtained or

disseminated for the purpose of providing counseling, assistance, or support services to the victim.

(3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim, by the victim's guardian or conservator, or by the victim's personal representative if the victim is deceased. The advocate may claim the privilege on behalf of the victim. The advocate's authority to do so is presumed in the absence of evidence to the contrary.

(4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child abuse that an advocate is required to make under s. 48.981.

(5) RELATIONSHIP TO S. 905.04. If a communication or information that is privileged under sub. (2) is also a communication or information that is privileged under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to that communication or information.

✓
✗ *b3077/1.2* SECTION 523p. 908.03 (6m) (d) of the statutes is amended to read:

908.03 (6m) (d) Fees. The ~~Before January 1, 2003,~~ the department of health and family services shall, by rule, prescribe uniform fees that are based on an approximation of the actual costs. The fees, plus applicable tax, are the maximum amount that a health care provider may charge ~~under par. (e) 3.~~ for certified duplicate patient health care records. The rule shall also allow the health care provider to charge for actual postage or other actual delivery costs. The commencement of an action is not a prerequisite for the application of this paragraph.

✗ *b3077/1.2* SECTION 523q. 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin Act (this act), is amended to read:

908.03 (6m) (d) Fees. ~~Before January 1, 2003~~ After December 31, 2002, the department of health and family services shall, by rule, prescribe uniform fees that

are based on an approximation of actual costs. The fees, plus applicable tax, are the maximum amount that a health care provider may charge for certified duplicate patient health care records. The rule shall also allow the health care provider to charge for actual postage or other actual delivery costs. ~~The commencement of an action is not a prerequisite for the application of this paragraph~~ For duplicate patient health care records and duplicate X-ray reports or the referral of X-rays to another health care provider that are requested before commencement of an action, s. 146.83 (1) (b) and (c) and (3m) applies.

✓ *~~4548/2.251~~* SECTION 524. 908.08 (1) of the statutes is amended to read:

908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the videotaped oral statement of a child who is available to testify, as provided in this section.

~~M~~*~~4548/2.252~~* *~~3370/P2.5~~* SECTION 528. 911.01 (4) (c) of the statutes is amended to read:

911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or rendition; sentencing, or granting or revoking probation, modification of a bifurcated sentence under s. 302.113 (9g), adjustment of a bifurcated sentence under s. 973.195 (1r), issuance of arrest warrants, criminal summonses and search warrants; proceedings under s. 971.14 (1) (c); proceedings with respect to pretrial release under ch. 969 except where habeas corpus is utilized with respect to release on bail or as otherwise provided in ch. 969.

~~4548/2.253~~ *~~0590/P5.29~~* SECTION 529. 938.208 (1) (a) of the statutes is amended to read:

938.208 (1) (a) Probable cause exists to believe that the juvenile has committed a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m)~~ ~~or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

✓ ***b2483/2.3* SECTION 529j.** 938.295 (2) (a) of the statutes is amended to read:

938.295 (2) (a) If there is probable cause to believe that the juvenile has committed the alleged offense and if there is reason to doubt the juvenile's competency to proceed, or upon entry of a plea under s. 938.30 (4) (c) the court shall order the juvenile to be examined by a psychiatrist or licensed psychologist. The expenses of an cost of the examination, if approved by the court, shall be paid by the county of the court ordering the examination, and the county may recover that cost from the juvenile's parent or guardian as provided in par. (c). Evaluation shall be made on an outpatient basis unless the juvenile presents a substantial risk of physical harm to the juvenile or others; or the juvenile, parent, or guardian, and legal counsel or guardian ad litem, consent to an inpatient evaluation. Any inpatient evaluation shall be for a specified period that is no longer than is necessary to complete the evaluation.

✓ ***b2483/2.3* SECTION 529k.** 938.295 (2) (c) of the statutes is created to read:

938.295 (2) (c) A county that pays the cost of an examination under par. (a) may recover a reasonable contribution toward that cost from the juvenile's parent or guardian, based on the ability of the parent or guardian to pay. If the examination is provided or otherwise funded by the county department under s. 46.215, 46.22, or 46.23, the county department shall collect the contribution of the parent or guardian as provided in s. 301.03 (18). If the examination is provided or otherwise funded by

1 the county department under s. 51.42 or 51.437, the county department shall collect
2 the contribution of the parent or guardian as provided in s. 46.03 (18).

3 ✓ ***b3034/1.5* SECTION 529b.** 938.21 (1) (a) of the statutes, as affected by
4 Wisconsin Act 61, is amended to read:

5 938.21 (1) (a) If a juvenile who has been taken into custody is not released
6 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held
7 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the
8 judge or circuit court commissioner within 24 hours after the end of the day that the
9 decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal
10 holidays. By the time of the hearing a petition under s. 938.25 shall be filed, except
11 that no petition need be filed where a juvenile is taken into custody under s. 938.19
12 (1) (b) or (d) 2., 6., or 7. or where the juvenile is a runaway from another state, in
13 which case a written statement of the reasons for holding a juvenile in custody shall
14 be substituted if the petition is not filed. If no hearing has been held within 24 hours
15 or if no petition or statement has been filed at the time of the hearing, the juvenile
16 shall be released except as provided in par. (b). A parent not present at the hearing
17 shall be granted a rehearing upon request for good cause shown.

18 ✓ ***b3034/1.5* SECTION 529c.** 938.21 (2) (am) of the statutes is amended to read:

19 938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in
20 writing his or her right to participate in the hearing under this section. After any
21 waiver, a hearing rehearing shall be granted upon the request of the juvenile or any
22 other interested party for good cause shown. Any juvenile transferred to a secure
23 detention facility shall thereafter have a hearing rehearing under this section.

24 ***b3034/1.5* SECTION 529d.** 938.21 (3) (am) of the statutes is amended to read:

1 938.21 (3) (am) The parent, guardian, or legal custodian may waive his or her
2 right to participate in the hearing under this section. ~~Agreement in writing of the~~
3 ~~juvenile is required if he or she is over 12.~~ After any waiver, a ~~hearing~~ rehearing shall
4 be granted at the request of ~~any~~ the parent, guardian, legal custodian, or any other
5 interested party for good cause shown.

6 ***b3034/1.5* SECTION 529e.** 938.21 (5) (b) 1. of the statutes, as affected by 2001
7 Wisconsin Act 16, is repealed and recreated to read:

8 938.21 (5) (b) 1. A finding that continued placement of the juvenile in his or her
9 home would be contrary to the welfare of the juvenile. Unless the judge or circuit
10 court commissioner finds that any of the circumstances specified in s. 938.355 (2d)
11 (b) 1. to 4. applies, the order shall in addition include a finding as to whether the
12 person who took the juvenile into custody and the intake worker have made
13 reasonable efforts to prevent the removal of the juvenile from the home, while
14 assuring that the juvenile's health and safety are the paramount concerns, and a
15 finding as to whether the person who took the juvenile into custody and the intake
16 worker have made reasonable efforts to make it possible for the juvenile to return
17 safely home or, if for good cause shown sufficient information is not available for the
18 judge or circuit court commissioner to make a finding as to whether those reasonable
19 efforts were made to prevent the removal of the juvenile from the home, a finding as
20 to whether those reasonable efforts were made to make it possible for the juvenile
21 to return safely home and an order for the county department or agency primarily
22 responsible for providing services to the juvenile under the custody order to file with
23 the court sufficient information for the judge or circuit court commissioner to make
24 a finding as to whether those reasonable efforts were made to prevent the removal
25 of the juvenile from the home by no later than 5 days after the date of the order.

1 ✓ ***b3034/1.5* SECTION 529f.** 938.21 (5) (b) 3. of the statutes is created to read:

2 938.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the
3 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
4 a determination that the county department or agency primarily responsible for
5 providing services under the custody order is not required to make reasonable efforts
6 with respect to the parent to make it possible for the juvenile to return safely to his
7 or her home.

8 ✓ ***b3034/1.5* SECTION 529g.** 938.21 (5) (c) of the statutes is created to read:

9 938.21 (5) (c) The judge or circuit court commissioner shall make the findings
10 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific
11 to the juvenile and shall document or reference the specific information on which
12 those findings are based in the custody order. A custody order that merely references
13 par. (b) 1. or 3. without documenting or referencing that specific information in the
14 custody order or an amended custody order that retroactively corrects an earlier
15 custody order that does not comply with this paragraph is not sufficient to comply
16 with this paragraph.

17 ***b3034/1.5* SECTION 529h.** 938.21 (5) (d) of the statutes is created to read:

18 938.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the
19 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
20 the judge or circuit court commissioner shall hold a hearing within 30 days after the
21 date of that finding to determine the permanency plan for the juvenile. If a hearing
22 is held under this subdivision, the agency responsible for preparing the permanency
23 plan shall file the permanency plan with the court not less than 5 days before the date
24 of the hearing.

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

6 3. The court shall give a foster parent, treatment foster parent, or other
7 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
8 2. an opportunity to be heard at the hearing by permitting the foster parent,
9 treatment foster parent, or other physical custodian to make a written or oral
10 statement during the hearing, or to submit a written statement prior to the hearing,
11 relevant to the issues to be determined at the hearing. A foster parent, treatment
12 foster parent, or other physical custodian who receives a notice of a hearing under
13 subd. 2. and an opportunity to be heard under this subdivision does not become a
14 party to the proceeding on which the hearing is held solely on the basis of receiving
15 ✓ that notice and opportunity to be heard.

16 ✓ ***b3034/1.5* SECTION 529j.** 938.255 (1) (f) of the statutes is created to read:

17 938.255 (1) (f) If the juvenile is being held in custody outside of his or her home,
18 reliable and credible information showing that continued placement of the juvenile
19 in his or her home would be contrary to the welfare of the juvenile and, unless any
20 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and
21 credible information showing that the person who took the juvenile into custody and
22 the intake worker have made reasonable efforts to prevent the removal of the
23 juvenile from the home, while assuring that the juvenile's health and safety are the
24 paramount concerns, and to make it possible for the juvenile to return safely home.

