<u>Committee Name</u>: Senate Committee – Judiciary, Corrections and Privacy (SC-JCP)

Appointments

03hr_SC-JCP_Appt_pt00

Committee Hearings

03hr_SC-JCP_CH_pt00

Committee Reports

03hr_SC-JCP_CR_pt00

Clearinghouse Rules

03hr_SC-JCP_CRule_03-

Executive Sessions

03hr_SC-JCP_ES_pt00

Hearing Records 03hr_ab0709b

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Misc.

03hr_SC-JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC-JCP_RCP_pt00

MAR-4-04 14:11;

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CIRCUIT COURT, BRANCH I EAU GLAIRE COUNTY

> 721 Oxford Avenue, Eau Claire, Wisconsin 54703-5481 (715) 839-4809 FAX (715) 831-5835

LISA K. STARK, Judge

January 12, 2004

TO: THE COMMITTEE ON CORRECTIONS AND THE COURTS

RE: LETTER OF SUPPORT FOR ASSEMBLY BILL 709

Eau Claire County has had an active Juvenile Justice Oversight Committee since 1996. This committee is made up of key stakeholders from Eau Claire County, the City of Eau Claire and the Eau Claire School District. The mission of this committee is: "to promote a coordinated effort among Eau Claire County system stakeholders to achieve public safety and provide comprehensive family-based services with the goal of reducing juvenile crime and promoting strong families".

I have served as a member of this Committee for the past several years. During that time we have thoroughly studied and considered the concepts addressed in AB 709. The Committee believes that the enhanced ability to share information provided for in this Bill will assist in the protection of our schools and the provision of coordinated services for youth in our community. The Bill contains measures that have been adopted by at least 45 other states and we believe that passage of the Bill will assist us in achieving our mission.

I strongly endorse Assembly Bill 709. By the signatures attached the other Committee members show their support for AB 709 as well. Thank you for your consideration.

Sincerely,

Lisa K. Stark

Circuit Court Judge, Branch I

LKS:sb

Roy Sargeant, Director Eau Claire County Human Services

Rob Fachess, Director Children's Division

Fred Weissenburger

Executive Director of Student Services

Eau Claire Area School District

Thomas Wirth

Direct Services Division Mgr.

Eau Claire County Human Services

Gary Foster, Deputy Chief

Eau Claire Police Department

Bette Wahl, Project Coordinator Eau Claire Coalition for Youth

Rich White, District Attorney

Eau Claire County

Howard Ludwigson

Eau Claire County Board Chair

March 5, 2004

To the Senate Committee on Judiciary, Corrections & Privacy:

On behalf of Waupaca County's Delinquency Prevention Program I would ask you to support AB 709. AB 709 was created to enable schools, law enforcement and supporting agencies to intervene and address pre-delinquent behaviors at their onset. Currently agencies involved with the youth of Wisconsin cannot share information about their behaviors until it is often too late. AB 709 allows agencies working with Wisconsin's youth to become pro-active instead of being re-active. Under existing Wisconsin law, agencies cannot share information until a young man or woman is in the system. In other words, arrested! It is our belief that this is too late! Agencies working with the youth in our state need to be able to discuss and share information at the first signs of delinquent behavior, and these behaviors are increasingly evident in the years prior to middle and high school. Changing one's behavior does not occur when an individual is 16, 17, or 18, although behaviors can be changed if the individual in question is 10, 11, or The intent of this legislation is to empower agencies concerned about Wisconsin's youth to have the authority to work together in a prevention format.

AB 709 is a positive step towards enabling delinquency prevention efforts to become more effective. Sitting at the same table and not being able to effectively communicate frustrates and hinders the pro-active response those concerned about kids would like to demonstrate. Simply said, when the left hand does not know what the right hand is doing very little can be accomplished. Functioning in this manner hinders the effectiveness and good intentions of those interested in reducing delinquent and criminal behaviors. Meaningful work is limited, and in fact hindered, under our present legal conditions. As a result, your support for this legislation is imperative.

I regret I could not make it to this hearing! Weather conditions and prior commitments have made it impossible for members of our coalition to make it to Madison. As a result, I'm submitting this letter. I hope this committee can concur with the State Assembly and support our efforts to address delinquency at its onset. Thank you for your time and consideration.

Sincerely,

Bob Tomczyk

Project Coordinator - Waupaca County Delinquency Prevention Program.



JEAN HUNDERTMARK STATE REPRESENTATIVE

40TH ASSEMBLY DISTRICT

Assistant Majority Leader

Assembly Bill 709 Testimony
Senate Committee on Judiciary, Corrections & Privacy
Public Hearing
March 5, 2004

Chairman Zien and committee members, thank you for holding a hearing on a very important bill for the future of our children, Assembly Bill 709.

On April 20, 1999, the way we looked at troubled teens changed forever. That was the day when Eric Harris and Dylan Klebold came to Columbine High School and killed 12 of their classmates and one of their teachers. It was the deadliest shooting ever at a school in the United States.

I don't bring this up to evoke an emotion, but to prove a point. On at least two occasions, the County Sheriff had been alerted to the violent tendencies of at least one of the killers. But did the school know? Did the other local law enforcement officers know? Could these children have been helped before they committed this act?

This bill is aimed at giving our schools, law enforcement, and county social services the tools they need to help our children, especially those at-risk, from choosing the wrong path. Simply, this bill is about getting everyone to work together so they can give children the help they need before they make a terrible choice.

This bill is the product of hard work of a number of agencies in Waupaca County. Officials found that agencies were not communicating with one another when they recognized a troubled child. All seven of Waupaca County's school districts, all of the law enforcement departments, the District Attorney, the Clerk of Courts, the Circuit Court, the Department of Health and Human Services, the County Sheriff, as well as Lutheran Social Services have agreed to work together to help prevent children from becoming at-risk. They've signed an interagency agreement to share pupil records for those children that need help.

Unfortunately, Wisconsin juvenile records law will not allow them to carry out this agreement. This is why Assembly Bill 709 is so important. It makes three main changes to Wisconsin's juvenile records law.

1) It would permit law enforcement to release juvenile records to a school district if there is a belief that any state or federal crime has been committed.

Capitol Office:

Post Office Box 8952 • Madison, Wisconsin 53708-8952 Toll-Free: (888) 947-0040 • (608) 266-3794 Fax: (608) 282-3640 • Rep.Hundertmark@legis.state.wi.us

- 2) School boards would be allowed to disclose student records to a law enforcement agency, District Attorney, City Attorney, corporation council, county Department of Health & Social Services, juvenile intake worker, or court for the purpose of providing services for the pupil to prevent adjudication from occurring.
- 3) Records created and maintained by a law enforcement unit of a school district would be treated like that of any law enforcement agency.

And let me stress this point; these changes would only be valid if the agencies I mentioned earlier would enter into an interagency agreement to release their records. If a school district does not want to participate in this agreement, they are not required to release any of their records.

It is time that we all worked together to help those children who need help the most. AB 709 will allow us to do just that. Thank you and I would be happy to answer any questions you have.



TATE SENATOR DAVE ZIEN

CHAIRPERSON

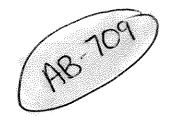
COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER COMMITTEE ON SENATE ORGANIZATION COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION COUNCIL ON TOURISM JUDICIAL COUNCIL

ASSISTANT MAJORITY LEADER



MEMORANDUM

TO: Senator Cathy Stepp, Member, Senate Committee on Judiciary, Corrections & Privacy

Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections FR: & Privacy

March 5, 2004 (hand delivered 2:00pm) DT:

RE: Paper Ballot (3 pages)

Please consider the following items and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 3:00pm today, March 5, 2004. Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 496

Relating to: use of settlement moneys received by the state for environmental violations for youth education programs regarding natural resources and granting rule-making authority.

By Senators Stepp, Welch, Erpenbach, Plale, Zien, S. Fitzgerald, Schultz and M. Meyer; cosponsored by Representatives Suder and Kreuser.

Moved by Senator Zien that SENATE BILL 496 be recommended for PASSAGE:

No

Senate Bill 518

Relating to: grants to counties for providing alternatives to prosecution and incarceration for persons who abuse alcohol or other drugs and making an appropriation.

By Senators Roessler, Zien, Darling, S. Fitzgerald, Moore and Lassa; cosponsored by Representatives Bies, Friske, Gunderson, Jeskewitz, Taylor, Pocan, Miller, Staskunas, Black and Nischke.

Moved by Senator Zien that SUBSTITUTE AMENDMENT LRBs0424/1 be recommended for INTRODUCTION AND ADOPTION:





· · · · · · · · · · · · · · · · · · ·		> T -	
Aye	<u> </u>	NO	

• Moved by Senator Zien that SENATE BILL 518 be recommended for PASSAGE AS AMENDED:

Aye _____ No _____

Assembly Bill 402

An Act to amend 938.185 (1) (intro.) and 938.255 (2); and to create 938.02 (12m), 938.02 (15c), 938.02 (18g), 938.185 (4), 938.24 (2r), 938.25 (2g), 938.255 (1) (cr), 938.299 (9) and 938.315 (1) (i) of the statutes; relating to: proceedings involving an American Indian juvenile who is alleged to have committed a delinquent act while physically outside the boundaries of a reservation and off-reservation trust land because of certain tribal court orders. (FE)

Introduced by Joint Legislative Council.

This committee voted on the companion bill, SB 193, on January 8, 2004. (The vote was 5-0.)

Please consider the following motion:

Moved by Senator Zien that ASSEMBLY BILL 402 be recommended for CONCURRENCE:

Aye ______No ____

Assembly Bill 526

Relating to: waiver of filing fee if parties stipulate to certain revisions of judgment or order.

By Representatives Albers, Musser, Bies, Hahn, McCormick, F. Lasee, J. Lehman, Seratti and Staskunas; cosponsored by Senators Roessler, A. Lasee and Lassa.

Please consider the following motion:

Moved by Senator Zien that ASSEMBLY BILL 526 be recommended for CONCURRENCE:

Aye _____ No ____

Assembly Bill 709

Relating to: the confidentiality of pupil records and the exchange of information between a pupil's school, the juvenile justice system, and law enforcement agencies.

Please consider the following motion:

Moved by	Senator	Zien	that	ASSEMBLY	BILL	709	be	recommended	for
CONCURREN	VCE:		,						

Aye ______ No _____

Moore, James E.

Of Kaukauna, as a member of the Prison Industries Board, to serve for the term ending May 1, 2004.

• Moved by Senator Zien that JAMES E. MOORE be recommended for CONFIRMATION:

Aye _____ No _____

Odom, Corey F.

Of Milwaukee, as a member of the Prison Industries Board, to serve for the term ending May 1, 2006.

• Moved by Senator Zien that COREY F. ODOM be recommended for CONFIRMATION:

Aye _____ No _____

Smith, Bill G.

Of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 2007.

Moved by Senator Zien that BILL G. SMITH be recommended for CONFIRMATION:

Aye _____ No _____

Signature _

Senator Cathy Steps



STATE SENATOR DAVE ZIEN

CHAIRPERSON

MEMBER

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY VICE CHAIRPERSON

ASSISTANT MAJORITY LEADER

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

COMMITTEE ON SENATE ORGANIZATION
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
SENTENCING COMMISSION

SENTENCING COMMISSIC COUNCIL ON TOURISM JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Scott Fitzgerald, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 5, 2004 (hand delivered 2:00pm)

RE: Paper Ballot (3 pages)

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Relating to: use of settlement moneys received by the state for environmental violations for youth education programs regarding natural resources and granting rule-making authority.

By Senators Stepp, Welch, Erpenbach, Plale, Zien, S. Fitzgerald, Schultz and M. Meyer; cosponsored by Representatives Suder and Kreuser.

Moved by Senator Zien that SENATE BILL 496 be recommended for PASSAGE:

Aye _____ No ____

Senate Bill 518

Relating to: grants to counties for providing alternatives to prosecution and incarceration for persons who abuse alcohol or other drugs and making an appropriation.

By Senators Roessler, Zien, Darling, S. Fitzgerald, Moore and Lassa; cosponsored by Representatives Bies, Friske, Gunderson, Jeskewitz, Taylor, Pocan, Miller, Staskunas, Black and Nischke.

Moved by Senator Zien that SUBSTITUTE AMENDMENT LRBs0424/1 be recommended for INTRODUCTION AND ADOPTION:





	Aye			No			nimos		
÷	Zien	that	SENATE	BILL	518	be	recommended	for	PASSAGE

Moved by Senator Zien that SENATE BILL 518 be recomm AS AMENDED:

Aye No ____

Assembly Bill 402

An Act to amend 938.185 (1) (intro.) and 938.255 (2); and to create 938.02 (12m), 938.02 (15c), 938.02 (18g), 938.185 (4), 938.24 (2r), 938.25 (2g), 938.255 (1) (cr), 938.299 (9) and 938.315 (1) (i) of the statutes; relating to: proceedings involving an American Indian juvenile who is alleged to have committed a delinquent act while physically outside the boundaries of a reservation and off-reservation trust land because of certain tribal court orders. (FE)

Introduced by Joint Legislative Council.

This committee voted on the companion bill, SB 193, on January 8, 2004. (The vote was 5-0.)

Please consider the following motion:

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Aye _____ No _____

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By Representatives Albers, Musser, Bies, Hahn, McCormick, F. Lasee, J. Lehman, Seratti and Staskunas; cosponsored by Senators Roessler, A. Lasee and Lassa.

Please consider the following motion:

• Moved by Senator Zien that ASSEMBLY BILL 526 be recommended for CONCURRENCE:

Aye ______ No _____

Assembly Bill 709

Relating to: the confidentiality of pupil records and the exchange of information between a pupil's school, the juvenile justice system, and law enforcement agencies.

Please consider the following motion:

Moved by Senator Zien that ASSEMBLY BILL 709 be recommended for CONCURRENCE:

Aye	\sim	No	

Moore, James E.

Of Kaukauna, as a member of the Prison Industries Board, to serve for the term ending May 1, 2004.

• Moved by Senator Zien that JAMES E. MOORE be recommended for CONFIRMATION:

Odom, Corey F.

Of Milwaukee, as a member of the Prison Industries Board, to serve for the term ending May 1, 2006.

• Moved by Senator Zien that COREY F. ODOM be recommended for CONFIRMATION:

Smith, Bill G.

Of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 2007.

Moved by Senator Zien that BILL G. SMITH be recommended for CONFIRMATION:

	\checkmark		
Aye		No	

Signature

Senator Scott Fitzgerald



STATE SENATOR DAVE ZIEN

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

ASSISTANT MAJORITY LEADER

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM MEMBER

COMMITTEE ON SENATE ORGANIZATION
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
SENTENCING COMMISSION
COUNCIL ON TOURISM
JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Tim Carpenter, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 5, 2004 (hand delivered 2:00pm)

RE: Paper Ballot (3 pages)

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By Senators Stepp, Welch, Erpenbach, Plale, Zien, S. Fitzgerald, Schultz and M. Meyer; cosponsored by Representatives Suder and Kreuser.

Moved by Senator Zien that SENATE BILL 496 be recommended for PASSAGE:

Aye _____ No ____

Senate Bill 518

Relating to: grants to counties for providing alternatives to prosecution and incarceration for persons who abuse alcohol or other drugs and making an appropriation.

By Senators Roessler, Zien, Darling, S. Fitzgerald, Moore and Lassa; cosponsored by Representatives Bies, Friske, Gunderson, Jeskewitz, Taylor, Pocan, Miller, Staskunas, Black and Nischke.

■ Moved by Senator Zien that SUBSTITUTE AMENDMENT LRBs0424/1 be recommended for INTRODUCTION AND ADOPTION:





Please consider the following motion:

m	Moved by	Senator	Zien	that	ASSEMBLY	BILL	709	be	recommended	for
	CONCURREN	NCE:								

Aye _____ No ____

Moore, James E.

Of Kaukauna, as a member of the Prison Industries Board, to serve for the term ending May 1, 2004.

• Moved by Senator Zien that JAMES E. MOORE be recommended for CONFIRMATION:

Aye ______ No _____

Odom, Corey F.

Of Milwaukee, as a member of the Prison Industries Board, to serve for the term ending May 1, 2006.

Moved by Senator Zien that COREY F. ODOM be recommended for CONFIRMATION:

Aye _____ No _____

Smith, Bill G.

Of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 2007.

Moved by Senator Zien that BILL G. SMITH be recommended for CONFIRMATION:

Aye _____ No _____

Signature _____

Senator Tim Carpenter



TATE SENATOR DAVE ZIEN

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

ASSISTANT MAJORITY LEADER

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM MEMBER

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION COUNCIL ON TOURISM

JUDICIAL COUNCIL

MEMORANDUM

Senator G. Spencer Coggs, Member, Senate Committee on Judiciary, TO: Corrections & Privacy

Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections FR: & Privacy

DT: March 5, 2004 (hand delivered 2:00pm)

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Moved by	Senator	Zien	that	SEŅATE	BILL	496	be	recommended	for
PASSAGE:				/					

Aye _____ No

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Moved by Senator Zien that SUBSTITUTE AMENDMENT LRBs0424/1 be recommended for INTRODUCTION AND ADOPTION:





			•
Aye	1/	No	

• Moved by Senator Zien that SENATE BILL 518 be recommended for PASSAGE AS AMENDED:

Aye _____ No _____

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An Act to amend 938.185 (1) (intro.) and 938.255 (2); and to create 938.02 (12m), 938.02 (15c), 938.02 (18g), 938.185 (4), 938.24 (2r), 938.25 (2g), 938.255 (1) (cr), 938.299 (9) and 938.315 (1) (i) of the statutes; relating to: proceedings involving an American Indian juvenile who is alleged to have committed a delinquent act while physically outside the boundaries of a reservation and off-reservation trust land because of certain tribal court orders. (FE)

Introduced by Joint Legislative Council.

This committee voted on the companion bill, SB 193, on January 8, 2004. (The vote was 5-0.)

Please consider the following motion:

Moved by Senator Zien that ASSEMBLY BILL 402 be recommended for CONCURRENCE:

Aye No ____

Assembly Bill 526

Relating to: waiver of filing fee if parties stipulate to certain revisions of judgment or order.

By Representatives Albers, Musser, Bies, Hahn, McCormick, F. Lasee, J. Lehman, Seratti and Staskunas; cosponsored by Senators Roessler, A. Lasee and Lassa.

Please consider the following motion:

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Aye _____ No ____

Assembly Bill 709

Relating to: the confidentiality of pupil records and the exchange of information between a pupil's school, the juvenile justice system, and law enforcement agencies.

Please consider the following motion:

•	Moved by	Senator	Zien	that	ASSEMBLY	BILL	709	be	recommended	for
	CONCURRE									

Aye _____ No _____

Moore, James E.

Of Kaukauna, as a member of the Prison Industries Board, to serve for the term ending May 1, 2004.

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Odom, Corey F.

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Aye _____ No ____

Smith, Bill G.

Of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 2007.

Moved by Senator Zien that BILL G. SMITH be recommended for CONFIRMATION:

Aye _____ No ____

Signature

Senator G. Spencer Togg