

**ASSEMBLY BILL 443**

1           **SECTION 312.** 938.299 (4) (b) and (5) of the statutes are amended to read:

2           938.299 (4) (b) Except as provided in s. 901.05, ~~neither~~ common law ~~nor~~ and  
3           statutory rules of evidence are not binding at a waiver hearing under s. 938.18, a  
4           hearing for a juvenile held in custody under s. 938.21, a hearing under s. 938.296 (4)  
5           for a juvenile who is alleged to have violated s. 940.225, 948.02, 948.025, 948.05, or  
6           948.06, a hearing under s. 938.296 (5) for a juvenile who is alleged to have violated  
7           s. 946.43 (2m), a dispositional hearing, or any postdispositional hearing under this  
8           chapter. At those hearings, the court shall admit all testimony having reasonable  
9           probative value, but shall exclude immaterial, irrelevant, or unduly repetitious  
10          testimony, or evidence that is inadmissible under s. 901.05. Hearsay evidence may  
11          be admitted if it has demonstrable circumstantial guarantees of trustworthiness.  
12          The court shall give effect to the rules of privilege recognized by law. The court shall  
13          apply the basic principles of relevancy, materiality, and probative value to proof of  
14          all questions of fact. Objections to evidentiary offers and offers of proof of evidence  
15          not admitted may be made and shall be noted in the record.

16          **(5) TELEPHONE OR LIVE AUDIOVISUAL HEARINGS.** On request of any party, unless  
17          good cause to the contrary is shown, any hearing under s. 938.209 (1) (a) 5. or 938.21  
18          (1) may be held on the record by telephone or live audiovisual means or testimony  
19          may be received by telephone or live audiovisual means ~~as prescribed in~~ under s.  
20          807.13 (2). The request and the showing of good cause for not conducting the hearing  
21          or admitting testimony by telephone or live audiovisual means may be made by  
22          telephone.

23          **SECTION 313.** 938.299 (6) (title), (7) (title), (8) (title) and (9) (title) of the statutes  
24          are created to read:

25          938.299 **(6)** (title) ESTABLISHMENT OF PATERNITY WHEN MAN ALLEGES PATERNITY.

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1 (7) (title) ESTABLISHMENT OF PATERNITY WHEN NO MAN ALLEGES PATERNITY.

2 (8) (title) TESTIMONY OF JUVENILE'S MOTHER RELATING TO PATERNITY.

3 (9) (title) AMERICAN INDIAN JUVENILE; TRIBAL COURT INVOLVEMENT.

4 **SECTION 314.** 938.299 (9) (a) and (b) of the statutes are amended to read:

5 938.299 (9) (a) If a petition under s. 938.12 or 938.13 (12) includes the  
6 statement in s. 938.255 (1) (cr) 2. or if the court is informed during a proceeding under  
7 s. 938.12 or 938.13 (12) that a petition relating to the delinquent act has been filed  
8 in a tribe's court with respect to a juvenile to whom the circumstances specified in  
9 s. 938.255 (1) (cr) 1. apply, the court shall stay the proceeding and communicate with  
10 the tribal court in which the other proceeding is or may be pending to discuss which  
11 court ~~may be~~ is the more appropriate forum.

12 (b) If the court and tribal court either mutually agree or agree under the terms  
13 of an established judicial protocol applicable to the court that the tribal court ~~would~~  
14 be is the more appropriate forum, the court shall dismiss the petition without  
15 prejudice or stay the proceeding. The court's decision shall be based on the best  
16 interests of the juvenile and of the public.

17 **SECTION 315.** 938.30 (1) (title) of the statutes is created to read:

18 938.30 (1) (title) TIME OF HEARING.

19 **SECTION 316.** 938.30 (2) of the statutes is amended to read:

20 938.30 (2) INFORMATION TO JUVENILE AND PARENTS; BASIC RIGHTS; SUBSTITUTION.

21 At or before the commencement of the hearing under this section the juvenile and  
22 the parent, guardian, or legal custodian shall be advised of their rights as specified  
23 in s. 938.243 and shall be informed that the hearing shall be to the court and that  
24 a request for a substitution of judge under s. 938.29 must be made before the end of  
25 the plea hearing or ~~be is~~ is waived. Nonpetitioning parties, including the juvenile, shall

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1 be granted a continuance of the plea hearing if they wish to consult with an attorney  
2 on the request for a substitution of a judge.

3 **SECTION 317.** 938.30 (3) (title) and (4) (title) of the statutes are created to read:

4 938.30 (3) (title) JUVENILE IN NEED OF PROTECTION OR SERVICES PROCEEDING;  
5 POSSIBLE PLEAS.

6 (4) (title) DELINQUENCY AND CIVIL LAW OR ORDINANCE PROCEEDINGS; POSSIBLE  
7 PLEAS.

8 **SECTION 318.** 938.30 (4) (a), (bm) and (c) of the statutes are amended to read:

9 938.30 (4) (a) Admit some or all of the facts alleged in the petition or citation,  
10 ~~however, such a~~ This plea is an admission only of the commission of the acts and does  
11 not constitute an admission of delinquency.

12 (bm) Plead no contest to the allegations, ~~but only~~ if the court permits the  
13 juvenile to enter that plea.

14 (c) ~~Except pursuant to~~ in the case of a petition or citation under s. 938.125, state  
15 that he or she is not responsible for the acts alleged in the petition by reason of mental  
16 disease or defect. This plea shall be joined with an admission under par. (a), a denial  
17 under par. (b), or a plea of no contest under par. (bm).

18 **SECTION 319.** 938.30 (4m) of the statutes is renumbered 938.30 (4m) (intro.)  
19 and amended to read:

20 938.30 (4m) COURT TO INQUIRE ABOUT NOTICE TO VICTIMS. (intro.) Before  
21 accepting a plea under sub. (4) in a proceeding in which a juvenile is alleged to be  
22 delinquent under s. 938.12 or to be in need of protection or services under s. 938.13  
23 (12), the court shall inquire of the district attorney or corporation counsel ~~whether~~  
24 he as to all of the following:

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1           (a) ~~Whether he or she has complied with s. ss. 938.265 and whether he or she~~  
2 ~~has complied with s. 938.27 (4m), whether any,~~

3           (b) Whether any of the known victims requested notice of the date, time, and  
4 place of the plea hearing and, if so, whether the district attorney or corporation  
5 counsel provided ~~to the victim that~~ notice of the date, time and place of the hearing.

6           **SECTION 320.** 938.30 (5) (title) of the statutes is created to read:

7           938.30 (5) (title) NOT COMPETENT OR NOT RESPONSIBLE.

8           **SECTION 321.** 938.30 (5) (a) 2., (c) (intro.) and (d) (intro.) of the statutes are  
9 amended to read:

10           938.30 (5) (a) 2. If the juvenile denies the allegations in the petition or citation,  
11 the court shall hold a fact-finding hearing on the allegations in the petition or  
12 citation as provided under s. 938.31. ~~If, at the end of the fact-finding~~ after the  
13 hearing, the court finds that the allegations in the petition have been proven, the  
14 court shall immediately hold a hearing to determine whether the juvenile was not  
15 responsible by reason of mental disease or defect.

16           (c) (intro.) If the court finds that the juvenile was not responsible by reason of  
17 mental disease or defect, as described under s. 971.15 (1) and (2), the court shall  
18 dismiss the petition with prejudice and ~~shall also~~ do one of the following:

19           (d) (intro.) If the court finds that the juvenile is not competent to proceed, as  
20 described in s. 971.13 (1) and (2), the court shall suspend proceedings on the petition  
21 and ~~shall also~~ do one of the following:

22           **SECTION 322.** 938.30 (5) (e) 1. of the statutes is renumbered 938.30 (5) (e) 1.  
23 (intro.) and amended to read:

24           938.30 (5) (e) 1. (intro.) A juvenile who is not competent to proceed, as described  
25 in s. 971.13 (1) and (2), but who is likely to become competent to proceed within 12

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1 months or within the time period of the maximum sentence that may be imposed on  
2 an adult for the most serious delinquent act with which the juvenile is charged,  
3 whichever is less, and who is committed under s. 51.20 following an order under par.  
4 (d) 1. or who is placed under a dispositional order following an order under par. (d)  
5 2., shall be periodically reexamined with written reports of those reexaminations to  
6 be submitted to the court every 3 months and within 30 days before the expiration  
7 of the juvenile's commitment or dispositional order. Each report shall indicate ~~either~~  
8 ~~that the~~ one of the following:

9 a. ~~That the~~ juvenile has become competent, ~~that the~~.

10 b. ~~That the~~ juvenile remains incompetent but that attainment of competence  
11 is likely within the remaining period of the commitment or dispositional order ~~or that~~  
12 ~~the~~.

