

1 subd. 2. and an opportunity to be heard under this subdivision does not become a
2 party to the proceeding on which the hearing is held solely on the basis of receiving
3 that notice and opportunity to be heard.

4 *b3034/1.5* SECTION 529r. 938.33 (4) (intro.) of the statutes, as affected by
5 2001 Wisconsin Act 59, is amended to read:

6 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
7 placement in a foster home, treatment foster home, group home, or nonsecured
8 residential care center for children and youth or in the home of a relative other than
9 a parent shall be in writing, except that the report may be presented orally at the
10 dispositional hearing if all parties consent. A report that is presented orally shall be
11 transcribed and made a part of the court record. The report shall include all of the
12 following:

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

14 938.33 (4) (c) Specific information showing that continued placement of the
15 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
16 information showing that the county department or the agency primarily
17 responsible for providing services to the juvenile has made reasonable efforts to
18 prevent the removal of the juvenile from the home, while assuring that the juvenile's
19 health and safety are the paramount concerns, unless any of the circumstances
20 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that
21 the county department or agency has made reasonable efforts to achieve the goal of
22 the juvenile's permanency plan, unless return of the juvenile to the home is the goal
23 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)
24 1. to 4. applies.

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

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

15 ***b2613/1.5* 437.** Page 226, line 10: after that line insert:

16 ***b2613/1.5*** “SECTION 531k. 938.34 (15m) (bm) of the statutes is amended to
17 read:

18 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a
19 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22
20 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
21 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or
22 of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's
23 parent, the court shall require the juvenile to comply with the reporting
24 requirements under s. 301.45 unless the court determines, after a hearing on a

1 motion made by the juvenile, that the juvenile is not required to comply under s.
2 301.45 (1m).”.

3 *b3034/1.6* **438.** Page 226, line 11: delete lines 11 to 25.

4 *b3034/1.7* **439.** Page 227, line 1: delete lines 1 to 4 and substitute:

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

7 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
8 decide on a placement and treatment finding based on evidence submitted to the
9 court. The disposition shall employ those means necessary to promote the objectives
10 specified in s. 938.01. ~~If the disposition places a juvenile who has been adjudicated~~
11 ~~delinquent outside the home under s. 938.34 (3) (c), (cm) or (d), the order shall include~~
12 ~~a finding that the juvenile's current residence will not safeguard the welfare of the~~
13 ~~juvenile or the community due to the serious nature of the act for which the juvenile~~
14 ~~was adjudicated delinquent.~~ If the judge has determined that any of the conditions
15 specified in s. 938.34 (4m) (b) 1., 2., or 3. applies; that determination shall be prima
16 facie evidence that a less restrictive alternative than placement in a secured
17 correctional facility, a secured child caring institution, or a secured group home is not
18 appropriate. If information under s. 938.331 has been provided in a court report
19 under s. 938.33 (1), the court shall consider that information when deciding on a
20 placement and treatment finding.

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

22 938.355 (2) (b) 6. If the juvenile is placed outside the home ~~and if sub. (2d) does~~
23 ~~not apply, the court's, a finding that continued placement of the juvenile in his or her~~
24 home would be contrary to the welfare of the juvenile or, if the juvenile has been

1 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c),
2 (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard
3 the welfare of the juvenile or the community due to the serious nature of the act for
4 which the juvenile was adjudicated delinquent. The court order shall also contain
5 a finding as to whether -a the county department which provides social services or
6 the agency primarily responsible for providing services under a court order has made
7 reasonable efforts to prevent the removal of the juvenile from the home, while
8 assuring that the juvenile's health and safety are the paramount concerns, or, if
9 applicable, the court's unless the court finds that any of the circumstances specified
10 in sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department
11 or agency primarily responsible for providing services under a court order has made
12 reasonable efforts to make it possible for the juvenile to return safely to his or her
13 home achieve the goal of the juvenile's permanency plan, unless return of the
14 juvenile to the home is the goal of the permanency plan and the court finds that any
15 of the circumstances specified in sub. (2d) (b) 1. to 4. applies. The court shall make
16 the findings specified in this subdivision on a case-by-case basis based on
17 circumstances specific to the juvenile and shall document or reference the specific
18 information on which those findings are based in the court order. A court order that
19 merely references this subdivision without documenting or referencing that specific
20 information in the court order or an amended court order that retroactively corrects
21 an earlier court order that does not comply with this subdivision is not sufficient to
22 comply with this subdivision.

23 ***b3034/1.7* SECTION 531h.** 938.355 (2) (b) 6r. of the statutes is created to read:

24 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in
25 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county

1 department or agency primarily responsible for providing services under the court
2 order is not required to make reasonable efforts with respect to the parent to make
3 it possible for the juvenile to return safely to his or her home.

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

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

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

16 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
17 the county department or the agency primarily responsible for providing services to
18 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~
19 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency
20 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~
21 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules
22 between the juvenile and his or her parents were implemented, unless visitation was
23 denied or limited by the court.

24 ***b3034/1.7* SECTION 531p.** 938.355 (2d) (b) (intro.) of the statutes is amended

25 to read:

1 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~
2 not required to include in a dispositional order a finding as to whether ~~a~~ the county
3 department ~~which provides social services~~ or the agency primarily responsible for
4 providing services under a court order has made reasonable efforts with respect to
5 a parent of a juvenile to prevent the removal of the juvenile from the home, while
6 assuring that the juvenile's health and safety are the paramount concerns, or, if
7 applicable, a finding as to whether the county department or agency primarily
8 ~~responsible for providing services under a court order~~ has made reasonable efforts
9 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~
10 achieve the permanency plan goal of returning the juvenile safely to his or her home,
11 if the court finds, ~~as evidenced by a final judgment of conviction,~~ any of the following:

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

14 938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated
15 circumstances, as evidenced by a final judgment of conviction.

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

18 938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the
19 commission of, or has solicited, conspired, or attempted to commit, a violation of s.
20 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal
21 law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if
22 committed in this state, as evidenced by a final judgment of conviction, and that the
23 victim of that violation is a child of the parent.

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

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

9 ***b3034/1.7* SECTION 532b.** 938.355 (2d) (b) 3. of the statutes, as affected by
10 2001 Wisconsin Act (this act), is amended to read:

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

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

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

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

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

9 ***b3034/1.7* SECTION 532j.** 938.355 (2d) (c) of the statutes is renumbered
10 938.355 (2d) (c) 1. and amended to read:

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

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

20 938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the
21 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
22 custodian of the juvenile, and any foster parent, treatment foster parent, or other
23 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
24 purpose of 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 532t.** 938.355 (4) (a) of the statutes is amended to read:
12 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders an
13 order under this section shall terminate at the end of one year unless the court
14 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions
15 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places
16 or continues the placement of the juvenile in his or her home shall terminate at the
17 end of one year after its entry unless the court specifies a shorter period of time. No
18 extension under s. 938.365 of an original dispositional order may be granted for a
19 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the
20 juvenile is 17 years of age or older when the original dispositional order terminates.
21 Any order made before the juvenile reaches the age of majority shall be effective for
22 a time up to one year after its entry unless the court specifies a shorter period of time
23 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,
24 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches
25 18 years of age that places or continues the placement of the juvenile in a foster home,

1 treatment foster home, group home, or residential care center for children and youth
2 or in the home of a relative other than a parent shall terminate when the juvenile
3 reaches 18 years of age, at the end of one year after its entry, or, if the juvenile is a
4 full-time student at a secondary school or its vocational or technical equivalent and
5 is reasonably expected to complete the program before reaching 19 years of age, when
6 the juvenile reaches 19 years of age, whichever is later, unless the court specifies a
7 shorter period of time or the court terminates the order sooner.

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

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

1 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age
2 or older when the original dispositional order terminates.