25 ✓ ***b3034/1.5* SECTION 529k.** 938.255 (2) of the statutes is amended to read:

1 938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or
2 cannot be ascertained by the petitioner, the petition shall so state.

3 ✓ ***b3034/1.5* SECTION 529m.** 938.315 (2m) of the statutes is created to read:

4 938.315 (2m) No continuance or extension of a time limit specified in this
5 chapter may be granted and no period of delay specified in sub. (1) may be excluded
6 in computing a time requirement under this chapter if the continuance, extension,
7 or exclusion would result in any of the following:

8 (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)
9 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the
10 removal of the juvenile from the home, while assuring that the juvenile's health and
11 safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,
12 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be
13 made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more
14 than 60 days after the date on which the juvenile was removed from the home.

15 (b) The court making an initial finding under s. 938.38 (5m) that the agency
16 primarily responsible for providing services to the juvenile has made reasonable
17 efforts to achieve the goals of the juvenile's permanency plan more than 12 months
18 after the date on which the juvenile was removed from the home or making any
19 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than
20 12 months after the date of a previous finding as to those reasonable efforts.

21 ✓ ***b3034/1.5* SECTION 529n.** 938.315 (3) of the statutes is amended to read:

22 938.315 (3) Failure to comply with any time limit specified in this chapter does
23 not deprive the court of personal or subject matter jurisdiction or of competency to
24 exercise that jurisdiction. Failure to object to a period of delay or a continuance
25 waives the time limit that is the subject of the period of delay or continuance. If a

1 party does not comply with a time limit specified in this chapter, the court, while
2 assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss
3 the petition with or without prejudice, release the juvenile from secure or nonsecure
4 custody or from the terms of a custody order, or grant any other relief that the court
5 considers appropriate.

6 ✓ ***b3034/1.5* SECTION 529p.** 938.32 (1) (c) of the statutes is created to read:

7 938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile
8 is placed outside the home under a voluntary agreement under s. 48.63 or is
9 otherwise living outside the home without a court order and if the consent decree
10 maintains the juvenile in that placement or other living arrangement, the consent
11 decree shall include a finding that placement of the juvenile in his or her home would
12 be contrary to the welfare of the juvenile, a finding as to whether the county
13 department or the agency primarily responsible for providing services to the juvenile
14 has made reasonable efforts to prevent the removal of the juvenile from the home,
15 while assuring that the juvenile's health and safety are the paramount concerns,
16 unless the judge or circuit court commissioner finds that any of the circumstances
17 specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county
18 department or agency has made reasonable efforts to achieve the goal of the
19 juvenile's permanency plan, unless return of the juvenile to the home is the goal of
20 the permanency plan and the judge or circuit court commissioner finds that any of
21 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

22 ✓ 2. If the judge or circuit court commissioner finds that any of the circumstances
23 specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the consent
24 decree shall include a determination that the county department or agency primarily
25 responsible for providing services under the consent decree is not required to make

1 reasonable efforts with respect to the parent to make it possible for the juvenile to
2 return safely to his or her home.

3 3. The judge or circuit court commissioner shall make the findings specified in
4 subs. 1. and 2. on a case-by-case basis based on circumstances specific to the
5 juvenile and shall document or reference the specific information on which those
6 findings are based in the consent decree. A consent decree that merely references
7 subd. 1. or 2. without documenting or referencing that specific information in the
8 consent decree or an amended consent decree that retroactively corrects an earlier
9 consent decree that does not comply with this subdivision is not sufficient to comply
10 with this subdivision.

11 ***b3034/1.5* SECTION 529q.** 938.32 (1) (d) of the statutes is created to read:

12 938.32 (1) (d) 1. If the judge or circuit court commissioner finds that any of the
13 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
14 the judge or circuit court commissioner shall hold a hearing within 30 days after the
15 date of that finding to determine the permanency plan for the juvenile. If a hearing
16 is held under this subdivision, the agency responsible for preparing the permanency
17 plan shall file the permanency plan with the court not less than 5 days before the date
18 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 ***b3034/1.5* SECTION 529r.** 938.33 (4) (intro.) of the statutes, as affected by
10 2001 Wisconsin Act 59, is amended to read:

11 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
12 placement in a foster home, treatment foster home, group home, or nonsecured
13 residential care center for children and youth or in the home of a relative other than
14 a parent shall be in writing, except that the report may be presented orally at the
15 dispositional hearing if all parties consent. A report that is presented orally shall be
16 transcribed and made a part of the court record. The report shall include all of the
17 following:

18 ***b3034/1.5* SECTION 529t.** 938.33 (4) (c) of the statutes is created to read:

19 938.33 (4) (c) Specific information showing that continued placement of the
20 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
21 information showing that the county department or the agency primarily
22 responsible for providing services to the juvenile has made reasonable efforts to
23 prevent the removal of the juvenile from the home, while assuring that the juvenile's
24 health and safety are the paramount concerns, unless any of the circumstances
25 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that

1 the county department or agency has made reasonable efforts to achieve the goal of
2 the juvenile's permanency plan, unless return of the juvenile to the home is the goal
3 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)
4 1. to 4. applies.

5 ✓ ***b3034/1.5* SECTION 529v.** 938.335 (3g) of the statutes is created to read:

6 938.335 (3g) At hearings under this section, if the agency, as defined in s.
7 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment
8 foster home, group home, or residential care center for children and youth or in the
9 home of a relative other than a parent, the agency shall present as evidence specific
10 information showing that continued placement of the juvenile in his or her home
11 would be contrary to the welfare of the juvenile, specific information showing that
12 the county department or the agency primarily responsible for providing services to
13 the juvenile has made reasonable efforts to prevent the removal of the juvenile from
14 the home, while assuring that the juvenile's health and safety are the paramount
15 concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
16 applies, and specific information showing that the county department or agency has
17 made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless
18 return of the juvenile to the home is the goal of the permanency plan and any of the
19 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

20 ✗ ***-4548/2.254* *-0590/P5.30* SECTION 530.** 938.34 (4h) (a) of the statutes is
21 amended to read:

22 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
23 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
24 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m)
25 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1), or 948.30 (2), ~~948.35 (1) (b) or 948.36 or~~

1 the juvenile is 10 years of age or over and has been adjudicated delinquent for
2 attempting or committing a violation of s. 940.01 or for committing a violation of
3 940.02 or 940.05.

4 ~~*-4548/2.255*~~ ~~*-0590/P5.31*~~ **SECTION 531.** 938.34 (4m) (b) 1. of the statutes
5 is amended to read:

6 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
7 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
8 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v)
9 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

10 ✓ ***b2613/1.5*** **SECTION 531k.** 938.34 (15m) (bm) of the statutes is amended to
11 read:

12 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a
13 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22
14 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
15 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or
16 of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's
17 parent, the court shall require the juvenile to comply with the reporting
18 requirements under s. 301.45 unless the court determines, after a hearing on a
19 motion made by the juvenile, that the juvenile is not required to comply under s.
20 301.45 (1m).

✓21 ***b3034/1.7*** **SECTION 531d.** 938.355 (1) of the statutes, as affected by 2001
22 Wisconsin Act 69, is amended to read:

23 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
24 decide on a placement and treatment finding based on evidence submitted to the
25 court. The disposition shall employ those means necessary to promote the objectives

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

12 *b3034/1.7* SECTION 531g. 938.355 (2) (b) 6. of the statutes is amended to read:

13 938.355 (2) (b) 6. If the juvenile is placed outside the home ~~and if sub. (2d) does~~
14 ~~not apply, the court's, a finding that continued placement of the juvenile in his or her~~
15 home would be contrary to the welfare of the juvenile or, if the juvenile has been
16 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c),
17 (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard
18 the welfare of the juvenile or the community due to the serious nature of the act for
19 which the juvenile was adjudicated delinquent. The court order shall also contain
20 a finding as to whether -a- the county department which provides social services or
21 the agency primarily responsible for providing services under a court order has made
22 reasonable efforts to prevent the removal of the juvenile from the home, while
23 assuring that the juvenile's health and safety are the paramount concerns, or, if
24 applicable, the court's unless the court finds that any of the circumstances specified
25 in sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department

1 ~~or agency primarily responsible for providing services under a court order has made~~
2 ~~reasonable efforts to make it possible for the juvenile to return safely to his or her~~
3 ~~home~~ achieve the goal of the juvenile's permanency plan, unless return of the
4 juvenile to the home is the goal of the permanency plan and the court finds that any
5 of the circumstances specified in sub. (2d) (b) 1. to 4. applies. The court shall make
6 the findings specified in this subdivision on a case-by-case basis based on
7 circumstances specific to the juvenile and shall document or reference the specific
8 information on which those findings are based in the court order. A court order that
9 merely references this subdivision without documenting or referencing that specific
10 information in the court order or an amended court order that retroactively corrects
11 an earlier court order that does not comply with this subdivision is not sufficient to
12 comply with this subdivision.

13 ***b3034/1.7* SECTION 531h.** 938.355 (2) (b) 6r. of the statutes is created to read:
14 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
15 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county
16 department or agency primarily responsible for providing services under the court
17 order is not required to make reasonable efforts with respect to the parent to make
18 it possible for the juvenile to return safely to his or her home.

19 ***b3034/1.7* SECTION 531k.** 938.355 (2b) of the statutes is amended to read:
20 938.355 (2b) **CONCURRENT REASONABLE EFFORTS PERMITTED.** A county
21 department ~~that provides social services~~ or the agency primarily responsible for
22 providing services to a juvenile under a court order may, at the same time as the
23 county department or agency is making the reasonable efforts required under sub.
24 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible
25 for the juvenile to return safely to his or her home, work with the department of

1 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a
2 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
3 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
4 other alternative permanent placement.

