

**2001 DRAFTING REQUEST**

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

Received: 07/06/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3953

By/Representing: Zimmerman

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - juvenile justice

Extra Copies:

Submit via email: NO

Requester's email:

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**Pre Topic:**

LFB:.....Zimmerman -

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**Topic:**

Delete provisions relating to serious juvenile offender confinement limits and placement of juveniles in prison

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**Instructions:**

See Attached--delete items 33 (a) and (b) from budget, but leave in item 33 (c).

---

**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 07/06/2001	gilfokm 07/06/2001		_____			
/1			pgreensl 07/06/2001	_____	lrb_docadmin 07/06/2001		
/2	malaigm	gilfokm	jfrantze	_____	lrb_docadmin		

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	07/19/2001	07/19/2001	07/19/2001	_____	07/19/2001		

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/?	malaigm 07/06/2001	gilfokm 07/06/2001					
/1		12-9/19 kmj	pgreensl 07/06/2001		lrb_docadmin 07/06/2001		

Handwritten signatures and dates: 7/19, 7/19

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1?	malaigm	11-7/KMG 6-01	7/6 P9	7/6 P8/9			

FE Sent For:

<END>

relating to the operation of the juvenile justice system in the county. By March 15, 2003, require each county to report its calendar year 2002 revenues and expenditures to the committee. By May 1, 2003, require the committee to report its findings, conclusions, and recommendations to the Legislature and to the Governor. Require that the report include proposed legislation for all of the following: (a) the assumption by the state of all or part of the operating costs of the juvenile justice system, beginning on January 1, 2004; and (b) the elimination of youth aids payments to counties and a reduction in the amount of shared revenue payments and mandate relief payments to counties, as a result of the state's assumption of the costs of operating the juvenile justice system.

### 32. YOUTH REPORT CENTER DISPOSITION

**Senate:** Authorize a juvenile court to impose as a disposition for a juvenile an order requiring the juvenile to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. The disposition could apply to a juvenile who has been: (a) adjudicated delinquent; (b) found to have committed a civil law or ordinance violation; (c) found to be in need of protection or services; or (d) as a sanction for a juvenile who has violated a condition of his or her dispositional order. Provide that reporting to a youth report center and participation in the center's programming may be included as a requirement under a deferred prosecution agreement or as a condition of a consent decree. The provisions would first apply to a juvenile who commits a delinquent act or a civil law or ordinance violation, or who is found to be in need of protection or services, on the effective date of the bill.

**Assembly:** No change to Joint Finance.

### 33. DELETE JUVENILE CODE REVISIONS

**Senate:** Delete the provisions that would modify the juvenile code, as follows:

*delete* — a. *Serious Juvenile Offender Confinement Limits.* The substitute amendment would provide that DOC may extend the period for which a participant in the serious juvenile offender (SJO) program may be placed in a secured correctional facility or secured child caring institution, if the adjudicated act was a Class B felony offense, for an additional period of not more than 30 days. A participant would not be entitled to a hearing regarding the Department's exercise of this authority unless the Department provides for a hearing by rule. Further, the Department or the district attorney of the county in which the dispositional order was entered would be authorized to petition the court to extend the period for which a participant may be placed in a secured facility for an additional period of not more than two years.

*delete.* b. *Placement of Juveniles in Prisons.* The substitute amendment would modify statutory provisions relating to prison placements for juveniles adjudicated delinquent by repealing certain unconstitutional provisions that authorize the placement of adjudicated juveniles in prison. For juveniles sentenced to prison in adult court (a juvenile waived to adult court or under the original jurisdiction of the adult court and found guilty), the substitute amendment would clarify current law by requiring Corrections to place a juvenile under 15 years of age in a secured juvenile correctional facility. The substitute amendment would also provide that juveniles sentenced to prison under the original jurisdiction of the adult court who attain the age of 15 years may be placed in a prison. This would remove a conflict in the age specified under current law.