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

5 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
6 or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years
7 after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the
8 court specifies a shorter period of time or the court terminates the order sooner.
9 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
10 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile
11 is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing
12 an act that would be punishable as a Class B or C felony if committed by an adult,
13 or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent
14 for committing an act that would be punishable as a Class A felony if committed by
15 an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34
16 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall
17 terminate at the end of one year after its entry unless the court specifies a shorter
18 period of time or the court terminates the order sooner. No extension under s.
19 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may
20 be granted for a juvenile who is 17 years of age or older when the original
21 dispositional order terminates.

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

23 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
24 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
25 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on

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

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

1 retroactively corrects an earlier sanction order that does not comply with this
2 paragraph is not sufficient to comply with this paragraph.

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

5 938.355 (6m) (cm) The court may not order the sanction of placement in a place
6 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency
7 primarily responsible for providing services for the juvenile has made reasonable
8 efforts to prevent the removal of the juvenile from his or her home and that continued
9 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.
10 The court shall make the findings specified in this paragraph on a case-by-case basis
11 based on circumstances specific to the juvenile and shall document or reference the
12 specific information on which that finding is based in the sanction order. A sanction
13 order that merely references this paragraph without documenting or referencing
14 that specific information in the sanction order or an amended sanction order that
15 retroactively corrects an earlier sanction order that does not comply with this
16 paragraph is not sufficient to comply with this paragraph.

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

19 938.357 (1) (a) The person or agency primarily responsible for implementing
20 the dispositional order or the district attorney may request a change in the
21 placement of the juvenile, whether or not the change requested is authorized in the
22 dispositional order, ~~and as provided in par. (am) or (c), whichever is applicable.~~

23 (am) 1. If the proposed change in placement involves any change in placement
24 other than a change in placement specified in par. (c), the person or agency primarily
25 responsible for implementing the dispositional order or the district attorney shall

1 cause written notice of the proposed change in placement to be sent to the juvenile
2 ~~or the juvenile's counsel or guardian ad litem~~, the parent, guardian, and legal
3 custodian of the juvenile, and any foster parent, treatment foster parent, or other
4 physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain
5 the name and address of the new placement, the reasons for the change in placement,
6 a statement describing why the new placement is preferable to the present
7 placement, and a statement of how the new placement satisfies objectives of the
8 treatment plan ordered by the court.

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

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

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

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

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

5 938.357 (1) (c) 1. If the proposed change in placement would change the
6 placement of a juvenile placed in the home to a placement outside the home, the
7 person or agency primarily responsible for implementing the dispositional order or
8 the district attorney shall submit a request for the change in placement to the court.
9 The request shall contain the name and address of the new placement, the reasons
10 for the change in placement, a statement describing why the new placement is
11 preferable to the present placement, and a statement of how the new placement
12 satisfies objectives of the treatment plan ordered by the court. The request shall also
13 contain specific information showing that continued placement of the juvenile in his
14 or her home would be contrary to the welfare of the juvenile and, unless any of the
15 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information
16 showing that the agency primarily responsible for implementing the dispositional
17 order has made reasonable efforts to prevent the removal of the juvenile from the
18 home, while assuring that the juvenile's health and safety are the paramount
19 concerns.

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

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

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

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

19 ***b3034/1.7* SECTION 533bn.** 938.357 (2m) (a) of the statutes, as affected by
20 2001 Wisconsin Act 103, and is amended to read:

21 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the
22 juvenile, or any person or agency primarily bound by the dispositional order, other
23 than the person or agency responsible for implementing the order, may request a
24 change in placement under this paragraph. The request shall contain the name and
25 address of the place of the new placement requested and shall state what new

1 information is available that affects the advisability of the current placement. If the
2 proposed change in placement would change the placement of a juvenile placed in the
3 home to a placement outside the home, the request shall also contain specific
4 information showing that continued placement of the juvenile in the home would be
5 contrary to the welfare of the juvenile and, unless any of the circumstances specified
6 in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency
7 primarily responsible for implementing the dispositional order has made reasonable
8 efforts to prevent the removal of the juvenile from the home, while assuring that the
9 juvenile's health and safety are the paramount concerns. The request shall be
10 submitted to the court. In addition, the court may propose a change in placement on
11 its own motion.

12 *b3034/1.7* SECTION 533bo. 938.357 (2m) (b) of the statutes, as affected by
13 2001 Wisconsin Act 103, is amended to read:

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

1 in placement shall be attached to the notice. If all of the parties consent, the court
2 may proceed immediately with the hearing.

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

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

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

12 938.357 (2r) If a hearing is held under sub. (1) (b) (am) 2. or (2m) (b) and the
13 change in placement would remove a juvenile from a foster home, treatment foster
14 home, or other placement with a physical custodian described in s. 48.62 (2), the court
15 shall give the foster parent, treatment foster parent, or other physical custodian
16 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the
17 foster parent, treatment foster parent, or other physical custodian to make a written
18 or oral statement during the hearing or to submit a written statement prior to the
19 hearing relating to the juvenile and the requested change in placement. ~~Any written~~
20 ~~or oral statement made under this subsection shall be made under oath or~~
21 ~~affirmation.~~ A foster parent, treatment foster parent, or other physical custodian
22 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (b) (am) 1. or
23 (2m) (b) and an opportunity to be heard under this subsection does not become a
24 party to the proceeding on which the hearing is held solely on the basis of receiving
25 that notice and opportunity to be heard.

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

3 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the~~
4 ~~change in placement would place the juvenile outside the home in a placement order~~
5 would change the placement of the juvenile to a placement outside the home
6 recommended by the person or agency primarily responsible for implementing the
7 dispositional order, ~~the change in placement order shall include whether from a~~
8 placement in the home or from another placement outside the home, a statement
9 that the court approves the placement recommended by the person or agency or, if
10 ~~the juvenile is placed outside the home in a placement other than change in~~
11 placement order would change the placement of the juvenile to a placement outside
12 the home that is not a placement recommended by that person or agency, whether
13 from a placement in the home or from another placement outside the home, a
14 statement that the court has given bona fide consideration to the recommendations
15 made by that person or agency and all parties relating to the juvenile's placement.

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

18 938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)
19 shall contain all of the following:

20 ***b3034/1.7* SECTION 533bx.** 938.357 (2v) (a) 1. of the statutes is created to
21 read:

22 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a
23 placement in the juvenile's home to a placement outside the juvenile's home, a
24 finding that continued placement of the juvenile in his or her home would be contrary
25 to the welfare of the juvenile and, unless a circumstance specified in s. 938.355 (2d)

1 (b) 1. to 4. applies, a finding that the agency primarily responsible for implementing
2 the dispositional order has made reasonable efforts to prevent the removal of the
3 juvenile from the home, while assuring that the juvenile's health and safety are the
4 paramount concerns.

5 *b3034/1.7* SECTION 533bz. 938.357 (2v) (a) 3. of the statutes is created to
6 read:

7 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in
8 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
9 agency primarily responsible for providing services under the change in placement
10 order is not required to make reasonable efforts with respect to the parent to make
11 it possible for the juvenile to return safely to his or her home.

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

13 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and
14 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
15 document or reference the specific information on which those findings are based in
16 the change in placement order. A change in placement order that merely references
17 par. (a) 1. or 3. without documenting or referencing that specific information in the
18 change in placement order or an amended change in placement order that
19 retroactively corrects an earlier change in placement order that does not comply with
20 this paragraph is not sufficient to comply with this paragraph.

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

22 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the
23 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,
24 the court shall hold a hearing within 30 days after the date of that finding to
25 determine the permanency plan for the juvenile. If a hearing is held under this

1 paragraph, the agency responsible for preparing the permanency plan shall file the
2 permanency plan with the court not less than 5 days before the date of the hearing.

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

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

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

20 938.357 (3) Subject to subs. (4) (b) and (c) and (5) (e), if the proposed change
21 in placement would involve placing a juvenile in a secured correctional facility, a
22 secured child caring institution, or a secured group home, notice shall be given as
23 provided in sub. (1) ~~(a)~~ (am) 1. A hearing shall be held, unless waived by the juvenile,
24 parent, guardian, and legal custodian, before the judge makes a decision on the
25 request. The juvenile shall be entitled to counsel at the hearing, and any party

1 opposing or favoring the proposed new placement may present relevant evidence and
2 cross-examine witnesses. The proposed new placement may be approved only if the
3 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been
4 met.