5 *b3034/1.7* SECTION 531m. 938.355 (2c) (b) of the statutes is amended to read:

6 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
7 the county department or the agency primarily responsible for providing services to
8 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~
9 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency
10 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~
11 to, the considerations listed under par. (a) 1. to 5. and whether visitation schedules
12 between the juvenile and his or her parents were implemented, unless visitation was
13 denied or limited by the court.

14 *b3034/1.7* SECTION 531p. 938.355 (2d) (b) (intro.) of the statutes is amended
15 to read:

16 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~
17 not required to include in a dispositional order a finding as to whether ~~a~~ the county
18 department ~~which provides social services~~ or the agency primarily responsible for
19 providing services under a court order has made reasonable efforts with respect to
20 a parent of a juvenile to prevent the removal of the juvenile from the home, while
21 assuring that the juvenile's health and safety are the paramount concerns, or, if
22 applicable, a finding as to whether the county department or agency ~~primarily~~
23 ~~responsible for providing services under a court order~~ has made reasonable efforts
24 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~

1 achieve the permanency plan goal of returning the juvenile safely to his or her home,
2 if the court finds, ~~as evidenced by a final judgment of conviction,~~ any of the following:

3 *Delete line*

4 *b3034/1.7* SECTION 531q. 938.355 (2d) (b) 1. of the statutes is amended to
5 read:

6 938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated
7 circumstances, as evidenced by a final judgment of conviction.

8 *b3034/1.7* SECTION 531r. 938.355 (2d) (b) 2. of the statutes is amended to
9 read:

10 938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
11 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
12 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
13 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
14 committed in this state, as evidenced by a final judgment of conviction, and that the
15 victim of that violation is a child of the parent.

16 *b3034/1.7* SECTION 531t. 938.355 (2d) (b) 3. of the statutes is amended to
17 read:

18 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),
19 (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)
20 or a violation of the law of any other state or federal law, if that violation would be
21 a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
22 or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment
23 of conviction, and that the violation resulted in great bodily harm, as defined in s.
24 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile
25 or another child of the parent.

1 ***b3034/1.7* SECTION 532b.** 938.355 (2d) (b) 3. of the statutes, as affected by
2 2001 Wisconsin Act (this act), is amended to read:

3 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
4 1999 stats., or 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) or a violation of the law of any other state or federal law,
6 if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2),
7 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as
8 evidenced by a final judgment of conviction, and that the violation resulted in great
9 bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined
10 in s. 939.22 (38), to the juvenile or another child of the parent.

11 ***b3034/1.7* SECTION 532d.** 938.355 (2d) (b) 4. of the statutes is amended to
12 read:

13 938.355 (2d) (b) 4. That the parental rights of the parent to another child have
14 been involuntarily terminated, as evidenced by a final order of a court of competent
15 jurisdiction terminating those parental rights.

16 ***b3034/1.7* SECTION 532g.** 938.355 (2d) (bm) of the statutes is created to read:

17 938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.
18 on a case-by-case basis based on circumstances specific to the juvenile and shall
19 document or reference the specific information on which that finding is based in the
20 dispositional order. A dispositional order that merely references par. (b) 1. to 4.
21 without documenting or referencing that specific information in the dispositional
22 order or an amended dispositional order that retroactively corrects an earlier
23 dispositional order that does not comply with this paragraph is not sufficient to
24 comply with this paragraph.

1 ***b3034/1.7* SECTION 532j.** 938.355 (2d) (c) of the statutes is renumbered
2 938.355 (2d) (c) 1. and amended to read:

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

10 ***b3034/1.7* SECTION 532k.** 938.355 (2d) (c) 2. and 3. of the statutes are created
11 to read:

12 938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the
13 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
14 custodian of the juvenile, and any foster parent, treatment foster parent, or other
15 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
16 purpose of the hearing.

17 3. The court shall give a foster parent, treatment foster parent, or other
18 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
19 2. an opportunity to be heard at the hearing by permitting the foster parent,
20 treatment foster parent, or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issues to be determined at the hearing. A foster parent, treatment
23 foster parent, or other physical custodian who receives a notice of a hearing under
24 subd. 2. and an opportunity to be heard under this subdivision does not become a

1 party to the proceeding on which the hearing is held solely on the basis of receiving
2 that notice and opportunity to be heard.

3 ***b3034/1.7* SECTION 532t.** 938.355 (4) (a) of the statutes is amended to read:
4 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders an
5 order under this section shall terminate at the end of one year unless the court
6 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions
7 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places
8 or continues the placement of the juvenile in his or her home shall terminate at the
9 end of one year after its entry unless the court specifies a shorter period of time. No
10 extension under s. 938.365 of an original dispositional order may be granted for a
11 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the
12 juvenile is 17 years of age or older when the original dispositional order terminates.
13 Any order made before the juvenile reaches the age of majority shall be effective for
14 a time up to one year after its entry unless the court specifies a shorter period of time
15 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,
16 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches
17 18 years of age that places or continues the placement of the juvenile in a foster home,
18 treatment foster home, group home, or residential care center for children and youth
19 or in the home of a relative other than a parent shall terminate when the juvenile
20 reaches 18 years of age, at the end of one year after its entry, or, if the juvenile is a
21 full-time student at a secondary school or its vocational or technical equivalent and
22 is reasonably expected to complete the program before reaching 19 years of age, when
23 the juvenile reaches 19 years of age, whichever is later, unless the court specifies a
24 shorter period of time or the court terminates the order sooner.

24

25

plain

1 ***b3034/1.7* SECTION 532v.** 938.355 (4) (b) of the statutes is amended to read:

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

20 ***b3034/1.7* SECTION 533b.** 938.355 (4) (b) of the statutes, as affected by 2001
21 Wisconsin Act (this act), is amended to read:

22 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
23 or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years
24 after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the
25 court specifies a shorter period of time or the court terminates the order sooner.

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

14 *b3034/1.7* **SECTION 533bb.** 938.355 (6) (a) of the statutes is amended to read:

15 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
16 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
17 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
18 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
19 under s. 938.335, the court explained the conditions to the juvenile and informed the
20 juvenile of those possible sanctions or if before the violation the juvenile has
21 acknowledged in writing that he or she has read, or has had read to him or her, those
22 conditions and possible sanctions and that he or she understands those conditions
23 and possible sanctions. If a juvenile who has been found to be in need of protection
24 or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in
25 sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in

1 par. (d), other than placement in a secure detention facility or juvenile portion of a
2 county jail, if, at the dispositional hearing under s. 938.335, the court explained the
3 conditions to the juvenile and informed the juvenile of those possible sanctions or if
4 before the violation the juvenile has acknowledged in writing that he or she has read,
5 or has had read to him or her, those conditions and possible sanctions and that he or
6 she understands those conditions and possible sanctions.

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

19 ***b3034/1.7* SECTION 533bd.** 938.355 (6m) (cm) of the statutes is created to
20 read:

21 938.355 (6m) (cm) The court may not order the sanction of placement in a place
22 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency
23 primarily responsible for providing services for the juvenile has made reasonable
24 efforts to prevent the removal of the juvenile from his or her home and that continued
25 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.

1 The court shall make the findings specified in this paragraph on a case-by-case basis
2 based on circumstances specific to the juvenile and shall document or reference the
3 specific information on which that finding is based in the sanction order. A sanction
4 order that merely references this paragraph without documenting or referencing
5 that specific information in the sanction order or an amended sanction order that
6 retroactively corrects an earlier sanction order that does not comply with this
7 paragraph is not sufficient to comply with this paragraph.

8 ***b3034/1.7* SECTION 533bf.** 938.357 (1) (a) of the statutes, as affected by 2001
9 Wisconsin Act 103, and is amended to read:

10 938.357 (1) (a) The person or agency primarily responsible for implementing
11 the dispositional order or the district attorney may request a change in the
12 placement of the juvenile, whether or not the change requested is authorized in the
13 dispositional order, ~~and as provided in par. (am) or (c), whichever is applicable.~~

14 (am) 1. If the proposed change in placement involves any change in placement
15 other than a change in placement specified in par. (c), the person or agency primarily
16 responsible for implementing the dispositional order or the district attorney shall
17 cause written notice of the proposed change in placement to be sent to the juvenile
18 or the juvenile's counsel or guardian ad litem, the 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. The notice shall contain
21 the name and address of the new placement, the reasons for the change in placement,
22 a statement describing why the new placement is preferable to the present
23 placement, and a statement of how the new placement satisfies objectives of the
24 treatment plan ordered by the court.

1 ***b3034/1.7* SECTION 533bh.** 938.357 (1) (am) 3. of the statutes is created to
2 read:

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

6 ***b3034/1.7* SECTION 533bg.** 938.357 (1) (b) of the statutes, as affected by 2001
7 Wisconsin Act 103, is renumbered 938.357 (1) (am) 2. and amended to read:

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

19 ***b3034/1.7* SECTION 533bj.** 938.357 (1) (c) of the statutes is created to read:

20 938.357 (1) (c) 1. If the proposed change in placement would change the
21 placement of a juvenile placed in the home to a placement outside the home, the
22 person or agency primarily responsible for implementing the dispositional order or
23 the district attorney shall submit a request for the change in placement to the court.
24 The request shall contain the name and address of the new placement, the reasons
25 for the change in placement, a statement describing why the new placement is

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

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

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

22 *b3034/1.7* **SECTION 533bL.** 938.357 (2) of the statutes, as affected by 2001
23 Wisconsin Act 103, is amended to read:

24 938.357 (2) If emergency conditions necessitate an immediate change in the
25 placement of a juvenile placed outside the home, the person or agency primarily

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

9 ***b3034/1.7* SECTION 533bn.** 938.357 (2m) (a) of the statutes, as affected by
10 2001 Wisconsin Act 103, and is amended to read:

11 938.357 **(2m)** (a) The juvenile, the parent, guardian, or legal custodian of the
12 juvenile, or any person or agency primarily bound by the dispositional order, other
13 than the person or agency responsible for implementing the order, may request a
14 change in placement under this paragraph. The request shall contain the name and
15 address of ~~the place~~ of the new placement requested and shall state what new
16 information is available that affects the advisability of the current placement. If the
17 proposed change in placement would change the placement of a juvenile placed in the
18 home to a placement outside the home, the request shall also contain specific
19 information showing that continued placement of the juvenile in the home would be
20 contrary to the welfare of the juvenile and, unless any of the circumstances specified
21 in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
22 primarily responsible for implementing the dispositional order has made reasonable
23 efforts to prevent the removal of the juvenile from the home, while assuring that the
24 juvenile's health and safety are the paramount concerns. The request shall be

1 submitted to the court. In addition, the court may propose a change in placement on
2 its own motion.

