

**SENATE BILL 55**

1 drug law enforcement assessment and costs under this section shall pay the money  
2 to the county treasurer within 20 days after its receipt. If the officer fails to make  
3 timely payment, the county treasurer may collect the payment from the officer by an  
4 action in the treasurer's name of office and upon the official bond of the officer, with  
5 interest at the rate of 12% per year from the time when it should have been paid.

6 **\*-1394/2.98\* SECTION 3817.** 800.02 (2) (a) 8. of the statutes is amended to read:

7 800.02 (2) (a) 8. Notice that, if the defendant makes a deposit and fails to  
8 appear in court at the time fixed in the citation, the defendant is deemed to have  
9 tendered a plea of no contest and submits to a forfeiture, penalty assessment, law  
10 enforcement training fund assessment, jail assessment, and crime laboratories and  
11 drug law enforcement assessment, any applicable consumer information protection  
12 assessment, and any applicable domestic abuse assessment plus costs, including the  
13 fee prescribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice  
14 shall also state that the court may decide to summon the defendant rather than  
15 accept the deposit and plea.

\*\*\*NOTE: This is reconciled s. 800.02 (2) (a) 8. This SECTION has been affected by  
drafts with the following LRB numbers: -0454 and -1394.

16 **\*-1394/2.99\* SECTION 3818.** 800.02 (3) (a) 5. of the statutes is amended to read:

17 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the  
18 event or occurrence from which the violation arose and showing that the plaintiff is  
19 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action  
20 is based and a demand for a forfeiture, the amount of which shall not exceed the  
21 maximum set by the statute involved, the penalty assessment, the law enforcement  
22 training fund assessment, the jail assessment, the crime laboratories and drug law  
23 enforcement assessment, any applicable consumer information protection

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1 assessment, any applicable domestic abuse assessment, and such other relief that  
2 is sought by the plaintiff.

\*\*\*\*NOTE: This is reconciled s. 800.02 (3) (a) 5. This SECTION has been affected by  
drafts with the following LRB numbers: -0454 and 1394.

3 **\*-1394/2.100\* SECTION 3819.** 800.03 (3) of the statutes is amended to read:

4 800.03 (3) The amount of the deposit shall be set by the municipal judge, but  
5 shall not be effective until approved by the governing body of the municipality. The  
6 amount shall not exceed the maximum penalty for the offense, including any penalty  
7 assessment that would be applicable under s. 757.05, any law enforcement training  
8 fund assessment that would be applicable under s. 165.87 (1), any jail assessment  
9 that would be applicable under s. 302.46 (1), any crime laboratories and drug law  
10 enforcement assessment that would be applicable under s. 165.755, any consumer  
11 information protection assessment that would be applicable under s. 100.261, and  
12 any domestic abuse assessment that would be applicable under s. 973.055 (1), plus  
13 court costs, including the fee prescribed in s. 814.65 (1).

\*\*\*\*NOTE: This is reconciled s. 800.03 (3). This SECTION has been affected by drafts  
with the following LRB numbers: -0454 and -1394.

14 **\*-1394/2.101\* SECTION 3820.** 800.04 (2) (b) of the statutes is amended to read:

15 800.04 (2) (b) If the municipal judge determines that the defendant should not  
16 be released under par. (a) and the defendant is charged with a traffic or boating  
17 violation, the municipal judge shall release the defendant on a deposit in the amount  
18 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.  
19 For other violations, the municipal judge shall establish a deposit in an amount not  
20 to exceed the maximum penalty for the offense, including any penalty assessment  
21 that would be applicable under s. 757.05, any law enforcement training fund  
22 assessment that would be applicable under s. 165.87 (1), any jail assessment that

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1 would be applicable under s. 302.46 (1), any crime laboratories and drug law  
2 enforcement assessment that would be applicable under s. 165.755, any consumer  
3 ~~information~~ protection assessment that would be applicable under s. 100.261, and  
4 any domestic abuse assessment that would be applicable under s. 973.055 (1). If the  
5 judge in a 1st class city determines that a defendant appearing before the judge  
6 through interactive video and audio transmission should not be released under par.  
7 (a), the judge shall inform the defendant that he or she has the right to appear  
8 personally before a judge for a determination, not prejudiced by the first appearance,  
9 as to whether he or she should be released without a deposit. On failure of the  
10 defendant to make a deposit under this paragraph, he or she may be committed to  
11 jail pending trial only if the judge finds that there is a reasonable basis to believe the  
12 person will not appear in court.

\*\*\*\*NOTE: This is reconciled s. 800.04 (2) (b). This SECTION has been affected by  
drafts with the following LRB numbers: –0454 and –1394.

13 **\*–1394/2.102\* SECTION 3821.** 800.04 (2) (c) of the statutes is amended to read:  
14 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03  
15 and does not appear, he or she is deemed to have tendered a plea of no contest and  
16 submits to a forfeiture, a penalty assessment imposed by s. 757.05, a law  
17 enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment  
18 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment  
19 imposed by s. 165.755, any applicable consumer information protection assessment  
20 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.  
21 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the  
22 amount of the deposit. The court may either accept the plea of no contest and enter  
23 judgment accordingly, or reject the plea and issue a summons. If the court finds that

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1 the violation meets the conditions in s. 800.093 (1), the court may summon the  
2 alleged violator into court to determine if restitution shall be ordered under s.  
3 800.093. If the defendant fails to appear in response to the summons, the court shall  
4 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,  
5 the court shall allow the defendant to withdraw the plea of no contest.

\*\*\*\*NOTE: This is reconciled s. 800.04 (2) (c). This SECTION has been affected by  
drafts with the following LRB numbers: -0454 and -1394.

6 **\*-1394/2.103\* SECTION 3822.** 800.09 (1) (intro.) of the statutes is amended to  
7 read:

8 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it  
9 may render judgment by ordering restitution under s. 800.093 and payment of a  
10 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement  
11 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by  
12 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed  
13 by s. 165.755, any applicable consumer ~~information~~ protection assessment imposed  
14 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055  
15 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court  
16 shall apply any payment received on a judgment that includes restitution to first  
17 satisfy any payment of restitution ordered, then to pay the forfeiture, assessments,  
18 and costs. If the judgment is not paid, the court may proceed under par. (a), (b), or  
19 (c) or any combination of those paragraphs, as follows:

\*\*\*\*NOTE: This is reconciled s. 800.09 (1) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: -0454 and -1394.

20 **\*-1394/2.104\* SECTION 3823.** 800.09 (1) (a) of the statutes is amended to read:

21 800.09 (1) (a) The court may defer payment of any judgment or provide for  
22 instalment payments. At the time the judgment is rendered, the court shall inform

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1 the defendant, orally and in writing, of the date by which restitution and the  
2 payment of the forfeiture, the penalty assessment, the law enforcement training  
3 fund assessment, the jail assessment, the crime laboratories and drug law  
4 enforcement assessment, any applicable consumer ~~information~~ protection  
5 assessment, and any applicable domestic abuse assessment plus costs must be made,  
6 and of the possible consequences of failure to do so in timely fashion, including  
7 imprisonment, as provided in s. 800.095, or suspension of the defendant's motor  
8 vehicle operating privilege, as provided in par. (c), if applicable. If the defendant is  
9 not present, the court shall ensure that the information is sent to the defendant by  
10 mail. In 1st class cities, all of the written information required by this paragraph  
11 shall be printed in English and Spanish and provided to each defendant.

\*\*\*\*NOTE: This is reconciled s. 800.09 (1) (a). This SECTION has been affected by  
drafts with the following LRB numbers: -0454 and -1394.

12 **\*-1394/2.105\* SECTION 3824.** 800.09 (2) (b) of the statutes is amended to read:  
13 800.09 (2) (b) If the person charged fails to appear personally or by an attorney  
14 at the time fixed for hearing of the case, the defendant may be deemed to have  
15 entered a plea of no contest and the money deposited, if any, or such portion thereof  
16 as the court determines to be an adequate penalty, plus the penalty assessment, the  
17 law enforcement training fund assessment, the jail assessment, the crime  
18 laboratories and drug law enforcement assessment, any applicable consumer  
19 ~~information~~ protection assessment, and any applicable domestic abuse assessment  
20 plus costs, including the fee prescribed in s. 814.65 (1), may be declared forfeited by  
21 the court or may be ordered applied upon the payment of any penalty which may be  
22 imposed, together with the penalty assessment, the law enforcement training fund  
23 assessment, the jail assessment, the crime laboratories and drug law enforcement

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1 assessment, any applicable consumer ~~information~~ protection assessment, and any  
2 applicable domestic abuse assessment plus costs. If the court finds that the violation  
3 meets the conditions in s. 800.093 (1), the court may summon the alleged violator into  
4 court to determine if restitution shall be ordered under s. 800.093. Any money  
5 remaining after payment of any penalties, assessments, costs, and restitution shall  
6 be refunded to the person who made the deposit.

\*\*\*\*NOTE: This is reconciled s. 800.09 (2) (b). This SECTION has been affected by  
drafts with the following LRB numbers: –0454 and –1394.

7 **\*–1394/2.106\* SECTION 3825.** 800.10 (2) of the statutes is amended to read:  
8 800.10 (2) All forfeitures, fees, penalty assessments, law enforcement training  
9 fund assessments, crime laboratories and drug law enforcement assessments,  
10 consumer ~~information~~ protection assessments, domestic abuse assessments, and  
11 costs paid to a municipal court under a judgment before a municipal judge shall be  
12 paid to the municipal treasurer within 7 days after receipt of the money by a  
13 municipal judge or other court personnel. At the time of the payment, the municipal  
14 judge shall report to the municipal treasurer the title of the action, the offense for  
15 which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty  
16 assessments, law enforcement training fund assessments, crime laboratories and  
17 drug law enforcement assessments, consumer ~~information~~ protection assessments,  
18 domestic abuse assessments, and costs, if any. The treasurer shall disburse the fees  
19 as provided in s. 814.65 (1). All jail assessments paid to a municipal court under a  
20 judgment before a municipal judge shall be paid to the county treasurer within 7  
21 days after receipt of the money by a municipal judge or other court personnel.

\*\*\*\*NOTE: This is reconciled s. 800.10 (2). This SECTION has been affected by drafts  
with the following LRB numbers: –0454 and –1394.