5 ***b3034/1.7* SECTION 533ce.** 938.357 (4) (b) 1. of the statutes, as affected by
6 2001 Wisconsin Act 103, is amended to read:

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

14 ***b3034/1.7* SECTION 533cf.** 938.357 (4) (b) 2. of the statutes, as affected by
15 2001 Wisconsin Act 103, is amended to read:

16 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
17 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
18 the Type 2 child caring institution, the child welfare agency operating the Type 2
19 child caring institution shall notify the county department that has supervision over
20 the juvenile and, if the county department agrees to a change in placement under this
21 subdivision, the child welfare agency shall notify the department, and the
22 department, after consulting with the child welfare agency, may place the juvenile
23 in a Type 1 secured correctional facility under the supervision of the department,
24 without a hearing under sub. (1) ~~(b)~~ (am) 2., for not more than 10 days. If a juvenile
25 is placed in a Type 1 secured correctional facility under this subdivision, the county

1 department that has supervision over the juvenile shall reimburse the child welfare
2 agency operating the Type 2 child caring institution in which the juvenile was placed
3 at the rate established under s. 46.037, and that child welfare agency shall reimburse
4 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is
5 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
6 correctional facility.

7 ***b3034/1.7* SECTION 533ch.** 938.357 (4) (c) 1. of the statutes, as affected by
8 2001 Wisconsin Act 103, is amended to read:

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

17 ***b3034/1.7* SECTION 533cj.** 938.357 (4) (c) 2. of the statutes, as affected by
18 2001 Wisconsin Act 103, is amended to read:

19 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under
20 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate
21 for the juvenile, the child welfare agency operating the Type 2 child caring
22 institution shall notify the county department that has supervision over the juvenile
23 and, if the county department agrees to a change in placement under this
24 subdivision, the child welfare agency may place the juvenile in a less restrictive
25 placement. A child welfare agency may also, with the agreement of the county

1 department that has supervision over a juvenile who is placed in a less restrictive
2 placement under this subdivision, return the juvenile to the Type 2 child caring
3 institution without a hearing under sub. (1) ~~(b)~~ (am) 2. The child welfare agency shall
4 establish a rate for each type of placement in the manner provided in s. 46.037.

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

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

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

3 938.357 (5) (a) The department or a county department, whichever has been
4 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the
5 aftercare status of that juvenile. Revocation of aftercare supervision shall not
6 require prior notice under sub. (1) ~~(a)~~ (am) 1.

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

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

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

1 938.363 (1m) If a hearing is held under sub. (1) (a), any party may present
2 evidence relevant to the issue of revision of the dispositional order. In addition, the
3 court shall give a foster parent, treatment foster parent, or other physical custodian
4 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by
5 permitting the foster parent, treatment foster parent, or other physical custodian to
6 make a written or oral statement during the hearing, or to submit a written
7 statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral~~
8 ~~statement made under this subsection shall be made under oath or affirmation.~~ A
9 foster parent, treatment foster parent, or other physical custodian described in s.
10 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
11 heard under this subsection does not become a party to the proceeding on which the
12 hearing is held solely on the basis of receiving that notice and opportunity to be
13 heard.

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

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

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

3 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
4 and of any progress the juvenile has made, suggestions for amendment of the
5 permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~
6 home and specific information showing the efforts that have been made to achieve
7 the goal of the permanency plan, including, if applicable, the efforts of the parents
8 to remedy the factors which that contributed to the juvenile's placement and, if
9 continued placement outside of the juvenile's home is recommended, an explanation
10 of why returning the juvenile to his or her home is not safe or feasible, unless return
11 of the juvenile to the home is the goal of the permanency plan and any of the
12 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

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

15 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
16 for 15 of the most recent 22 months, not including any period during which the
17 juvenile was a runaway from the out-of-home placement or the first 6 months of any
18 period during which the juvenile was returned to his or her home for a trial home
19 visit, a statement of whether or not a recommendation has been made to terminate
20 the parental rights of the parents of the juvenile. If a recommendation for a
21 termination of parental rights has been made, the statement shall indicate the date
22 on which the recommendation was made, any previous progress made to accomplish
23 the termination of parental rights, any barriers to the termination of parental rights,
24 specific steps to overcome the barriers and when the steps will be completed, reasons
25 why adoption would be in the best interest of the juvenile and whether or not the

1 juvenile should be registered with the adoption information exchange. If a
2 recommendation for termination of parental rights has not been made, the
3 statement shall include an explanation of the reasons why a recommendation for
4 termination of parental rights has not been made. If the lack of appropriate adoptive
5 resources is the primary reason for not recommending a termination of parental
6 rights, the agency shall recommend that the juvenile be registered with the adoption
7 information exchange or report the reason why registering the juvenile is contrary
8 to the best interest of the juvenile.

9 *b3034/1.7* SECTION 533cz. 938.365 (2m) (a) of the statutes is renumbered
10 938.365 (2m) (a) 1. and amended to read:

11 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
12 extension. If the juvenile is placed outside of his or her home, the person or agency
13 primarily responsible for providing services to the juvenile shall present as evidence
14 specific information showing that the agency has made reasonable efforts to achieve
15 the goal of the juvenile's permanency plan, unless return of the juvenile to the home
16 is the goal of the permanency plan and any of the circumstances specified in s.
17 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions
18 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall
19 include a finding as to whether reasonable efforts were made by the agency primarily
20 responsible for providing services to the juvenile to ~~make it possible for the juvenile~~
21 ~~to return safely to his or her home~~ achieve the goal of the juvenile's permanency plan,
22 unless return of the juvenile to the home is the goal of the permanency plan and the
23 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.
24 applies. An order shall be issued under s. 938.355.

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

3 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified
4 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include
5 a determination that the person or agency primarily responsible for providing
6 services to the juvenile is not required to make reasonable efforts with respect to the
7 parent to make it possible for the juvenile to return safely to his or her home.

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

10 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.
11 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan
12 and the findings specified in subd. 2. on a case-by-case basis based on circumstances
13 specific to the juvenile and shall document or reference the specific information on
14 which those findings are based in the order issued under s. 938.355. An order that
15 merely references subd. 1. or 2. without documenting or referencing that specific
16 information in the order or an amended order that retroactively corrects an earlier
17 order that does not comply with this subdivision is not sufficient to comply with this
18 subdivision.

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

21 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified
22 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a
23 hearing within 30 days after the date of that finding to determine the permanency
24 plan for the juvenile. If a hearing is held under this subdivision, the agency

1 responsible for preparing the permanency plan shall file the permanency plan with
2 the court not less than 5 days before the date of the hearing.

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

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

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

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

23 938.365 (5) Except as provided in s. 938.368, ~~all orders~~ an order under this
24 section that continues the placement of a juvenile in his or her home or that extends
25 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time

1 not to exceed one year after its date of entry. Except as provided in s. 938.368, an
2 order under this section that continues the placement of a juvenile in a foster home,
3 treatment foster home, group home, or residential care center for children and youth
4 or in the home of a relative other than a parent shall be for a specified length of time
5 not to exceed the date on which the juvenile reaches 18 years of age, one year after
6 the date of entry of the order, or, if the juvenile is a full-time student at a secondary
7 school or its vocational or technical equivalent and is reasonably expected to
8 complete the program before reaching 19 years of age, the date on which the juvenile
9 reaches 19 years of age, whichever is later.

10 *b3034/1.7* SECTION 533dj. 938.38 (2) (intro.) of the statutes, as affected by
11 2001 Wisconsin Act 59, is amended to read:

12 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
13 for each juvenile living in a foster home, treatment foster home, group home,
14 residential care center for children and youth, secure detention facility, or shelter
15 care facility, the agency that placed the juvenile or arranged the placement or the
16 agency assigned primary responsibility for providing services to the juvenile under
17 s. 938.355 shall prepare a written permanency plan, if any of the following conditions
18 exists, and, for each juvenile living in the home of a relative other than a parent, that
19 agency shall prepare a written permanency plan, if any of the conditions specified
20 in pars. (a) to (e) exists:

21 *b3034/1.7* SECTION 533dL. 938.38 (2) (c) of the statutes is amended to read:

22 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64
23 (2) ~~or pursuant to~~, under a consent decree under s. 938.32 (1) (c), or under a court
24 order under s. 938.355.

25 *b3034/1.7* SECTION 533dn. 938.38 (2) (f) of the statutes is amended to read:

1 938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 but
2 for s. 49.19 (20).

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

5 938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1., the agency shall file
6 the permanency plan with the court within 60 days after the date on which the
7 juvenile was first held in physical custody or placed outside of removed from his or
8 her home ~~under a court order~~, except under either of the following conditions:

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

11 938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~
12 ~~description of~~ all of the following:

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

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

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

1 938.38 (4) (ag) The name, address, and telephone number of the juvenile's
2 parent, guardian, and legal custodian.

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

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

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

7 938.38 (4) (bm) The A statement as to the availability of a safe and appropriate
8 placement with a fit and willing relative of the juvenile and, if a decision is made not
9 to place the juvenile with an available relative, a statement as to why placement with
10 the relative is not safe or appropriate.

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

12 938.38 (4) (dg) Information about the juvenile's education, including all of the
13 following:

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

16 2. Any special education programs in which the juvenile is or was previously
17 enrolled.

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

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

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

24 938.38 (4) (dm) If as a result of the placement the juvenile has been or will be
25 transferred from the school in which the juvenile is or most recently was enrolled,

1 documentation that a placement that would maintain the juvenile in that school is
2 either unavailable or inappropriate or that a placement that would result in the
3 juvenile's transfer to another school would be in the juvenile's best interests.

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

5 938.38 (4) (dr) Medical information relating to the juvenile, including all of the
6 following:

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

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

12 3. Any known medical condition for which the juvenile is receiving medical care
13 or treatment and any known serious medical condition for which the juvenile has
14 previously received medical care or treatment.

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

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

19 938.38 (4) (e) The A plan for ensuring the safety and appropriateness of the
20 placement and a description of the services provided to meet the needs of the juvenile
21 and family, including a discussion of services that have been investigated and
22 considered and are not available or likely to become available within a reasonable
23 time to meet the needs of the juvenile or, if available, why such services are not safe
24 or appropriate.

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

3 938.38 (4) (f) (intro.) The A description of the services that will be provided to
4 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's
5 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living,
6 or the relative with whom the juvenile is living to carry out the dispositional order,
7 including services planned to accomplish all of the following:

8 ***b3034/1.7* SECTION 533ej.** 938.38 (4) (fg) of the statutes is created to read:

9 938.38 (4) (fg) The goal of the permanency plan or, if the agency is making
10 concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency
11 plan. If a goal of the permanency plan is any goal other than return of the juvenile
12 to his or her home, the permanency plan shall include the rationale for deciding on
13 that goal. If a goal of the permanency plan is an alternative permanent placement
14 under subd. 5., the permanency plan shall document a compelling reason why it
15 would not be in the best interest of the juvenile to pursue a goal specified in subds.
16 1. to 4. The agency shall determine one or more of the following goals to be the goal
17 or goals of a juvenile's permanency plan:

- 18 1. Return of the juvenile to the juvenile's home.
- 19 2. Placement of the juvenile for adoption.
- 20 3. Placement of the juvenile with a guardian.
- 21 4. Permanent placement of the juvenile with a fit and willing relative.
- 22 5. Some other alternative permanent placement, including sustaining care,
23 independent living, or long-term foster care.

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

1 938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place
2 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some
3 other alternative permanent placement, the efforts made to place the juvenile for
4 adoption, with a guardian or in some other alternative permanent placement achieve
5 that goal.

6 ***b3034/1.7* SECTION 533en.** 938.38 (4) (h) of the statutes is created to read:

7 938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the
8 programs and services that are or will be provided to assist the juvenile in preparing
9 for the transition from out-of-home care to independent living. The description
10 shall include all of the following:

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

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

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

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

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

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

3 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
4 appointed under ~~this paragraph~~ par. (ag) shall review the permanency plan ~~every in~~
5 the manner provided in this subsection not later than 6 months from after the date
6 on which the juvenile was first ~~held in physical custody or placed outside of~~ removed
7 from his or her home and every 12 months after a previous review under this
8 subsection for as long as the juvenile is placed outside the home, except that for the
9 review that is required to be conducted not later than 12 months after the juvenile
10 was first removed from his or her home and the reviews that are required to be
11 conducted every 12 months after that review the court shall hold a hearing under
12 sub. (5m) to review the permanency plan, which hearing may be instead of or in
13 addition to the review under this subsection.

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

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

23 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
24 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,
25 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the

1 juvenile is living, or the relative with whom the juvenile is living of the date, time,
2 and place of the review, of the issues to be determined as part of the review, and of
3 the fact that they may have an opportunity to be heard at the review by submitting
4 written comments not less than 10 working days before the review or by
5 participating at the review. The court or agency shall notify the person representing
6 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
7 of the date of the review, of the issues to be determined as part of the review, and of
8 the fact that they may submit written comments not less than 10 working days before
9 the review. The notices under this paragraph shall be provided in writing not less
10 than 30 days before the review and copies of the notices shall be filed in the juvenile's
11 case record.

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

14 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
15 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including
16 any period during which the juvenile was a runaway from the out-of-home
17 placement or the first 6 months of any period during which the juvenile was returned
18 to his or her home for a trial home visit, the appropriateness of the permanency plan
19 and the circumstances which prevent the juvenile from any of the following:

20 *b3034/1.7* SECTION 533ev. 938.38 (5) (c) 6. am. of the statutes is renumbered
21 938.38 (5) (c) 6. cm. and amended to read:

22 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the
23 juvenile.

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

1 938.38 (5) (c) 6. cg. Being placed with a guardian.

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

4 938.38 (5) (c) 6. d. Being placed in some other alternative permanent
5 placement, including sustaining care, independent living, or long-term foster care.

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

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

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

15 938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to
16 review the permanency plan and to make the determinations specified in sub. (5) (c)
17 no later than 12 months after the date on which the juvenile was first removed from
18 the home and every 12 months after a previous hearing under this subsection for as
19 long as the juvenile is placed outside the home.

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

1 the person representing the interests of the public of the date, time, and place of the
2 hearing.

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

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

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

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

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

16 *b3034/1.7* SECTION 533fd. 938.78 (2) (a) of the statutes is amended to read:
17 938.78 (2) (a) No agency may make available for inspection or disclose the
18 contents of any record kept or information received about an individual in its care
19 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)
20 or (5m) (d), or 938.51 or by order of the court.”.

21 *b2369/1.1* 440. Page 228, line 3: after that line insert:

22 *b2369/1.1* “SECTION 535m. 939.24 (2) of the statutes is amended to read:

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

4 ***b2613/1.6* 441.** Page 232, line 6: after that line insert:

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

7 939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to
8 commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025
9 (1), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.11 (2) (a),
10 948.12, or 948.13.”

11 ***b2613/1.7* 442.** Page 233, line 3: delete lines 3 to 9 and substitute:

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

14 939.62 (2m) (a) 2m. b. Any felony under s. 940.01, 940.02, 940.03, 940.05,
15 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
16 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),
17 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,
18 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

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

21 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
22 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
23 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
24 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),

1 (~~1m~~), or (~~1r~~), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
2 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c), or 948.36.~~”.