3 ***b3034/1.7* SECTION 533bo.** 938.357 (2m) (b) of the statutes, as affected by
4 2001 Wisconsin Act 103, is amended to read:

5 938.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
6 any change in placement requested or proposed under par. (a) if the request states
7 that new information is available that affects the advisability of the current
8 placement, unless the requested or proposed change in placement involves any
9 change in placement other than a change in placement of a juvenile placed in the
10 home to a placement outside the home and written waivers of objection to the
11 proposed change in placement are signed by all parties entitled to receive notice
12 under sub. (1) ~~(a)~~ (am) 1. and the court approves. If a hearing is scheduled, the court
13 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
14 any foster parent, treatment foster parent, or other physical custodian described in
15 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order
16 at least 3 days prior to the hearing. A copy of the request or proposal for the change
17 in placement shall be attached to the notice. If all of the parties consent, the court
18 may proceed immediately with the hearing.

19 ***b3034/1.7* SECTION 533bp.** 938.357 (2m) (c) of the statutes is created to read:

20 938.357 (2m) (c) If the court changes the juvenile's placement from a placement
21 in the juvenile's home to a placement outside the juvenile's home, the change in
22 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the
23 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of
24 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a
25 parent, the determination specified in sub. (2v) (a) 3.

1 ***b3034/1.7* SECTION 533br.** 938.357 (2r) of the statutes, as affected by 2001
2 Wisconsin Act 103, is amended to read:

3 938.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the
4 change in placement would remove a juvenile from a foster home, treatment foster
5 home, or other placement with a physical custodian described in s. 48.62 (2), the court
6 shall give the foster parent, treatment foster parent, or other physical custodian
7 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the
8 foster parent, treatment foster parent, or other physical custodian to make a written
9 or oral statement during the hearing or to submit a written statement prior to the
10 hearing relating to the juvenile and the requested change in placement. ~~Any written~~
11 ~~or oral statement made under this subsection shall be made under oath or~~
12 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian
13 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or
14 (2m) (b) and an opportunity to be heard under this subsection does not become a
15 party to the proceeding on which the hearing is held solely on the basis of receiving
16 that notice and opportunity to be heard.

17 ***b3034/1.7* SECTION 533bt.** 938.357 (2v) of the statutes, as affected by 2001
18 Wisconsin Act 103, is renumbered 938.357 (2v) (a) 2. and amended to read:

19 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the~~
20 ~~change in placement would place the juvenile outside the home in a placement order~~
21 would change the placement of the juvenile to a placement outside the home
22 recommended by the person or agency primarily responsible for implementing the
23 dispositional order, ~~the change in placement order shall include whether from a~~
24 placement in the home or from another placement outside the home, a statement
25 that the court approves the placement recommended by the person or agency or, if

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

7 ***b3034/1.7* SECTION 533bv.** 938.357 (2v) (a) (intro.) of the statutes is created
8 to read:

9 938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)
10 shall contain all of the following:

11 ***b3034/1.7* SECTION 533bx.** 938.357 (2v) (a) 1. of the statutes is created to
12 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 ***b3034/1.7* SECTION 533bz.** 938.357 (2v) (a) 3. of the statutes is created to
22 read:

23 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
24 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
25 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 *b3034/1.7* 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 *Delete line*

13 *b3034/1.7* SECTION 533cb. 938.357 (2v) (c) of the statutes is created to read:

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

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

1 3. The court shall give a foster parent, treatment foster parent, or other
2 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.
3 2. an opportunity to be heard at the hearing by permitting the foster parent,
4 treatment foster parent, or other physical custodian to make a written or oral
5 statement during the hearing, or to submit a written statement prior to the hearing,
6 relevant to the issues to be determined at the hearing. A foster parent, treatment
7 foster parent, or other physical custodian who receives a notice of a hearing under
8 subd. 2. and an opportunity to be heard under this subdivision does not become a
9 party to the proceeding on which the hearing is held solely on the basis of receiving
10 that notice and opportunity to be heard.

11 ***b3034/1.7* SECTION 533cd.** 938.357 (3) of the statutes, as affected by 2001
12 Wisconsin Act 103, is amended to read:

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

23 ***b3034/1.7* SECTION 533ce.** 938.357 (4) (b) 1. of the statutes, as affected by
24 2001 Wisconsin Act 103, is amended to read:

1 938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2
2 secured correctional facility operated by a child welfare agency violates a condition
3 of his or her placement in the Type 2 secured correctional facility, the child welfare
4 agency operating the Type 2 secured correctional facility shall notify the department
5 and the department, after consulting with the child welfare agency, may place the
6 juvenile in a Type 1 secured correctional facility under the supervision of the
7 department without a hearing under sub. (1) ~~(b)~~ (am) 2.

8 ***b3034/1.7* SECTION 533cf.** 938.357 (4) (b) 2. of the statutes, as affected by
9 2001 Wisconsin Act 103, is amended to read:

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

1 ***b3034/1.7* SECTION 533ch.** 938.357 (4) (c) 1. of the statutes, as affected by
2 2001 Wisconsin Act 103, is amended to read:

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

11 ***b3034/1.7* SECTION 533cj.** 938.357 (4) (c) 2. of the statutes, as affected by
12 2001 Wisconsin Act 103, is amended to read:

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

24 ***b3034/1.7* SECTION 533cL.** 938.357 (4) (d) of the statutes, as affected by 2001
25 Wisconsin Act 103, is amended to read:

1 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type
2 1 secured correctional facility to the Racine youthful offender correctional facility
3 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile
4 offender review in the department has determined that the conduct of the juvenile
5 in the Type 1 secured correctional facility presents a serious problem to the juvenile
6 or others. The factors that the office of juvenile offender review may consider in
7 making that determination shall include, but are not limited to, whether and to what
8 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and
9 disruptive, the security needs of the Type 1 secured correctional facility, and whether
10 and to what extent the juvenile is refusing to cooperate or participate in the
11 treatment programs provided for the juvenile in the Type 1 secured correctional
12 facility. Notwithstanding sub. (1) ~~(b)~~ (am) 2., a juvenile is not entitled to a hearing
13 regarding the department's exercise of authority under this paragraph unless the
14 department provides for a hearing by rule. A juvenile may seek review of a decision
15 of the department under this paragraph only by the common law writ of certiorari.
16 If the department transfers a juvenile under this paragraph, the department shall
17 send written notice of the transfer to the parent, guardian, legal custodian, and
18 committing court.

19 ***b3034/1.7* SECTION 533cn.** 938.357 (5) (a) of the statutes, as affected by 2001
20 Wisconsin Act 103, is amended to read:

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

25 ***b3034/1.7* SECTION 533cp.** 938.357 (6) of the statutes is amended to read:

1 938.357 (6) No change in placement may extend the expiration date of the
2 original order, except that if the change in placement is from a placement in the
3 juvenile's home to a placement in a foster home, treatment foster home, group home,
4 or residential care center for children and youth or in the home of a relative who is
5 not a parent, the court may extend the expiration date of the original order to the date
6 on which the juvenile reaches 18 years of age, to the date that is one year after the
7 date of the change in placement order, or, if the juvenile is a full-time student at a
8 secondary school or its vocational or technical equivalent and is reasonably expected
9 to complete the program before reaching 19 years of age, to the date on which the
10 juvenile reaches 19 years of age, whichever is later, or for a shorter period of time as
11 specified by the court. If the change in placement is from a placement in a foster
12 home, treatment foster home, group home, or residential care center for children and
13 youth or in the home of a relative to a placement in the juvenile's home and if the
14 expiration date of the original order is more than one year after the date of the change
15 in placement order, the court shall shorten the expiration date of the original order
16 to the date that is one year after the date of the change in placement order or to an
17 earlier date as specified by the court.

18 ***b3034/1.7* SECTION 533cr.** 938.363 (1m) of the statutes is amended to read:

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

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

7 ***b3034/1.7* SECTION 533ct.** 938.365 (1) of the statutes is amended to read:

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

18 ***b3034/1.7* SECTION 533cv.** 938.365 (2g) (b) 2. of the statutes is amended to
19 read:

20 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
21 and of any progress the juvenile has made, suggestions for amendment of the
22 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~
23 home and specific information showing the efforts that have been made to achieve
24 the goal of the permanency plan, including, if applicable, the efforts of the parents
25 to remedy the factors ~~which that~~ contributed to the juvenile's placement and, if

1 ~~continued placement outside of the juvenile's home is recommended, an explanation~~
2 ~~of why returning the juvenile to his or her home is not safe or feasible, unless return~~
3 ~~of the juvenile to the home is the goal of the permanency plan and any of the~~
4 ~~circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.~~

5 *b3034/1.7* SECTION 533cx. 938.365 (2g) (b) 3. of the statutes is amended to
6 read:

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

1 ***b3034/1.7* SECTION 533cz.** 938.365 (2m) (a) of the statutes is renumbered
2 938.365 (2m) (a) 1. and amended to read:

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

17 ***b3034/1.7* SECTION 533d.** 938.365 (2m) (a) 2. of the statutes is created to
18 read:

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

24 ***b3034/1.7* SECTION 533db.** 938.365 (2m) (a) 3. of the statutes is created to
25 read:

1 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.
2 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan
3 and the findings specified in subd. 2. on a case-by-case basis based on circumstances
4 specific to the juvenile and shall document or reference the specific information on
5 which those findings are based in the order issued under s. 938.355. An order that
6 merely references subd. 1. or 2. without documenting or referencing that specific
7 information in the order or an amended order that retroactively corrects an earlier
8 order that does not comply with this subdivision is not sufficient to comply with this
9 subdivision.

