

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - juvenile justice  
Correctional System - prisons

Extra Copies:

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN2710,

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**Topic:**

Prohibit placement of persons under 18 in Boscobel Correctional Facility

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 06/16/2001	jdyer 06/17/2001		_____			
/1			pgreensl 06/17/2001	_____	lrb_docadmin 06/17/2001		
/2	malaigm 06/18/2001	jdyer 06/18/2001	pgreensl 06/18/2001	_____	lrb_docadmin 06/19/2001		

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

**<END>**

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/?	malaigm 06/16/2001	jdye 06/17/2001					
/1		12 6/18 JLD	pgreensl 06/17/2001	6/18 08/16	lrb_docadmin 06/17/2001		

FE Sent For:

6/18  
08

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1?	malaigm	1 6/15/01	6/16 PG	6/16 Self			

FE Sent For:

<END>

60924

C N 2710

Subject or Agency	Description	Source / connection	Fiscal effect /positions if known
DOC	Prohibit DOC from placing anyone under 18 in SuperMax/ Boscobel facilities	no attachments	

MCD



1  
jld

SDC:.....Keckhaver – CN2710, Prohibit placement of persons under 18 in  
Boscobel Correctional Facility

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

Substitute amendment ✓

1

At the locations indicated, amend the ~~bill~~ as follows:

2

1. Page 576, line 25: delete that line.

3

2. Page 577, line 1: delete lines 1 to 12 and substitute:

4

“SECTION 1585d. 48.366 (8) of the statutes is amended to read:

5

48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections

6

may transfer a person subject to an order between secured correctional facilities.

7

After the person attains the age of 17 years, the department of corrections may place

8

the person in a state prison named in s. 302.01, except that the department of

9

corrections may not place any person under the age of 18 years in the correctional

10

institution authorized in s. 301.16 (1n). If the person is 15 years of age or over, the

1 department of corrections may transfer the person to the Racine youthful offender  
 2 correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If the  
 3 department of corrections places a person subject to an order under this section in  
 4 a state prison, that department shall provide services for that person from the  
 5 appropriate appropriation under s. 20.410 (1). The department of corrections may  
 6 transfer a person placed in a state prison under this subsection to or between state  
 7 prisons named in s. 302.01 without petitioning for revision of the order under sub.  
 8 (5) (a), except that the department of corrections may not transfer any person under  
 9 the age of 18 years to the correctional institution authorized in s. 301.16 (1n). <sup>FIX</sup> <sup>NO CS</sup>

History: 1987 a. 27; 1989 a. 31, 107, 359; 1993 a. 98, 385; 1995 a. 27, 77; 1997 a. 27, 35.

10 **3.** Page 1088, line 5: delete lines 5 to 11 and substitute:

11 “SECTION 3386d. 302.18 (7) of the statutes is amended to read:

12 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all  
 13 prisoners a person under 15 years of age who has been sentenced to the Wisconsin  
 14 state prisons in a secured juvenile correctional facilities or facility or a secured child  
 15 caring institutions institution, but the department may transfer them that person  
 16 to an adult correctional institutions institution after they attain the person attains  
 17 15 years of age. The department may not transfer any person under 18 years of age  
 18 to the correctional institution authorized in s. 301.16 (1n).”

History: 1981 c. 20; 1983 a. 332; 1987 a. 27; 1989 a. 31 s. 1636; Stats. 1989 s. 302.18; 1991 a. 39, 316; 1993 a. 89; 1995 a. 27, 77.

19 **4.** Page 1219, line 22: delete lines 22 to 25.

20 **5.** Page 1220, line 1: delete lines 1 to 7 and substitute:

21 “SECTION 3879d. 938.183 (3) of the statutes is amended to read:

22 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.  
 23 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a  
 24 state prison named in s. 302.01, except that the department may not place any person

1 under the age of 18 years in the correctional institution authorized in s. 301.16 (1n).  
2 If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15 years  
3 of age or over, the department may transfer the juvenile to the Racine youthful  
4 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A  
5 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act  
6 committed before December 31, 1999, is eligible for parole under s. 304.06.”

History: 1995 a. 77, 216, 352; 1997 a. 27, 35, 205, 252, 283; 1999 a. 9, 32.

7 **6.** Page 1260, line 10: delete lines 10 to 24.

8 **7.** Page 1261, line 1: delete lines 1 and 2 and substitute:

9 “**SECTION 4014d.** 973.013 (3m)<sup>x</sup> of the statutes is amended to read:

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



1 secured child caring institution. Section 302.11 and ch. 304 apply to all persons  
2 placed in a secured juvenile correctional facility or a secured child caring institution  
3 under this subsection.”.

History: 1973 c. 90; 1975 c. 189 s. 99 (1); 1975 c. 224 s. 146m; 1983 a. 102, 1983 a. 371 s. 13; Stats. 1983 s. 973.013; 1987 a. 27; 1989 a. 31, 107; 1993 a. 486; 1995 a. 27; 1997 a. 283.

4 8. Page 1332, line 3: after that line insert:

5 (5) <sup>d</sup>  
6 LOCATED NEAR BOSCOBEL. If on the effective date of this subsection any person under  
7 18 years of age is placed in the correctional institution authorized under section  
8 301.16 (1n) of the statutes, the department of corrections shall transfer that person  
9 out of that correctional institution within 30 days after the effective date of this  
10 subsection.”.

11 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb0924/1

GMM:jld:pg

SDC:.....Keckhaver – CN2710, Prohibit placement of persons under 18 in  
Boscobel Correctional Facility

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 576, line 25: delete that line.

3 **2.** Page 577, line 1: delete lines 1 to 12 and substitute:

4 **“SECTION 1585d.** 48.366 (8) of the statutes is amended to read:

5 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections  
6 may transfer a person subject to an order between secured correctional facilities.

7 After the person attains the age of 17 years, the department of corrections may place

8 the person in a state prison named in s. 302.01, except that the department of

9 corrections may not place any person under the age of 18 years in the correctional

10 institution authorized in s. 301.16 (1n). If the person is 15 years of age or over, the

1 department of corrections may transfer the person to the Racine youthful offender  
2 correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If the  
3 department of corrections places a person subject to an order under this section in  
4 a state prison, that department shall provide services for that person from the  
5 appropriate appropriation under s. 20.410 (1). The department of corrections may  
6 transfer a person placed in a state prison under this subsection to or between state  
7 prisons named in s. 302.01 without petitioning for revision of the order under sub.  
8 (5) (a), except that the department of corrections may not transfer any person under  
9 the age of 18 years to the correctional institution authorized in s. 301.16 (1n)."

10 **3.** Page 1088, line 5: delete lines 5 to 11 and substitute:

11 "SECTION 3386d. 302.18 (7) of the statutes is amended to read:

12 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all  
13 ~~prisoners~~ a person under 15 years of age who has been sentenced to the Wisconsin  
14 state prisons in a secured juvenile correctional facilities or facility or a secured child  
15 caring institutions institution, but the department may transfer ~~them~~ that person  
16 to an adult correctional institutions institution after ~~they attain~~ the person attains  
17 15 years of age. The department may not transfer any person under 18 years of age  
18 to the correctional institution authorized in s. 301.16 (1n)."

19 **4.** Page 1219, line 22: delete lines 22 to 25.

20 **5.** Page 1220, line 1: delete lines 1 to 7 and substitute:

21 "SECTION 3879d. 938.183 (3) of the statutes is amended to read:

22 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.  
23 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a  
24 state prison named in s. 302.01, except that the department may not place any person

1 under the age of 18 years in the correctional institution authorized in s. 301.16 (1n).  
2 If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15 years  
3 of age or over, the department may transfer the juvenile to the Racine youthful  
4 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A  
5 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act  
6 committed before December 31, 1999, is eligible for parole under s. 304.06.”

7 **6.** Page 1260, line 10: delete lines 10 to 24.

8 **7.** Page 1261, line 1: delete lines 1 and 2 and substitute:

9 “**SECTION 4014d.** 973.013 (3m) of the statutes is amended to read:

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

1 secured child caring institution. Section 302.11 and ch. 304 apply to all persons  
2 placed in a secured juvenile correctional facility or a secured child caring institution  
3 under this subsection.”

incarcerated ✓

4 **8.** Page 1332, line 3: after that line insert:

5 “(6d) PLACEMENT OF PERSONS UNDER 18 YEARS OF AGE IN MAXIMUM SECURITY PRISON  
6 LOCATED NEAR BOSCOBEL. If on the effective date of this subsection any person under  
7 18 years of age is placed in the correctional institution authorized under section  
8 301.16 (1n) of the statutes, the department of corrections shall transfer that person  
9 out of that correctional institution within 30 days after the effective date of this  
10 subsection.”

11 On the advice of LRB  
General Counsel  
Peter F. Dykman,  
this (END)  
DNOTI

Handwritten note: This redraft changes "placed" to "incarcerated" in the nonstatutory provision of the amendment.

GMM

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb0924/2dn  
GMM:jld.pg

June 18, 2001

On the advice of General Counsel Peter J. Dykman, this redraft changes "placed" to "incarcerated" in the nonstatutory provision of the amendment.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.state.wi.us](mailto:gordon.malaise@legis.state.wi.us)

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9 corrections may not place any person under the age of 18 years in the correctional  
10 institution authorized in s. 301.16 (1n). If the person is 15 years of age or over, the

1 department of corrections may transfer the person to the Racine youthful offender  
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9 person out of that correctional institution within 30 days after the effective date of  
10 this subsection.”.

11 (END)