13 c. ~~That the~~ juvenile has not made such progress that attainment of competency  
14 is likely within the remaining period of the commitment or dispositional order.

15 **SECTION 323.** 938.30 (6) (title) of the statutes is created to read:

16 938.30 (6) (title) UNCONTESTED PETITIONS; DISPOSITION.

17 **SECTION 324.** 938.30 (6) (b) and (c) and (7) of the statutes are amended to read:

18 938.30 (6) (b) If it appears to the court that disposition of the case may include  
19 placement of the juvenile outside the juvenile's home, the court shall order the  
20 juvenile's parent to provide a statement of the income, assets, debts, and living  
21 expenses of the juvenile and the juvenile's parent to the court or the designated  
22 agency under s. 938.33 (1) at least 5 days before the scheduled date of the  
23 dispositional hearing or as otherwise ordered by the court. The clerk of court shall  
24 provide, without charge, to any parent ordered to provide a that statement of income,  
25 ~~assets, debts and living expenses~~ a document setting forth the percentage standard

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1 established by the department of workforce development under s. 49.22 (9) and  
2 listing the factors that a court may consider under s. 301.12 (14) (c).

3 (c) If the court orders the juvenile's parent to provide a statement of the income,  
4 assets, debts, and living expenses of the juvenile and juvenile's parent to the court  
5 or if the court orders the juvenile's parent to provide that statement to the designated  
6 agency under s. 938.33 (1) and ~~that~~ the designated agency is not the county  
7 department, the court shall also order the juvenile's parent to provide ~~that~~ the  
8 statement to the county department at least 5 days before the scheduled date of the  
9 dispositional hearing or as otherwise ordered by the court. The county department  
10 shall provide, without charge, to the parent a form on which to provide ~~that~~ the  
11 statement, and the parent shall provide ~~that~~ the statement on ~~that~~ the form. The  
12 county department shall use the information provided in the statement to determine  
13 whether the department may claim federal foster care and adoption assistance  
14 reimbursement under 42 USC 670 to 679a for the cost of providing care for the  
15 juvenile.

16 (7) CONTESTED PETITIONS OR CITATIONS; DATE FOR FACT-FINDING HEARING. If the  
17 petition or citation is contested, the court shall set a date for the fact-finding hearing  
18 ~~which~~ that allows a reasonable time for the parties to prepare but is no more than  
19 20 days from the plea hearing for a juvenile who is held in secure custody and no more  
20 than 30 days from the plea hearing for a juvenile who is not held in secure custody.

NOTE: Provides, in s. 938.30 (6) (c), stats., that the statement of income, assets,  
debts, and living expenses shall indicate those of the juvenile as well as the parent.

21 **SECTION 325.** 938.30 (8) (title) of the statutes is created to read:

22 938.30 (8) (title) **ADMISSION OR NO CONTEST PLEA; INQUIRIES REQUIRED.**

23 **SECTION 326.** 938.30 (8) (b) and (9) of the statutes are amended to read:

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1           938.30 (8) (b) Establish whether any promises or threats were made to elicit  
2 a plea and ~~alert~~ explain to unrepresented parties to the possibility that a lawyer may  
3 discover defenses or mitigating circumstances ~~which~~ that would not be apparent to  
4 them.

5           (9) HEARINGS CONDUCTED BY COURT COMMISSIONER; COURT TO REVIEW. If a circuit  
6 court commissioner conducts the plea hearing and accepts an admission of the  
7 alleged facts in a petition brought under s. 938.12 or 938.13, the ~~judge~~ court shall  
8 review the admission at the beginning of the dispositional hearing by addressing the  
9 parties and making the ~~inquires set forth in~~ under sub. (8).

10           **SECTION 327.** 938.30 (10) (title) of the statutes is created to read:

11           938.30 (10) (title) TELEPHONE OR LIVE AUDIOVISUAL PARTICIPATION.

12           **SECTION 328.** 938.31 (1) (title), (2) (title) and (4) (title) of the statutes are  
13 created to read:

14           938.31 (1) (title) DEFINITION.

15           (2) (title) HEARING TO THE COURT; PROCEDURES.

16           (4) (title) FINDINGS BY COURT.

17           **SECTION 329.** 938.31 (7) of the statutes is amended to read:

18           938.31 (7) DATE FOR DISPOSITIONAL HEARING. (a) At the close of the fact-finding  
19 hearing, the court shall set a date for the dispositional hearing ~~which~~ that allows a  
20 reasonable time for the parties to prepare but is no more than 10 days after the  
21 fact-finding hearing for a juvenile in secure custody and no more than 30 days after  
22 the fact-finding hearing for a juvenile not held in secure custody. If all parties  
23 consent, the court may immediately proceed with a dispositional hearing.

24           (b) If it appears to the court that disposition of the case may include placement  
25 of the juvenile outside the juvenile's home, the court shall order the juvenile's parent

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1 to provide a statement of the income, assets, debts, and living expenses of the  
2 juvenile and the juvenile's parent, to the court or the designated agency under s.  
3 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as  
4 otherwise ordered by the court. The clerk of court shall provide, without charge, to  
5 any parent ordered to provide a the statement of ~~income, assets, debts and living~~  
6 ~~expenses~~ a document setting forth the percentage standard established by the  
7 department of workforce development under s. 49.22 (9) and listing the factors that  
8 a court may consider under s. 301.12 (14) (c).

9 (c) If the court orders the juvenile's parent to provide a statement of the income,  
10 assets, debts, and living expenses of the juvenile and juvenile's parent to the court  
11 or if the court orders the juvenile's parent to provide ~~that~~ the statement to the  
12 designated agency under s. 938.33 (1) and ~~that~~ the designated agency is not the  
13 county department, the court shall also order the juvenile's parent to provide ~~that~~ the  
14 statement to the county department at least 5 days before the scheduled date of the  
15 dispositional hearing or as otherwise ordered by the court. The county department  
16 shall provide, without charge, to the parent a form on which to provide ~~that~~ the  
17 statement, and the parent shall provide ~~that~~ the statement on ~~that~~ the form. The  
18 county department shall use the information provided in the statement to determine  
19 whether the department may claim federal foster care and adoption assistance  
20 reimbursement under 42 USC 670 to 679a for the cost of providing care for the  
21 juvenile.

NOTE: See the NOTE to s. 938.30 (6) (b) and (c), stats., as affected by this bill.

22 **SECTION 330.** 938.315 (1) (intro.) of the statutes is amended to read:

23 938.315 (1) TIME PERIODS TO BE EXCLUDED. (intro.) The following time periods  
24 shall be excluded in computing time requirements ~~within~~ under this chapter:



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1           **SECTION 331.** 938.315 (1) (a) of the statutes is renumbered 938.315 (1) (a)  
2 (intro.) and amended to read:

3           938.315 (1) (a) (intro.) Any period of delay resulting from ~~other~~ any of the  
4 following:

5           1. Other legal actions concerning the juvenile, including an examination under  
6 s. 938.295 or a hearing related to the juvenile's mental condition, prehearing  
7 motions, waiver motions, and hearings on other matters.

8           **SECTION 332.** 938.315 (1) (b) of the statutes is renumbered 938.315 (1) (a) 2. and  
9 amended to read:

10           938.315 (1) (a) 2. ~~Any period of delay resulting from a~~ A continuance granted  
11 at the request of or with the consent of the juvenile and counsel.

12           **SECTION 333.** 938.315 (1) (c) of the statutes is renumbered 938.315 (1) (a) 3. and  
13 amended to read:

14           938.315 (1) (a) 3. ~~Any period of delay caused by the~~ The disqualification or  
15 substitution of a judge or by any other transfer of the case or intake inquiry to a  
16 different judge, intake worker or county.

17           **SECTION 334.** 938.315 (1) (d) of the statutes is renumbered 938.315 (1) (a) 4. and  
18 amended to read:

19           938.315 (1) (a) 4. ~~Any period of delay resulting from a~~ A continuance granted  
20 at the request of the representative of the public under s. 938.09 if the continuance  
21 is granted because of the unavailability of evidence material to the case when he or  
22 she has exercised due diligence to obtain the evidence and there are reasonable  
23 grounds to believe that the evidence will be available at the later date, or to allow him  
24 or her additional time to prepare the case and additional time is justified because of  
25 the exceptional circumstances of the case.

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1           **SECTION 335.** 938.315 (1) (dm) of the statutes is renumbered 938.315 (1) (a) 5.  
2 and amended to read:

3           938.315 (1) (a) 5. ~~Any period of delay resulting from court~~ Court congestion or  
4 scheduling.