10 ***b3034/1.7* SECTION 533dd.** 938.365 (2m) (ad) of the statutes is created to
11 read:

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

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

23 ***b3034/1.7* SECTION 533df.** 938.365 (2m) (ag) of the statutes is amended to
24 read:

1 938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The
2 court shall give a foster parent, treatment foster parent, or other physical custodian
3 described in s. 48.62 (2) ~~of the juvenile~~ who is notified of a hearing under par. (ad)
4 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster
5 parent, treatment foster parent, or other physical custodian to make a written or oral
6 statement during the hearing, or to submit a written statement prior to the hearing,
7 relevant to the issue of extension. ~~Any written or oral statement made under this~~
8 ~~paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster
9 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
10 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this
11 paragraph does not become a party to the proceeding on which the hearing is held
12 solely on the basis of receiving that notice and opportunity to be heard.

13 ***b3034/1.7* SECTION 533dh.** 938.365 (5) of the statutes is amended to read:

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

1 ***b3034/1.7* SECTION 533dj.** 938.38 (2) (intro.) of the statutes, as affected by
2 2001 Wisconsin Act 59, is amended to read:

3 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
4 for each juvenile living in a foster home, treatment foster home, group home,
5 residential care center for children and youth, secure detention facility, or shelter
6 care facility, the agency that placed the juvenile or arranged the placement or the
7 agency assigned primary responsibility for providing services to the juvenile under
8 s. 938.355 shall prepare a written permanency plan, if any of the following conditions
9 exists, and, for each juvenile living in the home of a relative other than a parent, that
10 agency shall prepare a written permanency plan, if any of the conditions specified
11 in pars. (a) to (e) exists:

12 ***b3034/1.7* SECTION 533dL.** 938.38 (2) (c) of the statutes is amended to read:
13 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
14 ~~(2) or pursuant to, under a consent decree under s. 938.32 (1) (c), or under~~ a court
15 order under s. 938.355.

16 ***b3034/1.7* SECTION 533dn.** 938.38 (2) (f) of the statutes is amended to read:
17 938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 but
18 for s. 49.19 (20).

19 ***b3034/1.7* SECTION 533dp.** 938.38 (3) (intro.) of the statutes is amended to
20 read:

21 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1, the agency shall file
22 the permanency plan with the court within 60 days after the date on which the
23 juvenile was first held in physical custody or placed outside of removed from his or
24 her home ~~under a court order~~, except under either of the following conditions:

1 ***b3034/1.7* SECTION 533dr.** 938.38 (4) (intro.) of the statutes is amended to
2 read:

3 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
4 ~~description of~~ all of the following:

5 ***b3034/1.7* SECTION 533dt.** 938.38 (4) (a) of the statutes is renumbered 938.38
6 (4) (ar) and amended to read:

7 938.38 (4) (ar) ~~The~~ A description of the services offered and any service services
8 provided in an effort to prevent holding or placing the juvenile outside of the removal
9 of the juvenile from his or her home, while assuring that the health and safety of the
10 juvenile are the paramount concerns, and to make it possible for the juvenile to
11 return safely home achieve the goal of the permanency plan, except that the
12 permanency plan need not is not required to include a description of these the
13 services offered or provided with respect to a parent of the juvenile to prevent the
14 removal of the juvenile from the home or to achieve the permanency plan goal of
15 returning the juvenile safely to his or her home if any of the circumstances specified
16 in s. 938.355 (2d) (b) 1., 2., 3. or to 4. apply to that parent.

17 ***b3034/1.7* SECTION 533dv.** 938.38 (4) (ag) of the statutes is created to read:

18 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
19 parent, guardian, and legal custodian.

20

21 ***b3034/1.7* SECTION 533dx.** 938.38 (4) (am) of the statutes is created to read:

22 938.38 (4) (am) The date on which the juvenile was removed from his or her
23 home and the date on which the juvenile was placed in out-of-home care.

24 ***b3034/1.7* SECTION 533dz.** 938.38 (4) (bm) of the statutes is amended to read:

1 938.38 (4) (bm) The A statement as to the availability of a safe and appropriate
2 placement with a fit and willing relative of the juvenile and, if a decision is made not
3 to place the juvenile with an available relative, a statement as to why placement with
4 the relative is not safe or appropriate.

5 ***b3034/1.7* SECTION 533e.** 938.38 (4) (dg) of the statutes is created to read:

6 938.38 (4) (dg) Information about the juvenile's education, including all of the
7 following:

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

10 2. Any special education programs in which the juvenile is or was previously
11 enrolled.

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

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

17 ***b3034/1.7* SECTION 533eb.** 938.38 (4) (dm) of the statutes is created to read:

18 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
19 transferred from the school in which the juvenile is or most recently was enrolled,
20 documentation that a placement that would maintain the juvenile in that school is
21 either unavailable or inappropriate or that a placement that would result in the
22 juvenile's transfer to another school would be in the juvenile's best interests.

23 ***b3034/1.7* SECTION 533ed.** 938.38 (4) (dr) of the statutes is created to read:

24 938.38 (4) (dr) Medical information relating to the juvenile, including all of the
25 following:

1 1. The names and addresses of the juvenile’s physician, dentist, and any other
2 health care provider that is or was previously providing health care services to the
3 juvenile.

4 2. The juvenile’s immunization record, including the name and date of each
5 immunization administered to the juvenile.

6 3. Any known medical condition for which the juvenile is receiving medical care
7 or treatment and any known serious medical condition for which the juvenile has
8 previously received medical care or treatment.

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

12 ***b3034/1.7* SECTION 533ef.** 938.38 (4) (e) of the statutes is amended to read:

13 938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
14 placement and a description of the services provided to meet the needs of the juvenile
15 and family, including a discussion of services that have been investigated and
16 considered and are not available or likely to become available within a reasonable
17 time to meet the needs of the juvenile or, if available, why such services are not safe
18 or appropriate.

19 ***b3034/1.7* SECTION 533eh.** 938.38 (4) (f) (intro.) of the statutes is amended
20 to read:

21 938.38 (4) (f) (intro.) The A description of the services that will be provided to
22 the juvenile, the juvenile’s family, and the juvenile’s foster parent, the juvenile’s
23 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living,
24 or the relative with whom the juvenile is living to carry out the dispositional order,
25 including services planned to accomplish all of the following:

1 ***b3034/1.7* SECTION 533ej.** 938.38 (4) (fg) of the statutes is created to read:
2 938.38 (4) (fg) The goal of the permanency plan or, if the agency is making
3 concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency
4 plan. If a goal of the permanency plan is any goal other than return of the juvenile
5 to his or her home, the permanency plan shall include the rationale for deciding on
6 that goal. If a goal of the permanency plan is an alternative permanent placement
7 under subd. 5., the permanency plan shall document a compelling reason why it
8 would not be in the best interest of the juvenile to pursue a goal specified in subds.
9 1. to 4. The agency shall determine one or more of the following goals to be the goal
10 or goals of a juvenile's permanency plan:

- 11 1. Return of the juvenile to the juvenile's home.
- 12 2. Placement of the juvenile for adoption.
- 13 3. Placement of the juvenile with a guardian.
- 14 4. Permanent placement of the juvenile with a fit and willing relative.
- 15 5. Some other alternative permanent placement, including sustaining care,
16 independent living, or long-term foster care.

17 ***b3034/1.7* SECTION 533eL.** 938.38 (4) (fm) of the statutes is amended to read:
18 938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place
19 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
20 other alternative permanent placement, the efforts made to place the juvenile for
21 adoption, with a guardian or in some other alternative permanent placement achieve
22 that goal.

23 ***b3034/1.7* SECTION 533en.** 938.38 (4) (h) of the statutes is created to read:
24 938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the
25 programs and services that are or will be provided to assist the juvenile in preparing

1 for the transition from out-of-home care to independent living. The description
2 shall include all of the following:

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

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

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

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

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

17 ***b3034/1.7* SECTION 533ep.** 938.38 (5) (a) of the statutes, as affected by 2001
18 Wisconsin Act 69, is amended to read:

19 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
20 appointed under ~~this paragraph~~ par. (ag) shall review the permanency plan ~~every in~~
21 the manner provided in this subsection not later than 6 months from after the date
22 on which the juvenile was first held in physical custody or placed outside of removed
23 from his or her home and every 12 months after a previous review under this
24 subsection for as long as the juvenile is placed outside the home, except that for the
25 review that is required to be conducted not later than 12 months after the juvenile

1 was first removed from his or her home and the reviews that are required to be
2 conducted every 12 months after that review the court shall hold a hearing under
3 sub. (5m) to review the permanency plan, which hearing may be instead of or in
4 addition to the review under this subsection.

5 (ag) If the court elects not to review the permanency plan, the court shall
6 appoint a panel to review the permanency plan. The panel shall consist of 3 persons
7 who are either designated by an independent agency that has been approved by the
8 chief judge of the judicial administrative district or designated by the agency that
9 prepared the permanency plan. A voting majority of persons on each panel shall be
10 persons who are not employed by the agency that prepared the permanency plan and
11 who are not responsible for providing services to the juvenile or the parents of the
12 juvenile whose permanency plan is the subject of the review.