*stays in* c. *Criteria for Holding a Juvenile in Custody.* The substitute amendment would modify provisions relating to taking a juvenile into custody, release or delivery from custody, criteria for holding a juvenile in physical custody and criteria for holding a juvenile in a secure detention facility to include juveniles who violate a condition of placement in a Type 2 secured juvenile correctional facility or a Type 2 child caring institution, or who violate a condition of the juvenile's participation in the intensive supervision program. Under current law, juveniles may be taken into custody by law enforcement officials and held in custody by intake workers under certain circumstances, including the violation of the terms of aftercare supervision administered by Corrections or a county department. The substitute amendment would provide that the authority of law enforcement officers and intake workers would also apply to juveniles who violate a condition of placement in a Type 2 secured juvenile correctional facility or a Type 2 child caring institution, or violate a condition of the juvenile's participation in the intensive supervision program.

**Assembly:** No change to Joint Finance.

## COURT OF APPEALS

### 1. BASE BUDGET REDUCTIONS

**Senate:** Reduce the Court of Appeal's total GPR adjusted base by 1% annually, rather than 5% annually as recommended by the Governor. Restore \$315,700 annually to the Court's GPR sum sufficient state operations appropriation.

	Chg. to JFC
GPR	\$631,400

2001 - 2002 LEGISLATURE

61993/1

LRB:0036A  
GMM:kmg:cmh

~~CONFIDENTIAL~~

SDC:.....Keckhaver - CN5521, Deletion of items relating to serious juvenile offender confinement limits, placement of juveniles in prison, and criteria for holding juveniles in custody

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

~~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.
- 4 **3.** Page 1068, line 3: delete lines 3 to 9.
- 5 **4.** Page 1080, line 3: delete lines 3 to 6.
- 6 **5.** Page 1088, line 5: delete lines 5 to 16.
- 7 **6.** Page 1088, line 24: delete that line.
- 8 **7.** Page 1089, line 1: delete lines 1 to 4.



1 8. Page 1206, line 2: delete lines 2 to 4.

2 ~~9.~~ Page 1219, line 22: delete lines 22 to 25. (14)

3 ~~10.~~ Page 1220, line 1: delete lines 1 to 25.

4 ~~11.~~ Page 1221, line 1: delete lines 1 to 25.

5 ~~12.~~ Page 1222, line 1: delete lines 1 to 25.

6 ~~13.~~ Page 1223, line 1: delete lines 1 to 4.

7 ~~14.~~ Page 1223, line 8: delete lines 8 to 20. (12)

8 ~~15.~~ Page 1224, line 13: delete that line.

9 ~~16.~~ Page 1225, line 21: delete lines 21 to 25. (scribble)

10 ~~17.~~ Page 1226, line 1: delete lines 1 to 25. (scribble) (stet)

11 18. Page 1227, line 1: delete lines 1 to 25.

12 ~~19.~~ Page 1228, line 1: delete lines 1 to 24. (scribble) (stet)

13 ~~20.~~ Page 1229, line 1: delete lines 1 to 25.

14 ~~21.~~ Page 1230, line 1: delete lines 1 to 25. (2x)

15 ~~22.~~ Page 1231, line 1: delete lines 1 to 11. (7)

16 23. Page 1260, line 10: delete lines 10 to 24.

17 24. Page 1261, line 1: delete lines 1 and 2.

18 25. Page 1271, line 7: delete lines 7 to 11.

19 ~~26.~~ Page 1395, line 10: delete lines 10 to 19.

20 ~~27.~~ Page 1396, line 12: delete lines 12 to 21.

Inser  
2-14

~~19~~ Page 1228, line 19: delete lines 19 to 24.

~~19~~ Page 1395, line 12: delete " (by SECTION" .

~~19~~ Page 1395, line 13: delete " 3922) " .

~~28. Page 1417, line 20: delete lines 20 to 24.~~

(END)

1  
2  
✓ H.P. Page 1417, line 22: delete "(by SECTION".

✓ H.P. Page 1417, line 23: delete "3922)".

[Insert 2-14] ✓

H. Page 1230, line 1: delete lines 1 to 21 ✓ and substitute:

3921d ✓

Section 938.538 (4) (a) of the statutes is amended to read:

938.538 (4) (a) A participant in the serious juvenile offender program is under the supervision and control of the department, is subject to the rules and discipline of the department and is considered to be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2 secured correctional facility the department may, without a hearing, take the participant into custody and return him or her to placement in a Type 1 secured correctional facility, a secured child caring institution or, if the participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of a participant to remain within the extended limits of his or her placement while participating in the serious juvenile offender program or to return within the time prescribed by the administrator of the division of intensive sanctions in the department is considered an escape under s. 946.42 (3) (c).

History: 1995 a. 77, 352; 1997 a. 27, 35.

This paragraph does not preclude a juvenile who has violated a condition of the juvenile's participation in the program under sub. (3) (a) 2. to 9. from being taken into and held in custody under ss. 938.19 to 938.21."

(eff. insert)

## Malaise, Gordon

---

**From:** Hanaman, Cathlene  
**Sent:** Wednesday, July 18, 2001 5:37 PM  
**To:** Malaise, Gordon

Gordon,

We ran a test compile. We are trying to do any possible reconciliation now. You have a conflict between b0924 and b1993 (both are in). The first has "Page 1088, line 5: delete lines 5 to 11 and substitute:" and the second has "Page 1088, line 5: delete lines 5 to 16." If you can reconcile now (assuming nothing else will hit there, etc.), please do.

Thanks



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1993/f 2  
GMM:kmg:pg  
DNR

DNOTE

LFB:.....Zimmerman – Delete provisions relating to serious juvenile offender  
confinement limits and placement of juveniles in prison

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

12

12

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.
- 4 **3.** Page 1068, line 3: delete lines 3 to 9.
- 5 **4.** Page 1080, line 3: delete lines 3 to 6.
- 6 **5.** Page 1088, line 5: delete lines 5 to 16.
- 7 **6.** Page 1088, line 24: delete that line.
- 8 **7.** Page 1089, line 1: delete lines 1 to 4.

- 1           **8.** Page 1206, line 2: delete lines 2 to 4.
- 2           **9.** Page 1219, line 22: delete lines 22 to 25.
- 3           **10.** Page 1220, line 1: delete lines 1 to 14.
- 4           **11.** Page 1224, line 13: delete that line.
- 5           **12.** Page 1226, line 12: delete lines 12 to 25.
- 6           **13.** Page 1227, line 1: delete lines 1 to 25.
- 7           **14.** Page 1228, line 1: delete lines 1 to 24.
- 8           **15.** Page 1229, line 1: delete lines 1 to 25.
- 9           **16.** Page 1230, line 1: delete lines 1 to 21 and substitute:  
10           **“SECTION 3921d.** 938.538 (4) (a) of the statutes is amended to read:  
11           938.538 (4) (a) A participant in the serious juvenile offender program is under  
12           the supervision and control of the department, is subject to the rules and discipline  
13           of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).  
14           Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or  
15           her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2  
16           secured correctional facility the department may, without a hearing, take the  
17           participant into custody and return him or her to placement in a Type 1 secured  
18           correctional facility, a secured child caring institution or, if the participant is 17 years  
19           of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of  
20           a participant to remain within the extended limits of his or her placement while  
21           participating in the serious juvenile offender program or to return within the time  
22           prescribed by the administrator of the division of intensive sanctions in the  
23           department is considered an escape under s. 946.42 (3) (c). This paragraph does not

1 preclude a juvenile who has violated a condition of the juvenile's participation in the  
 2 program under sub. (3) (a) 2. to 9. from being taken into and held in custody under  
 3 ss. 938.19 to 938.21."

4 **17.** Page 1231, line 7: delete lines 7 to 11.

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

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

7 **20.** Page 1271, line 7: delete lines 7 to 11.

8 **21.** Page 1395, line 12: delete "(by SECTION".

9 **22.** Page 1395, line 13: delete "3922)".

10 **23.** Page 1396, line 12: delete lines 12 to 21.

11 **24.** Page 1417, line 22: delete "(by SECTION".

12 **25.** Page 1417, line 23: delete "3922)".

13

(END)

~~PA~~ DVOFE

Art:

This redraft reconciles LRB b 0924 ~~red~~ and LRB b 1993  
 by eliminating from item 5 of LRB b 1993 the deletion  
 of page 1089, lines 5 to 11, which <sup>(lines)</sup> are deleted and  
 substituted <sup>(therefor)</sup> in LRB b 0924.

GMM

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

LRBb1993/2dn  
GMM:kmg:jf

July 19, 2001

Art:

This redraft reconciles LRBb0924 and LRBb1993 by eliminating from item 5 of LRBb1993 the deletion of page 1088, lines 5 to 11, which lines are deleted and substituted therefore in LRBb0924.

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)





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1993/2  
GMM:kmg:jf

LFB:.....Zimmerman – Delete provisions relating to serious juvenile offender  
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