5           **SECTION 336.** 938.315 (1) (e) of the statutes is renumbered 938.315 (1) (a) 6. and  
6 amended to read:

7           938.315 (1) (a) 6. ~~Any period of delay resulting from the~~ The imposition of a  
8 consent decree.

9           **SECTION 337.** 938.315 (1) (f) of the statutes is renumbered 938.315 (1) (a) 7. and  
10 amended to read:

11           938.315 (1) (a) 7. ~~Any period of delay resulting from the~~ The absence or  
12 unavailability of the juvenile.

13           **SECTION 338.** 938.315 (1) (fm) of the statutes is renumbered 938.315 (1) (a) 8.  
14 and amended to read:

15           938.315 (1) (a) 8. ~~Any period of delay resulting from the~~ The inability of the  
16 court to provide the juvenile with notice of an extension hearing under s. 938.365 due  
17 to the juvenile having run away or otherwise having made himself or herself  
18 unavailable to receive that notice.

19           **SECTION 339.** 938.315 (1) (h) of the statutes is renumbered 938.315 (1) (a) 9. and  
20 amended to read:

21           938.315 (1) (a) 9. ~~Any period of delay resulting from the~~ The need to appoint  
22 a qualified interpreter.

23           **SECTION 340.** 938.315 (1) (i) of the statutes is renumbered 938.315 (1) (a) 10.  
24 and amended to read:

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1           938.315 (1) (a) 10. ~~Any period of delay resulting from consultation~~ Consultation  
2 under s. 938.24 (2r) or 938.25 (2g).

3           **SECTION 341.** 938.315 (2) (title), (2m) (title) and (3) (title) of the statutes are  
4 created to read:

5           938.315 (2) (title) CONTINUANCE FOR GOOD CAUSE.

6           (2m) (title) WHEN NO CONTINUANCE, EXTENSION, OR EXCLUSION PERMITTED.

7           (3) (title) CONSEQUENCES OF FAILURE TO COMPLY WITH TIME LIMIT.

8           **SECTION 342.** 938.32 (1) (title) of the statutes is created to read:

9           938.32 (1) (title) WHEN ORDERED; TERMS; VICTIMS' RIGHTS; PROCEDURES.

10          **SECTION 343.** 938.32 (1) (a) and (am) of the statutes are amended to read:

11          938.32 (1) (a) At any time after the filing of a petition for a proceeding relating  
12 to s. 938.12 or 938.13 and before the entry of judgment, the ~~judge or circuit~~  
13 ~~commissioner~~ court may suspend the proceedings and place the juvenile under  
14 supervision in the juvenile's own home or present placement. The court may  
15 establish terms and conditions applicable to the parent, guardian, or legal custodian,  
16 and to the juvenile, including any of the conditions specified in subs. (1d), (1g), (1m),  
17 (1p), (1t), (1v), and (1x). The order under this section shall be known as a consent  
18 decree and must be agreed to by the juvenile; the parent, guardian, or legal  
19 custodian; and the person filing the petition under s. 938.25. If the consent decree  
20 includes any conditions specified in sub. (1g), the consent decree shall include  
21 provisions for payment of the services as specified in s. 938.361. The consent decree  
22 shall be ~~reduced to~~ in writing and be given to the parties.

23          (am) Before entering into a consent decree in a case in which the juvenile is  
24 alleged to be delinquent under s. 938.12 or to be in need of protection or services  
25 under s. 938.13 (12), the district attorney or corporation counsel shall, as soon as

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1 practicable but ~~in any event~~ before agreeing to the consent decree, offer all of the  
2 victims of the juvenile's alleged act who have so requested ~~the opportunity~~ an  
3 opportunity to confer with the district attorney or corporation counsel concerning the  
4 proposed consent decree. The duty to offer an opportunity to confer under this  
5 paragraph does not limit the obligation of the district attorney or corporation counsel  
6 to exercise his or her discretion concerning the handling of the proceeding against  
7 the juvenile.

8 **SECTION 344.** 938.32 (1) (b) 1. of the statutes is renumbered 938.32 (1) (b)  
9 (intro.) and amended to read:

10 938.32 (1) (b) (intro.) Before entering into a consent decree in a proceeding in  
11 which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of  
12 protection or services under s. 938.13 (12), the all of the following shall occur:

13 1g. The court shall determine whether a victim of the juvenile's act wants to  
14 make a statement to the court. If a victim wants to make a statement, the court shall  
15 allow the victim to make a statement in court or to submit a written statement to be  
16 read to the court. The court may allow any other person to make or submit a  
17 statement under this subdivision. Any statement made under this subdivision must  
18 be relevant to the consent decree.

19 **SECTION 345.** 938.32 (1) (b) 1m. of the statutes is amended to read:

20 938.32 (1) (b) 1m. ~~Before entering into a consent decree in a proceeding in~~  
21 ~~which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of~~  
22 ~~protection or services under s. 938.13 (12), the~~ The court shall inquire of the district  
23 attorney or corporation counsel whether he or she has complied with par. (am),  
24 whether he or she has complied with subd. 2. and whether he or she has complied  
25 with s. 938.27 (4m), whether any of the known victims requested notice of the date,

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1 time, and place of any hearing to be held on the consent decree, and, if so, whether  
2 the district attorney provided to the victim notice of the date, time, and place of the  
3 hearing.

4 **SECTION 346.** 938.32 (1) (b) 2. of the statutes is amended to read:

5 938.32 (1) (b) 2. ~~Before entering into a consent decree in a proceeding in which~~  
6 ~~a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection~~  
7 ~~or services under s. 938.13 (12), the~~ The district attorney or corporation counsel shall  
8 make a reasonable attempt to contact any known victim to inform that person of the  
9 right to make a statement under subd. 1. 1g. Any failure to comply with this  
10 subdivision is not a ground for discharge of the juvenile, parent, guardian, or legal  
11 custodian from fulfilling the terms and conditions of the consent decree.

12 **SECTION 347.** 938.32 (1) (c) 1. of the statutes is renumbered 938.32 (1) (c) 1.  
13 (intro.) and amended to read:

14 938.32 (1) (c) 1. (intro.) If at the time the consent decree is entered into the  
15 juvenile is placed outside the home under a voluntary agreement under s. 48.63 or  
16 is otherwise living outside the home without a court order and if the consent decree  
17 maintains the juvenile in that placement or other living arrangement, the consent  
18 decree shall include a all of the following:

19 a. A finding that placement of the juvenile in his or her home would be contrary  
20 to the welfare of the juvenile, ~~a.~~

21 b. A finding as to whether the county department or the agency primarily  
22 responsible for providing services to the juvenile has made reasonable efforts to  
23 prevent the removal of the juvenile from the home, while assuring that the juvenile's  
24 health and safety are the paramount concerns, unless the ~~judge or circuit court~~

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1 ~~commissioner~~ court finds that any of the circumstances specified in s. 938.355 (2d)

2 (b) 1. to 4. applies, ~~and a.~~

3 c. A finding as to whether the county department or agency has made  
4 reasonable efforts to achieve the goal of the juvenile's permanency plan, unless  
5 return of the juvenile to the home is the goal of the permanency plan and the judge  
6 ~~or circuit court commissioner~~ court finds that any of the circumstances specified in  
7 s. 938.355 (2d) (b) 1. to 4. applies.

8 **SECTION 348.** 938.32 (1) (c) 2. of the statutes is amended to read:

9 938.32 (1) (c) 2. If the ~~judge or circuit court commissioner~~ court finds that any  
10 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
11 parent, the consent decree shall include a determination that the county department  
12 or agency primarily responsible for providing services under the consent decree is not  
13 required to make reasonable efforts with respect to the parent to make it possible for  
14 the juvenile to return safely to his or her home.

15 **SECTION 349.** 938.32 (1) (c) 3. and (d) of the statutes are amended to read:

16 938.32 (1) (c) 3. The ~~judge or circuit court commissioner~~ court shall make the  
17 findings specified in subds. 1. and 2. on a case-by-case basis based on circumstances  
18 specific to the juvenile and shall document or reference the specific information on  
19 which those findings are based in the consent decree. A consent decree that merely  
20 references subd. 1. or 2. without documenting or referencing that specific  
21 information in the consent decree or an amended consent decree that retroactively  
22 corrects an earlier consent decree that does not comply with this subdivision is not  
23 sufficient to comply with this subdivision.

24 (d) 1. If the ~~judge or circuit court commissioner~~ court finds that any of the  
25 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,

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1 the judge or circuit court commissioner court shall hold a hearing within 30 days  
2 after the date of that finding to determine the permanency plan for the juvenile. If  
3 ~~a hearing is held under this subdivision, the~~ The agency responsible for preparing  
4 the permanency plan shall file the permanency plan with the court not less than 5  
5 days before the date of the hearing.