13 *b3034/1.7* **SECTION 533er.** 938.38 (5) (b) of the statutes is amended to read:

14 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
15 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
16 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the
17 juvenile is living, or the relative with whom the juvenile is living of the date, time,
18 and place of the review, of the issues to be determined as part of the review, and of
19 the fact that they may have an opportunity to be heard at the review by submitting
20 written comments not less than 10 working days before the review or by
21 participating at the review. The court or agency shall notify the person representing
22 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
23 of the date of the review, of the issues to be determined as part of the review, and of
24 the fact that they may submit written comments not less than 10 working days before
25 the review. The notices under this paragraph shall be provided in writing not less

1 than 30 days before the review and copies of the notices shall be filed in the juvenile's
2 case record.

3 *b3034/1.7* SECTION 533et. 938.38 (5) (c) 6. (intro.) of the statutes is amended
4 to read:

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

11 *b3034/1.7* SECTION 533ev. 938.38 (5) (c) 6. am. of the statutes is renumbered
12 938.38 (5) (c) 6. cm. and amended to read:

13 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
14 juvenile.

15 *b3034/1.7* SECTION 533ex. 938.38 (5) (c) 6. cg. of the statutes is created to
16 read:

17 938.38 (5) (c) 6. cg. Being placed with a guardian.

18 *b3034/1.7* SECTION 533ez. 938.38 (5) (c) 6. d. of the statutes is amended to
19 read:

20 938.38 (5) (c) 6. d. Being placed in some other alternative permanent
21 placement, including sustaining care, independent living, or long-term foster care.

22 *b3034/1.7* SECTION 533f. 938.38 (5) (c) 7. of the statutes is amended to read:

23 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make~~
24 ~~it possible for the juvenile to return safely to his or her home, except that the court~~
25 ~~or panel need not determine whether those reasonable efforts were made with~~

1 ~~respect to a parent of the juvenile if any of the circumstances specified in s. 938.355~~
2 ~~(2d) (b) 1., 2., 3. or 4. apply to that parent~~ achieve the goal of the permanency plan,
3 unless return of the juvenile to the home is the goal of the permanency plan and any
4 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

5 ***b3034/1.7* SECTION 533fb.** 938.38 (5m) of the statutes is created to read:

6 938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
7 review the permanency plan and to make the determinations specified in sub. (5) (c)
8 no later than 12 months after the date on which the juvenile was first removed from
9 the home and every 12 months after a previous hearing under this subsection for as
10 long as the juvenile is placed outside the home.

11 (b) Not less than 30 days before the date of the hearing, the court shall notify
12 the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster
13 parent or treatment foster parent, the operator of the facility in which the juvenile
14 is living, the juvenile's counsel, and the juvenile's guardian ad litem; or the relative
15 with whom the juvenile is living; the agency that prepared the permanency plan; and
16 the person representing the interests of the public of the date, time, and place of the
17 hearing.

18 (c) Any person who is provided notice of the hearing may have an opportunity
19 to be heard at the hearing by submitting written comments relevant to the
20 determinations specified in sub. (5) (c) not less than 10 working days before the date
21 of the hearing or by participating at the hearing. A foster parent, treatment foster
22 parent, operator of a facility in which a juvenile is living, or relative with whom a
23 juvenile is living who receives notice of a hearing under par. (b) and an opportunity
24 to be heard under this paragraph does not become a party to the proceeding on which

1 the hearing is held solely on the basis of receiving that notice and opportunity to be
2 heard.

3 (d) At least 5 days before the date of the hearing the agency that prepared the
4 permanency plan shall provide a copy of the permanency plan and any written
5 comments submitted under par. (c) to the court, to the juvenile's parent, guardian,
6 and legal custodian, to the person representing the interests of the public, and to the
7 juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person
8 representing the interests of the public and the juvenile's counsel or guardian ad
9 litem may have access to any other records concerning the juvenile for the purpose
10 of participating in the review. A person permitted access to a juvenile's records under
11 this paragraph may not disclose any information from the records to any other
12 person.

13 (e) After the hearing, the court shall make written findings of fact and
14 conclusions of law relating to the determinations under sub. (5) (c) and shall provide
15 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's
16 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster
17 parent, the operator of the facility in which the juvenile is living, or the relative with
18 whom the juvenile is living; the agency that prepared the permanency plan; and the
19 person representing the interests of the public. The court shall make the findings
20 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
21 the juvenile and shall document or reference the specific information on which those
22 findings are based in the findings of fact and conclusions of law prepared under this
23 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
24 7. without documenting or referencing that specific information in the findings of fact
25 and conclusions of law or amended findings of fact and conclusions of law that

1 retroactively correct earlier findings of fact and conclusions of law that do not comply
2 with this paragraph are not sufficient to comply with this paragraph.

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

7

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8 *b3034/1.7* SECTION 533fd. 938.78 (2) (a) of the statutes is amended to read:

9 938.78 (2) (a) No agency may make available for inspection or disclose the
10 contents of any record kept or information received about an individual in its care
11 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)
12 or (5m) (d), or 938.51 or by order of the court.

13 *-4548/2.258* SECTION 534. 938.78 (3) of the statutes is amended to read:

14 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
15 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
16 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
17 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
18 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,
19 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02,
20 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in
21 ch. 940 has escaped from a secured correctional facility, child caring institution,
22 secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention
23 facility or juvenile portion of a county jail, or from the custody of a peace officer or
24 a guard of such a facility, institution or jail, or has been allowed to leave a secured
25 correctional facility, child caring institution, secured group home, inpatient facility,

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

9 *~~4548/2.259~~* **SECTION 535.** 939.22 (21) (d) of the statutes is amended to read:
10 939.22 (21) (d) Battery, ~~substantial battery or aggravated battery~~, as
11 prohibited in s. 940.19 or 940.195.

✓ 12 ***b2369/1.1*** **SECTION 535m.** 939.24 (2) of the statutes is amended to read:
13 939.24 (2) Except as provided in ss. 940.285, 940.29 ~~and~~, 940.295, and 943.76,
14 if criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness
15 is indicated by the term "reckless" or "recklessly".

16 *~~4548/2.260~~* *~~0590/P5.35~~* **SECTION 536.** 939.30 (1) of the statutes is
17 amended to read:
18 939.30 (1) Except as provided in sub. (2) and ss. ~~948.35 and s.~~ 961.455, whoever,
19 with intent that a felony be committed, advises another to commit that crime under
20 circumstances that indicate unequivocally that he or she has the intent is guilty of
21 a Class ~~D~~ H felony.

22 *~~4548/2.261~~* *~~0590/P5.36~~* **SECTION 537.** 939.30 (2) of the statutes is
23 amended to read:

1 939.30 (2) For a solicitation to commit a crime for which the penalty is life
2 imprisonment, the actor is guilty of a Class ~~C~~ F felony. For a solicitation to commit
3 a Class ~~E~~ I felony, the actor is guilty of a Class ~~E~~ I felony.

4 *~~4548/2.262~~* **SECTION 538.** 939.32 (1) (intro.) of the statutes is amended to
5 read:

6 939.32 (1) GENERALLY (intro.) Whoever attempts to commit a felony or a crime
7 specified in s. 940.19, 940.195 or 943.20 may be fined or imprisoned or both ~~not to~~
8 ~~exceed one-half the maximum penalty for the completed crime; as provided under~~
9 sub. (1g), except:

10 *~~4548/2.263~~* **SECTION 539.** 939.32 (1) (b) of the statutes is repealed.

11 *~~4548/2.264~~* **SECTION 540.** 939.32 (1) (bm) of the statutes is created to read:

12 939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one
13 to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being
14 applied, is guilty of a Class A misdemeanor.

15 *~~4548/2.265~~* **SECTION 541.** 939.32 (1g) of the statutes is created to read:

16 939.32 (1g) **MAXIMUM PENALTY.** The maximum penalty for an attempt to commit
17 a crime that is punishable under sub. (1) (intro.) is as follows:

18 (a) The maximum fine is one-half of the maximum fine for the completed crime.

19 (b) 1. If neither s. 939.62 (1) nor 961.48 is being applied, the maximum term
20 of imprisonment is one-half of the maximum term of imprisonment, as increased by
21 any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
22 completed crime.

23 2. If either s. 939.62 (1) or 961.48 is being applied, the maximum term of
24 imprisonment is determined by the following method:

1 a. Multiplying by one-half the maximum term of imprisonment, as increased
2 by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
3 completed crime.

4 b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

5 *~~4548/2.266~~* **SECTION 542.** 939.32 (1m) of the statutes is created to read:

6 **939.32 (1m) BIFURCATED SENTENCES.** If the court imposes a bifurcated sentence
7 under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub.
8 (1) (intro.), the following requirements apply:

9 (a) *Maximum term of confinement for attempt to commit classified felony.* 1.
10 Subject to the minimum term of extended supervision required under s. 973.01 (2)
11 (d), if the crime is a classified felony and neither s. 939.62 (1) nor 961.48 is being
12 applied, the maximum term of confinement in prison is one-half of the maximum
13 term of confinement in prison specified in s. 973.01 (2) (b), as increased by any
14 penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the classified
15 felony.

16 2. Subject to the minimum term of extended supervision required under s.
17 973.01 (2) (d), if the crime is a classified felony and either s. 939.62 (1) or 961.48 is
18 being applied, the court shall determine the maximum term of confinement in prison
19 by the following method:

20 a. Multiplying by one-half the maximum term of confinement in prison
21 specified in s. 973.01 (2) (b), as increased by any penalty enhancement statutes listed
22 in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

23 b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

24 (b) *Maximum term of extended supervision for attempt to commit classified*
25 *felony.* The maximum term of extended supervision for an attempt to commit a

1 classified felony is one-half of the maximum term of extended supervision for the
2 completed crime under s. 973.01 (2) (d).

3 (c) *Maximum term of confinement for attempt to commit unclassified felony or*
4 *misdemeanor.* The court shall determine the maximum term of confinement in
5 prison for an attempt to commit a crime other than a classified felony by applying
6 s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (1g)
7 (b).

8 *~~4548/2.267~~* **SECTION 543.** 939.32 (2) (title) of the statutes is created to read:
9 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

10 *~~4548/2.268~~* **SECTION 544.** 939.32 (3) (title) of the statutes is created to read:
11 939.32 (3) (title) REQUIREMENTS.

