

2005 ASSEMBLY BILL 82

February 3, 2005 – Introduced by Representatives GRIGSBY and KESSLER, cosponsored by Senator TAYLOR. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to repeal* 938.357 (4) (d); and *to amend* 48.02 (1d), 48.02 (2), 48.366 (8),
2 subchapter IX (title) of chapter 48 [precedes 48.44], 48.44 (title), 48.44 (1), 48.45
3 (1) (a), 48.45 (1) (am), 48.45 (3), 118.163 (4), 125.07 (4) (d), 125.07 (4) (e) 1.,
4 125.085 (3) (bt), 165.83 (1) (c) 1., 165.83 (1) (c) 2., 301.03 (10) (d), 301.12 (2m),
5 301.12 (14) (a), 302.11 (10), 302.255, 302.31 (7), 302.386 (5) (d), 938.02 (1),
6 938.02 (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.344 (3),
7 938.35 (1m), 938.355 (4) (b), 938.355 (4m) (a), 938.39, subchapter IX (title) of
8 chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a), 938.45 (3), 938.48 (4m) (a),
9 938.48 (4m) (b), 938.48 (14), 938.538 (3) (a) 1., 938.538 (3) (a) 1m., 938.538 (3)
10 (a) 2., 938.538 (4) (a), 938.538 (5) (c), 938.538 (6), 938.57 (3) (a) 1., 938.57 (3) (a)
11 3., 938.57 (3) (b), 938.992 (3), 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.),
12 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (1), 961.46, 961.573 (2), 961.574
13 (2), 961.575 (1), 961.575 (2), 961.575 (3), 976.08, 990.01 (3) and 990.01 (20) of
14 the statutes; **relating to:** the age at which a person who is alleged to have

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1 violated a criminal law, a civil law, or a municipal ordinance is subject to circuit
2 court or municipal court rather than juvenile court jurisdiction.

Analysis by the Legislative Reference Bureau

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile secured correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 48.02 (1d) of the statutes is amended to read:

4 48.02 (1d) “Adult” means a person who is 18 years of age or older, ~~except that~~
5 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~
6 ~~any state or federal criminal law or any civil law or municipal ordinance, “adult”~~
7 ~~means a person who has attained 17 years of age.~~

8 **SECTION 2.** 48.02 (2) of the statutes is amended to read:

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1 **SECTION 5.** 48.44 (title) of the statutes is amended to read:

2 **48.44** (title) **Jurisdiction over persons 17 18 or older.**

3 **SECTION 6.** 48.44 (1) of the statutes is amended to read:

4 **48.44 (1)** The court has jurisdiction over persons 17 18 years of age or older as
5 provided under ss. 48.133, 48.355 (4), and 48.45 and as otherwise specifically
6 provided in this chapter.

7 **SECTION 7.** 48.45 (1) (a) of the statutes is amended to read:

8 **48.45 (1) (a)** If in the hearing of a case of a child alleged to be in a condition
9 described in s. 48.13 it appears that any person 17 18 years of age or older has been
10 guilty of contributing to, encouraging, or tending to cause by any act or omission,
11 ~~such that condition of the child,~~ the judge may make orders with respect to the
12 conduct of ~~such that person~~ in his or her relationship to the child, including orders
13 determining the ability of the person to provide for the maintenance or care of the
14 child and directing when, how, and from where funds for the maintenance or care
15 shall be paid.

16 **SECTION 8.** 48.45 (1) (am) of the statutes is amended to read:

17 **48.45 (1) (am)** If in the hearing of a case of an unborn child and the unborn
18 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
19 that any person 17 18 years of age or over has been guilty of contributing to,
20 encouraging, or tending to cause by any act or omission, ~~such that condition of the~~
21 ~~unborn child and expectant mother,~~ the judge may make orders with respect to the
22 conduct of ~~such that person~~ in his or her relationship to the unborn child and
23 expectant mother.

24 **SECTION 9.** 48.45 (3) of the statutes is amended to read:

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1 48.45 (3) If it appears at a court hearing that any person ~~17~~ 18 years of age or
2 older has violated s. 948.40, the judge shall refer the record to the district attorney
3 for criminal proceedings as may be warranted in the district attorney's judgment.
4 This subsection does not prevent prosecution of violations of s. 948.40 without the
5 prior reference by the judge to the district attorney, as in other criminal cases.

6 **SECTION 10.** 118.163 (4) of the statutes is amended to read:

7 118.163 (4) A person who is under ~~17~~ 18 years of age on the date of disposition
8 is subject to s. 938.342.

9 **SECTION 11.** 125.07 (4) (d) of the statutes is amended to read:

10 125.07 (4) (d) A person who is under ~~17~~ 18 years of age on the date of disposition
11 is subject to s. 938.344 unless proceedings have been instituted against the person
12 in a court of civil or criminal jurisdiction after dismissal of the citation under s.
13 938.344 (3).

14 **SECTION 12.** 125.07 (4) (e) 1. of the statutes is amended to read:

15 125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty
16 of violating par. (a) or (b) who is ~~17,~~ 18, 19, or 20 years of age.

17 **SECTION 13.** 125.085 (3) (bt) of the statutes is amended to read:

18 125.085 (3) (bt) A person who is under ~~17~~ 18 years of age on the date of
19 disposition is subject to s. 938.344 unless proceedings have been instituted against
20 the person in a court of civil or criminal jurisdiction after dismissal of the citation
21 under s. 938.344 (3).

22 **SECTION 14.** 165.83 (1) (c) 1. of the statutes is amended to read:

23 165.83 (1) (c) 1. An act that is committed by a person who has attained the age
24 of ~~17~~ 18 and that is a felony or a misdemeanor.

25 **SECTION 15.** 165.83 (1) (c) 2. of the statutes is amended to read:

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1 165.83 (1) (c) 2. An act that is committed by a person who has attained the age
2 of 10 but who has not attained the age of 17 18 and that would be a felony or
3 misdemeanor if committed by an adult.

4 **SECTION 16.** 301.03 (10) (d) of the statutes is amended to read:

5 301.03 (10) (d) Administer the office of juvenile offender review in the division
6 of juvenile corrections in the department. The office shall be responsible for decisions
7 regarding case planning, the release of juvenile offenders from secured correctional
8 facilities or secured child caring institutions to aftercare placements ~~and the transfer~~
9 ~~of juveniles to the Racine youthful offender correctional facility named in s. 302.01~~
10 ~~as provided in s. 938.357 (4) (d).~~

11 **SECTION 17.** 301.12 (2m) of the statutes is amended to read:

12 301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 18
13 and older receiving care, maintenance, services, and supplies provided by prisons
14 named in s. 302.01.

15 **SECTION 18.** 301.12 (14) (a) of the statutes is amended to read:

16 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
17 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
18 18 years of age in residential, nonmedical facilities such as group homes, foster
19 homes, treatment foster homes, child caring institutions, and juvenile correctional
20 institutions is determined in accordance with the cost-based fee established under
21 s. 301.03 (18). The department shall bill the liable person up to any amount of
22 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party
23 benefits, subject to rules ~~which~~ that include formulas governing ability to pay
24 promulgated by the department under s. 301.03 (18). Any liability of the resident not

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1 payable by any other person terminates when the resident reaches age ~~17~~ 18, unless
2 the liable person has prevented payment by any act or omission.

3 **SECTION 19.** 302.11 (10) of the statutes is amended to read:

4 302.11 (10) An inmate subject to an order under s. 48.366 ~~or 938.34 (4h)~~ is not
5 entitled to mandatory release and may be released or discharged only as provided
6 under s. 48.366 ~~or 938.538~~.

7 **SECTION 20.** 302.255 of the statutes is amended to read:

8 **302.255 Interstate corrections compact; additional applicability.**

9 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order
10 under s. 48.366 who are confined to a state prison under s. 302.01 ~~and persons subject~~
11 ~~to an order under s. 938.34 (4h) who are 17 years of age or older.~~

12 **SECTION 21.** 302.31 (7) of the statutes is amended to read:

13 302.31 (7) The temporary placement of persons in the custody of the
14 department, other than persons under ~~17~~ 18 years of age, and persons who have
15 attained the age of ~~17~~ 18 years but have not attained the age of 25 years who are
16 under the supervision of the department under s. 48.366 or 938.355 (4) and who have
17 been taken into custody pending revocation of aftercare supervision under s. 48.366
18 (5) or 938.357 (5) (e).

19 **SECTION 22.** 302.386 (5) (d) of the statutes is amended to read:

20 302.386 (5) (d) Any participant in the serious juvenile offender program under
21 s. 938.538 unless he or she is placed in a Type 1 secured correctional facility, as
22 defined in s. 938.02 (19), ~~or in a Type 1 prison other than the institution authorized~~
23 ~~under s. 301.046 (1).~~

24 **SECTION 23.** 938.02 (1) of the statutes is amended to read:

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1 938.02 (1) “Adult” means a person who is 18 years of age or older, ~~except that~~
2 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~
3 ~~any state or federal criminal law or any civil law or municipal ordinance, “adult”~~
4 ~~means a person who has attained 17 years of age.~~

5 **SECTION 24.** 938.02 (10m) of the statutes is amended to read:

6 938.02 (10m) “Juvenile” means a person who is less than 18 years of age, ~~except~~
7 ~~that for purposes of investigating or prosecuting a person who is alleged to have~~
8 ~~violated a state or federal criminal law or any civil law or municipal ordinance,~~
9 ~~“juvenile” does not include a person who has attained 17 years of age.~~

10 **SECTION 25.** 938.12 (2) of the statutes is amended to read:

11 938.12 (2) If a court proceeding has been commenced under this section before
12 a juvenile is ~~17~~ 18 years of age, but the juvenile becomes ~~17~~ 18 years of age before
13 admitting the facts of the petition at the plea hearing or if the juvenile denies the
14 facts, before an adjudication, the court retains jurisdiction over the case.

15 **SECTION 26.** 938.18 (2) of the statutes is amended to read:

16 938.18 (2) The waiver hearing shall be brought on by filing a petition alleging
17 delinquency drafted under s. 938.255 and a petition for waiver of jurisdiction which
18 shall contain a brief statement of the facts supporting the request for waiver. The
19 petition for waiver of jurisdiction shall be filed prior to the plea hearing, except that
20 if the juvenile denies the facts of the petition and becomes ~~17~~ 18 years of age before
21 an adjudication, the petition for waiver of jurisdiction may be filed at any time prior
22 to the adjudication.

23 **SECTION 27.** 938.183 (3) of the statutes is amended to read:

24 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.
25 (1m) or (2) attains the age of ~~17~~ 18 years, the department may place the juvenile in

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1 a state prison named in s. 302.01, ~~except that the department may not place any~~
2 ~~person under the age of 18 years in the correctional institution authorized in s.~~
3 ~~301.16 (1n). If a juvenile who is subject to a criminal penalty under sub. (1m) or (2)~~
4 ~~is 15 years of age or over, the department may transfer the juvenile to the Racine~~
5 ~~youthful offender correctional facility named in s. 302.01 as provided in s. 938.357~~
6 ~~(4)(d). A juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an~~
7 ~~act committed before December 31, 1999, is eligible for parole under s. 304.06.~~

8 **SECTION 28.** 938.255 (1) (intro.) of the statutes is amended to read:

9 938.255 (1) (intro.) A petition initiating proceedings under this chapter, ~~other~~
10 ~~than a petition initiating proceedings under s. 938.12, 938.125 or 938.13 (12), shall~~
11 ~~be entitled, “In the interest of (juvenile’s name), a person under the age of 18”. A~~
12 ~~petition initiating proceedings under s. 938.12, 938.125 or 938.13 (12) shall be~~
13 ~~entitled, “In the interest of (juvenile’s name), a person under the age of 17”. A petition~~
14 ~~initiating proceedings under this chapter shall set forth with specificity all of the~~
15 ~~following:~~

16 **SECTION 29.** 938.344 (3) of the statutes is amended to read:

17 938.344 (3) If the juvenile alleged to have committed the violation is within 3
18 months of his or her 17th 18th birthday, the court assigned to exercise jurisdiction
19 under this chapter and ch. 48 may, at the request of the district attorney or on its own
20 motion, dismiss the citation without prejudice and refer the matter to the district
21 attorney for prosecution under s. 125.07 (4). The juvenile is entitled to a hearing only
22 on the issue of his or her age. This subsection does not apply to violations under s.
23 961.573 (2), 961.574 (2), or 961.575 (2) or a local ordinance that strictly conforms to
24 one of those statutes.

25 **SECTION 30.** 938.35 (1m) of the statutes is amended to read:

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1 938.35 **(1m)** Disposition by the court assigned to exercise jurisdiction under
2 this chapter and ch. 48 of any allegation under s. 938.12 or 938.13 (12) shall bar any
3 future proceeding on the same matter in criminal court when the juvenile reaches
4 the age of 17 18. This paragraph does not affect proceedings in criminal court which
5 have been transferred under s. 938.18.