22 **\*–1394/2.107\* SECTION 3826.** 800.12 (2) of the statutes is amended to read:

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1           800.12 (2) A municipality may by ordinance provide that a municipal judge  
2           may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50  
3           or, upon nonpayment of the forfeiture, penalty assessment under s. 757.05, law  
4           enforcement training fund assessment under s. 165.87 (1), jail assessment under s.  
5           302.46, crime laboratories and drug law enforcement assessment under s. 165.755,  
6           any applicable consumer ~~information~~ protection assessment under s. 100.261, and  
7           any applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not  
8           to exceed 7 days.

      \*\*\*\*NOTE: This is reconciled s. 800.12 (2). This SECTION has been affected by drafts  
      with the following LRB numbers: -0454 and -1394.

9           \***-0606/2.1\*** SECTION 3827. 801.02 (7) (a) 1. of the statutes is repealed.

10          \***-0606/2.2\*** SECTION 3828. 801.02 (7) (a) 2. (intro.) of the statutes is amended  
11          to read:

12           801.02 (7) (a) 2. (intro.) "Prisoner" means any person who is incarcerated,  
13           imprisoned, or otherwise detained ~~in a correctional institution or~~ and who is in the  
14           custody of the department of corrections or of the sheriff, superintendent, or other  
15           keeper of a jail or house of corrections or any person who is arrested or otherwise  
16           detained by a law enforcement officer. "Prisoner" does not include any of the  
17           following:

18           \***-0448/3.1\*** SECTION 3829. 808.075 (4) (fn) 10. of the statutes is created to read:

19           808.075 (4) (fn) 10. Extension, under s. 938.538 (4m) (a) 2., of a placement  
20           under s. 938.538 (3) (a) 1.

21           \***-0606/2.3\*** SECTION 3830. 813.02 (1) (c) 1. of the statutes is amended to read:

22           813.02 (1) (c) 1. The court may not issue the injunction until giving notice and  
23           an opportunity to be heard on the request for a preliminary injunction to the attorney

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1 general, if the case involves a prisoner in a state correctional institution, as defined  
2 ~~in s. 801.02 (7) (a) 1. the custody of the department of corrections~~, or to the attorney  
3 representing the local correctional institution involved and to all other interested  
4 parties. Any injunction issued without giving notice and an opportunity to be heard  
5 is void.

6 **\*-1394/2.108\* SECTION 3831.** 814.60 (2) (ad) of the statutes is created to read:  
7 814.60 (2) (ad) Law enforcement training fund assessment imposed by s.  
8 165.87 (1).

9 **\*-0454/3.8\* SECTION 3832.** 814.60 (2) (ai) of the statutes is amended to read:  
10 814.60 (2) (ai) Consumer ~~information~~ protection assessment imposed by s.  
11 100.261.

12 **\*-1394/2.109\* SECTION 3833.** 814.63 (3) (ad) of the statutes is created to read:  
13 814.63 (3) (ad) Law enforcement training fund assessment imposed by s.  
14 165.87 (1).

15 **\*-0454/3.9\* SECTION 3834.** 814.63 (3) (ai) of the statutes is amended to read:  
16 814.63 (3) (ai) Consumer ~~information~~ protection assessment imposed by s.  
17 100.261.

18 **\*-0638/3.2\* SECTION 3835.** 814.635 (1m) of the statutes is repealed.

19 **\*-0638/3.3\* SECTION 3836.** 814.635 (2) of the statutes is amended to read:  
20 814.635 (2) The clerk shall pay the moneys collected under ~~subs. sub. (1) and~~  
21 ~~(1m)~~ to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay  
22 those moneys to the state treasurer under s. 59.25 (3) (p).

23 **\*-0658/2.19\* SECTION 3837.** 852.01 (3) of the statutes is amended to read:  
24 852.01 (3) ESCHEAT. If there are no heirs of the decedent under subs. (1) and  
25 (2), the net estate escheats to the state to be added to the capital of the school fund.



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1 Claims on amounts escheated to the state may be made under s. 863.39 (3) within  
2 10 years after the date of publication under s. 177.18 (2m). If a claimant resides  
3 outside the United States or its territories, the court may require the personal  
4 appearance of the claimant before the court.

5 **\*-0658/2.20\* SECTION 3838.** 863.37 (2) (a) of the statutes is renumbered 863.37  
6 (2) and amended to read:

7 863.37 (2) Whenever payment of a legacy or a distributive share cannot be  
8 made to the person entitled to payment or it appears that the person may not receive  
9 or have the opportunity to obtain payment, the court may, on petition of a person  
10 interested or on its own motion, order that the funds be paid or delivered to the state  
11 treasurer for deposit as provided under s. 177.23. Claims on the funds may be made  
12 under s. 863.39 (3) within 10 years after the date of publication under s. 177.18 (2m).  
13 When a claimant to the funds resides outside the United States or its territories the  
14 court may require the personal appearance of the claimant before the court.

15 **\*-0658/2.21\* SECTION 3839.** 863.37 (2) (b) of the statutes is repealed.

16 **\*-0658/2.22\* SECTION 3840.** 863.39 (3) (a) of the statutes is amended to read:

17 863.39 (3) (a) Within 10 years after the date of publication under s. 177.18 (2m),  
18 any person claiming any amount deposited under sub. (1) or under s. 852.01 (3) or  
19 863.37 (2) may file in the probate court in which the estate was settled a petition  
20 alleging the basis of his or her claim. The court shall order a hearing upon the  
21 petition, and 20 days' notice of the hearing and a copy of the petition shall be given  
22 by the claimant to the ~~department of revenue~~ state treasurer and to the attorney  
23 general, who may appear for the state at the hearing. If the claim is established it  
24 shall be allowed without interest, but including any increment which may have  
25 occurred on securities held, ~~and the court shall so certify to the department of~~

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1 ~~administration, which shall audit the claim.~~ The state treasurer shall pay the claim  
2 out of the appropriation under s. 20.585 (1) (j). ~~Before issuing the order distributing~~  
3 ~~the estate, the court shall issue an order determining the death tax due, if any.~~ If real  
4 property has been adjudged to escheat to the state under s. 852.01 (3) the probate  
5 court ~~which~~ that made the adjudication may adjudge at any time before title has been  
6 transferred from the state that the title shall be transferred to the proper owners  
7 under this subsection.

8 \*~~0658/2.23~~\* **SECTION 3841.** 863.39 (3) (b) of the statutes is repealed.

9 \*~~0658/2.24~~\* **SECTION 3842.** 863.39 (3) (bm) of the statutes is created to read:

10 863.39 (3) (bm) 1. Notwithstanding par. (a), any person claiming an amount  
11 deposited under sub. (1) or under s. 852.01 (3) or 863.37 (2) that does not exceed  
12 \$5,000 may, within 10 years after the date of publication under s. 177.18 (2m), file  
13 with the state treasurer a claim on a form prescribed by the state treasurer and  
14 verified by the claimant.

15 2. The state treasurer shall consider each claim within 90 days after it is filed  
16 and may refer any claim to the attorney general for an opinion. For each claim  
17 referred, the attorney general shall advise the state treasurer either to allow it or to  
18 deny it in whole or in part. The state treasurer shall give written notice to the  
19 claimant if the claim is denied in whole or in part. The notice shall be given by  
20 mailing it to the last address, if any, stated in the claim as the address of the claimant  
21 to which notices are to be sent. If no address for notices is stated in the claim, the  
22 notice shall be mailed to the last address, if any, stated in the claim as the address  
23 of the claimant. No notice of denial need be given if the claim fails to state either the  
24 last address to which notices are to be sent or the address of the claimant.

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1           3. If the state treasurer determines that the claim should be allowed, the state  
2 treasurer shall provide written notice to, and obtain the written consent of, the  
3 attorney general. The state treasurer shall file with the probate court in which the  
4 estate was settled written notice of the allowed claim, as well as the written consent  
5 of the attorney general. The probate court shall issue an order requiring the state  
6 treasurer to pay the claim. The state treasurer shall pay the claim, without interest  
7 but including any increment that may have occurred on securities held, out of the  
8 appropriation account under s. 20.585 (1) (j).

9           4. A person aggrieved by a decision of the state treasurer under this paragraph,  
10 or whose claim has not been acted upon by the state treasurer within 90 days after  
11 its filing under subd. 1., may bring an action to establish the claim in the probate  
12 court in which the estate was settled. The action shall be brought within 90 days  
13 after the decision of the state treasurer or within 180 days after the filing of the claim  
14 if the state treasurer has failed to act on it. If the person establishes the claim in the  
15 action, the court shall award the person costs and reasonable attorney fees against  
16 the state treasurer.

17           \*–0433/4.1\* **SECTION 3843.** 867.035 (1) (a) (intro.) of the statutes is amended  
18 to read:

19           867.035 (1) (a) (intro.) ~~Except as provided in~~ Subject to par. (bm), the  
20 department of health and family services may collect from the property of a decedent,  
21 including funds of a decedent that are held by the decedent immediately before death  
22 in a joint account or a P.O.D. account, by affidavit under ~~this section~~ sub. (2) or by  
23 lien under sub. (2m) an amount equal to the medical assistance that is recoverable  
24 under s. 49.496 (3) (a), the long-term community support services under s. 46.27 that  
25 is recoverable under s. 46.27 (7g) (c) 1., the family care benefit that is recoverable

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1 under rules promulgated under s. 46.286 (7), or the aid under s. 49.68, 49.683, or  
2 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the  
3 decedent or the decedent's spouse, if all of the following conditions are satisfied:

4 **\*-0433/4.2\* SECTION 3844.** 867.035 (1) (a) 1. of the statutes is amended to read:

5 867.035 (1) (a) 1. No person files a petition for administration or summary  
6 settlement or assignment of the decedent's estate within 20 days of death.

7 **\*-0433/4.3\* SECTION 3845.** 867.035 (1) (bm) (intro.) of the statutes is amended  
8 to read:

9 867.035 (1) (bm) (intro.) The department of health and family services ~~may not~~  
10 ~~collect by affidavit under this section from any of~~ shall reduce the amount of its  
11 recovery under par. (a) by up to the amount specified in s. 861.33 (2) if necessary to  
12 allow the decedent's heirs or beneficiaries under the decedent's will to retain the  
13 following personal property of the decedent:

14 **\*-0433/4.4\* SECTION 3846.** 867.035 (1) (bm) 1. of the statutes is repealed.