6 2. ~~If a hearing is held under subd. 1., at~~ At least 10 days before the date of the  
7 hearing under subd. 1., the court shall notify the juvenile, any parent, guardian, and  
8 legal custodian of the juvenile, and any foster parent, treatment foster parent, or  
9 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,  
10 and purpose of the hearing.

11 3. The court shall give a foster parent, treatment foster parent, or other  
12 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
13 2. an opportunity to be heard at the hearing by permitting the foster parent,  
14 treatment foster parent, or other physical custodian to make a written or oral  
15 statement during the hearing, or to submit a written statement prior to the hearing,  
16 relevant to the issues to be determined at the hearing. ~~A~~ The foster parent,  
17 treatment foster parent, or other physical custodian ~~who receives a notice of a~~  
18 ~~hearing under subd. 2. and an opportunity to be heard under this subdivision~~ does  
19 not become a party to the proceeding on which the hearing is held solely on the basis  
20 of receiving ~~that~~ the notice and having the opportunity to be heard.

21 **SECTION 350.** 938.32 (1d) of the statutes is amended to read:

22 938.32 (1d) VOLUNTEERS IN PROBATION PROGRAM. If the petition alleges that the  
23 juvenile has committed an act that would constitute a misdemeanor if committed by  
24 an adult, if the chief judge of the judicial administrative district has approved under  
25 s. 973.11 (2) a volunteers in probation program established in the juvenile's county

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1 of residence, and if the ~~judge or circuit court commissioner~~ court determines that  
2 volunteer supervision under that volunteers in probation program will likely benefit  
3 the juvenile and the community, the ~~judge or circuit court commissioner~~ court may  
4 establish as a condition under sub. (1) that the juvenile be placed with that  
5 volunteers in probation program under such conditions as that the ~~judge or circuit~~  
6 ~~court commissioner~~ court determines are reasonable and appropriate. These The  
7 conditions may include, ~~but need not be limited to,~~ any of the following:

8 (a) A directive to a volunteer to ~~provide~~ be a role model for the juvenile ~~a role~~  
9 ~~model~~, informal counseling, general monitoring and, monitoring of the conditions  
10 established by the ~~judge or circuit court commissioner~~ court, or any combination of  
11 these functions.

12 (b) Any other conditions that the ~~judge or circuit court commissioner~~ court may  
13 establish under this section.

14 **SECTION 351.** 938.32 (1g) (intro.) and (b) of the statutes are amended to read:

15 **938.32 (1g) ALCOHOL OR OTHER DRUG ABUSE TREATMENT AND EDUCATION.** (intro.)

16 If the petition alleges that the juvenile committed a violation specified under ch. 961  
17 and if the multidisciplinary screen conducted under s. 938.24 (2) shows that the  
18 juvenile is at risk of having needs and problems related to the use of alcohol  
19 beverages, controlled substances, or controlled substance analogs and its medical,  
20 personal, family, and social effects, the ~~judge or circuit court commissioner~~ court may  
21 establish as a condition under sub. (1) any of the following:

22 (b) That the juvenile participate in a court-approved pupil assistance program  
23 provided by the juvenile's school board or a court-approved alcohol or other drug  
24 abuse education program. The juvenile's participation in a court-approved pupil



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1 assistance program ~~under this paragraph~~ is subject to the approval of the juvenile's  
2 school board.

3 **SECTION 352.** 938.32 (1m) (intro.), (a) and (c) of the statutes are amended to  
4 read:

5 938.32 (1m) TEEN COURT PROGRAM. (intro.) ~~The judge or circuit court~~  
6 ~~commissioner court~~ may establish as a condition under sub. (1) that the juvenile be  
7 placed in a teen court program if all of the following conditions apply:

8 (a) The chief judge of the judicial administrative district has approved a teen  
9 court program established in the juvenile's county of residence and the ~~judge or~~  
10 ~~circuit court commissioner court~~ determines that participation in the ~~teen court~~  
11 program will likely benefit the juvenile and the community.

12 (c) The juvenile admits or pleads no contest in open court, with in the presence  
13 of the juvenile's parent, guardian or legal custodian present, to the allegations that  
14 the juvenile committed the delinquent act.

15 **SECTION 353.** 938.32 (1p) of the statutes is amended to read:

16 938.32 (1p) PARTICIPATION IN YOUTH REPORT CENTER. ~~The judge or juvenile court~~  
17 ~~commissioner court~~ may establish as a condition under sub. (1) that the juvenile  
18 report to a youth report center after school, in the evening, on weekends, on other  
19 nonschool days, or at any other time that the juvenile is not under immediate adult  
20 supervision, for participation in the social, behavioral, academic, community service,  
21 and other programming of the center. Section 938.34 (5g) applies to any community  
22 service work performed by a juvenile under this subsection.

23 **SECTION 354.** 938.32 (1r) of the statutes is amended to read:

24 938.32 (1r) ALCOHOL AND OTHER DRUG ABUSE TREATMENT; INFORMED CONSENT. If  
25 the conditions of the consent decree provide for an alcohol and other drug abuse

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1 outpatient treatment program under sub. (1g) (a), the juvenile or, if the juvenile has  
2 not attained ~~the age of 12 years of age~~, the juvenile's parent, guardian, or legal  
3 custodian shall execute an informed consent form that indicates that they are  
4 voluntarily and knowingly entering into a consent decree for the provision of alcohol  
5 and other drug abuse outpatient treatment.

6 **SECTION 355.** 938.32 (1t) (title) of the statutes is created to read:

7 938.32 (1t) (title) RESTITUTION.

8 **SECTION 356.** 938.32 (1t) (a) 1., 1m. and 3. and (b) of the statutes are amended  
9 to read:

10 938.32 (1t) (a) 1. Subject to subd. 3., if the petition alleges that the juvenile  
11 committed a delinquent act that has resulted in damage to the property of another,  
12 or in actual physical injury to another excluding pain and suffering, the ~~judge or~~  
13 ~~circuit court commissioner~~ court may require the juvenile as a condition of the  
14 consent decree, to repair the damage to property or to make reasonable restitution  
15 for the damage or injury, either in the form of cash payments or, if the victim agrees,  
16 the performance of services for the victim, or both, if the ~~judge or circuit court~~  
17 ~~commissioner~~ court, after taking into consideration the well-being and needs of the  
18 victim, considers it beneficial to the well-being and behavior of the juvenile. Any  
19 consent decree that includes a condition of restitution by a juvenile shall include a  
20 finding that the juvenile alone is financially able to pay or physically able to perform  
21 the services, may allow up to the date of the expiration of the consent decree for the  
22 payment or for the completion of the services, and may include a schedule for the  
23 performance and completion of the services. ~~Objection by~~ If the juvenile objects to  
24 the amount of damages claimed shall ~~entitle the juvenile to~~, a hearing ~~on the~~  
25 ~~question of damages~~ shall be held to determine the amount of damages before the an

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1 amount of restitution is made part of the consent decree. Any recovery under this  
2 subdivision shall be reduced by the amount recovered as restitution for the same act  
3 under subd. 1m.

4 1m. If the petition alleges that the juvenile has committed a delinquent act that  
5 has resulted in damage to the property of another, or in actual physical injury to  
6 another excluding pain and suffering, the ~~judge or circuit court commissioner~~ court  
7 may require a parent who has custody, as defined in s. 895.035 (1), of the juvenile,  
8 as a condition of the consent decree, to make reasonable restitution for the damage  
9 or injury. Except for recovery for retail theft under s. 943.51, the maximum amount  
10 of any restitution ordered under this subdivision for damage or injury resulting from  
11 any one act of a juvenile or from the same act committed by 2 or more juveniles in  
12 the custody of the same parent may not exceed \$5,000. Any consent decree that  
13 includes a condition of restitution by a parent ~~who has custody of the juvenile~~ under  
14 this subdivision shall include a finding that the parent ~~who has custody of the~~  
15 ~~juvenile~~ is financially able to pay the amount ordered and may allow up to the date  
16 of the expiration of the consent decree for the payment. ~~Objection by~~ If the parent  
17 objects to the amount of damages claimed ~~shall entitle the parent to,~~ a hearing ~~on~~  
18 ~~the question of damages~~ shall be held to determine the amount of damages before the  
19 an amount of restitution is made part of the consent decree. Any recovery under this  
20 subdivision shall be reduced by the amount recovered as restitution for the same act  
21 under subd. 1.

22 3. Under this paragraph, a ~~judge or circuit court commissioner~~ court may not  
23 order a juvenile who is under 14 years of age to make not more than \$250 in  
24 restitution or to perform not more than 40 total hours of services for the victim as  
25 total restitution under the consent decree.