6 **SECTION 31.** 938.355 (4) (b) of the statutes is amended to read:

7 938.355 **(4)** (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
8 or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years
9 after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the
10 court specifies a shorter period of time or the court terminates the order sooner.
11 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
12 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile
13 is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing
14 an act that would be punishable as a Class B or C felony if committed by an adult,
15 or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent
16 for committing an act that would be punishable as a Class A felony if committed by
17 an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34
18 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 18 years of age shall
19 terminate at the end of one year after its entry unless the court specifies a shorter
20 period of time or the court terminates the order sooner. No extension under s.
21 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may
22 be granted for a juvenile who is 17 18 years of age or older when the original
23 dispositional order terminates.

24 **SECTION 32.** 938.355 (4m) (a) of the statutes is amended to read:

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SECTION 32

1 938.355 **(4m)** (a) A juvenile who has been adjudged delinquent may, on
2 attaining 17 18 years of age, petition the court to expunge the court’s record of the
3 juvenile’s adjudication. Subject to par. (b), the court may expunge the court’s record
4 of the juvenile’s adjudication if the court determines that the juvenile has
5 satisfactorily complied with the conditions of his or her dispositional order and that
6 the juvenile will benefit and society will not be harmed by the expungement.

7 **SECTION 33.** 938.357 (4) (d) of the statutes is repealed.

8 **SECTION 34.** 938.39 of the statutes is amended to read:

9 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
10 court of any violation of state law coming within its jurisdiction under s. 938.12 bars
11 any future criminal proceeding on the same matter in circuit court when the juvenile
12 reaches the age of 17 18. This section does not affect criminal proceedings in circuit
13 court which were transferred under s. 938.18.

14 **SECTION 35.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the
15 statutes is amended to read:

16 **CHAPTER 938**

17 SUBCHAPTER IX

18 JURISDICTION OVER PERSONS 17 18 OR OLDER

19 **SECTION 36.** 938.44 of the statutes is amended to read:

20 **938.44 Jurisdiction over persons 17 18 or older.** The court has jurisdiction
21 over persons 17 18 years of age or over as provided under ss. 938.355 (4) and 938.45
22 and as otherwise specifically provided in this chapter.

23 **SECTION 37.** 938.45 (1) (a) of the statutes is amended to read:

24 938.45 **(1)** (a) If in the hearing of a case of a juvenile alleged to be delinquent
25 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any

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1 person ~~17~~ 18 years of age or over has been guilty of contributing to, encouraging, or
2 tending to cause by any act or omission, such ~~that~~ condition of the juvenile, the court
3 may make orders with respect to the conduct of such ~~that~~ person in his or her
4 relationship to the juvenile, including orders determining the ability of the person
5 to provide for the maintenance or care of the juvenile and directing when, how, and
6 from where funds for the maintenance or care shall be paid.

7 **SECTION 38.** 938.45 (3) of the statutes is amended to read:

8 938.45 (3) If it appears at a court hearing that any person ~~17~~ 18 years of age
9 or older has violated s. 948.40, the court shall refer the record to the district attorney
10 for criminal proceedings as may be warranted in the district attorney's judgment.
11 This subsection does not prevent prosecution of violations of s. 948.40 without the
12 prior reference by the court to the district attorney, as in other criminal cases.

13 **SECTION 39.** 938.48 (4m) (a) of the statutes is amended to read:

14 938.48 (4m) (a) Is at least ~~17~~ 18 years of age.

15 **SECTION 40.** 938.48 (4m) (b) of the statutes is amended to read:

16 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,
17 938.34 (4h), (4m), or (4n) or 938.357 (4) when the person reached ~~17~~ 18 years of age.

18 **SECTION 41.** 938.48 (14) of the statutes is amended to read:

19 938.48 (14) Pay maintenance, tuition, and related expenses from the
20 appropriation under s. 20.410 (3) (ho) for persons who when they reached ~~17~~ 18 years
21 of age were students regularly attending a school, college, or university or regularly
22 attending a course of vocational or technical training designed to fit them for gainful
23 employment, and who when reaching that age were under the supervision of the
24 department under s. 938.183, 938.34 (4h), (4m), or (4n) or 938.357 (4) as a result of
25 a judicial decision.

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1 **SECTION 42.** 938.538 (3) (a) 1. of the statutes is amended to read:

2 938.538 **(3)** (a) 1. Subject to subd. 1m., placement in a Type 1 secured
3 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~
4 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~
5 ~~(d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years.~~

6 **SECTION 43.** 938.538 (3) (a) 1m. of the statutes is amended to read:

7 938.538 **(3)** (a) 1m. If the participant has been adjudicated delinquent for
8 committing an act that would be a Class A felony if committed by an adult, placement
9 in a Type 1 secured correctional facility, or a secured child caring institution ~~or, if the~~
10 ~~participant is 17 years of age or over or 15 years of age or over and transferred under~~
11 ~~s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), until the participant~~
12 reaches 25 years of age, unless the participant is released sooner, subject to a
13 mandatory minimum period of confinement of not less than one year.

14 **SECTION 44.** 938.538 (3) (a) 2. of the statutes is amended to read:

15 938.538 **(3)** (a) 2. Intensive or other field supervision, including corrective
16 sanctions supervision under s. 938.533, or aftercare supervision ~~or, if the participant~~
17 ~~is 17 years of age or over, intensive sanctions supervision under s. 301.048.~~

18 **SECTION 45.** 938.538 (4) (a) of the statutes is amended to read:

19 938.538 **(4)** (a) A participant in the serious juvenile offender program is under
20 the supervision and control of the department, is subject to the rules and discipline
21 of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).
22 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
23 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
24 secured correctional facility the department may, without a hearing, take the
25 participant into custody and return him or her to placement in a Type 1 secured

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1 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~
2 ~~years of age or over, a Type 1 prison, as defined in s. 301.01 (5).~~ Any intentional
3 failure of a participant to remain within the extended limits of his or her placement
4 while participating in the serious juvenile offender program or to return within the
5 time prescribed by the administrator of the division of intensive sanctions in the
6 department is considered an escape under s. 946.42 (3) (c). This paragraph does not
7 preclude a juvenile who has violated a condition of the juvenile's participation in the
8 program under sub. (3) (a) 2. to 9. from being taken into and held in custody under
9 ss. 938.19 to 938.21.

10 **SECTION 46.** 938.538 (5) (c) of the statutes is amended to read:

11 938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of
12 placement and revisions of orders for a juvenile who is a participant in the serious
13 juvenile offender program, ~~except that s. 938.357 (4) (d) applies to the transfer of a~~
14 ~~participant to the Racine youthful offender correctional facility named in s. 302.01.~~

15 **SECTION 47.** 938.538 (6) of the statutes is amended to read:

16 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract
17 with the department of health and family services, a county department, or any
18 public or private agency for the purchase of goods, care, and services for participants
19 in the serious juvenile offender program. The department of corrections shall
20 reimburse a person from whom it purchases goods, care or services under this
21 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~
22 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~
23 ~~301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the~~
24 appropriate appropriation under s. 20.410 (1).

25 **SECTION 48.** 938.57 (3) (a) 1. of the statutes is amended to read:

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1 938.57 (3) (a) 1. Is ~~17~~ 18 years of age or older.

2 **SECTION 49.** 938.57 (3) (a) 3. of the statutes is amended to read:

3 938.57 (3) (a) 3. Received funding under s. 46.495 (1) (d) immediately prior to
4 his or her ~~17th~~ 18th birthday.

5 **SECTION 50.** 938.57 (3) (b) of the statutes is amended to read:

6 938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.
7 (a) shall be in an amount equal to that to which the juvenile would receive under s.
8 46.495 (1) (d) if the juvenile were ~~16~~ 17 years of age.

9 **SECTION 51.** 938.992 (3) of the statutes is amended to read:

10 938.992 (3) Notwithstanding s. 938.991 (3) (b), “delinquent juvenile” does not
11 include a person subject to an order under s. 48.366 who is confined to a state prison
12 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~
13 ~~of age or over.~~

14 **SECTION 52.** 946.50 (intro.) of the statutes is amended to read:

15 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
16 who intentionally fails to appear before the court assigned to exercise jurisdiction
17 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
18 does not return to that court for a dispositional hearing before attaining the age of
19 ~~17~~ 18 years is guilty of the following:

20 **SECTION 53.** 948.01 (1) of the statutes is amended to read:

21 948.01 (1) “Child” means a person who has not attained the age of 18 years,
22 ~~except that for purposes of prosecuting a person who is alleged to have violated a~~
23 ~~state or federal criminal law, “child” does not include a person who has attained the~~
24 ~~age of 17 years.~~

25 **SECTION 54.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

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1 948.11 (2) (am) (intro.) Any person who has attained the age of ~~17~~ 18 and who,
2 with knowledge of the character and content of the description or narrative account,
3 verbally communicates, by any means, a harmful description or narrative account
4 to a child, with or without monetary consideration, is guilty of a Class I felony if any
5 of the following applies:

6 **SECTION 55.** 948.45 (1) of the statutes is amended to read:

7 948.45 (1) Except as provided in sub. (2), any person ~~17~~ 18 years of age or older
8 who, by any act or omission, knowingly encourages or contributes to the truancy, as
9 defined under s. 118.16 (1) (c), of a person ~~17~~ 18 years of age or under is guilty of a
10 Class C misdemeanor.

11 **SECTION 56.** 948.60 (2) (d) of the statutes is amended to read:

12 948.60 (2) (d) A person under ~~17~~ 18 years of age who has violated this
13 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under
14 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
15 under s. 938.183.

16 **SECTION 57.** 948.61 (4) of the statutes is amended to read:

17 948.61 (4) A person under ~~17~~ 18 years of age who has violated this section is
18 subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18 or
19 the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
20 938.183.

21 **SECTION 58.** 961.455 (1) of the statutes is amended to read:

22 961.455 (1) Any person who has attained the age of ~~17~~ 18 years who knowingly
23 solicits, hires, directs, employs, or uses a person who is under the age of ~~17~~ 18 years
24 for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

25 **SECTION 59.** 961.46 of the statutes is amended to read:

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1 **961.46 Distribution to persons under age 18.** If a person ~~17~~ 18 years of age
2 or over violates s. 961.41 (1) by distributing or delivering a controlled substance or
3 a controlled substance analog to a person 17 years of age or under who is at least 3
4 years his or her junior, the applicable maximum term of imprisonment prescribed
5 under s. 961.41 (1) for the offense may be increased by not more than 5 years.

6 **SECTION 60.** 961.573 (2) of the statutes is amended to read:

7 961.573 (2) Any person ~~who violates sub. (1) who is under 17~~ 18 years of age
8 who violates sub. (1) is subject to a disposition under s. 938.344 (2e).

9 **SECTION 61.** 961.574 (2) of the statutes is amended to read:

10 961.574 (2) Any person ~~who violates sub. (1) who is under 17~~ 18 years of age
11 who violates sub. (1) is subject to a disposition under s. 938.344 (2e).

12 **SECTION 62.** 961.575 (1) of the statutes is amended to read:

13 961.575 (1) Any person ~~17~~ 18 years of age or over who violates s. 961.574 (1)
14 by delivering drug paraphernalia to a person 17 years of age or under who is at least
15 3 years younger than the violator may be fined not more than \$10,000 or imprisoned
16 for not more than 9 months or both.

17 **SECTION 63.** 961.575 (2) of the statutes is amended to read:

18 961.575 (2) Any person ~~who violates this section who is under 17~~ under 18 years
19 of age who violates s. 961.574 (3) is subject to a disposition under s. 938.344 (2e).

20 **SECTION 64.** 961.575 (3) of the statutes is amended to read:

21 961.575 (3) Any person ~~17~~ 18 years of age or over who violates s. 961.574 (3)
22 by delivering drug paraphernalia to a person 17 years of age or under is guilty of a
23 Class G felony.

24 **SECTION 65.** 976.08 of the statutes is amended to read:

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1 **976.08 Additional applicability.** In this chapter, “prisoner” includes any
 2 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
 3 state prison ~~and any person subject to an order under s. 938.34 (4h) who is 17 years~~
 4 ~~of age or older.~~

5 **SECTION 66.** 990.01 (3) of the statutes is amended to read:

6 990.01 **(3)** ADULT. “Adult” means a person who has attained the age of 18 years,
 7 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~
 8 ~~have violated any state or federal criminal law or any civil law or municipal~~
 9 ~~ordinance, “adult” means a person who has attained the age of 17 years.~~

10 **SECTION 67.** 990.01 (20) of the statutes is amended to read:

11 990.01 **(20)** MINOR. “Minor” means a person who has not attained the age of
 12 18 years, ~~except that for purposes of investigating or prosecuting a person who is~~
 13 ~~alleged to have violated a state or federal criminal law or any civil law or municipal~~
 14 ~~ordinance, “minor” does not include a person who has attained the age of 17 years.~~

15 **SECTION 68. Initial applicability.**

16 (1) AGE OF ADULT JURISDICTION. This act first applies to a violation of a criminal
 17 law, civil law, or municipal ordinance allegedly committed on the effective date of this
 18 subsection.

19 **(END)**