15 **\*-0433/4.5\* SECTION 3847.** 867.035 (1) (bm) 2. of the statutes is amended to  
16 read:

17 867.035 (1) (bm) 2. Wearing apparel and jewelry held for personal use.

18 **\*-0433/4.6\* SECTION 3848.** 867.035 (1) (bm) 3. of the statutes is amended to  
19 read:

20 867.035 (1) (bm) 3. Household furniture, furnishings, and appliances.

21 **\*-0433/4.7\* SECTION 3849.** 867.035 (1) (bm) 4. of the statutes is repealed and  
22 recreated to read:

23 867.035 (1) (bm) 4. Other tangible personal property not used in trade,  
24 agriculture, or other business, not exceeding in value the amount specified in s.  
25 861.33 (1) (a) 4.

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1           \***-0433/4.8\*** **SECTION 3850.** 867.035 (2) of the statutes is amended to read:

2           867.035 (2) A person who possesses property of a decedent shall transmit the  
3           property to the department of health and family services, if the conditions in sub. (1)  
4           (a) 1. to 4. are satisfied, upon receipt of an affidavit by a person designated by the  
5           secretary of health and family services to administer this section showing that the  
6           ~~conditions in sub. (1) (a) are satisfied~~ department paid on behalf of the decedent or  
7           the decedent's spouse recoverable benefits specified in sub. (1) (a). Upon transmittal,  
8           the person is released from any obligation to other creditors or heirs of the decedent.

9           \***-0433/4.9\*** **SECTION 3851.** 867.035 (2m) of the statutes is created to read:

10          867.035 (2m) (a) If the conditions in sub. (1) (a) 1., 2., and 4. are satisfied, the  
11          department of health and family services shall have a lien in the amount that it may  
12          recover under sub. (1) (a) on any interest in the decedent's home, as defined in s.  
13          49.496 (1) (b), transferred under s. 867.03 (1g). The department may record the lien  
14          in the office of the register of deeds of the county in which the real property is located.  
15          The department may enforce the lien by foreclosure in the same manner as a  
16          mortgage on real property, unless any of the following is alive:

17                1. The decedent's spouse.

18                2. A child of the decedent if the child is under age 21 or disabled, as defined in  
19          s. 49.468 (1) (a) 1.

20                (b) If the conditions in sub. (1) (a) 1. to 4. are satisfied, the department of health  
21          and family services shall have a lien in the amount that it may recover under sub.  
22          (1) (a) on any interest in any real property of the decedent transferred under s. 867.03  
23          (1g). The department may record the lien in the office of the register of deeds of the  
24          county in which the real property is located and may enforce the lien by foreclosure  
25          in the same manner as a mortgage on real property.

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1           \*~~0094/5.3~~\* **SECTION 3852.** 885.37 (title) of the statutes is amended to read:

2           **885.37** (title) **Interpreters for persons with language difficulties or**  
3 **hearing or speaking impairments limited English proficiency.**

4           \*~~0094/5.4~~\* **SECTION 3853.** 885.37 (1) of the statutes is renumbered 885.37  
5 (1m), and 885.37 (1m) (b), as renumbered, is amended to read:

6           885.37 (1m) (b) If a court has notice that a person who fits any of the criteria  
7 under par. (a) has ~~a language difficulty because of the inability to speak or~~  
8 ~~understand English, has a hearing impairment, is unable to speak or has a speech~~  
9 ~~defect the court shall make a factual determination of whether the language~~  
10 ~~difficulty or the hearing or speaking impairment is sufficient to prevent the~~  
11 ~~individual from communicating with his or her attorney, reasonably understanding~~  
12 ~~the English testimony or reasonably being understood in English. If the court~~  
13 ~~determines that, limited English proficiency and that an interpreter is necessary, the~~  
14 court shall advise the person that he or she has a right to a qualified interpreter and  
15 that, if the person cannot afford one, an interpreter will be provided for him or her  
16 at the public's expense. ~~Any waiver of the right to an interpreter is effective only if~~  
17 ~~made voluntarily in person, in open court and on the record.~~

18           \*~~0094/5.5~~\* **SECTION 3854.** 885.37 (1g) of the statutes is created to read:

19           885.37 (1g) In this section:

20           (a) "Limited English proficiency" means any of the following:

21           1. The inability, because of the use of a language other than English, to  
22 adequately understand or communicate effectively in English in a court proceeding.

23           2. The inability, due to a speech impairment, hearing loss, deafness,  
24 deaf-blindness, or other disability, to adequately hear, understand, or communicate  
25 effectively in English in a court proceeding.

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1 (b) “Qualified interpreter” means a person who is able to do all of the following:

2 1. Readily communicate with a person who has limited English proficiency.

3 2. Orally transfer the meaning of statements to and from English and the  
4 language spoken by a person who has limited English proficiency in the context of  
5 a court proceeding.

6 3. Readily and accurately interpret for a person who has limited English  
7 proficiency, without omissions or additions, in a manner that conserves the meaning,  
8 tone, and style of the original statement, including dialect, slang, and specialized  
9 vocabulary.

10 \*~~0094/5.6~~\* **SECTION 3855.** 885.37 (2) of the statutes is amended to read:

11 885.37 (2) A court may authorize the use of an interpreter in actions or  
12 proceedings in addition to those specified in sub. ~~(1)~~ (1m).

13 \*~~0094/5.7~~\* **SECTION 3856.** 885.37 (3) (b) of the statutes is amended to read:

14 885.37 (3) (b) ~~In any administrative contested case proceeding before a state,~~  
15 ~~county, or municipal agency, if the agency conducting the proceeding has notice that~~  
16 ~~a party to the proceeding has a language difficulty because of the inability to speak~~  
17 ~~or understand English, has a hearing impairment, is unable to speak or has a speech~~  
18 ~~defect, the agency shall make a factual determination of whether the language~~  
19 ~~difficulty or hearing or speaking impairment is sufficient to prevent the party from~~  
20 ~~communicating with others, reasonably understanding the English testimony or~~  
21 ~~reasonably being understood in English. If the agency determines limited English~~  
22 ~~proficiency and that an interpreter is necessary, the agency shall advise the party~~  
23 ~~that he or she has a right to a qualified interpreter. After considering the party’s~~  
24 ~~ability to pay and the other needs of the party, the agency may provide for an~~

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1 interpreter for the party at the public's expense. Any waiver of the right to an  
2 interpreter is effective only if made at the administrative contested case proceeding.

3 **\*-0094/5.8\* SECTION 3857.** 885.37 (3m) of the statutes is amended to read:

4 885.37 (3m) Any agency may authorize the use of ~~an~~ a qualified interpreter in  
5 a contested case proceeding for a person who is not a party but who has a substantial  
6 interest in the proceeding.

7 **\*-0094/5.9\* SECTION 3858.** 885.37 (4) (a) (intro.) of the statutes is amended to  
8 read:

9 885.37 (4) (a) (intro.) The necessary expense of furnishing ~~an~~ a qualified  
10 interpreter for an indigent person under sub. ~~(1)~~ (1m) or (2) shall be paid as follows:

11 **\*-0094/5.10\* SECTION 3859.** 885.37 (4) (b) of the statutes is amended to read:

12 885.37 (4) (b) The necessary expense of furnishing ~~an~~ a qualified interpreter  
13 for an indigent party under sub. (3) shall be paid by the unit of government for which  
14 the proceeding is held.

15 **\*-0094/5.11\* SECTION 3860.** 885.37 (5) (a) of the statutes is amended to read:

16 885.37 (5) (a) If a court under sub. ~~(1)~~ (1m) or (2) or an agency under sub. (3)  
17 decides to appoint an interpreter, the court or agency shall follow the applicable  
18 procedure under par. (b) or (c).

19 **\*-0094/5.12\* SECTION 3861.** 885.37 (6) to (10) of the statutes are created to  
20 read:

21 885.37 (6) (a) If a person with limited English proficiency requests the  
22 assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may  
23 provide the assistance of a qualified interpreter to respond to the person's inquiry.

24 (b) A qualified interpreter appointed under this section may, with the approval  
25 of the court, provide interpreter services outside the court room that are related to



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1 the court proceedings, including during court-ordered psychiatric or medical exams  
2 or mediation.

3 (7) (a) A person with limited English proficiency may waive the right to a  
4 qualified interpreter at any point in the court proceeding if the court advises the  
5 person of the nature and effect of the waiver and determines on the record that the  
6 waiver has been made knowingly, intelligently, and voluntarily.

7 (b) At any point in the court proceeding, for good cause, the person with limited  
8 English proficiency may retract his or her waiver and request that a qualified  
9 interpreter be appointed.

10 (c) Any party to a court proceeding may object to the use of any qualified  
11 interpreter for good cause. The court may remove a qualified interpreter for good  
12 cause.

13 (8) Every qualified interpreter, before commencing his or her duties in a court  
14 proceeding, shall take a sworn oath that he or she will make a true and impartial  
15 interpretation. The supreme court may approve a uniform oath for qualified  
16 interpreters.

17 (9) The delay resulting from the need to locate and appoint a qualified  
18 interpreter may constitute good cause for the court to toll the time limitations in the  
19 court proceeding.

20 (10) The supreme court shall establish the procedures and policies for the  
21 recruitment, training, and testing of persons to act as qualified interpreters in a  
22 court proceeding and for the coordination, discipline, and retention of those  
23 interpreters.

24 **\*-1536/3.20\* SECTION 3862.** 889.29 (1) of the statutes is amended to read:

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1           889.29 (1) If any business, institution or member of a profession or calling in  
2 the regular course of business or activity has kept or recorded any memorandum,  
3 writing, entry, print, representation or combination thereof, of any act, transaction,  
4 occurrence or event, and in the regular course of business has caused any or all of the  
5 same to be recorded, copied or reproduced by any photographic, photostatic,  
6 microfilm, microcard, miniature photographic, or other process which accurately  
7 reproduces or forms a durable medium for so reproducing the original, or to be  
8 recorded on an optical disk or in electronic format, the original may be destroyed in  
9 the regular course of business, unless its preservation is required by law. Such  
10 reproduction or optical disk record, when reduced to comprehensible format and  
11 when satisfactorily identified, is as admissible in evidence as the original itself in any  
12 judicial or administrative proceeding whether the original is in existence or not and  
13 an enlargement or facsimile of such reproduction of a record or an enlarged copy of  
14 a record generated from an original record stored in optical disk or electronic format  
15 is likewise admissible in evidence if the original reproduction is in existence and  
16 available for inspection under direction of court. The introduction of a reproduced  
17 record, enlargement or facsimile, does not preclude admission of the original. This  
18 subsection does not apply to records governed by s. 137.20.