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1 (b) The ~~judge court~~ may require the juvenile to participate in a supervised work  
2 program or other community service work under s. 938.34 (5g) as a condition of the  
3 consent decree.

NOTE: Clarifies, in s. 938.32 (1t) (a) 3., stats., that a juvenile under 14 years of age  
may not be ordered to make more than \$250 in restitution or perform more than 40 hours  
of service as total restitution for each consent decree.

4 **SECTION 357.** 938.32 (1v) and (1x) of the statutes are amended to read:

5 938.32 (1v) PARENTAL SCHOOL ATTENDANCE. If the petition alleges that the  
6 juvenile is in need of protection or services under s. 938.13 (6), the ~~judge or circuit~~  
7 ~~court commissioner court~~ may ~~establish~~ require as a condition under sub. (1) that the  
8 juvenile's parent, guardian, or legal custodian attend school with the juvenile.

9 (1x) SUPERVISED WORK PROGRAM. If the petition alleges that the juvenile violated  
10 s. 943.017 and the juvenile has attained the ~~minimum age at which a juvenile may~~  
11 ~~be adjudicated delinquent~~ 10 years of age, the ~~judge or circuit court commissioner~~  
12 ~~court~~ may require, as a condition of the consent decree, that the juvenile participate  
13 for not less than 10 hours nor more than 100 hours in a supervised work program  
14 under s. 938.34 (5g) or perform not less than 10 hours nor more than 100 hours of  
15 other community service work, except that if the juvenile has not attained 14 years  
16 of age the maximum number of hours is a total of 40 under the consent decree.

NOTE: Clarifies, in s. 938.32 (1x), stats., that a juvenile under 14 years of age may  
not be ordered to participate in more than 40 hours in a supervised work program or  
perform more than 40 hours of community service work in total for each consent decree.

17 **SECTION 358.** 938.32 (2) (title) of the statutes is created to read:

18 938.32 (2) (title) TIME PERIOD FOR CONSENT DECREE; EXTENSION.

19 **SECTION 359.** 938.32 (2) (a), (3) and (4) of the statutes are amended to read:

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1           938.32 (2) (a) A consent decree shall remain in effect for up to one year unless  
2 the juvenile, parent, guardian, or legal custodian is discharged sooner by the judge  
3 ~~or circuit court commissioner court.~~

4           (3) FAILURE TO FOLLOW; OBJECTION TO CONTINUANCE CONSENT DECREE. If, prior to  
5 discharge by the court, or to the expiration of the consent decree, the court finds that  
6 the juvenile or parent, legal guardian, or legal custodian has failed to fulfill the  
7 express terms and conditions of the consent decree or that the juvenile objects to the  
8 continuation of the consent decree, the hearing under which the juvenile was placed  
9 on supervision may be continued to conclusion as if the consent decree had never  
10 been entered.

11           (4) DISCHARGE BY COURT OR COMPLETION OF SUPERVISION. ~~No~~ A juvenile who is  
12 discharged by the court or who completes the period of supervision without  
13 reinstatement of the original petition may again not be proceeded against in any  
14 court for the same offense alleged in the petition or an offense based on the same  
15 conduct, and the original petition shall be dismissed with prejudice. ~~Nothing in this~~  
16 This subsection precludes does not preclude a civil suit against the juvenile or parent  
17 for damages arising from the juvenile's conduct.

18           **SECTION 360.** 938.32 (5) (title) of the statutes is created to read:

19           938.32 (5) (title) REFUSAL FROM SUBSEQUENT PROCEEDINGS.

20           **SECTION 361.** 938.32 (5) (a) and (6) of the statutes are amended to read:

21           938.32 (5) (a) The court refuses to enter into a consent decree and, the  
22 allegations in the petition remain to be decided ~~in a hearing where,~~ and the juvenile  
23 denies the allegations of delinquency.

24           (6) NOTICE TO JUVENILE OF RIGHT TO OBJECT TO CONTINUATION. ~~The judge or circuit~~  
25 ~~court commissioner court~~ shall inform the juvenile and the juvenile's parent,

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1 guardian, or legal custodian, in writing, of the juvenile's right to object to the  
2 continuation of the consent decree under sub. (3) and of the fact that the hearing  
3 under which the juvenile was placed on supervision may be continued to conclusion  
4 as if the consent decree had never been entered.

5 **SECTION 362.** 938.33 (1) (intro.), (b), (c) and (f) of the statutes are amended to  
6 read:

7 938.33 (1) REPORT REQUIRED. (intro.) Before the disposition of a juvenile  
8 adjudged to be delinquent or in need of protection or services, the court shall  
9 designate an agency, as defined in s. 938.38 (1) (a), to submit a report ~~which shall~~  
10 ~~contain~~ that contains all of the following:

11 (b) A recommended plan of rehabilitation or treatment and care for the juvenile  
12 ~~which is~~, based on the investigation conducted by the agency and any report  
13 resulting from an examination or assessment under s. 938.295, ~~which that~~ employs  
14 the most effective means available to accomplish the objectives of the plan.

15 (c) A description of the specific services or continuum of services ~~which that~~ the  
16 agency is recommending ~~that the court to~~ order for the juvenile or family, the persons  
17 or agencies that would be primarily responsible for providing those services, and the  
18 identity of the person or agency that would provide case management or coordination  
19 of services, if any ~~or~~, and whether or not the juvenile should receive an integrated  
20 service plan.

21 (f) If the agency is recommending that the court order the juvenile's parent,  
22 guardian, or legal custodian to participate in mental health treatment, anger  
23 management, individual or family counseling, or parent training and education, a  
24 statement as to the availability of those services and ~~as to~~ the availability of funding  
25 for those services.

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1           **SECTION 363.** 938.33 (3) (intro.) and (a) of the statutes are amended to read:

2           **938.33 (3) CORRECTIONAL PLACEMENT REPORTS.** (intro.) A report recommending  
3 placement of a juvenile in a ~~secured juvenile~~ correctional facility, ~~a secured child~~  
4 ~~earing institution~~ or a secured ~~group-home~~ residential care center for children and  
5 youth shall be in writing, except that the report may be presented orally at the  
6 dispositional hearing if the juvenile and the juvenile's counsel consent. A report that  
7 is presented orally shall be transcribed and made a part of the court record. In  
8 addition to the information specified under sub. (1) (a) to (d), the report shall include  
9 all of the following:

10           (a) A description of any less restrictive alternatives that are available and that  
11 have been considered, and why they have been determined to be inappropriate. If  
12 the ~~judge~~ court has found that any of the conditions specified in s. 938.34 (4m) (b) 1.,  
13 2., or 3. applies, the report shall indicate that a less restrictive alternative than  
14 placement in a ~~secured juvenile~~ correctional facility, ~~a secured child caring~~  
15 ~~institution~~ or a secured ~~group-home~~ residential care center for children and youth  
16 is not appropriate.

17           **SECTION 364.** 938.33 (3r) of the statutes is amended to read:

18           **938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT.** If a juvenile has been  
19 adjudicated delinquent for committing a violation for which the juvenile may be  
20 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report  
21 shall be in writing and, in addition to the information specified in sub. (1) and in sub.  
22 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for  
23 placement in the serious juvenile offender program under s. 938.34 (4h) or in a  
24 secured juvenile correctional facility ~~or a secured group-home~~ under s. 938.34 (4m),  
25 a placement specified in s. 938.34 (3), or placement in the juvenile's home with

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1 supervision and community-based programming and a recommendation as to the  
2 type of placement for which the juvenile is best suited.

3 **SECTION 365.** 938.33 (4m) (intro.) of the statutes is amended to read:

4 938.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In  
5 making a recommendation for an amount of child support under sub. (3) or (4), the  
6 agency shall consider the factors ~~that the court considers~~ under s. 301.12 (14) (c) ~~for~~  
7 ~~deviation from the percentage standard.~~ At or before the dispositional hearing under  
8 s. 938.335, the agency shall provide the juvenile's parent with all of the following:

9 **SECTION 366.** 938.335 (1) of the statutes is amended to read:

10 938.335 (1) WHEN REQUIRED. The court shall conduct a hearing to determine  
11 the disposition of a case in which a juvenile is adjudged to be delinquent under s.  
12 938.12, to have violated a civil law or ordinance under s. 938.125, or to be in need of  
13 protection or services under s. 938.13, except that the court shall proceed ~~as provided~~  
14 ~~in~~ under s. 938.237 (2) if a citation is issued and the juvenile fails to contest the  
15 citation.

16 **SECTION 367.** 938.335 (3) (title) of the statutes is created to read:

17 938.335 (3) (title) EVIDENCE AND RECOMMENDATIONS.