3 *b2613/1.8* **443.** Page 235, line 25: after that line insert:

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

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

10 *b2892/3.5* **444.** Page 248, line 19: after that line insert:

11 *b2892/3.5* **SECTION 657b.** 940.32 (1) (a) of the statutes is renumbered 940.32
12 (1) (a) (intro.) and amended to read:

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

17 *b2892/3.5* **SECTION 657c.** 940.32 (1) (a) 1. of the statutes is created to read:

18 940.32 (1) (a) 1. Maintaining a visual or physical proximity to the victim.

19 *b2892/3.5* **SECTION 657d.** 940.32 (1) (a) 2. of the statutes is created to read:

20 940.32 (1) (a) 2. Approaching or confronting the victim.

21 *b2892/3.5* **SECTION 657e.** 940.32 (1) (a) 3. of the statutes is created to read:

22 940.32 (1) (a) 3. Appearing at the victim’s workplace or contacting the victim’s
23 employer or coworkers.

24 *b2892/3.5* **SECTION 657f.** 940.32 (1) (a) 4. of the statutes is created to read:

1 940.32 (1) (a) 4. Appearing at the victim's home or contacting the victim's
2 neighbors.

3 ***b2892/3.5* SECTION 657g.** 940.32 (1) (a) 5. of the statutes is created to read:

4 940.32 (1) (a) 5. Entering property owned, leased, or occupied by the victim.

5 ***b2892/3.5* SECTION 657h.** 940.32 (1) (a) 6. of the statutes is created to read:

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

9 ***b2892/3.5* SECTION 657i.** 940.32 (1) (a) 7. of the statutes is created to read:

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

14 ***b2892/3.5* SECTION 657j.** 940.32 (1) (a) 8. of the statutes is created to read:

15 940.32 (1) (a) 8. Placing an object on or delivering an object to property owned,
16 leased, or occupied by the victim.

17 ***b2892/3.5* SECTION 657k.** 940.32 (1) (a) 9. of the statutes is created to read:

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

22 ***b2892/3.5* SECTION 657m.** 940.32 (1) (a) 10. of the statutes is created to read:

23 940.32 (1) (a) 10. Causing a person to engage in any of the acts described in
24 subs. 7. to 9.

25 ***b2892/3.5* SECTION 657n.** 940.32 (1) (am) of the statutes is created to read:

1 940.32 (1) (am) “Domestic abuse” has the meaning given in s. 813.12 (1) (am).

2 *b2892/3.5* SECTION 657no. 940.32 (1) (ap) of the statutes is created to read:

3 940.32 (1) (ap) “Domestic abuse offense” means an act of domestic abuse that
4 constitutes a crime.

5 *b2892/3.5* SECTION 657p. 940.32 (1) (b) of the statutes is renumbered 940.32
6 (1) (cb) and amended to read:

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

11 *b2892/3.5* SECTION 657q. 940.32 (1) (cd) of the statutes is created to read:

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

15 *b2892/3.5* SECTION 657r. 940.32 (1) (d) of the statutes is repealed.

16 *b2892/3.5* SECTION 657s. 940.32 (2) (intro.) of the statutes is amended to
17 read:

18 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
19 ~~A misdemeanor~~ E felony.”.

20 *b2892/3.6* 445. Page 248, line 20: delete lines 20 to 22 and substitute:

21 *b2892/3.6* “SECTION 658b. 940.32 (2) (intro.) of the statutes, as affected by
22 2001 Wisconsin Act (this act), is amended to read:

23 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
24 E I felony:

1 ***b2892/3.6* SECTION 658c.** 940.32 (2) (a) of the statutes is amended to read:

2 940.32 (2) (a) The actor intentionally engages in a course of conduct directed
3 at a specific person that would cause a reasonable person under the same
4 circumstances to fear bodily injury to ~~himself or herself or a member of his or her~~
5 ~~immediate family~~ or to fear the death of himself or herself or a member of his or her
6 ~~immediate family~~ or household.

7 ***b2892/3.6* SECTION 658d.** 940.32 (2) (b) of the statutes is amended to read:

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

13 ***b2892/3.6* SECTION 658e.** 940.32 (2) (c) of the statutes is amended to read:

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

18 ***b2892/3.6* SECTION 658f.** 940.32 (2e) of the statutes is created to read:

19 940.32 (2e) Whoever meets all of the following criteria is guilty of a Class E
20 felony:

21 (a) After having been convicted of sexual assault under s. 940.225, 948.02, or
22 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub.
23 (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic
24 abuse offense.

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

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

6 ***b2892/3.6* SECTION 658g.** 940.32 (2e) (intro.) of the statutes, as created by
7 2001 Wisconsin Act (this act), is amended to read:

8 940.32 (2e) (intro.) Whoever meets all of the following criteria is guilty of a
9 Class ~~E~~ I felony:

10 ***b2892/3.6* SECTION 658h.** 940.32 (2m) of the statutes is renumbered 940.32
11 (2m) (intro.) and amended to read:

12 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class D felony if he
13 ~~or she~~ any of the following applies:

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

17 ***b2892/3.7* 446.** Page 248, line 23: delete the material beginning with that
18 line and ending with page 249, line 2, and substitute:

19 ***b2892/3.7* SECTION 659b.** 940.32 (2m) (intro.) of the statutes, as affected by
20 2001 Wisconsin Act (this act), is amended to read:

21 940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class ~~D~~ H felony if
22 any of the following applies:

23 ***b2892/3.7* SECTION 659c.** 940.32 (2m) (a) of the statutes is created to read:

1 940.32 (2m) (a) The actor has a previous conviction for a violent crime, as
2 defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013
3 (1r), (1t), (1v), or (1x).

4 *b2892/3.7* SECTION 659d. 940.32 (2m) (b) of the statutes is created to read:

5 940.32 (2m) (b) The actor has a previous conviction for a crime, the victim of
6 that crime is the victim of the present violation of sub. (2), and the present violation
7 occurs within 7 years after the prior conviction.

8 *b2892/3.7* SECTION 659e. 940.32 (2m) (d) of the statutes is created to read:

9 940.32 (2m) (d) The person violates s. 968.31 (1) or 968.34 (1) in order to
10 facilitate the violation.

11 *b2892/3.7* SECTION 659f. 940.32 (2m) (e) of the statutes is created to read:

12 940.32 (2m) (e) The victim is under the age of 18 years at the time of the
13 violation.

14 *b2892/3.7* SECTION 659g. 940.32 (3) (intro.) of the statutes is amended to
15 read:

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

18 *b2892/3.8* 447. Page 249, line 3: delete lines 3 to 5 and substitute:

19 *b2892/3.8* “SECTION 660b. 940.32 (3) (intro.) of the statutes, as affected by
20 2001 Wisconsin Act (this act), is amended to read:

21 940.32 (3) (intro.) Whoever violates sub. (2) is guilty of a Class ~~C~~ F felony if any
22 of the following applies:

23 *b2892/3.8* SECTION 660c. 940.32 (3) (a) of the statutes is amended to read:

1 940.32 (3) (a) The act results in bodily harm to the victim or a member of the
2 victim's family or household.

3 ***b2892/3.8* SECTION 660d.** 940.32 (3) (b) of the statutes is amended to read:

4 940.32 (3) (b) The actor has a previous conviction for a violent crime, as defined
5 in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r),
6 (1t), (1v) or (1x) for a violation against, the same victim of that crime is the victim of
7 the present violation of sub. (2), and the present violation occurs within 7 years after
8 the prior conviction.

9 ***b2892/3.8* SECTION 660e.** 940.32 (3) (c) of the statutes is created to read:

10 940.32 (3) (c) The actor uses a dangerous weapon in carrying out any of the acts
11 listed in sub. (1) (a) 1. to 9.”.

12 ***b2892/3.9* 448.** Page 249, line 6: delete lines 6 to 8 and substitute:

13 ***b2892/3.9* “SECTION 661b.** 940.32 (3m) of the statutes is repealed.”.

14 ***b2369/1.2* 449.** Page 271, line 8: after that line insert:

15 ***b2369/1.2* “SECTION 810g.** 943.76 (1) of the statutes, as created by 2001
16 Wisconsin Act 16, is renumbered 943.76 (1) (intro.) and amended to read:

17 943.76 (1) (intro.) In this section, “livestock”:

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

21 ***b2369/1.2* SECTION 810k.** 943.76 (1) (b) of the statutes is created to read:

22 943.76 (1) (b) “Paratuberculosis” has the meaning given in s. 95.001 (1) (c).

23 ***b2369/1.2* SECTION 810n.** 943.76 (1) (c) of the statutes is created to read:

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

4 ***b2369/1.3* 450.** Page 271, line 18: after that line insert:

5 ***b2369/1.3* “SECTION 812m.** 943.76 (3) of the statutes is created to read:

6 943.76 (3) (a) Whoever, through reckless conduct, introduces a contagious or
7 infectious disease other than paratuberculosis into livestock without the consent of
8 the owner of the livestock is guilty of a Class A misdemeanor.

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

12 (c) This subsection does not apply if the actor’s conduct is undertaken pursuant
13 to a directive issued by the department of agriculture, trade and consumer protection
14 or an agreement between the actor and the department of agriculture, trade and
15 consumer protection, if the purpose of the directive or the agreement is to prevent
16 or control the spread of the disease.”.

17 ***b3072/1.1* 451.** Page 271, line 18: after that line insert:

18 ***b3072/1.1* “SECTION 812t.** 943.76 (4) of the statutes is created to read:

19 943.76 (4) (a) Whoever intentionally threatens to introduce a contagious or
20 infectious disease into livestock located in this state without the consent of the owner
21 of the livestock is guilty of a Class D felony if one of the following applies:

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

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

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

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

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

12 ***b3072/1.1* SECTION 812u.** 943.76 (4) (a) (intro.) of the statutes, as created by
13 2001 Wisconsin Act (this act), is amended to read:

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

18 ***b3072/1.1* SECTION 812v.** 943.76 (4) (b) (intro.) of the statutes, as created by
19 2001 Wisconsin Act (this act), is amended to read:

20 943.76 (4) (b) (intro.) Whoever intentionally threatens to introduce a
21 contagious or infectious disease into wild deer located in this state without the
22 consent of the department of natural resources is guilty of a Class ~~D~~ H felony if one
23 of the following applies:"

24 ***b2892/3.10* 452.** Page 282, line 8: after that line insert:

1 ***b2892/3.10*** **SECTION 874x.** 947.013 (1t) of the statutes is amended to read:
2 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E felony if the person
3 has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2),
4 (2e), (2m), or (3) ~~or (3m)~~ involving the same victim and the present violation occurs
5 within 7 years of the prior conviction.”

6 ***b2892/3.11* 453.** Page 282, line 9: delete lines 9 to 13 and substitute:

7 ***b2892/3.11*** **SECTION 875b.** 947.013 (1t) of the statutes, as affected by 2001
8 Wisconsin Act (this act), is amended to read:

9 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ **I** felony if the
10 person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s.
11 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation
12 occurs within 7 years of the prior conviction.”

13 ***b2892/3.12* 454.** Page 282, line 21: after that line insert:

14 ***b2892/3.12*** **SECTION 877g.** 947.013 (1x) (a) of the statutes is amended to
15 read:

16 947.013 (1x) (a) The person has a prior conviction under sub. (1r), (1t) or (1v)
17 or this subsection or s. 940.32 (2), (2e), (2m), or (3) ~~or (3m)~~.”

18 ***b2613/1.9* 455.** Page 284, line 14: after that line insert:

19 ***b2613/1.9*** **SECTION 886f.** 948.025 (3) of the statutes is amended to read:

20 948.025 (3) The state may not charge in the same action a defendant with a
21 violation of this section and with a felony violation involving the same child under
22 ch. 944 or a violation involving the same child under s. 948.02, 948.05, 948.06,
23 948.07, 948.075, 948.08, 948.10, 948.11, or 948.12, unless the other violation
24 occurred outside of the time period applicable under sub. (1). This subsection does

1 not prohibit a conviction for an included crime under s. 939.66 when the defendant
2 is charged with a violation of this section.”.

3 *b2613/1.10* **456.** Page 287, line 17: after that line insert:

4 *b2613/1.10* “SECTION 904m. 948.075 of the statutes is created to read:

5 **948.075 Use of a computer to facilitate a child sex crime. (1)** Whoever
6 uses a computerized communication system to communicate with an individual who
7 the actor believes or has reason to believe has not attained the age of 16 years with
8 intent have sexual contact or sexual intercourse with the individual in violation of
9 s. 948.02 (1) or (2) is guilty of a Class BC felony.

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

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

16 *b2613/1.10* SECTION 904n. 948.075 (1) of the statutes, as created by 2001
17 Wisconsin Act (this act), is amended to read:

18 948.075 (1) Whoever uses a computerized communication system to
19 communicate with an individual who the actor believes or has reason to believe has
20 not attained the age of 16 years with intent have sexual contact or sexual intercourse
21 with the individual in violation of s. 948.02 (1) or (2) is guilty of a ~~Class BC~~ Class D
22 felony.”.

23 *b2613/1.11* **457.** Page 288, line 23: after that line insert:

24 *b2613/1.11* “SECTION 910v. 948.13 (1) (a) of the statutes is amended to read:

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

4 ***b3085/1.5* 458.** Page 293, line 14: after that line insert:

5 ***b3085/1.5*** “SECTION 939m. 950.04 (1v) (gm) of the statutes is created to read:
6 950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
7 petitions for sentence adjustment as provided under s. 973.195 (1r) (d).”.

8 ***b2613/1.12* 459.** Page 327, line 10: after that line insert:

9 ***b2613/1.12*** “SECTION 1108d. 971.17 (1m) (b) 2m. of the statutes is amended
10 to read:

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

20 ***b2613/1.13* 460.** Page 332, line 7: after that line insert:

21 ***b2613/1.13*** “SECTION 1131m. 973.01 (3m) of the statutes is amended to read:
22 973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing
23 a bifurcated sentence under this section on a person convicted of a crime other than
24 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,

1 948.07, 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its
2 sentencing discretion, decide whether the person being sentenced is eligible or
3 ineligible for the challenge incarceration program under s. 302.045 during the term
4 of confinement in prison portion of the bifurcated sentence.”.

5 *b3085/1.6* **461.** Page 332, line 13: substitute “302.113 (9g), or 973.195 (1r)”
6 for “or 302.113 (9g)”.

7 *b2613/1.14* **462.** Page 332, line 17: delete lines 17 to 23 and substitute:

8 *b2613/1.14* “**SECTION 1134f.** 973.0135 (1) (b) 2. of the statutes is amended to
9 read:

10 973.0135 (1) (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
11 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
12 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),
13 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,
14 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

15 *b2613/1.14* **SECTION 1134g.** 973.0135 (1) (b) 2. of the statutes, as affected by
16 2001 Wisconsin Act (this act), is amended to read:

17 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
18 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.
19 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
20 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
21 (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
22 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c), or 948.36.~~”.

23 *b3085/1.7* **463.** Page 338, line 20: delete “only”.

1 ***b3085/1.8* 464.** Page 338, line 21: after “decision” insert “or there is not
2 substantial evidence in the record to support the sentencing decision”.

3 ***b2613/1.15* 465.** Page 339, line 13: after that line insert:

4 ***b2613/1.15*** “SECTION 1138k. 973.034 of the statutes is amended to read:

5 **973.034 Sentencing; restriction on child sex offender working with**
6 **children.** Whenever a court imposes a sentence or places a defendant on probation
7 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is
8 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1),
9 948.025 (1), 948.05 (1) or (1m), 948.06 ~~or~~, 948.07 (1), (2), (3), or (4), or 948.075, the
10 court shall inform the defendant of the requirements and penalties under s. 948.13.

