

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2553/1dn
GMM:cjs:rs

April 29, 2003

Joyce:

In reviewing the draft, please note all of the following:

1. The draft does not define “off a tribe’s reservation and any off-reservation trust land of either that tribe or a member of that tribe because of a tribal court order.” At 26 words, the defined term is just too long. Moreover, the definition pretty much just paraphrases the term defined except that the definition substitutes “physically outside the boundaries of” for “off” and “as a direct consequence” for “because.” Also, the definition includes the proviso about placement in the off-reservation home of a relative, which arguably is not even necessary because being off-reservation is already covered in the main part of the definition. Specifically, if the juvenile is off-reservation, he or she is off-reservation, regardless of whether he or she is living with a relative off-reservation.

The downside of not defining the term, of course, is that the entire definition has to be incorporated into the substantive provisions of the statutes. Accordingly, this draft breaks up ss. 938.24 (4m) and 938.255 (1) (cr) 1. b., as created by the WLCS draft, and substitutes a cross-reference for repetition of the language in s. 938.299 (9) (a), as created by the WLCS draft.

2. Because s. 938.24 (4m), as created by the WLCS draft, requires the intake worker to proceed under s. 938.24 (3) or (4), this draft numbers s. 938.24 (4m) as s. 938.24 (2r) instead, to maintain chronological order.

3. Also, s. 938.24 (4m), as created by the WLCS draft, requires the intake worker to notify tribal officials, but does not specify of what those officials must be notified. Accordingly, this draft requires those officials to be notified that the juvenile has allegedly committed a delinquent act under the circumstances specified in the bill.

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