

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Correctional System - prisons
Children - juvenile justice

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Incarceration of juveniles in supermax prison in Boscobel

Instructions:

See Attached

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 06/21/2001	jdye 06/21/2001		_____			
/1			pgreensl 06/21/2001	_____	lrb_docadmin 06/21/2001	lrb_docadmin 06/21/2001	

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1?	malaigm	1 6/21 jld	6/21 pg	6/21 Self			

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Assembly Democrat Budget Amendment Requests

Request Number: 40
(not LRB number)

Agency: DOC

Description: No juveniles at SuperMax

Attachments:

Cost (if known):

Contact person: Susan McMurray, 266-7521, Representative Black's Office

*prohibit juveniles in carceration
of juveniles at SuperMax
facilities in Boscobel.*

Gmm

2001

Date (time) needed Soon

LRB b 1323 / 1

**ADC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

GMM : jld :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

- #. Page , line :
- #. Page , line :
- #. Page , line :
- #. Page , line :
- #. Page , line :
- #. Page , line :



61323/1

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.”.

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 incarcerated in the correctional institution authorized under
8 section 301.16 (1n) of the statutes, the department of corrections shall transfer that
9 person out of that correctional institution within 30 days after the effective date of
10 this subsection.”.

11

(END)