19           \*–1528/8.30\* **SECTION 3863.** 895.11 of the statutes is created to read:

20           **895.11 Payments under the tobacco settlement agreement.** (1) In this  
21 section, “tobacco settlement agreement” means the Attorneys General Master  
22 Tobacco Settlement Agreement of November 23, 1998.

23           (2) The state’s participation in the tobacco settlement agreement is affirmed.

24           (3) All payments received and to be received by the state under the tobacco  
25 settlement agreement are the property of the state, to be used as provided by law,

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1 including a sale, assignment, or transfer of the right to receive the payments under  
2 s. 16.63. No political subdivision of the state, and no officer or agent of any political  
3 subdivision of the state, shall have or seek to maintain any claim related to the  
4 tobacco settlement agreement or any claim against any party that was released from  
5 liability by the state under the tobacco settlement agreement.

6 **\*-0549/1.19\* SECTION 3864.** 895.483 (title) of the statutes is amended to read:  
7 **895.483 (title) Civil liability exemption; regional and county local**  
8 **emergency response teams and their sponsoring agencies.**

9 **\*-0549/1.20\* SECTION 3865.** 895.483 (2) of the statutes is amended to read:  
10 895.483 (2) A county local emergency response team, a member of such a team  
11 and the county, city, village, or town that contracts to provide the emergency response  
12 team to the county are immune from civil liability for acts or omissions related to  
13 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

14 **\*-1695/4.10\* SECTION 3866.** 895.496 of the statutes is created to read:

15 **895.496 Liability exemption; stray voltage. (1)** In this section:

16 (a) “Farmer” and “farm premises” have the meaning given in s. 102.04 (3).

17 (b) “Public utility” has the meaning given in s. 196.01 (5) (a).

18 (2) A public utility is immune from liability for any damage caused by or  
19 resulting from stray voltage contributed by the public utility if that stray voltage is  
20 below the level of concern established by the public service commission that is in  
21 effect at the time of measurement, as determined using the principles and guidelines  
22 of the public service commission regarding stray voltage screening and diagnostic  
23 procedures that are in effect at the time of measurement. Upon request of any party  
24 to an action for damages related to stray voltage, the public service commission shall

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1 evaluate and testify as to whether the applicable order of the public service  
2 commission was followed in calculating the amount of stray voltage.

3 **\*–0528/1.1\* SECTION 3867.** 895.518 of the statutes is created to read:

4 **895.518 Liability exemption; rails with trails.** (1) In this section,  
5 “rails–with–trails trail” means a strip of land that is located partly or fully within an  
6 active rail corridor and is identified in an agreement entered into by a railroad that  
7 operates within that rail corridor and a person that is sponsoring and maintaining  
8 the strip of land for the use of individuals for purposes specified in the agreement.

9 (2) The owner of property upon which a rails–with–trails trail is located and  
10 any railroad that operates within the active rail corridor upon which a  
11 rails–with–trails trail is located is immune from civil liability for the death of or  
12 injury to an individual or damage to an individual’s property resulting from the  
13 individual’s use of a rails–with–trails trail.

14 (3) The immunity under sub. (2) does not apply if the death, injury, or damage  
15 to property was caused by willful or wanton acts or omissions of the property owner  
16 or railroad.

17 **\*–0363/5.2\* SECTION 3868.** 895.58 (1) (cr) of the statutes is created to read:

18 895.58 (1) (cr) “Solid waste” has the meaning given in s. 289.01 (33).

19 **\*–0363/5.3\* SECTION 3869.** 895.58 (1) (d) of the statutes is amended to read:

20 895.58 (1) (d) “Special waste” means any type of solid waste that is  
21 characterized for beneficial use in public works projects by the department of natural  
22 resources for which the department has granted a waiver or an exemption under s.  
23 289.43 (3), (4), (7), or (8) or which is exempt by rule promulgated under s. 289.05 (4).

24 **\*–0363/5.4\* SECTION 3870.** 895.58 (2) of the statutes is amended to read:

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1           895.58 (2) The department may characterize a solid special waste as suitable  
2 for beneficial use in public works projects ~~by rule, memorandum of understanding~~  
3 ~~between itself and other state agencies or local governmental units, or on a~~  
4 ~~case-by-case basis.~~ The department shall compile and maintain a list of special  
5 wastes that are suitable for use in specified types of public works projects in a format  
6 readily available to the general public and only those special wastes may be required  
7 by contracting agencies to be used in a public works project. The list may include  
8 conditions under which the special waste may be used in the public works project in  
9 order for subs. (3) and (4) to be applicable. The list under this subsection is not a rule  
10 under s. 227.01 (13).

11           \***-0363/5.5\*** SECTION 3871. 895.58 (3) of the statutes is amended to read:

12           895.58 (3) Special waste, when used in a public works project, is ~~not subject to~~  
13 exempt from regulation as solid waste under ch. 289 if all applicable conditions  
14 included in the list compiled under sub. (2) are met.

15           \***-0094/5.13\*** SECTION 3872. 905.015 of the statutes is amended to read:

16           **905.015 Interpreters for persons with language difficulties, limited**  
17 **English proficiency, or hearing or speaking impairments.** If an interpreter  
18 for a person with a language difficulty, limited English proficiency, as defined in s.  
19 885.37 (1g) (a), or a hearing or speaking impairment interprets as an aid to a  
20 communication which is privileged by statute, rules adopted by the supreme court,  
21 or the U.S. or state constitution, the interpreter may be prevented from disclosing  
22 the communication by any person who has a right to claim the privilege. The  
23 interpreter may claim the privilege but only on behalf of the person who has the  
24 right. The authority of the interpreter to do so is presumed in the absence of evidence  
25 to the contrary.

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1           \***-1855/2.31\*** **SECTION 3873.** 908.08 (1) of the statutes is amended to read:

2           908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under  
3 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),  
4 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the  
5 videotaped oral statement of a child who is available to testify, as provided in this  
6 section.

7           \***-1536/3.21\*** **SECTION 3874.** 910.01 (1) of the statutes is amended to read:

8           910.01 (1) WRITINGS AND RECORDINGS. “Writings” and “recordings” consist of  
9 letters, words or numbers, or their equivalent, set down by handwriting, typewriting,  
10 printing, photostating, photographing, magnetic impulse, mechanical or electronic  
11 recording, or other form of data compilation or recording.

12           \***-1536/3.22\*** **SECTION 3875.** 910.02 of the statutes is amended to read:

13           **910.02 Requirement of original.** To prove the content of a writing, recording  
14 or photograph, the original writing, recording or photograph is required, except as  
15 otherwise provided in chs. 901 to 911, s. 137.21, or by other statute.

16           \***-1536/3.23\*** **SECTION 3876.** 910.03 of the statutes is amended to read:

17           **910.03 Admissibility of duplicates.** A duplicate is admissible to the same  
18 extent as an original unless (1) a genuine question is raised as to the authenticity of  
19 the original or (2) in the circumstances it would be unfair to admit the duplicate in  
20 lieu of the original. This section does not apply to records of transactions governed  
21 by s. 137.21.

22           \***-2174/2.3\*** **SECTION 3877.** 938.02 (15m) of the statutes is amended to read:

23           938.02 (15m) “Secured correctional facility” means a correctional institution  
24 operated or contracted for by the department of corrections or operated by the  
25 department of health and family services for holding in secure custody persons

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1 adjudged delinquent. “Secured correctional facility” includes the Mendota juvenile  
2 treatment center under s. 46.057, ~~the facility at which the juvenile boot camp~~  
3 ~~program under s. 938.532 is operated~~ and a facility authorized under s. 938.533 (3)  
4 (b), 938.538 (4) (b), or 938.539 (5).

5 **\*-0833/3.1\* SECTION 3878.** 938.17 (2) (d) of the statutes is amended to read:

6 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
7 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
8 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
9 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
10 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
11 imposed by the municipal court, the court may not impose a jail sentence but may  
12 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
13 years, or, ~~unless the forfeiture was imposed for violating an ordinance unrelated to~~  
14 ~~the juvenile’s operation of a motor vehicle, may~~ suspend the juvenile’s operating  
15 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.  
16 If a court suspends a license or privilege under this section, the court shall  
17 immediately take possession of the applicable license and forward it to the  
18 department that issued the license, together with the notice of suspension clearly  
19 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
20 the forfeiture is paid during the period of suspension, the court shall immediately  
21 notify the department, which shall thereupon return the license to the person.

22 **\*-0447/3.7\* SECTION 3879.** 938.183 (3) of the statutes is amended to read:

23 938.183 (3) Except as provided in s. 973.013 (3m), the department shall place  
24 a juvenile under 15 years of age who is subject to a criminal penalty under sub. (1m)  
25 or (2) in a secured correctional facility or a secured child caring institution. When

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1 a juvenile who is subject to a criminal penalty under sub. (1m) or (2) attains the age  
2 of ~~17~~ 15 years, the department may place the juvenile in a state prison named in s.  
3 302.01. ~~If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15~~  
4 ~~years of age or over, the department may transfer the juvenile to the Racine youthful~~  
5 ~~offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ A  
6 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act  
7 committed before December 31, 1999, is eligible for parole under s. 304.06.

8 \*~~0418/3.2~~\* **SECTION 3880.** 938.185 (2) of the statutes is amended to read:

9 938.185 (2) Venue for any proceeding under s. 938.363 ~~or~~, 938.365, or 938.538  
10 (4m) (a) 2. shall be in the county where the dispositional order was issued, unless the  
11 juvenile's county of residence has changed, or the parent of the juvenile has resided  
12 in a different county of this state for 6 months. In either case, the court may, upon  
13 a motion and for good cause shown, transfer the case, along with all appropriate  
14 records, to the county of residence of the juvenile or parent.

15 \*~~0446/2.1~~\* **SECTION 3881.** 938.19 (1) (d) 6. of the statutes is amended to read:

16 938.19 (1) (d) 6. The juvenile has violated ~~the terms~~ a condition of  
17 court-ordered supervision or aftercare supervision administered by the department  
18 or a county department, a condition of the juvenile's placement in a Type 2 secured  
19 correctional facility or a Type 2 child caring institution, or a condition of the juvenile's  
20 participation in the intensive supervision program under s. 938.534.

21 \*~~0446/2.2~~\* **SECTION 3882.** 938.20 (2) (cm) of the statutes is amended to read:

22 938.20 (2) (cm) If the juvenile has violated ~~the terms~~ a condition of aftercare  
23 supervision administered by the department or a county department, a condition of  
24 the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child  
25 caring institution, or a condition of the juvenile's participation in the intensive



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1 supervision program under s. 938.534, the person who took the juvenile into custody  
2 may release the juvenile to the department or county department, whichever has  
3 ~~aftercare~~ supervision over the juvenile.

4 \*~~0446/2.3~~\* **SECTION 3883.** 938.20 (7) (c) 1m. of the statutes is amended to read:

5 938.20 (7) (c) 1m. In the case of a juvenile who has violated ~~the terms a~~  
6 condition of aftercare supervision administered by the department or a county  
7 department, a condition of the juvenile's placement in a Type 2 secured correctional  
8 facility or a Type 2 child caring institution, or a condition of the juvenile's  
9 participation in the intensive supervision program under s. 938.534, to the  
10 department or county department, whichever has ~~aftercare~~ supervision of the  
11 juvenile.

12 \*~~0446/2.4~~\* **SECTION 3884.** 938.20 (8) of the statutes is amended to read:

13 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the  
14 juvenile's parent, guardian, and legal custodian of the reasons for holding the  
15 juvenile in custody and of the juvenile's whereabouts unless there is reason to believe  
16 that notice would present imminent danger to the juvenile. If a juvenile who has  
17 violated ~~the terms a condition~~ of aftercare supervision administered by the  
18 department or a county department, a condition of the juvenile's placement in a Type  
19 2 secured correctional facility or a Type 2 child caring institution, or a condition of  
20 the juvenile's participation in the intensive supervision program under s. 938.534 is  
21 held in custody, the intake worker shall also notify the department or county  
22 department, whichever has supervision over the juvenile, of the reasons for holding  
23 the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the  
24 detention hearing required under s. 938.21. The parent, guardian, and legal  
25 custodian shall also be notified of the time and place of the detention hearing

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1 required under s. 938.21, the nature and possible consequences of that hearing, and  
2 the right to present and cross-examine witnesses at the hearing. If the parent,  
3 guardian, or legal custodian is not immediately available, the intake worker or  
4 another person designated by the court shall provide notice as soon as possible.  
5 When the juvenile is alleged to have committed a delinquent act, the juvenile shall  
6 receive the same notice about the detention hearing as the parent, guardian, or legal  
7 custodian. The intake worker shall notify both the juvenile and the juvenile's parent,  
8 guardian, or legal custodian.

9 **\*-0446/2.5\* SECTION 3885.** 938.205 (1) (c) of the statutes is amended to read:

10 938.205 (1) (c) That the juvenile will run away or be taken away so as to be  
11 unavailable for proceedings of the court or its officers ~~or~~, proceedings of the division  
12 of hearings and appeals in the department of administration for revocation of  
13 aftercare supervision, or action by the department or county department relating to  
14 a violation of a condition of the juvenile's placement in a Type 2 secured correctional  
15 facility or a Type 2 child caring institution or a condition of the juvenile's  
16 participation in the intensive supervision program under s. 938.534.

17 **\*-0446/2.6\* SECTION 3886.** 938.208 (1) (intro.) of the statutes is amended to  
18 read:

19 938.208 (1) (intro.) Probable cause exists to believe that the juvenile has  
20 committed a delinquent act and either presents a substantial risk of physical harm  
21 to another person or a substantial risk of running away so as to be unavailable for  
22 a court hearing ~~or~~, a revocation hearing ~~for juveniles on~~ of aftercare supervision  
23 hearing, or action by the department relating to a violation of a condition of the  
24 juvenile's placement in a Type 2 secured correctional facility or a Type 2 child caring  
25 institution or a condition of the juvenile's participation in the intensive supervision

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1 program under s. 938.534. For juveniles who have been adjudged delinquent, the  
2 delinquent act referred to in this section may be the act for which the juvenile was  
3 adjudged delinquent. If the intake worker determines that any of the following  
4 conditions applies, the juvenile is considered to present a substantial risk of physical  
5 harm to another person:

6 **\*-0440/3.5\* SECTION 3887.** 938.21 (5) (b) of the statutes is renumbered 938.21  
7 (5) (b) (intro.) and amended to read:

8 938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of  
9 his or her home shall also ~~describe~~ include all of the following:

10 1. A description of any efforts that were made to permit the juvenile to remain  
11 at home and the services that are needed to ensure the juvenile's well-being, to  
12 enable the juvenile to return safely to his or her home, and to involve the parents in  
13 planning for the juvenile.

14 **\*-0440/3.6\* SECTION 3888.** 938.21 (5) (b) 2. of the statutes is created to read:

15 938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a  
16 placement recommended by the intake worker, a statement that the court approves  
17 the placement recommended by the intake worker or, if the juvenile is placed outside  
18 the home in a placement other than a placement recommended by the intake worker,  
19 a statement that the court has given bona fide consideration to the recommendations  
20 made by the intake worker and all parties relating to the placement of the juvenile.

21 **\*-1394/2.110\* SECTION 3889.** 938.237 (2) of the statutes is amended to read:

22 938.237 (2) The procedures for issuance and filing of a citation, and for  
23 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.0113  
24 [s. 66.0114], 778.25, 778.26, and 800.01 to 800.04 except s. 800.04 (2) (b), when the  
25 citation is issued by a law enforcement officer, shall be used as appropriate, except

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1 that this chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall  
2 govern costs, penalty assessments, law enforcement training fund assessments, and  
3 jail assessments, and a capias shall be substituted for an arrest warrant. Sections  
4 66.0113 (3) (c) and (d), 66.0317 (1) [s. 66.0114 (1)] and 778.10 as they relate to  
5 collection of forfeitures do not apply.

6 **\*-0094/5.14\* SECTION 3890.** 938.315 (1) (h) of the statutes is created to read:

7 938.315 (1) (h) Any period of delay resulting from the need to appoint a  
8 qualified interpreter.

9 **\*-0441/6.48\* SECTION 3891.** 938.33 (4) (intro.) of the statutes is amended to  
10 read:

11 938.33 (4) **OTHER OUT-OF-HOME PLACEMENTS.** (intro.) A report recommending  
12 placement in a foster home, treatment foster home, group home, or nonsecured child  
13 caring institution or in the home of the juvenile's guardian under s. 48.977 (2) shall  
14 be in writing, except that the report may be presented orally at the dispositional  
15 hearing if all parties consent. A report that is presented orally shall be transcribed  
16 and made a part of the court record. The report shall include all of the following:

17 **\*-2174/2.4\* SECTION 3892.** 938.34 (4n) (intro.) of the statutes is amended to  
18 read:

19 938.34 (4n) **AFTERCARE SUPERVISION.** (intro.) Subject to ~~s. 938.532 (3)~~ and to any  
20 arrangement between the department and a county department regarding the  
21 provision of aftercare supervision for juveniles who have been released from a  
22 secured correctional facility, a secured child caring institution, or a secured group  
23 home, designate one of the following to provide aftercare supervision for the juvenile  
24 following the juvenile's release from the secured correctional facility, secured child  
25 caring institution, or secured group home:

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1           \*~~1891/4.83~~\* **SECTION 3893.** 938.34 (5m) of the statutes is amended to read:

2           938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to  
3 participate in a youth corps program, as defined in s. ~~16.22~~ 106.22 (1) (dm), or  
4 another community service work program, if the sponsor of the program approves  
5 the juvenile's participation in the program.

6           \*~~0833/3.2~~\* **SECTION 3894.** 938.34 (8) of the statutes, as affected by 1999  
7 Wisconsin Act 185, is amended to read:

8           938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
9 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
10 maximum forfeiture that the court may impose under this subsection for a violation  
11 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
12 for committing that violation or, if the violation is applicable only to a person under  
13 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
14 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
15 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
16 other alternatives under this section, in accordance with the conditions specified in  
17 this chapter; or the court may suspend any license issued under ch. 29 for not less  
18 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~  
19 ~~violating an ordinance unrelated to the juvenilo's operation of a motor vehicle, may~~  
20 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
21 than 2 years. If the court suspends any license under this subsection, the clerk of the  
22 court shall immediately take possession of the suspended license and forward it to  
23 the department which issued the license, together with a notice of suspension clearly  
24 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
25 the forfeiture is paid during the period of suspension, the suspension shall be reduced

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1 to the time period which has already elapsed and the court shall immediately notify  
2 the department which shall then return the license to the juvenile. Any recovery  
3 under this subsection shall be reduced by the amount recovered as a forfeiture for  
4 the same act under s. 938.45 (1r) (b).

5 **\*-0833/3.3\* SECTION 3895.** 938.343 (2) of the statutes, as affected by 1999  
6 Wisconsin Act 185, is amended to read:

7 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
8 be imposed on an adult for committing that violation or, if the violation is only  
9 applicable to a person under 18 years of age, \$50. Any such order shall include a  
10 finding that the juvenile alone is financially able to pay and shall allow up to 12  
11 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
12 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~  
13 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~  
14 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
15 more than 2 years. The court shall immediately take possession of the suspended  
16 license and forward it to the department which issued the license, together with the  
17 notice of suspension clearly stating that the suspension is for failure to pay a  
18 forfeiture imposed by the court. If the forfeiture is paid during the period of  
19 suspension, the court shall immediately notify the department, which will thereupon  
20 return the license to the person. Any recovery under this subsection shall be reduced  
21 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

22 **\*-0441/6.49\* SECTION 3896.** 938.345 (4) of the statutes is created to read:

23 938.345 (4) If the court finds that a juvenile is in need of protection or services  
24 under s. 938.13 (4), the court, instead of or in addition to any other disposition

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1 imposed under sub. (1), may place the juvenile in the home of the juvenile's guardian  
2 under s. 48.977 (2).

3       \***-0440/3.7\*** SECTION 3897. 938.355 (2) (b) 6m. of the statutes is created to read:  
4       938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement  
5 recommended by the agency designated under s. 938.33 (1), a statement that the  
6 court approves the placement recommended by the agency or, if the juvenile is placed  
7 outside the home in a placement other than a placement recommended by that  
8 agency, a statement that the court has given bona fide consideration to the  
9 recommendations made by the agency and all parties relating to the juvenile's  
10 placement.

11       \***-0446/2.7\*** SECTION 3898. 938.355 (6d) (a) 4. of the statutes is created to read:  
12       938.355 (6d) (a) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
13 who has been adjudged delinquent and who has violated a condition specified in sub.  
14 (2) (b) 7. from being taken into and held in custody under ss. 938.19 to 938.21.

15       \***-0446/2.8\*** SECTION 3899. 938.355 (6d) (b) 4. of the statutes is created to read:  
16       938.355 (6d) (b) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
17 who has violated a condition of aftercare supervision administered by a county  
18 department from being taken into and held in custody under ss. 938.19 to 938.21.

19       \***-0446/2.9\*** SECTION 3900. 938.355 (6d) (c) 4. of the statutes is created to read:  
20       938.355 (6d) (c) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
21 who has been found to be in need of protection or services and who has violated a  
22 condition specified in sub. (2) (b) 7. from being taken into and held in custody under  
23 ss. 938.19 to 938.21.

24       \***-0440/3.8\*** SECTION 3901. 938.357 (2v) of the statutes is created to read:

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1           938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
2 placement would place the juvenile outside the home in a placement recommended  
3 by the person or agency primarily responsible for implementing the dispositional  
4 order, the change in placement order shall include a statement that the court  
5 approves the placement recommended by the person or agency or, if the juvenile is  
6 placed outside the home in a placement other than a placement recommended by that  
7 person or agency, a statement that the court has given bona fide consideration to the  
8 recommendations made by that person or agency and all parties relating to the  
9 juvenile's placement.

10           \*~~0449/4.6~~\* **SECTION 3902.** 938.357 (4) (b) 2. of the statutes is amended to read:

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



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1 applicable, for the cost of the juvenile's care while placed in a Type 1 secured  
2 correctional facility.

3 **\*-0447/3.8\* SECTION 3903.** 938.357 (4) (d) of the statutes is repealed.

4 **\*-1394/2.111\* SECTION 3904.** 938.37 (3) of the statutes is amended to read:

5 938.37 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction  
6 exercising jurisdiction under s. 938.17 may assess the same costs, penalty  
7 assessments, law enforcement training fund assessments, and jail assessments  
8 against juveniles as they may assess against adults, except that witness fees may not  
9 be charged to the juvenile.

10 **\*-0264/4.6\* SECTION 3905.** 938.38 (2) (intro.) of the statutes is amended to  
11 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, child  
14 caring institution, secure detention facility, or shelter care facility or in the home of  
15 a relative, 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:

19 **\*-0264/4.7\* SECTION 3906.** 938.38 (4) (f) (intro.) of the statutes is amended to  
20 read:

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

**SENATE BILL 55****SECTION 3907**

1           \***-0264/4.8\*** **SECTION 3907.** 938.38 (5) (a) of the statutes is amended to read:

2           938.38 **(5)** (a) The court or a panel appointed under this paragraph shall review  
3 the permanency plan every 6 months from the date on which the juvenile was first  
4 held in physical custody or placed outside of his or her home under a court order. If  
5 the court elects not to review the permanency plan, the court shall appoint a panel  
6 to review the permanency plan. The panel shall consist of 3 persons who are either  
7 designated by an independent agency that has been approved by the chief judge of  
8 the judicial administrative district or designated by the agency that prepared the  
9 permanency plan. A voting majority of persons on each panel shall be persons who  
10 are not employed by the agency that prepared the permanency plan and who are not  
11 responsible for providing services to the juvenile or the parents of the juvenile whose  
12 permanency plan is the subject of the review.

13           \***-0264/4.9\*** **SECTION 3908.** 938.38 (5) (b) of the statutes is amended to read:

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

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

3 \***-2174/2.5\*** SECTION 3909. 938.532 (title) of the statutes is repealed.

4 \***-2174/2.6\*** SECTION 3910. 938.532 (1) of the statutes is amended to read:

5 938.532 (1) PROGRAM. From the ~~appropriations~~ appropriation under s. 20.410  
6 (3) ~~(bb)~~ and (hm), the department shall provide a juvenile boot camp program for  
7 juveniles who have been placed under the supervision of the department under s.  
8 938.183, 938.34 (4h) or (4m), or 938.357 (4).

9 \***-2174/2.7\*** SECTION 3911. 938.532 (1) of the statutes, as affected by 2001  
10 Wisconsin Act .... (this act), is repealed.

11 \***-2174/2.8\*** SECTION 3912. 938.532 (2) of the statutes is repealed.

12 \***-2174/2.9\*** SECTION 3913. 938.532 (3) of the statutes is repealed.

13 \***-0452/1.1\*** SECTION 3914. 938.533 (2) of the statutes is amended to read:

14 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.  
15 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve  
16 an average daily population of 136 juveniles, or an average daily population of more  
17 than 136 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented  
18 under s. 13.101 or 16.515 and the positions for the program are increased under s.  
19 13.101 or 16.505 (2) or if funding and positions to serve more than that average daily  
20 population are otherwise available, in not less than 3 counties, including Milwaukee  
21 County. The office of juvenile offender review in the department shall evaluate and  
22 select for participation in the program juveniles who have been placed under the  
23 supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4).  
24 The department shall place a program participant in the community, provide  
25 intensive surveillance of that participant, and provide an average of not more than

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1 \$3,000 per year per slot to purchase community-based treatment services for each  
2 participant. The department shall make the intensive surveillance required under  
3 this subsection available 24 hours a day, 7 days a week, and may purchase or provide  
4 electronic monitoring for the intensive surveillance of program participants. The  
5 department shall provide a report center in Milwaukee County to provide on-site  
6 programming after school and in the evening for juveniles from Milwaukee County  
7 who are placed in the corrective sanctions program. A contact worker providing  
8 services under the program shall have a case load of approximately 10 juveniles and,  
9 during the initial phase of placement in the community under the program of a  
10 juvenile who is assigned to that contact worker, shall have not less than one  
11 face-to-face contact per day with that juvenile. Case management services under  
12 the program shall be provided by a corrective sanctions agent who shall have a case  
13 load of approximately 15 juveniles. The department shall promulgate rules to  
14 implement the program.

15 **\*-0446/2.10\* SECTION 3915.** 938.533 (3) (a) of the statutes is amended to read:

16 938.533 (3) (a) A participant in the corrective sanctions program remains  
17 under the supervision of the department, remains subject to the rules and discipline  
18 of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).  
19 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that  
20 juvenile's participation in the corrective sanctions program the department may,  
21 without a hearing, take the juvenile into custody and place the juvenile in a secured  
22 detention facility or return the juvenile to placement in a Type 1 secured correctional  
23 facility or a secured child caring institution. This paragraph does not preclude a  
24 juvenile who has violated a condition of the juvenile's participation in the corrective

**SENATE BILL 55****SECTION 3915**

1 sanctions program from being taken into and held in custody under ss. 938.19 to  
2 938.21.

3 \***-0446/2.11\*** **SECTION 3916.** 938.534 (1) (b) 3m. of the statutes is created to  
4 read:

5 938.534 (1) (b) 3m. Subject to par. (d), subs. 1. and 2. do not preclude a juvenile  
6 who has violated a condition of the juvenile's participation in the program from being  
7 taken into and held in custody under ss. 938.19 to 938.21.

8 \***-0448/3.3\*** **SECTION 3917.** 938.538 (3) (a) 1. of the statutes is amended to read:

9 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured  
10 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~  
11 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~  
12 ~~(d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years,~~  
13 unless that period is extended under sub. (4m) (a) 1. or 2. or both.

\*\*\*\*NOTE: This is reconciled s. 938.538 (3) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0448/2 and LRB-0447/2.

14 \***-0447/3.9\*** **SECTION 3918.** 938.538 (3) (a) 1m. of the statutes is amended to  
15 read:

16 938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for  
17 committing an act that would be a Class A felony if committed by an adult, placement  
18 in a Type 1 secured correctional facility, or a secured child caring institution ~~or, if the~~  
19 ~~participant is 17 years of age or over or 15 years of age or over and transferred under~~  
20 ~~s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), until the participant~~  
21 reaches 25 years of age, unless the participant is released sooner, subject to a  
22 mandatory minimum period of confinement of not less than one year.

**SENATE BILL 55****SECTION 3919**

1           \*~~0447/3.10~~\* **SECTION 3919.** 938.538 (3) (a) 2. of the statutes is amended to  
2 read:

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

6           \*~~0448/3.4~~\* **SECTION 3920.** 938.538 (3) (b) of the statutes is amended to read:

7           938.538 (3) (b) The department may provide the sanctions under par. (a) in any  
8 order, may provide more than one sanction at a time and, may return a participant  
9 to a sanction that was used previously for ~~a~~ the participant, and, in returning a  
10 participant to the sanction provided in par. (a) 1., may extend the period specified in  
11 par. (a) 1. as provided in sub. (4m) (a) 1. or petition the court to extend that period  
12 as provided in sub. (4m) (a) 2., or both. Notwithstanding ss. 938.357, 938.363, and  
13 938.533 (3), but subject to sub. (4m) (a) 2., a participant is not entitled to a hearing  
14 regarding the department's exercise of authority under this subsection unless the  
15 department provides for a hearing by rule.

16           \*~~0447/3.11~~\* **SECTION 3921.** 938.538 (4) (a) of the statutes is amended to read:

17           938.538 (4) (a) A participant in the serious juvenile offender program is under  
18 the supervision and control of the department, is subject to the rules and discipline  
19 of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).  
20 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or  
21 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2  
22 secured correctional facility the department may, without a hearing, take the  
23 participant into custody and return him or her to placement in a Type 1 secured  
24 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~  
25 ~~years of age or over, a Type 1 prison, as defined in s. 301.01 (5).~~ Any intentional

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1 failure of a participant to remain within the extended limits of his or her placement  
2 while participating in the serious juvenile offender program ~~or to return within the~~  
3 ~~time prescribed by the administrator of the division of intensive sanctions in the~~  
4 ~~department~~ is considered an escape under s. 946.42 (3) (c).

5 **\*-0446/2.12\* SECTION 3922.** 938.538 (4) (a) of the statutes, as affected by 2001  
6 Wisconsin Act .... (this act), is amended to read:

7 938.538 (4) (a) A participant in the serious juvenile offender program is under  
8 the supervision and control of the department, is subject to the rules and discipline  
9 of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).  
10 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or  
11 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2  
12 secured correctional facility the department may, without a hearing, take the  
13 participant into custody and return him or her to placement in a Type 1 secured  
14 correctional facility or a secured child caring institution. Any intentional failure of  
15 a participant to remain within the extended limits of his or her placement while  
16 participating in the serious juvenile offender program is considered an escape under  
17 s. 946.42 (3) (c). This paragraph does not preclude a juvenile who has violated a  
18 condition of the juvenile's participation in the program under sub. (3) (a) 2. to 9. from  
19 being taken into and held in custody under ss. 938.19 to 938.21.

\*\*\*\*NOTE: This is reconciled s. 938.538 (4) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB–0446/1 and LRB–0447/2.

20 **\*-0448/3.5\* SECTION 3923.** 938.538 (4m) of the statutes is created to read:

21 938.538 (4m) EXTENSION OF TYPE 1 PLACEMENT PERIOD. (a) 1. The department  
22 may extend the period for which a participant may be placed as described in sub. (3)  
23 (a) 1. for an additional period of not more than 30 days. A participant is not entitled

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1 to a hearing regarding the department's exercise of authority under this subdivision  
2 unless the department provides for a hearing by rule.

3       2. The department or the district attorney of the county in which the  
4 dispositional order was entered may petition the court to extend the period for which  
5 a participant may be placed as described in sub. (3) (a) 1. for an additional period of  
6 not more than 2 years. The petition shall set forth in detail facts showing that the  
7 participant is in need of the supervision, care, and rehabilitation that a placement  
8 described in sub. (3) (a) 1. provides and that public safety considerations require that  
9 the participant be placed in that placement. The court shall hold a hearing on the  
10 petition, unless written waivers of objection to the extension are signed by all parties  
11 entitled to receive notice and the court approves. If a hearing is held, the court shall  
12 provide notice of the hearing, together with a copy of the petition, to the participant,  
13 the participant's parent, guardian, and legal custodian, all parties bound by the  
14 dispositional order, and the district attorney of the county in which the dispositional  
15 order was entered at least 3 days prior to the hearing and, at the hearing, any of those  
16 persons may present evidence relevant to the issue of extension and make  
17 alternative placement recommendations. If the court finds by a preponderance of the  
18 evidence that the participant is in need of the supervision, care, and rehabilitation  
19 that a placement described in sub. (3) (a) 1. provides and that public safety  
20 considerations require that the participant be placed in that placement, the court  
21 may extend the period for which the participant may be placed as described in sub  
22 (3) (a) 1. for an additional period of not more than 2 years.

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



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1 (b) By the first day of the 2nd month beginning after the effective date of this  
2 paragraph .... [revisor inserts date], the department shall provide notice to all  
3 participants in the serious juvenile offender program that a placement under sub.  
4 (3) (a) 1. may be extended under par. (a) 1. or 2. or both. Notwithstanding par. (a) 1.  
5 and 2. and sub. (3) (a) 1., the department may not extend, or petition the court to  
6 extend, the placement under sub. (3) (a) 1. of a juvenile who is a participant in the  
7 serious juvenile offender program on the effective date of this paragraph .... [revisor  
8 inserts date], based on acts committed by that participant prior to the date on which  
9 the notice under this paragraph is given to that participant.

10 **\*-0447/3.12\* SECTION 3924.** 938.538 (5) (c) of the statutes is amended to read:

11 938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of  
12 placement and revisions of orders for a juvenile who is a participant in the serious  
13 juvenile offender program, ~~except that s. 938.357 (4) (d) applies to the transfer of a~~  
14 ~~participant to the Racine youthful offender correctional facility named in s. 302.01.~~

15 **\*-0447/3.13\* SECTION 3925.** 938.538 (6) of the statutes is amended to read:

16 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract  
17 with the department of health and family services, a county department, or any  
18 public or private agency for the purchase of goods, care, and services for participants  
19 in the serious juvenile offender program. The department of corrections shall  
20 reimburse a person from whom it purchases goods, care, or services under this  
21 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~  
22 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~  
23 ~~301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the~~  
24 ~~appropriate appropriation under s. 20.410 (1).~~

25 **\*-0446/2.13\* SECTION 3926.** 938.539 (3) of the statutes is amended to read:

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1           938.539 (3) Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a  
2 Type 2 child caring institution under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2  
3 secured correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his  
4 or her placement in the Type 2 child caring institution or Type 2 secured correctional  
5 facility, the juvenile may be placed in a Type 1 secured correctional facility as  
6 provided in s. 938.357 (4) (b). This subsection does not preclude a juvenile who has  
7 violated a condition of the juvenile's placement in a Type 2 secured correctional  
8 facility or a Type 2 child caring institution from being taken into and held in custody  
9 under ss. 938.19 to 938.21.

10           \***-0441/6.50\*** SECTION 3927. 938.57 (1) (c) of the statutes is amended to read:

11           938.57 (1) (c) Provide appropriate protection and services for juveniles in its  
12 care, including providing services for juveniles and their families in their own homes,  
13 placing the juveniles in licensed foster homes, licensed treatment foster homes, or  
14 licensed group homes in this state or another state within a reasonable proximity to  
15 the agency with legal custody, placing the juveniles in the homes of the juveniles'  
16 guardians under s. 48.977 (2), or contracting for services for them by licensed child  
17 welfare agencies or replacing them in secured correctional facilities, secured child  
18 caring institutions, or secured group homes in accordance with rules promulgated  
19 under ch. 227, except that the county department may not purchase the educational  
20 component of private day treatment programs unless the county department, the  
21 school board, as defined in s. 115.001 (7), and the state superintendent of public  
22 instruction all determine that an appropriate public education program is not  
23 available. Disputes between the county department and the school district shall be  
24 resolved by the state superintendent of public instruction.

25           \***-0441/6.51\*** SECTION 3928. 938.57 (3) (a) 4. of the statutes is amended to read:

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1           938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,  
2 or child caring institution or in the home of a subsidized guardian under s. 48.62 (5).

3           \*~~0447/3.14~~\* **SECTION 3929.** 938.992 (3) of the statutes is amended to read:

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

8           \*~~1855/2.32~~\* **SECTION 3930.** 939.32 (1) (title) of the statutes is created to read:

9           939.32 (1) (title) **GENERALLY.**

10          \*~~1855/2.33~~\* **SECTION 3931.** 939.32 (1m) of the statutes is created to read:

11          939.32 (1m) **BIFURCATED SENTENCES.** (a) Subject to s. 973.01 (2) (d), if the court  
12 imposes a bifurcated sentence under s. 973.01 (1) for an attempt to commit a crime  
13 that is punishable under sub. (1) (intro.), the following requirements apply:

14           1. If the completed crime is a classified felony, the maximum term of  
15 confinement in prison is one-half of the maximum term of confinement in prison for  
16 the classified felony.

17           2. If the completed crime is not a classified felony, the maximum term of  
18 confinement is 75% of the maximum term of imprisonment under sub. (1) (intro.) for  
19 an attempt to commit the crime.

20           (b) Subject to s. 973.01 (2) (d), the maximum term of confinement in prison  
21 specified under par. (a) may be increased under s. 939.62 (1) or 961.48. If the  
22 maximum term of confinement in prison specified in par. (a) is increased under this  
23 paragraph, the maximum term of imprisonment under sub. (1) is increased by the  
24 same amount.

25          \*~~1855/2.34~~\* **SECTION 3932.** 939.32 (2) (title) of the statutes is created to read:

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1 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

2 **\*-1855/2.35\* SECTION 3933.** 939.32 (3) (title) of the statutes is created to read:

3 939.32 (3) (title) REQUIREMENTS.

4 **\*-1617/P3.3\* SECTION 3934.** 939.74 (1) of the statutes is amended to read:

5 939.74 (1) Except as provided in ~~sub.~~ subs. (2), and (2d) and s. 946.88 (1),  
6 prosecution for a felony must be commenced within 6 years and prosecution for a  
7 misdemeanor or for adultery within 3 years after the commission thereof. Within the  
8 meaning of this section, a prosecution has commenced when a warrant or summons  
9 is issued, an indictment is found, or an information is filed.

10 **\*-1617/P3.4\* SECTION 3935.** 939.74 (2) (c) of the statutes is amended to read:

11 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
12 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced  
13 before the victim reaches the age of 31 years or be barred, except as provided in sub.  
14 (2d) (c).

15 **\*-1617/P3.5\* SECTION 3936.** 939.74 (2d) of the statutes is created to read:

16 939.74 (2d) (a) In this subsection, “deoxyribonucleic acid profile” means any  
17 analysis of deoxyribonucleic acid that results in the identification of an individual’s  
18 patterned chemical structure of genetic information.

19 (b) If the state has evidence of a deoxyribonucleic acid profile of a person who  
20 committed a violation of s. 940.225 (1) or (2), the evidence was collected before the  
21 time limitation under sub. (1) expired, and comparisons of the evidence to  
22 deoxyribonucleic acid profiles of known persons made before the time limitation  
23 expired did not result in a probable identification of the person, the state may  
24 commence prosecution of the person within 12 months after comparison of the

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1 deoxyribonucleic evidence relating to the violation results in a probable  
2 identification of the person.

3 (c) If the state has evidence of a deoxyribonucleic acid profile of a person who  
4 committed a violation of s. 948.02 (1) or (2) or 948.025, the evidence was collected  
5 before the time limitation under sub. (2) (c) expired, and comparisons of the evidence  
6 to deoxyribonucleic acid profiles of known persons made before the time limits  
7 expired did not result in a probable identification of the person, the state may  
8 commence prosecution of the person within 12 months after comparison of the  
9 deoxyribonucleic evidence relating to the violation results in a probable  
10 identification of the person.

