

**ASSEMBLY AMENDMENT 24,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representatives POCAN and MILLER.

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
11 department of corrections may transfer the person to the Racine youthful offender
12 correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If the

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

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

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

10 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all
11 prisoners a person under 15 years of age who has been sentenced to the Wisconsin
12 state prisons in a secured juvenile correctional facilities or facility or a secured child
13 caring institutions institution, but the department may transfer them that person
14 to an adult correctional institutions institution after they attain the person attains
15 15 years of age. The department may not transfer any person under 18 years of age
16 to the correctional institution authorized in s. 301.16 (1n).”.

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

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

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

20 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.
21 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a
22 state prison named in s. 302.01, except that the department may not place any person
23 under the age of 18 years in the correctional institution authorized in s. 301.16 (1n).

24 If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15 years

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

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

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

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

8 973.013 **(3m)** If a person who has not attained the age of 16 years is sentenced
9 to the Wisconsin state prisons, the department of ~~corrections~~ shall place the person
10 at a secured juvenile correctional facility or a secured child caring institution, unless
11 the department of ~~corrections~~ determines that placement in an institution under s.
12 302.01 is appropriate based on the person’s prior record of adjustment in a
13 correctional setting, if any; the person’s present and potential vocational and
14 educational needs, interests and abilities; the adequacy and suitability of available
15 facilities; the services and procedures available for treatment of the person within
16 the various institutions; the protection of the public; and any other considerations
17 promulgated by the department of ~~corrections~~ by rule. The department may not
18 place any person under the age of 18 years in the correctional institution authorized
19 in s. 301.16 (1n). This subsection does not preclude the department of ~~corrections~~
20 from designating an adult correctional institution, other than the correctional
21 institution authorized in s. 301.16 (1n), as a reception center for the person and
22 subsequently transferring the person to a secured juvenile correctional facility or a
23 secured child caring institution. Section 302.11 and ch. 304 apply to all persons

1 placed in a secured juvenile correctional facility or a secured child caring institution
2 under this subsection.”.

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

4 “(6d) PLACEMENT OF PERSONS UNDER 18 YEARS OF AGE IN MAXIMUM SECURITY PRISON
5 LOCATED NEAR BOSCOBEL. If on the effective date of this subsection any person under
6 18 years of age is incarcerated in the correctional institution authorized under
7 section 301.16 (1n) of the statutes, the department of corrections shall transfer that
8 person out of that correctional institution within 30 days after the effective date of
9 this subsection.”.

10 (END)