12 *~~4548/2.269~~* **SECTION 545.** 939.50 (1) (intro.) of the statutes is amended to
13 read:

14 939.50 (1) (intro.) ~~Except as provided in ss. 946.43 (2m) (a), 946.83 and 946.85,~~
15 ~~felonies~~ Felonies in chs. 939 to 951 the statutes are classified as follows:

16 *~~4548/2.270~~* *~~0590/P5.38~~* **SECTION 546.** 939.50 (1) (bc) of the statutes is
17 repealed.

18 *~~4548/2.271~~* *~~0590/P5.39~~* **SECTION 547.** 939.50 (1) (f) of the statutes is
19 created to read:

20 939.50 (1) (f) Class F felony.

21 *~~4548/2.272~~* *~~0590/P5.40~~* **SECTION 548.** 939.50 (1) (g) of the statutes is
22 created to read:

23 939.50 (1) (g) Class G felony.

24 *~~4548/2.273~~* *~~0590/P5.41~~* **SECTION 549.** 939.50 (1) (h) of the statutes is
25 created to read:

1 939.50 (1) (h) Class H felony.

2 *~~4548/2.274~~* *~~0590/P5.42~~* SECTION 550. 939.50 (1) (i) of the statutes is
3 created to read:

4 939.50 (1) (i) Class I felony.

5 *~~4548/2.275~~* *~~0590/P5.43~~* SECTION 551. 939.50 (2) of the statutes is
6 amended to read:

7 939.50 (2) A felony is a Class A, B, ~~BC~~, C, D or E, F, G, H, or I felony when it
8 is so specified in ~~chs. 939 to 951~~ the statutes.

9 *~~4548/2.276~~* *~~0590/P5.44~~* SECTION 552. 939.50 (3) (bc) of the statutes is
10 repealed.

11 *~~4548/2.277~~* *~~0590/P5.45~~* SECTION 553. 939.50 (3) (c) of the statutes is
12 amended to read:

13 939.50 (3) (c) For a Class C felony, a fine not to exceed ~~\$10,000~~ \$100,000 or
14 imprisonment not to exceed ~~15~~ 40 years, or both.

15 *~~4548/2.278~~* *~~0590/P5.46~~* SECTION 554. 939.50 (3) (d) of the statutes is
16 amended to read:

17 939.50 (3) (d) For a Class D felony, a fine not to exceed ~~\$10,000~~ \$100,000 or
18 imprisonment not to exceed ~~10~~ 25 years, or both.

19 *~~4548/2.279~~* *~~0590/P5.47~~* SECTION 555. 939.50 (3) (e) of the statutes is
20 amended to read:

21 939.50 (3) (e) For a Class E felony, a fine not to exceed ~~\$10,000~~ \$50,000 or
22 imprisonment not to exceed ~~5~~ 15 years, or both.

23 *~~4548/2.280~~* *~~0590/P5.48~~* SECTION 556. 939.50 (3) (f) of the statutes is
24 created to read:

1 939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment
2 not to exceed 12 years and 6 months, or both.

3 *~~4548/2.281~~* *~~0590/P5.49~~* SECTION 557. 939.50 (3) (g) of the statutes is
4 created to read:

5 939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment
6 not to exceed 10 years, or both.

7 *~~4548/2.282~~* *~~0590/P5.50~~* SECTION 558. 939.50 (3) (h) of the statutes is
8 created to read:

9 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment
10 not to exceed 6 years, or both.

11 *~~4548/2.283~~* *~~0590/P5.51~~* SECTION 559. 939.50 (3) (i) of the statutes is
12 created to read:

13 939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment
✓14 not to exceed 3 years and 6 months, or both.

✓15 ***b2613/1.6*** SECTION 559v. 939.615 (1) (b) 1. of the statutes is amended to read:

16 939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to
17 commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025
18 (1), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.11 (2) (a),
19 948.12, or 948.13. ✓

20 *~~4548/2.284~~* *~~0590/P5.52~~* SECTION 560. 939.615 (7) (b) 2. of the statutes
21 is amended to read:

22 939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class **E I** felony if the
23 same conduct that violates par. (a) also constitutes a crime that is a felony.

24 *~~4548/2.285~~* *~~0590/P5.53~~* SECTION 561. 939.615 (7) (c) of the statutes is
25 repealed.

1 *~~4548/2.286~~* *~~0590/P5.54~~* **SECTION 562.** 939.62 (1) (a) of the statutes is
2 amended to read:

3 939.62 (1) (a) A maximum term of imprisonment of one year or less may be
4 increased to not more than ~~3~~ 2 years.

5 *~~4548/2.287~~* *~~0590/P5.55~~* **SECTION 563.** 939.62 (1) (b) of the statutes is
6 amended to read:

7 939.62 (1) (b) A maximum term of imprisonment of more than one year but not
8 more than 10 years may be increased by not more than 2 years if the prior convictions
9 were for misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for
10 a felony.

11 *~~4548/2.288~~* *~~0590/P5.56~~* **SECTION 564.** 939.62 (1) (c) of the statutes is
12 amended to read:

13 939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be
14 increased by not more than 2 years if the prior convictions were for misdemeanors
15 and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

16 *~~4548/2.289~~* *~~0590/P5.57~~* **SECTION 565.** 939.62 (2m) (a) 2m. a. of the
17 statutes is amended to read:

18 939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) ~~if the felony~~
19 is that is a Class A, B, or C felony or, if the felony was committed before the effective
20 date of this subd. 2m. a. [revisor inserts date], that is or was punishable by a
21 maximum prison term of 30 years or more.

22 *~~b2613/1.7~~* **SECTION 566d.** 939.62 (2m) (a) 2m. b. of the statutes is amended
23 to read:

24 939.62 (2m) (a) 2m. b. Any felony under s. 940.01, 940.02, 940.03, 940.05,
25 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,

1 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),
2 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,
3 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

4 ***b2613/1.7* SECTION 566f.** 939.62 (2m) (a) 2m. b. of the statutes, as affected
5 by 2001 Wisconsin (this act), is amended to read:

6 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
7 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
8 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
9 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
10 (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
11 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

12 ***-4548/2.291* *-0590/P5.59* SECTION 567.** 939.622 of the statutes is
13 repealed.

14 ***-4548/2.292* SECTION 568.** 939.623 (2) of the statutes is amended to read:

15 939.623 (2) If a person has one or more prior convictions for a serious sex crime
16 and subsequently commits a serious sex crime, the court shall impose a bifurcated
17 sentence the person to under s. 973.01. The term of confinement in prison portion
18 of a bifurcated sentence imposed under this subsection may not be less than 5 years'
19 imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply,
20 subject to any applicable penalty enhancement. The court ~~shall~~ may not place the
21 defendant on probation.

22 ***-4548/2.293* SECTION 569.** 939.624 (2) of the statutes is amended to read:

23 939.624 (2) If a person has one or more prior convictions for a serious violent
24 crime or a crime punishable by life imprisonment and subsequently commits a
25 serious violent crime, the court shall impose a bifurcated sentence the person to

1 under s. 973.01. The term of confinement in prison portion of a bifurcated sentence
2 imposed under this subsection may not be less than 5 years' imprisonment 3 years
3 and 6 months, but otherwise the penalties for the crime apply, subject to any
4 applicable penalty enhancement. The court ~~shall~~ may not place the defendant on
5 probation.

6 *~~4548/2.294~~* *~~0590/P5.62~~* **SECTION 570.** 939.625 of the statutes is
7 repealed.

8 *~~4548/2.295~~* **SECTION 571.** 939.63 (1) of the statutes is renumbered 939.63,
9 and 939.63 (1) (d), (2) and (3), as renumbered, are amended to read:

10 939.63 (1) (d) The maximum term of imprisonment for a felony not specified
11 in ~~subd. 2. or 3. par (b) or (c)~~ may be increased by not more than 3 years.

12 (2) The increased penalty provided in this ~~subsection~~ section does not apply if
13 possessing, using or threatening to use a dangerous weapon is an essential element
14 of the crime charged.

15 (3) This ~~subsection~~ section applies only to crimes specified under chs. 939 to
16 951 and 961.

17 *~~4548/2.296~~* **SECTION 572.** 939.63 (2) of the statutes is repealed.

18 *~~4548/2.297~~* *~~0590/P5.63~~* **SECTION 573.** 939.632 (1) (e) 1. of the statutes
19 is amended to read:

20 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (~~1~~)
21 (~~1c~~), 940.19 (2), (~~3~~), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
22 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), (~~1m~~) ~~or (1r)~~, 943.32 (2), 948.02 (1) or
23 (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2), ~~948.35~~
24 (~~1~~) (~~b~~) ~~or (c)~~ ~~or~~ 948.36.

25 *~~4548/2.298~~* **SECTION 574.** 939.632 (2) of the statutes is amended to read:

1 939.632 (2) If a person commits a violent crime in a school zone, the maximum
2 ~~period~~ term of imprisonment is increased as follows:

3 (a) If the violent crime is a felony, the maximum ~~period~~ term of imprisonment
4 is increased by 5 years.

5 (b) If the violent crime is a misdemeanor, the maximum ~~period~~ term of
6 imprisonment is increased by 3 months and the place of imprisonment is the county
7 jail.

8 *~~4548/2.299~~* *~~0590/P5.64~~* SECTION 575. 939.635 of the statutes is
9 repealed.

10 *~~4548/2.300~~* *~~0590/P5.65~~* SECTION 576. 939.64 of the statutes is repealed.

11 *~~4548/2.301~~* *~~0590/P5.66~~* SECTION 577. 939.641 of the statutes is
12 repealed.

13 *~~4548/2.302~~* SECTION 578. 939.645 (2) of the statutes is amended to read:

14 939.645 (2) (a) If the crime committed under sub. (1) is ordinarily a
15 misdemeanor other than a Class A misdemeanor, the revised maximum fine is
16 \$10,000 and the revised maximum ~~period~~ term of imprisonment is one year in the
17 county jail.