18 **SECTION 368.** 938.335 (3g) of the statutes is renumbered 938.335 (3g) (intro.)  
19 and amended to read:

20 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this  
21 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of  
22 the juvenile in a foster home, treatment foster home, group home, or residential care  
23 center for children and youth, or in the home of a relative other than a parent, the  
24 agency shall present as evidence specific information showing ~~that continued~~ all of  
25 the following:



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1           (a) That continued placement of the juvenile in his or her home would be  
2 contrary to the welfare of the juvenile, ~~specific information showing that the,~~

3           (b) That the county department or the agency primarily responsible for  
4 providing services to the juvenile has made reasonable efforts to prevent the removal  
5 of the juvenile from the home, while assuring that the juvenile's health and safety  
6 are the paramount concerns, unless any of the circumstances specified in s. 938.355  
7 (2d) (b) 1. to 4. applies, ~~and specific information showing that the,~~

8           (c) That the county department or agency has made reasonable efforts to  
9 achieve the goal of the juvenile's permanency plan, unless return of the juvenile to  
10 the home is the goal of the permanency plan and any of the circumstances specified  
11 in s. 938.355 (2d) (b) 1. to 4. applies.

12           **SECTION 369.** 938.335 (3m) (title) of the statutes is created to read:

13           938.335 (3m) (title) VICTIMS' STATEMENTS.

14           **SECTION 370.** 938.335 (3m) (a) of the statutes is renumbered 938.335 (3m)  
15 (intro.) and amended to read:

16           938.335 (3m) (intro.) Before imposing a disposition in a proceeding in which  
17 a juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of  
18 protection or services under s. 938.13 (12), the all of the following shall occur:

19           (ag) The court shall determine whether a victim of the juvenile's act wants to  
20 make a statement to the court. If a victim wants to make a statement, the court shall  
21 allow the victim to make a statement in court or to submit a written statement to be  
22 read to the court. The court may allow any other person to make or submit a  
23 statement under this paragraph. Any statement made under this paragraph must  
24 be relevant to the disposition.

25           **SECTION 371.** 938.335 (3m) (am) of the statutes is amended to read:

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1           938.335 (3m) (am) ~~Before imposing a disposition in a proceeding in which a~~  
2 ~~juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of~~  
3 ~~protection or services under s. 938.13 (12), the~~ The court shall inquire of the district  
4 attorney or corporation counsel whether he or she has complied with par. (b) and  
5 ~~whether he or she has complied with~~ s. 938.27 (4m), whether any of the known  
6 victims requested notice of the date, time, and place of the dispositional hearing, and,  
7 if so, whether the district attorney or corporation counsel provided to the victim  
8 notice of the date, time, and place of the hearing.

9           **SECTION 372.** 938.335 (3m) (b) of the statutes is amended to read:

10           938.335 (3m) (b) ~~After a finding that a juvenile is delinquent under s. 938.12~~  
11 ~~or is found to be in need of protection or services under s. 938.13 (12), the~~ The district  
12 attorney or corporation counsel shall make a reasonable attempt to contact any  
13 known victim to inform that person of the right to make a statement under par. (a)  
14 (ag). Any failure to comply with this paragraph is not a ground for an appeal of a  
15 dispositional order or for any court to reverse or modify a dispositional order.

16           **SECTION 373.** 938.335 (3r) (title), (4) (title) and (5) (title) of the statutes are  
17 created to read:

18           938.335 (3r) (title) CHILD SUPPORT.

19           (4) (title) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS.

20           (5) (title) DISPOSITIONAL ORDER.

21           **SECTION 374.** 938.34 (2) (a) and (b) of the statutes are amended to read:

22           938.34 (2) (a) Place the juvenile under the supervision of an agency, the  
23 department, if the department approves, or a suitable adult, including a friend of the  
24 juvenile, under conditions prescribed by the court, including reasonable rules for the

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1 juvenile's conduct, designed for the physical, mental, and moral well-being and  
2 behavior of the juvenile.

3 (b) If the juvenile is placed in the juvenile's home under the supervision of an  
4 agency or the department, order the agency or department to provide specified  
5 services to the juvenile and the juvenile's family, ~~which may include but are not~~  
6 ~~limited to~~ including individual, family, or group counseling, homemaker or parent  
7 aide services, respite care, housing assistance, day care, or parent skills training.

8 **SECTION 375.** 938.34 (2g) (intro.) and (a) of the statutes are amended to read:

9 938.34 **(2g)** VOLUNTEERS IN PROBATION PROGRAM. (intro.) If the juvenile is  
10 adjudicated delinquent for the commission of an act that would constitute a  
11 misdemeanor if committed by an adult, if the chief judge of the judicial  
12 administrative district has approved under s. 973.11 (2) a volunteers in probation  
13 program established in the juvenile's county of residence, and if the court determines  
14 that volunteer supervision under that ~~volunteers in probation~~ program will likely  
15 benefit the juvenile and the community, ~~placement of~~ place the juvenile with ~~that the~~  
16 volunteers in probation program under such conditions as the court determines are  
17 reasonable and appropriate. These conditions may include, ~~but need not be limited~~  
18 ~~to,~~ any of the following:

19 (a) A directive to a volunteer to ~~provide~~ be a role model for the juvenile a ~~role~~  
20 ~~model~~, informal counseling, general monitoring ~~and~~ monitoring of the conditions  
21 established by the court, or any combination of these functions.

22 **SECTION 376.** 938.34 (2m) (a) and (c) of the statutes are amended to read:

23 938.34 **(2m)** (a) The chief judge of the judicial administrative district has  
24 approved a teen court program established in the juvenile's county of residence and

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1 the judge court determines that participation in the teen court program will likely  
2 benefit the juvenile and the community.

3 (c) The juvenile admits or pleads no contest in open court, with in the presence  
4 of the juvenile's parent, guardian, or legal custodian present, to the allegations that  
5 the juvenile committed the delinquent act.

6 **SECTION 377.** 938.34 (3) (a), (b) and (e) of the statutes are amended to read:

7 938.34 (3) (a) The home of a parent or other relative of the juvenile, except that  
8 the court may not designate the home of a parent or other relative of the juvenile as  
9 the juvenile's placement if the parent or other relative has been convicted under s.  
10 ~~940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree~~  
11 ~~intentional of the homicide~~, of a parent of the juvenile under s. 940.01 or 940.05, and  
12 the conviction has not been reversed, set aside, or vacated, unless the court  
13 determines by clear and convincing evidence that the placement would be in the best  
14 interests of the juvenile. The court shall consider the wishes of the juvenile in  
15 making that determination.

16 (b) The home of a person who is not required to be licensed if placement is for  
17 less than 30 days, except that the court may not designate the home of a person who  
18 is not required to be licensed as the juvenile's placement if the person has been  
19 convicted under s. ~~940.01 of the first-degree intentional homicide, or under s. 940.05~~  
20 ~~of the 2nd-degree intentional of the homicide~~, of a parent of the juvenile under s.  
21 940.01 or 940.05, and the conviction has not been reversed, set aside, or vacated,  
22 unless the court determines by clear and convincing evidence that the placement  
23 would be in the best interests of the juvenile. The court shall consider the wishes of  
24 the juvenile in making that determination.

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1 (e) An independent living situation effective on or after the juvenile's 17th  
2 birthday, either alone or with friends, under such supervision as the court considers  
3 appropriate, but only if the juvenile is of sufficient maturity and judgment to live  
4 independently and only upon proof of a reasonable plan for supervision by an  
5 appropriate person or agency.

6 **SECTION 378.** 938.34 (4d) of the statutes is amended to read:

7 938.34 (4d) ~~TYPE 2 CHILD-CARING INSTITUTION~~ RESIDENTIAL CARE CENTER FOR  
8 CHILDREN AND YOUTH PLACEMENT. Place the juvenile in a Type 2 ~~child-caring~~  
9 ~~institution~~ residential care center for children and youth under the supervision of the  
10 county department and subject to Type 2 status, as described in s. 938.539, but only  
11 if all of the following apply:

12 (a) The juvenile has been found to be delinquent for the commission of an act  
13 ~~which if committed by an adult that~~ would be punishable by a sentence of 6 months  
14 or more if committed by an adult.

15 (b) The juvenile has been found to be a danger to the public and to be in need  
16 of restrictive custodial treatment. If the ~~judge~~ court determines that any of the  
17 conditions specified in sub. (4m) (b) 1., 2., or 3. applies, but that placement in the  
18 serious juvenile offender program under sub. (4h) or in a ~~secured~~ juvenile  
19 ~~correctional facility~~ under sub. (4m) would not be appropriate, that determination  
20 shall be prima facie evidence that the juvenile is a danger to the public and in need  
21 of restrictive custodial treatment under this subsection.

22 **SECTION 379.** 938.34 (4h) (a) and (b) of the statutes are amended to read:

23 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated  
24 delinquent for committing or conspiring to commit a violation of s. 939.31, 939.32 (1)  
25 (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02,

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1 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2) or attempting  
2 a violation of s. 943.32 (2) or the juvenile is 10 years of age or over and has been  
3 adjudicated delinquent for attempting or committing a violation of s. 940.01 or for  
4 committing a violation of 940.02 or 940.05.

5 (b) The judge court finds that the only other disposition that would ~~be~~ is  
6 appropriate for the juvenile ~~would be~~ is placement of the juvenile in a secured  
7 juvenile correctional facility under sub. (4m).

NOTE: 1. Clarifies that, in s. 938.34 (4h) (a), stats., conspiracy to commit an offense  
[s. 939.31, stats.] means conspiracy to commit an offense listed as a serious juvenile  
offender offense.

2. Adds to s. 938.34 (4h) (a), stats., attempted armed robbery and 2nd degree  
reckless homicide as serious juvenile offender offenses.

8 **SECTION 380.** 938.34 (4m) (intro.), (a) and (b) (intro.) of the statutes are  
9 amended to read:

10 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured  
11 juvenile correctional facility or a secured ~~child caring institution~~ residential care  
12 center for children and youth under the supervision of the department ~~or in a secured~~  
13 ~~group home under the supervision of a county department if the juvenile is 12 years~~  
14 ~~of age or over or, if the juvenile is under 12 years of age, in a secured child caring~~  
15 ~~institution under the supervision of the department or in a secured group home~~  
16 ~~under the supervision of a county department, unless the department, after an~~  
17 ~~examination under s. 938.50, determines that placement in a secured correctional~~  
18 ~~facility is more appropriate, but only if all of the following apply:~~

19 (a) The juvenile has been found to be delinquent for the commission of an act  
20 ~~which if committed by an adult~~ that would be punishable by a sentence of 6 months  
21 or more if committed by an adult.

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1 (b) (intro.) The juvenile has been found to be a danger to the public and to be  
2 in need of restrictive custodial treatment. If the ~~judge~~ court determines that any of  
3 the following conditions applies, but that placement in the serious juvenile offender  
4 program under sub. (4h) ~~would~~ is not be appropriate, that determination shall be  
5 prima facie evidence that the juvenile is a danger to the public and in need of  
6 restrictive custodial treatment under this subsection:

NOTE: Permits the court, under s. 938.34 (4m) (intro.), stats., to place a juvenile in either a juvenile correctional facility or a secure residential care center for children and youth. Does not specify age requirements for either placement.

7 **SECTION 381.** 938.34 (4n) (intro.) and (b) of the statutes are amended to read:  
8 938.34 (4n) **AFTERCARE SUPERVISION.** (intro.) Subject to any arrangement  
9 between the department and a county department regarding the provision of  
10 aftercare supervision for juveniles who have been released from a ~~secured juvenile~~  
11 ~~correctional facility, a secured child-caring institution,~~ or a secured ~~group-home~~  
12 residential care center for children and youth, designate one of the following to  
13 provide aftercare supervision for the juvenile following the juvenile's release from  
14 the ~~secured juvenile~~ correctional facility, ~~secured child-caring institution,~~ or secured  
15 ~~group-home~~ residential care center for children and youth:

16 (b) The county department of the county of the court that placed the juvenile  
17 in the ~~secured juvenile~~ correctional facility, ~~secured child-caring institution~~ or  
18 secured ~~group-home~~ residential care center for children and youth.

19 **SECTION 382.** 938.34 (5) (a), (am) and (c) of the statutes are amended to read:  
20 938.34 (5) (a) Subject to par. (c), if the juvenile is found to have committed a  
21 delinquent act ~~which has~~ that resulted in damage to the property of another, or  
22 actual physical injury to another excluding pain and suffering, order the juvenile to  
23 repair the damage to property or to make reasonable restitution for the damage or

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1 injury, either in the form of cash payments or, if the victim agrees, the performance  
2 of services for the victim, or both, if the court, after taking into consideration the  
3 well-being and needs of the victim, considers it beneficial to the well-being and  
4 behavior of the juvenile. ~~Any such~~ The order shall include a finding that the juvenile  
5 alone is financially able to pay or physically able to perform the services, may allow  
6 up to the date of the expiration of the order for the payment or for the completion of  
7 the services, and may include a schedule for the performance and completion of the  
8 services. ~~Objection by~~ If the juvenile objects to the amount of damages claimed shall  
9 ~~entitle~~, the juvenile is entitled to a hearing on the question of damages before the  
10 amount of restitution is ordered. Any recovery under this paragraph shall be reduced  
11 by the amount recovered as restitution under s. 938.45 (1r) (a).

12 (am) Subject to par. (c), order a juvenile who owes restitution under par. (a) and  
13 who is receiving income while placed in a secured juvenile correctional facility,  
14 residential treatment care center for children and youth, or other out-of-home  
15 placement to contribute a stated specified percentage of that income towards that  
16 restitution.

17 (c) Under this subsection, a court may ~~not~~ order a juvenile who is under 14 years  
18 of age to make not more than \$250 in restitution or to perform not more than 40 total  
19 hours of services for the victim as total restitution under the order.

NOTE: Clarifies, in s. 938.34 (5) (c), stats., that a juvenile under 14 years of age may  
not make more than \$250 in restitution or perform more than 40 hours of services for each  
dispositional order.

20 **SECTION 383.** 938.34 (5g) (b) of the statutes is amended to read:

21 938.34 (5g) (b) The supervised work program or other community service work  
22 shall be ~~of a constructive nature~~ and designed to promote the rehabilitation of the  
23 juvenile, ~~shall~~ be appropriate to the age level and physical ability of the juvenile, and



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1 shall be combined with counseling from a member of the staff of the county  
2 department, community agency, public agency, or nonprofit charitable organization  
3 or other qualified person. The supervised work program or other community service  
4 work may not conflict with the juvenile's regular attendance at school. Subject to par.  
5 (d), the amount of work required shall be reasonably related to the seriousness of the  
6 juvenile's offense.

7 **SECTION 384.** 938.34 (6r) (a) and (b) and (6s) of the statutes are amended to  
8 read:

9 938.34 (6r) (a) If the report prepared under s. 938.33 (1) recommends that the  
10 juvenile is in need of treatment for the use or abuse of alcohol beverages, controlled  
11 substances, or controlled substance analogs and its medical, personal, family, or  
12 social effects, ~~the court may~~ order the juvenile to enter an outpatient alcohol and  
13 other drug abuse treatment program at an approved treatment facility. The  
14 approved treatment facility shall, under the terms of a service agreement between  
15 the county and the approved treatment facility, or with the written informed consent  
16 of the juvenile or the juvenile's parent if the juvenile has not attained the age of 12,  
17 report to the agency primarily responsible for providing services to the juvenile as  
18 to whether the juvenile is cooperating with the treatment and whether the treatment  
19 appears to be effective.

20 (b) If the report prepared under s. 938.33 (1) recommends that the juvenile is  
21 in need of education relating to the use of alcohol beverages, controlled substances,  
22 or controlled substance analogs, ~~the court may~~ order the juvenile to participate in an  
23 alcohol or other drug abuse education program approved by the court. The person  
24 or agency that provides the education program shall, under the terms of a service  
25 agreement between the county and the education program, or with the written

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1 informed consent of the juvenile or the juvenile's parent if the juvenile has not  
2 attained the age of 12, report to the agency primarily responsible for providing  
3 services to the juvenile about the juvenile's attendance at the program.

4 **(6s) DRUG TESTING.** If the report under s. 938.33 (1) ~~indicate~~ indicates that the  
5 juvenile is in need of treatment for the use or abuse of controlled substances or  
6 controlled substance analogs, order the juvenile to submit to drug testing under a  
7 drug testing program that the department shall promulgate by rule.

8 **SECTION 385.** 938.34 (7d) (a) 2., 3. and 4. of the statutes are amended to read:

9 938.34 **(7d)** (a) 2. ~~Pursuant to~~ Under a contractual agreement with the school  
10 district in which the juvenile resides, a nonresidential educational program provided  
11 by a licensed child welfare agency.

12 3. ~~Pursuant to~~ Under a contractual agreement with the school district in which  
13 the juvenile resides, an educational program provided by a private, nonprofit,  
14 nonsectarian agency that is located in the school district in which the juvenile resides  
15 and that complies with 42 USC 2000d.

