

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0756/1dn
GMM:kjf:rs

November 19, 2004

Representative Kessler:

In addition to raising the age of adult jurisdiction from 17 to 18, this draft repeals language permitting the transfer of a juvenile to an adult prison. That language was held unconstitutional by the Wisconsin Supreme Court in *State v. Hezzie R.*, 219 Wis. 2d 849 (1998), because it would subject a juvenile to criminal punishment without a trial by jury. The draft repeals that language because it is found in many of the provisions referring to the age of majority treated by the draft.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us