18 (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,
19 the penalty increase under this section changes the status of the crime to a felony and
20 the revised maximum fine is \$10,000 and the revised maximum ~~period~~ term of
21 imprisonment is 2 years.

22 (c) If the crime committed under sub. (1) is a felony, the maximum fine
23 prescribed by law for the crime may be increased by not more than \$5,000 and the
24 maximum ~~period~~ term of imprisonment prescribed by law for the crime may be
25 increased by not more than 5 years.

1 *~~4548/2.303~~* *~~0590/P5.67~~* SECTION 579. 939.646 of the statutes is
2 repealed.

3 *~~4548/2.304~~* *~~0590/P5.68~~* SECTION 580. 939.647 of the statutes is
4 repealed.

5 *~~4548/2.305~~* *~~0590/P5.69~~* SECTION 581. 939.648 of the statutes is
6 repealed.

✓ 7 *~~4548/2.306~~* *~~0590/P5.70~~* SECTION 582. 939.72 (1) of the statutes is
8 amended to read:

9 939.72 (1) Section 939.30, ~~948.35~~ or ~~948.36~~ for solicitation and s. 939.05 as a
10 party to a crime which is the objective of the solicitation; or

11 *~~b2613/1.8~~* SECTION 582p. 939.74 (2) (c) of the statutes, as affected by 2001
12 Wisconsin Act 16, is amended to read:

13 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
14 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be
15 commenced before the victim reaches the age of 31 years or be barred, except as
16 provided in sub. (2d) (c). ✓

17 *~~4548/2.307~~* *~~0590/P5.71~~* SECTION 583. 939.75 (1) of the statutes is
18 amended to read:

19 939.75 (1) In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02
20 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c)
21 and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to
22 (e) ~~and (1b)~~, “unborn child” means any individual of the human species from
23 fertilization until birth that is gestating inside a woman.

24 *~~4548/2.308~~* *~~0590/P5.72~~* SECTION 584. 940.02 (2) (intro.) of the statutes
25 is amended to read:

1 940.02 (2) (intro.) Whoever causes the death of another human being under any
2 of the following circumstances is guilty of a Class B C felony:

3 *~~4548/2.309~~* *~~0590/P5.73~~* **SECTION 585.** 940.03 of the statutes is amended
4 to read:

5 **940.03 Felony murder.** Whoever causes the death of another human being
6 while committing or attempting to commit a crime specified in s. 940.225 (1) or (2)
7 (a), 943.02, 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than
8 20 15 years in excess of the maximum period term of imprisonment provided by law
9 for that crime or attempt.

10 *~~4548/2.310~~* *~~0590/P5.74~~* **SECTION 586.** 940.04 (1) of the statutes is
11 amended to read:

12 940.04 (1) Any person, other than the mother, who intentionally destroys the
13 life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more~~
14 ~~than 3 years or both~~ is guilty of a Class H felony.

15 *~~4548/2.311~~* *~~0590/P5.75~~* **SECTION 587.** 940.04 (2) (intro.) of the statutes
16 is amended to read:

17 940.04 (2) (intro.) Any person, other than the mother, who does either of the
18 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

19 *~~4548/2.312~~* *~~0590/P5.76~~* **SECTION 588.** 940.04 (4) of the statutes is
20 amended to read:

21 940.04 (4) Any pregnant woman who intentionally destroys the life of her
22 unborn quick child or who consents to such destruction by another ~~may be~~
23 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

24 *~~4548/2.313~~* *~~0590/P5.77~~* **SECTION 589.** 940.06 (1) of the statutes is
25 amended to read:

1 940.06 (1) Whoever recklessly causes the death of another human being is
2 guilty of a Class C D felony.

3 *~~4548/2.314~~* *~~0590/P5.78~~* **SECTION 590.** 940.06 (2) of the statutes is
4 amended to read:

5 940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of
6 a Class C D felony.

7 *~~4548/2.315~~* *~~0590/P5.79~~* **SECTION 591.** 940.07 of the statutes is amended
8 to read:

9 **940.07 Homicide resulting from negligent control of vicious animal.**

10 Whoever knowing the vicious propensities of any animal intentionally allows it to go
11 at large or keeps it without ordinary care, if such animal, while so at large or not
12 confined, kills any human being who has taken all the precautions which the
13 circumstances may permit to avoid such animal, is guilty of a Class C G felony.

14 *~~4548/2.316~~* *~~0590/P5.80~~* **SECTION 592.** 940.08 (1) of the statutes is
15 amended to read:

16 940.08 (1) Whoever causes the death of another human being by the negligent
17 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
18 D G felony.

19 *~~4548/2.317~~* *~~0590/P5.81~~* **SECTION 593.** 940.08 (2) of the statutes is
20 amended to read:

21 940.08 (2) Whoever causes the death of an unborn child by the negligent
22 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class D
23 G felony.

24 *~~4548/2.318~~* *~~0590/P5.82~~* **SECTION 594.** 940.09 (1) (intro.) of the statutes
25 is amended to read:

1 940.09 (1) (intro.) Any person who does any of the following is guilty of a Class
2 ~~B felony~~ may be penalized as provided in sub. (1c):

3 *~~4548/2.319~~* *~~0590/P5.83~~* **SECTION 595.** 940.09 (1b) of the statutes is
4 repealed.

5 *~~4548/2.320~~* *~~0590/P5.84~~* **SECTION 596.** 940.09 (1c) of the statutes is
6 created to read:

7 940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is
8 guilty of a Class D felony.

9 (b) A person who violates sub. (1) is guilty of a Class C felony if the person has
10 one or more prior convictions, suspensions, or revocations, as counted under s.
11 343.307 (2).

12 *~~4548/2.321~~* *~~0590/P5.85~~* **SECTION 597.** 940.10 (1) of the statutes is
13 amended to read:

14 940.10 (1) Whoever causes the death of another human being by the negligent
15 operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

16 *~~4548/2.322~~* *~~0590/P5.86~~* **SECTION 598.** 940.10 (2) of the statutes is
17 amended to read:

18 940.10 (2) Whoever causes the death of an unborn child by the negligent
19 operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

20 *~~4548/2.323~~* *~~0590/P5.87~~* **SECTION 599.** 940.11 (1) of the statutes is
21 amended to read:

22 940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent
23 to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is
24 guilty of a Class ~~C~~ F felony.

1 *~~4548/2.324~~* *~~0590/P5.88~~* **SECTION 600.** 940.11 (2) of the statutes is
2 amended to read:

3 940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or
4 avoid apprehension, prosecution or conviction for a crime, is guilty of a Class ~~D~~ G
5 felony.

6 *~~4548/2.325~~* *~~0590/P5.89~~* **SECTION 601.** 940.12 of the statutes is amended
7 to read:

8 **940.12 Assisting suicide.** Whoever with intent that another take his or her
9 own life assists such person to commit suicide is guilty of a Class ~~D~~ H felony.

10 *~~4548/2.326~~* *~~0590/P5.90~~* **SECTION 602.** 940.15 (2) of the statutes is
11 amended to read:

12 940.15 (2) Whoever intentionally performs an abortion after the fetus or
13 unborn child reaches viability, as determined by reasonable medical judgment of the
14 woman's attending physician, is guilty of a Class ~~E~~ I felony.

15 *~~4548/2.327~~* *~~0590/P5.91~~* **SECTION 603.** 940.15 (5) of the statutes is
16 amended to read:

17 940.15 (5) Whoever intentionally performs an abortion and who is not a
18 physician is guilty of a Class ~~E~~ I felony.

19 *~~4548/2.328~~* *~~0590/P5.92~~* **SECTION 604.** 940.15 (6) of the statutes is
20 amended to read:

21 940.15 (6) Any physician who intentionally performs an abortion under sub.
22 (3) shall use that method of abortion which, of those he or she knows to be available,
23 is in his or her medical judgment most likely to preserve the life and health of the
24 fetus or unborn child. Nothing in this subsection requires a physician performing
25 an abortion to employ a method of abortion which, in his or her medical judgment

1 based on the particular facts of the case before him or her, would increase the risk
2 to the woman. Any physician violating this subsection is guilty of a Class ~~E~~ I felony.

3 ~~*-4548/2.329*~~ ~~*-0590/P5.93*~~ **SECTION 605.** 940.19 (2) of the statutes is
4 amended to read:

5 940.19 (2) Whoever causes substantial bodily harm to another by an act done
6 with intent to cause bodily harm to that person or another is guilty of a Class ~~E~~ I
7 felony.

8 ~~*-4548/2.330*~~ ~~*-0590/P5.94*~~ **SECTION 606.** 940.19 (3) of the statutes is
9 repealed.

10 ~~*-4548/2.331*~~ ~~*-0590/P5.95*~~ **SECTION 607.** 940.19 (4) of the statutes is
11 amended to read:

12 940.19 (4) Whoever causes great bodily harm to another by an act done with
13 intent to cause bodily harm to that person or another is guilty of a Class ~~D~~ H felony.

14 ~~*-4548/2.332*~~ ~~*-0590/P5.96*~~ **SECTION 608.** 940.19 (5) of the statutes is
15 amended to read:

16 940.19 (5) Whoever causes great bodily harm to another by an act done with
17 intent to cause ~~either substantial bodily harm or~~ great bodily harm to that person
18 or another is guilty of a Class ~~C~~ E felony.

19 ~~*-4548/2.333*~~ ~~*-0590/P5.97*~~ **SECTION 609.** 940.19 (6) (intro.) of the statutes
20 is amended to read:

21 940.19 (6) (intro.) Whoever intentionally causes bodily harm to another by
22 conduct that creates a substantial risk of great bodily harm is guilty of a Class ~~D~~ H
23 felony. A rebuttable presumption of conduct creating a substantial risk of great
24 bodily harm arises: