



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 101

Assembly Amendment 1

Memo published: September 12, 2003

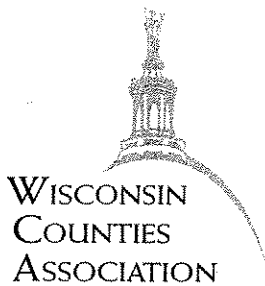
Contact: Philip Cardis, Staff Attorney (267-0683)

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.



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MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections and the Courts

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate **SDK**

DATE: April 9, 2003

SUBJECT: Comments on Assembly Bill 101

The Wisconsin Counties Association (WCA) would like to make a few, brief comments on Assembly Bill 101, which 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.

In general, WCA believes that this legislation is well-intended in order to provide treatment for juveniles who may have substantial issues with alcohol and drug abuse. Our concern with this bill lies in the fact that currently there are limited resources available to provide AODA treatment to juveniles currently within the juvenile justice and/or child welfare systems. Additionally, in the more rural parts of the state, local treatment is not available and more expensive, out of area or contracted services would need to be utilized. While there is AODA funding available as part of each county's youth aids appropriation, that funding is overobligated now.

Treatment of youth for AODA problems is very important and yet very underdeveloped in most local areas. If this law is to be meaningful, funding needs to be allocated for early intervention AODA services. Passing this legislation without the means to actually implement it could exacerbate our current situation of promising services to our citizens at the state level which counties are unable to fulfill due to lack of funds.

Thank you for considering our comments. Please do not hesitate to contact the WCA office if you have any questions.

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

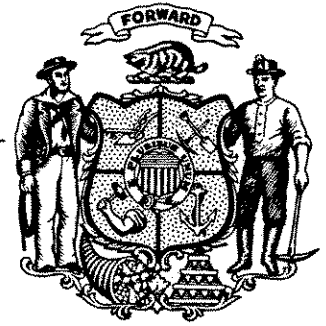
On September 10, 2003, the Assembly Committee on Corrections and the Courts introduced Assembly Amendment 1 by unanimous consent.

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

Greg Huber

State Representative



July 10, 2003

Garey Bies, Chairman
Assembly Corrections & Courts Committee
Room 125 West
State Capitol


Dear Chairman Bies:

On April 9, the Corrections and Courts Committee held a public hearing on Assembly Bill 101, relating to juveniles who have committed multiple alcohol violations. During the hearing concerns were raised about provisions of the bill granting exclusive jurisdiction in these cases to the juvenile court and possibly placing further pressure on county finances.

In an effort to address those concerns, I have drafted an amendment that grants concurrent jurisdiction to the juvenile court and the municipal court in these cases. As a result, juveniles with multiple alcohol violations won't necessarily become juvenile court juvenile in need of protection or services (JIPS) cases.

I have enclosed a copy of the amendment for your review and I have also sent a copy to the Counties Association for their review. If you have any questions, please do not hesitate to contact me.

Sincerely,


Greg Huber
State Representative
85th Assembly District



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

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Chief Justice

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John Voelker
Interim Director of State Courts

June 11, 2003

Rep. Garey Bies
Committee on Corrections and the Courts
Box 8952
Madison, WI 53708

RE: AB101

Dear Rep. Bies:

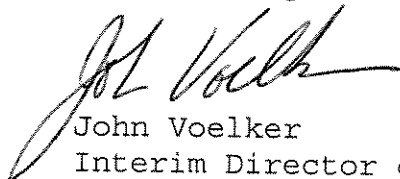
I am writing on behalf of the Legislative Committee of the Wisconsin Judicial Conference. The committee at a recent meeting reviewed AB101, a bill relating to jurisdiction over juveniles who commit three or more alcohol-related violations, and expressed the following concerns.

Currently these cases can be handled either by the circuit court as juvenile in need of protection or services (JIPS) cases or by a municipal court as a regular citation. This bill would require that all such violations be handled as JIPS cases. The bill grants jurisdiction exclusively to the juvenile court in the hopes of assuring that a broader range of options for treatment and detention will be available.

While a broad range of options is in theory a good thing, the Committee believes it is unlikely to work out well in practice, particularly in the larger jurisdictions. If these cases are assigned to juvenile court exclusively, a police officer cannot write a citation for a 3rd or subsequent violation; instead, the district attorney or corporation counsel must handle it as a JIPS petition. In communities that don't have the resources to pursue these cases as JIPS cases, cases may be dismissed rather than receive the services the bill seeks. This would result in no enforcement at all.

The Committee is not aware of any major problem with concurrent jurisdiction, and recommends that the present remedy of allowing municipal courts to also handle these cases be maintained.

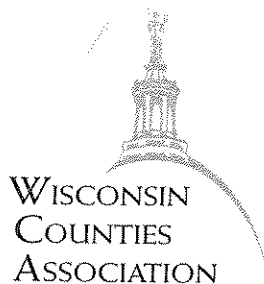
Respectfully submitted,



John Voelker
Interim Director of
State Courts

JV:lai

cc: Legislative Committee Members



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August 14, 2003

Honorable Greg Huber
Wisconsin State Assembly
PO Box 8952
Madison, WI 53708

Dear Representative Huber:

Thank you for forwarding LRBa0768/1 to Assembly Bill 101 to our office. We have asked some county representatives to review the amendment to determine if our concerns with Assembly Bill 101 will be alleviated with the addition of the amendment to the bill.

In general, our concern with the bill lies in the fact that mandatory juvenile court JIPS jurisdiction over juveniles who have two or more previous adjudications for an alcohol beverage violation will have fiscal consequences for counties, such as increased court costs and costs related to AODA treatment services, as well as the fact that treatment services are not available consistently on a statewide basis. The proposed amendment eliminates the mandates issue; however, what may actually happen in practice is unknown (we can never predict what action a specific district attorney, municipal attorney, judge, etc. may take in a case).

With the adoption of the amendment, the Wisconsin Counties Association will remove its concerns/objections to Assembly Bill 101.

Thank you for considering our comments and working to ensure legislation is adopted that meets the needs of, and is consistent with the resources available to, county human services agencies.

Sincerely,

Sarah Diedrick-Kasdorf
Senior Legislative Associate

cc: Representative Gary Bies, Chair
Assembly Committee on Corrections and the Courts

Assembly Committee on Corrections and the Courts

DATE _____

Moved by Albers

Seconded by Stas

AB 101

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

A _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

Passage

Introduction

Adoption

Rejection

Indefinite Postponement

Tabling

Concurrence

Nonconcurrence

	Committee Member	Aye	No	Absent	Not voting
1.	Rep. Garey Bies, chair	1			
2.	Rep. Sheryl Albers, vice-chair	2			
3.	Rep. Greg Underheim	3			
4.	Rep. Carol Owens	4			
5.	Rep. Frank Lasee	5			
6.	Rep. Scott Suder	6			
7.	Rep. Mark Honadel	7			
8.	Rep. Mark Poca	8			
9.	Rep. Pedro Colon				
10.	Rep. Tony Staskunas	9			
11.	Rep. Sheldon Wasserman	10			
Totals		10	0		

MOTION CARRIED

MOTION FAILED

Creats to SW cot excl jurisdiction
over Mr. Bev ⁽⁵¹⁴⁾ violations.

Tris allows new remedies not
prev available
Counseling
Supervision

Amend - makes permissive

AB101

< 16yr with 3rd or subsequent Alcohol
offense

- Juvenile court may impose
Juvenile in need of protective
services.

There is a funding issue here.

→ Action should be taken
on the family.