11 **\*-2056/1.7\* SECTION 3937.** 940.09 (1d) (a) of the statutes, as created by 1999  
12 Wisconsin Act 109, is amended to read:

13 940.09 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)  
14 or (d) has one or more prior convictions, suspensions or revocations, counting  
15 convictions under this section and s. 940.09 (1) in the person's lifetime plus other  
16 convictions, suspensions or revocations counted under s. 343.307 (1), the procedure  
17 under s. 343.301 shall be followed ~~if the court orders the the equipping of a motor~~  
18 ~~vehicle owned by the person with an ignition interlock device or the immobilization~~  
19 ~~of the motor vehicle.~~

20 **\*-2056/1.8\* SECTION 3938.** 940.25 (1d) (a) of the statutes, as affected by 1999  
21 Wisconsin Act 186, is amended to read:

22 940.25 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)  
23 or (d) has one or more prior convictions, suspensions or revocations, counting  
24 convictions under this section and s. 940.09 (1) in the person's lifetime plus other  
25 convictions, suspensions or revocations counted under s. 343.307 (1), the procedure

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1 under s. 343.301 shall be followed ~~if the court orders the equipping of a motor vehicle~~  
2 ~~owned by the person with an ignition interlock device or the immobilization of the~~  
3 ~~motor vehicle.~~

4 **\*-0857/1.1\* SECTION 3939.** 943.20 (1) (e) of the statutes is amended to read:

5 943.20 (1) (e) Intentionally fails to return any personal property which is in his  
6 or her possession or under his or her control by virtue of a written lease or written  
7 rental agreement, ~~within 10 days~~ after the lease or rental agreement has expired.  
8 This paragraph does not apply to a person who returns personal property, except a  
9 motor vehicle, which is in his or her possession or under his or her control by virtue  
10 of a written lease or written rental agreement, within 10 days after the lease or rental  
11 agreement expires.

12 **\*-0795/2.1\* SECTION 3940.** 943.70 (1) (a) of the statutes is renumbered 943.70  
13 (1) (am).

14 **\*-0795/2.2\* SECTION 3941.** 943.70 (1) (ag) of the statutes is created to read:

15 943.70 (1) (ag) “Access” means to instruct, communicate with, interact with,  
16 intercept, store data in, retrieve data from, or otherwise use the resources of.

17 **\*-0795/2.3\* SECTION 3942.** 943.70 (1) (gm) of the statutes is created to read:

18 943.70 (1) (gm) “Interruption in service” means inability to access a computer,  
19 computer program, computer system, or computer network, or an inability to  
20 complete a transaction involving a computer.

21 **\*-0795/2.4\* SECTION 3943.** 943.70 (2) (a) (intro.) of the statutes is amended to  
22 read:

23 943.70 (2) (a) (intro.) Whoever ~~wilfully~~ willfully, knowingly and without  
24 authorization does any of the following may be penalized as provided in ~~par.~~ pars. (b)  
25 and (c):

**SENATE BILL 55****SECTION 3944**

1           \***-0795/2.5\*** **SECTION 3944.** 943.70 (2) (a) 3. of the statutes is amended to read:

2           943.70 (2) (a) 3.   Accesses data, computer programs or supporting  
3   documentation.

4           \***-0795/2.6\*** **SECTION 3945.** 943.70 (2) (am) of the statutes is created to read:

5           943.70 (2) (am) Whoever intentionally causes an interruption in service by  
6   submitting a message, or multiple messages, to a computer, computer program,  
7   computer system, or computer network that exceeds the processing capacity of the  
8   computer, computer program, computer system, or computer network may be  
9   penalized as provided in pars. (b) and (c).

10          \***-0795/2.7\*** **SECTION 3946.** 943.70 (2) (b) (intro.) of the statutes is amended to  
11   read:

12          943.70 (2) (b) (intro.) Whoever violates ~~this subsection~~ par. (a) or (am) is guilty  
13   of:

14          \***-0795/2.8\*** **SECTION 3947.** 943.70 (2) (b) 1. of the statutes is amended to read:

15          943.70 (2) (b) 1. A Class A misdemeanor unless ~~subd. any of subds. 2., 3. or to~~  
16   4. applies.

17          \***-0795/2.9\*** **SECTION 3948.** 943.70 (2) (b) 3. of the statutes is amended to read:

18          943.70 (2) (b) 3. A Class D E felony if the offense results in damage is greater  
19   valued at more than \$1,000 but not more than \$2,500 ~~or if it causes an interruption~~  
20   ~~or impairment of governmental operations or public communication, or~~  
21   ~~transportation or of a supply of water, gas or other public service.~~

22          \***-0795/2.10\*** **SECTION 3949.** 943.70 (2) (b) 3g. of the statutes is created to read:

23          943.70 (2) (b) 3g. A Class C felony if the offense results in damage valued at  
24   more than \$2,500.

25          \***-0795/2.11\*** **SECTION 3950.** 943.70 (2) (b) 3r. of the statutes is created to read:

**SENATE BILL 55****SECTION 3950**

1           943.70 (2) (b) 3r. A Class C felony if the offense causes an interruption or  
2 impairment of governmental operations or public communication, of transportation,  
3 or of a supply of water, gas, or other public service.

4           \*–0795/2.12\* **SECTION 3951.** 943.70 (2) (c) of the statutes is created to read:

5           943.70 (2) (c) If a person disguises the identity or location of the computer at  
6 which he or she is working while committing an offense under par. (a) or (am) with  
7 the intent to make it less likely that he or she will be identified with the crime, the  
8 penalties under par. (b) may be increased as follows:

9           1. In the case of a misdemeanor, the maximum fine prescribed by law for the  
10 crime may be increased by not more than \$1,000 and the maximum term of  
11 imprisonment prescribed by law for the crime may be increased so that the revised  
12 maximum term of imprisonment is 12 months.

13           2. In the case of a felony, the maximum fine prescribed by law for the crime may  
14 be increased by not more than \$2,500 and the maximum term of imprisonment  
15 prescribed by law for the crime may be increased by not more than 2 years.

16           \*–0795/2.13\* **SECTION 3952.** 944.205 (title) of the statutes is amended to read:

17           **944.205** (title) ~~Photographs, motion pictures, videotapes or other~~  
18 ~~visual representations~~ **Recordings showing nudity.**

19           \*–0795/2.14\* **SECTION 3953.** 944.205 (1) of the statutes is renumbered 944.205  
20 (1) (intro.) and amended to read:

21           944.205 (1) (intro.) In this section, “nudity”:

22           (b) “Nudity” has the meaning given in s. 948.11 (1) (d).

23           \*–0795/2.15\* **SECTION 3954.** 944.205 (1) (a) of the statutes is created to read:

24           944.205 (1) (a) “Exhibit” has the meaning given in s. 948.01 (1d).

25           \*–0795/2.16\* **SECTION 3955.** 944.205 (1) (c) of the statutes is created to read:



**SENATE BILL 55****SECTION 3955**

1 944.205 (1) (c) "Recording" has the meaning given in 948.01 (3r).

2 ~~\*-0795/2.17\*~~ **SECTION 3956.** 944.205 (2) (a) of the statutes is amended to read:

3 944.205 (2) (a) ~~Takes a photograph or makes a motion picture, videotape or~~  
4 ~~other visual representation or reproduction that depicts~~ Records an image of nudity  
5 without the knowledge and consent of the person who is depicted nude while that  
6 person is nude in a place and circumstance in which he or she has a reasonable  
7 expectation of privacy, if the person recording the image knows or has reason to know  
8 that the person who is depicted nude does not know of and consent to the ~~taking or~~  
9 ~~making of the photograph, motion picture, videotape or other visual representation~~  
10 ~~or reproduction~~ recording.

11 ~~\*-0795/2.18\*~~ **SECTION 3957.** 944.205 (2) (b) of the statutes is repealed and  
12 recreated to read:

13 944.205 (2) (b) Copies, possesses, exhibits, stores, or distributes a recording of  
14 an image if all of the following apply:

15 1. The recording was done in violation of par. (a) or was previously copied in  
16 violation of this paragraph.

17 2. The actor knows or has reason to know that the violation described under  
18 subd. 1. has occurred.

19 3. The person depicted nude in the recording did not consent to the copying,  
20 possession, exhibition, storage, or distribution of the recording under par. (b) (intro.).

21 4. The recording depicts the same nudity recorded in violation of par. (a).

22 ~~\*-0795/2.19\*~~ **SECTION 3958.** 944.205 (3) of the statutes is amended to read:

23 944.205 (3) Notwithstanding sub. (2) (a) and (b), if the person depicted in a  
24 ~~photograph, motion picture, videotape or other visual representation or reproduction~~  
25 recording of an image is a child and the ~~making~~ recording, copying, possession,

**SENATE BILL 55****SECTION 3958**

1 ~~exhibition, storage, or distribution of the photograph, motion picture, videotape or~~  
2 ~~other visual representation or reproduction~~ recording does not violate s. 948.05 or  
3 948.12, a parent, guardian, or legal custodian of the child may do any of the following:

4 (a) ~~Make and~~ Record, copy, possess, exhibit, or store the ~~photograph, motion~~  
5 ~~picture, videotape or other visual representation reproduction of the child~~ recording.

6 (b) Distribute a ~~photograph, motion picture, videotape or other visual~~  
7 ~~representation or reproduction made or~~ recording that was recorded, copied,  
8 possessed, exhibited, or stored under par. (a) if the distribution is not for commercial  
9 purposes.

10 **\*-0795/2.20\* SECTION 3959.** 944.205 (4) of the statutes is amended to read:

11 944.205 (4) This section does not apply to a person who receives a ~~photograph,~~  
12 ~~motion picture, videotape or other visual representation or reproduction of~~ recording  
13 of an image depicting a child from a parent, guardian, or legal custodian of the child  
14 under sub. (3) (b), if the possession ~~and, copying, exhibition, storage, or distribution~~  
15 ~~are~~ is not for commercial purposes.

16 **\*-0795/2.21\* SECTION 3960.** 944.21 (2) (am) of the statutes is created to read:

17 944.21 (2) (am) “Exhibit” has the meaning given in s. 948.01 (1d).

18 **\*-0795/2.22\* SECTION 3961.** 944.21 (2) (c) (intro.) of the statutes is amended  
19 to read:

20 944.21 (2) (c) (intro.) “Obscene material” means a writing, picture, ~~sound~~  
21 ~~recording or film which, or other recording that:~~

22 **\*-0795/2.23\* SECTION 3962.** 944.21 (2) (dm) of the statutes is created to read:

23 944.21 (2) (dm) “Recording” has the meaning given in s. 948.01 (3r).

24 **\*-0795/2.24\* SECTION 3963.** 944.21 (3) (a) of the statutes is amended to read: