



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 101

Assembly Amendment 1

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Under **current law**, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) and the municipal court have concurrent jurisdiction over a juvenile who is alleged to have committed an alcohol beverage violation. If the juvenile court or the municipal court finds that a juvenile has committed an alcohol beverage violation, the juvenile court or municipal court may impose a forfeiture, suspend the juvenile's operating privilege, require the juvenile to participate in a supervised work program, or impose any combination of those penalties, with the amount of the forfeiture and the length of the operating privilege suspension being dependent upon the violation involved and whether the juvenile had any previous violations in a 12-month period. Also, the juvenile court or municipal court, after ordering such a penalty, may stay the penalty and instead order the juvenile to participate in an alcohol or other drug abuse (AODA) assessment, an outpatient AODA treatment program, a pupil assistance program, or a teen court program.

Assembly Bill 101 grants to the juvenile court exclusive juvenile in need of protection or services (JIPS) jurisdiction over a juvenile who is alleged to have committed an alcohol beverage violation and who has two or more previous adjudications for an alcohol beverage violation. By granting JIPS jurisdiction over such a juvenile, the bill permits a juvenile court to impose on such a juvenile not only the dispositions permitted under current law for an alcohol beverage violation, but also the dispositions permitted for a juvenile who is subject to the juvenile court's JIPS jurisdiction.

Those dispositions include:

- counseling,
- supervision,
- a nonsecure out-of-home placement, or inpatient treatment for not more than 30 days.

In addition, by granting JIPS jurisdiction over such a juvenile, the bill permits the caseworker of such a juvenile who violates a condition of his or her dispositional order to take the juvenile into custody and, without a hearing, place the juvenile in short-term detention in nonsecure custody for not more than 72 hours.

Assembly Amendment 1 amends the bill by modifying the juvenile court's exclusive JIPS jurisdiction created under the bill, so that municipal courts have concurrent jurisdiction with the juvenile court for violations of municipal ordinances for the third alcohol beverage violation. In other words, if the third adjudication for an alcohol beverage violation is a municipal ordinance, then municipal courts have the option to retain jurisdiction or petition the juvenile court for JIPS jurisdiction.

Legislative History

On September 10, 2003, the Assembly Committee on Corrections and the Courts introduced Assembly Amendment 1 by unanimous consent.

The Assembly Committee on Corrections and the Courts recommended for adoption Assembly Amendment 1 and passage of the bill, as amended, by a vote of Ayes, 10; Noes, 0.

PGC:jal