11 ***b2613/1.15* SECTION 1138n.** 973.048 (2m) of the statutes is amended to read:

12 973.048 (2m) If a court imposes a sentence or places a person on probation for
13 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
14 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
15 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or
16 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
17 victim’s parent, the court shall require the person 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 person, that the person is not required to comply under s. 301.45
20 (1m).”.

21 ***b3085/1.9* 466.** Page 342, line 6: after that line insert:

22 ***b3085/1.9*** “SECTION 1143m. 973.195 of the statutes is created to read:

23 **973.195 Sentence adjustment. (1g)** In this section, “applicable percentage”
24 means 85 percent for a Class C to E felony and 75 percent for a Class F to I felony.

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

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

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

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

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

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

19 (c) Upon receipt of a petition filed under par. (a), the sentencing court may deny
20 the petition or hold the petition for further consideration. If the court holds the
21 petition for further consideration, the court shall notify the district attorney of the
22 inmate's petition. If the district attorney objects to adjustment of the inmate's
23 sentence within 45 days of receiving notification under this paragraph, the court
24 shall deny the inmate's petition.

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

10 (e) Notwithstanding the confidentiality of victim address information obtained
11 under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a
12 victim under par. (d) may obtain from the clerk of the circuit court victim address
13 information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

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

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

21 1. If the inmate is serving the term of confinement in prison portion of the
22 sentence, a reduction in the term of confinement in prison by the amount of time
23 remaining in the term of confinement in prison portion of the sentence, less up to 30
24 days, and a corresponding increase in the term of extended supervision.

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

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

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

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

24 ***b2391/1.13* 467.** Page 345, line 19: after that line insert:

1 ***b2391/1.13*** “SECTION 1151r. 979.012 of the statutes is created to read:

2 **979.012 Reporting deaths of public health concern.** (1) If a coroner or
3 medical examiner is aware of the death of a person who, at the time of his or her
4 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner
5 or medical examiner shall report the illness or health condition to the department
6 of health and family services and to the local health department, as defined in s.
7 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing
8 or by electronic transmission within 24 hours of learning of the deceased’s illness or
9 health condition.

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

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

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

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

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

19 ***b3109/1.1* 468.** Page 345, line 25: after that line insert:

20 ***b3109/1.1*** “SECTION 1157s. 1999 Wisconsin Act 9, section 9158 (8w) (e) is
21 amended to read:

22 ***b3109/1.1*** [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the
23 procedures for dissolution of a regional planning commission that are specified under
24 section 66.945 (15) of the statutes, the Dane County regional planning commission

1 shall be dissolved on October 1, ~~2002~~ 2004. All unexpended funds of the commission
2 on that date shall be applied to any outstanding indebtedness of the commission. If
3 any outstanding indebtedness of the commission remains after the application of the
4 unexpended funds to such debts, the remaining indebtedness shall be assessed to
5 Dane County. If the commission has no outstanding indebtedness and has
6 unexpended funds, such funds shall be returned to the cities, villages, towns or
7 county that supplied them.”.

8 *b2816/1.2* **469**. Page 346, line 8: after that line insert:

9 *b2816/1.2* “SECTION 1160p. 2001 Wisconsin Act 16, section 9157 (7e) is
10 amended to read:

11 [2001 Wisconsin Act 16] Section 9157 (7e) COST-EFFECTIVE TRANSPORTATION
12 SERVICES FOR VETERANS. The department of veterans affairs and the department of
13 administration, jointly, shall determine the most cost-effective methods for
14 providing statewide transportation services to ~~disabled~~ veterans under section 45.43
15 (7m) of the statutes, as created by this act.”.

16 *b2909/2.2* **470**. Page 346, line 8: after that line insert:

17 *b2909/2.2* “SECTION 1160p. 2001 Wisconsin Act 16, section 9158 (8x) is
18 amended to read:

19 [2001 Wisconsin Act 16] Section 9158 (8x) COMMUNITY YOUTH GRANTS.
20 Notwithstanding section 49.175 (1) (z) of the statutes, as affected by this act, from
21 the moneys allocated under section 49.175 (1) (z) of the statutes, as affected by this
22 act, the department of workforce development shall provide grants in each fiscal year
23 of the 2001–03 fiscal biennium to the Wisconsin chapters of the Boys and Girls Clubs
24 of America to improve social, academic, and employment skills of youth who are

1 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.
2 The total amount of grants that are provided under this subsection in each fiscal year
3 of the 2001–03 fiscal biennium shall be ~~\$50,000~~ \$300,000.”

4 ***b2863/1.6* 471.** Page 346, line 13: after that line insert:

5 ***b2863/1.6*** “SECTION 1160rd. 2001 Wisconsin Act 16, section 9323 (18k),
6 (18m), (18n), (18pk), (18pm) and (18pn) are repealed.

7 ***b2863/1.6*** SECTION 1160ut. 2001 Wisconsin Act 16, section 9423 (18k) is
8 repealed.”

9 ***b2470/2.1* 472.** Page 348, line 9: after that line insert:

10 ***b2470/2.1*** “(6e) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP
11 DUES IN NATIONAL, STATE, AND LOCAL NONGOVERNMENTAL ORGANIZATIONS ARE PAID.

12 (a) In this subsection:

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

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

15 ***b2470/2.1*** (b) The secretary shall determine for each state agency the
16 amount expended by the state agency for membership dues for any national, state,
17 or local nongovernmental organization in the 2000–01 fiscal year that was funded
18 from general purpose revenue and the appropriation from which the dues were paid.

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

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

5 *b3044/2.2* **473.** Page 350, line 2: after that line insert:

6 *b3044/2.2* “(8w) TUITION APPROPRIATION EXPENDITURE ESTIMATE INCREASE.
7 When amending the schedule under section 20.004 (2) of the statutes, in addition to
8 making any other reduction required by law, the department of administration shall
9 increase the estimated expenditure amount that appears in the schedule for the
10 appropriation account under section 20.285 (1) (im) of the statutes by \$6,700,000 to
11 reflect additional academic fees and tuition that may be received under section 36.27
12 (1) (cm) of the statutes, as created by this act.”.

13 *b2943/1.1* **474.** Page 350, line 3: delete lines 3 to 11.

14 *b3042/2.3* **475.** Page 352, line 12: after that line insert:

15 *b3042/2.3* “(9b) SALE OR LEASE OF STATE SURPLUS PROPERTY.

16 (a) In this subsection:

- 17 1. “State agency” has the meaning given in section 20.001 (1) of the statutes.
18 2. “State property” means land and improvements thereto that are owned by
19 this state.
20 3. “Surplus property” means state property under the jurisdiction of the
21 building commission or any other state agency that is not used or needed to carry out
22 the program responsibilities of a state agency and is not included in the plan of a state
23 agency for construction or development.

1 ***b3042/2.3*** (b) The department of administration shall compile an inventory
2 of surplus property that has the potential to be sold or leased by the state no later
3 than March 15, 2003.

4 ***b3042/2.3*** (c) No later than October 1, 2003, the department of
5 administration shall submit to the cochairpersons of the joint committee on finance
6 a report containing a list of surplus property that the department recommends be
7 offered for sale or lease. In the report, the department shall specify, for each property
8 listed, whether a sale or lease is recommended. If the cochairpersons of the
9 committee do not notify the department that the committee has scheduled a meeting
10 for the purpose of reviewing the proposed sale or lease of a particular surplus
11 property that is included in the report, the department shall direct the building
12 commission to proceed with the sale or lease. If, within 14 working days after the
13 date of the department's submittal, the cochairpersons of the committee notify the
14 department that the committee has scheduled a meeting for the purpose of reviewing
15 the proposed sale or lease of a particular surplus property, the department and the
16 building commission shall not proceed with the proposed sale or lease unless the sale
17 or lease is approved by the committee.”.

18 ***b3052/1.18* 476.** Page 352, line 18: after that line insert:

19 ***b3052/1.18*** “(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

20 (a) *Assets and liabilities.* All assets and liabilities of the department of
21 agriculture, trade and consumer protection that are primarily related to programs
22 or functions transferred to the department of justice under this act shall become the
23 assets and liabilities of the department of justice. The departments of justice and
24 agriculture, trade and consumer protection shall jointly determine these assets and

1 liabilities and shall jointly develop and implement a plan for their orderly transfer.
2 In the event of any disagreement between the departments, the secretary of
3 administration shall decide the question. If either department is dissatisfied with
4 the secretary's decision, the department may bring the matter to the cochairpersons
5 of the joint committee on finance for consideration by the committee, and the
6 committee shall affirm or modify the decision.

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

15 (c) *Employee status.* Employees transferred under paragraph (b) have all the
16 rights and same status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the department of justice that they enjoyed in the department of
18 agriculture, trade and consumer protection immediately before the transfer.
19 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
20 has attained permanent status in class is required to serve a probationary period.

21 (d) *Supplies and equipment.* All tangible personal property, including records,
22 of the department of agriculture, trade and consumer protection that are primarily
23 related to programs or functions that are transferred to the department of justice
24 under this act are transferred to the department of justice. The departments of
25 justice and agriculture, trade and consumer protection shall jointly identify the

1 tangible personal property, including records, and shall jointly develop and
2 implement a plan for their orderly transfer. In the event of any disagreement
3 between the departments, the secretary of administration shall decide the question.
4 If either department is dissatisfied with the secretary's decision, the department
5 may bring the matter to the cochairpersons of the joint committee on finance for
6 consideration by the committee, and the committee shall affirm or modify the
7 decision.

8 (e) *Pending matters.* Any matter pending with the department of agriculture,
9 trade and consumer protection that is primarily related to a program or function that
10 is transferred to the department of justice under this act is transferred to the
11 department of justice. All materials submitted or actions taken by the department
12 of agriculture, trade and consumer protection with respect to the pending matter are
13 considered as having been submitted to or taken by the department of justice.

14 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
15 and consumer protection or the department of justice that are primarily related to
16 programs or functions transferred to the department of justice under this act, and
17 that are in effect on the effective date of this paragraph, remain in effect and those
18 contracts entered into by the department of agriculture, trade and consumer
19 protection are transferred to the department of justice. The departments of justice
20 and agriculture, trade and consumer protection shall jointly identify these contracts
21 and shall jointly develop and implement a plan for their orderly transfer. In the event
22 of any disagreement between the departments, the secretary of administration shall
23 decide the question. If either department is dissatisfied with the secretary's decision,
24 the department may bring the matter to the cochairpersons of the joint committee
25 on finance for consideration by the committee, and the committee shall affirm or

1 modify the decision. The department of justice shall carry out the obligations under
2 these contracts until the obligations are modified or rescinded by the department of
3 justice to the extent allowed under the contract.

4 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
5 trade and consumer protection that are in effect on the effective date of this
6 paragraph and that are primarily related to programs or functions that are
7 transferred to the department of justice under this act remain in effect until their
8 specified expiration date or until amended or repealed by the department of justice.
9 All orders issued by the department of agriculture, trade and consumer protection
10 that are in effect on the effective date of this paragraph and that are primarily related
11 to programs or functions transferred to the department of justice under this act
12 remain in effect until their specified expiration date or until modified or rescinded
13 by the department of justice.

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

17 *b2997/1.3* **477.** Page 352, line 19: after that line insert:

18 “(1c) MILWAUKEE ART MUSEUM. The arts board shall spend the amount in the
19 appropriation account under section 20.215 (1) (cm) of the statutes, as created by this
20 act, for the Leonardo da Vinci and the Splendor of Poland art exhibitions at the
21 Milwaukee Art Museum.”

22 *b3042/2.4* **478.** Page 353, line 12: after that line insert:

23 *b3042/2.4* “(1b) SALE OR LEASE OF STATE SURPLUS PROPERTY. Notwithstanding
24 section 13.48 (14) (am) of the statutes, the building commission shall offer for sale

1 or lease the surplus property authorized under SECTION 9107 (9b) of this act in
2 accordance with section 13.48 (14) (b) of the statutes. Notwithstanding section 13.48
3 (14) (c) of the statutes, the commission shall deposit any net proceeds from sales or
4 leases of those properties, after depositing any amount required to be deposited into
5 the bond security and redemption fund, into the budget stabilization fund. Section
6 13.48 (14) (d) of the statutes does not apply to that property.”.

7 ***b3034/1.8* 479.** Page 353, line 15: after that line insert:

8 ***b3034/1.8*** “(1z) RELATIVE PLACEMENT PERMANENCY PLANS.

9 (a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for
10 children or juveniles who are living in the home of a relative, as defined in section
11 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under
12 section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32
13 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on
14 the day before the effective date of this paragraph, the agency assigned primary
15 responsibility for providing services to those children or juveniles shall file a
16 permanency plan with that court with respect to not less than 33% of those children
17 or juveniles by September 1, 2002, with respect to not less than 67% of those children
18 or juveniles by November 1, 2002, and with respect to all of those children or
19 juveniles by January 1, 2003, giving priority to those children or juveniles who have
20 been living in the home of a relative for the longest period of time.

21 (b) The agency shall request the court assigned to exercise jurisdiction under
22 chapters 48 and 938 of the statutes, as affected by this act, to make a finding under
23 section 48.363 or 938.363 of the statutes that reasonable efforts have been made to
24 prevent the removal of the child or juvenile from the home or that those efforts are

1 not required to be made because a circumstance specified in section 48.355 (2d) (b)
2 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the
3 statutes, as affected by this act, applies, not more than 60 days after the date on
4 which the permanency plan is filed.

5 (c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act,
6 section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the
7 statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created
8 by this act, a permanency plan filed under this subsection shall be reviewed within
9 6 months after the date on which the permanency plan is filed and a permanency
10 plan hearing shall be had to review a permanency plan filed under this subsection
11 within 12 months after the date on which the permanency plan is filed.”.

12 *b2392/1.1* **480.** Page 353, line 16: after that line insert:

13 *b2392/1.1* “(1v) PROPOSAL FOR RURAL FINANCE AUTHORITY. The department of
14 commerce shall work with the department of administration, the department of
15 agriculture, trade and consumer protection, and the Wisconsin Housing and
16 Economic Development Authority to develop a proposal, to be included in the
17 department of commerce’s budget request that is submitted to the department of
18 administration, for the 2003–05 biennium for the creation of a rural finance
19 authority. In developing the proposal, the departments and the authority shall do
20 all of the following:

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

23 (b) Include a governing board to head the authority and consider the feasibility
24 of an 11-member board consisting of 3 agricultural producers; 3 commercial bankers;

1 2 other members appointed by the governor; the secretary of commerce and the
2 secretary of agriculture, trade and consumer protection or their designees; and the
3 executive director of the Wisconsin Housing and Economic Development Authority
4 or his or her designee.

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

11 (d) Consider transferring agricultural programs administered by the
12 Wisconsin Housing and Economic Development Authority to the rural finance
13 authority.”.

14 ***b3045/1.4* 481.** Page 353, line 16: after that line insert:

15 ***b3045/1.4*** “(1c) GRANT TO FORWARD WISCONSIN, INC., FOR STUDY AND PROPOSAL
16 ON BRAND IMAGE. From the appropriation under section 20.143 (1) (bp) of the statutes,
17 as created by this act, the department of commerce shall provide a grant of \$50,000
18 in fiscal year 2002–03 to Forward Wisconsin, Inc., to contract for a study and the
19 creation of a proposal for a national brand image for the state related to technology
20 and biotechnology. The department of commerce shall enter into an agreement with
21 Forward Wisconsin, Inc., that specifies the uses for the grant proceeds under this
22 subsection and reporting and auditing requirements. No later than December 31,
23 2003, the department of commerce shall submit to the appropriate standing
24 committees of the legislature in the manner provided under section 13.172 (3) of the