16 4. ~~Pursuant to~~ Under a contractual agreement with the school district in which  
17 the juvenile resides, an educational program provided by a technical college district  
18 located in the school district in which the juvenile resides.

19 **SECTION 386.** 938.34 (8) of the statutes is amended to read:

20 938.34 **(8) FORFEITURE.** Impose a forfeiture based upon a determination that  
21 this disposition is in the best interest of the juvenile and ~~in aid of~~ the juvenile's  
22 rehabilitation. The maximum forfeiture that the court may impose under this  
23 subsection for a violation by a juvenile is the maximum amount of the fine that may  
24 be imposed on an adult for committing that violation or, if the violation is applicable  
25 only to a person under 18 years of age, \$100. ~~Any such~~ The order shall include a

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1 finding that the juvenile alone is financially able to pay the forfeiture and shall allow  
2 up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may  
3 vacate the forfeiture and order other alternatives under this section, ~~in accordance~~  
4 ~~with the conditions specified in this chapter~~; or the court may suspend any license  
5 issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the  
6 juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years.  
7 If the court suspends any license under this subsection, the clerk of the court shall  
8 immediately take possession of the suspended license and forward it to the  
9 department which issued the license, together with a notice of suspension clearly  
10 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
11 the forfeiture is paid during the period of suspension, the suspension shall be reduced  
12 to the time period which has already elapsed and the court shall immediately notify  
13 the department which shall then return the license to the juvenile. Any recovery  
14 under this subsection shall be reduced by the amount recovered as a forfeiture for  
15 the same act under s. 938.45 (1r) (b).

16 **SECTION 387.** 938.34 (8d) (c) and (d) of the statutes are amended to read:

17 938.34 (8d) (c) If a juvenile placed in a ~~secured juvenile~~ correctional facility or  
18 a ~~secured child caring institution~~ residential care center for children and youth fails  
19 to pay the surcharge under par. (a), the department shall assess and collect the  
20 amount owed from the juvenile's wages or other moneys. ~~If a juvenile placed in a~~  
21 ~~secured group home fails to pay the surcharge under par. (a), the county department~~  
22 ~~shall assess and collect the amount owed from the juvenile's wages or other moneys.~~  
23 Any amount collected shall be transmitted to the secretary of administration.

24 (d) If the juvenile fails to pay the surcharge under par. (a), the court may vacate  
25 the surcharge and order other alternatives under this section, in accordance with the

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1 conditions specified in this chapter; or the court may suspend any license issued  
2 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's  
3 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more  
4 than 5 years. If the court suspends any license under this subsection, the clerk of the  
5 court shall immediately take possession of the suspended license and forward it to  
6 the department which issued the license, together with a notice of suspension clearly  
7 stating that the suspension is for failure to pay a surcharge imposed by the court.  
8 If the surcharge is paid during the period of suspension, the suspension shall be  
9 reduced to the time period which has already elapsed and the court shall  
10 immediately notify the department which shall then return the license to the  
11 juvenile.

NOTE: Deletes the second sentence in s. 938.34 (8d) (c), stats., to reflect the deletion  
of references to secured group homes under this bill. See the NOTE to s. 938.02 (15p),  
stats., as affected by this bill.

12 **SECTION 388.** 938.34 (13r), (13t), (14d) and (14q) of the statutes are amended  
13 to read:

14 **938.34 (13r) VIOLENT VIOLATION IN A SCHOOL ZONE.** (a) If the juvenile is  
15 adjudicated delinquent ~~under~~ for a violation of a violent crime law specified in s.  
16 939.632 (1) (e) in a school zone, as defined in s. 939.632 (1) (d), ~~the court may~~ require  
17 that the juvenile participate for 100 hours in a supervised work program under sub.  
18 (5g) or perform 100 hours of other community service work.

19 (b) The court ~~shall~~ may not impose the requirement under par. (a) if the court  
20 determines that the ~~person~~ juvenile would pose a threat to public safety while  
21 completing the requirement.

22 **(13t) GRAFFITI VIOLATION.** If the juvenile is adjudicated delinquent ~~under~~ for a  
23 violation of s. 943.017, ~~the court may~~ require that the juvenile participate for not less

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1 than 10 hours nor more than 100 hours in a supervised work program under sub. (5g)  
2 or perform not less than 10 hours nor more than 100 hours of other community  
3 service work, except that if the juvenile has not attained 14 years of age the  
4 maximum number of hours is 40.

5 **(14d) HATE VIOLATIONS.** In addition to any other disposition imposed under this  
6 section, if the juvenile is found to have committed a violation under circumstances  
7 in which, if committed by an adult, the adult would be subject to a penalty  
8 enhancement under s. 939.645, ~~the court may order any one or more of the following~~  
9 dispositions:

10 (a) ~~That the juvenile make restitution~~ Restitution under sub. (5).

11 (b) ~~That the juvenile participate~~ Participation in a supervised work program  
12 or other community service work under sub. (5g) or (5m).

13 (c) ~~That the juvenile participate~~ Participation in a victim-offender mediation  
14 program under sub. (5r) or ~~otherwise apologize~~ an other means of apologizing to the  
15 victim.

16 (d) ~~That the juvenile participate~~ Participation in an educational program  
17 under sub. (7n) that includes sensitivity training or training in diversity.

18 **(14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS.** In addition to any other  
19 disposition imposed under this section, if the juvenile is found to have violated s.  
20 947.015 and the property involved is owned or leased by the state or any political  
21 subdivision of the state, or if the property involved is a school premises, as defined  
22 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. 941.235 or 948.605,  
23 ~~the court may~~ immediately suspend the juvenile's operating privilege, as defined in  
24 s. 340.01 (40), for 2 years. The court shall immediately forward to the department  
25 of transportation the notice of suspension, ~~clearly~~ stating that the suspension is for

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1 a violation of s. 947.015 involving school premises, or for a violation of s. 941.235 or  
2 948.605. If otherwise eligible, the juvenile is eligible for an occupational license  
3 under s. 343.10.

4 **SECTION 389.** 938.34 (14r) (a) of the statutes is amended to read:

5 938.34 (14r) (a) In addition to any other dispositions imposed under this  
6 section, if the juvenile is found to have violated ch. 961, the court shall suspend the  
7 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months  
8 nor more than 5 years. The court shall immediately take possession of any  
9 suspended license and forward it to the department of transportation together with  
10 the notice of suspension clearly stating that the suspension or revocation is for a  
11 violation of ch. 961.

12 **SECTION 390.** 938.34 (15) (b) of the statutes is amended to read:

13 938.34 (15) (b) The department of justice shall promulgate rules providing  
14 procedures for juveniles to provide specimens under par. (a) and for the  
15 transportation of ~~those~~ the specimens to the state crime laboratories under s. 165.77.

16 **SECTION 391.** 938.34 (16) of the statutes is amended to read:

17 938.34 (16) **STAY OF ORDER.** After ordering a disposition under this section,  
18 enter an additional order staying the execution of the dispositional order contingent  
19 on the juvenile's satisfactory compliance with any conditions that are specified in the  
20 dispositional order and explained to the juvenile by the court. If the juvenile violates  
21 a condition of his or her dispositional order, the agency supervising the juvenile or  
22 the district attorney or corporation counsel in the county in which the dispositional  
23 order was entered shall notify the court and the court shall hold a hearing within 30  
24 days after the filing of the notice to determine whether the original dispositional  
25 order should be imposed, unless the juvenile signs a written waiver of any objections

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1 to imposing the original dispositional order and the court approves the waiver. If a  
2 hearing is held, the court shall notify the parent, juvenile, guardian, and legal  
3 custodian, all parties bound by the original dispositional order, and the district  
4 attorney or corporation counsel in the county in which the dispositional order was  
5 entered of the time and place of the hearing at least 3 days before the hearing. If all  
6 parties consent, the court may proceed immediately with the hearing. The court may  
7 not impose the original dispositional order unless the court finds by a preponderance  
8 of the evidence that the juvenile has violated a condition of his or her dispositional  
9 order.

NOTE: In s. 938.34 (16), stats., adds the district attorney and corporation counsel as persons who may notify the court of a violation of the dispositional order when the original dispositional order is stayed.

10 **SECTION 392.** 938.342 (1d) (intro.) of the statutes is amended to read:

11 **938.342 (1d) TRUANCY ORDINANCE VIOLATIONS.** (intro.) If the court finds that the  
12 person violated a municipal ordinance enacted under s. 118.163 (1m), the court shall  
13 enter an order making one or more of the following dispositions if ~~such a~~ the  
14 disposition is authorized by the municipal ordinance:

15 **SECTION 393.** 938.342 (1g) (intro.) and (b) of the statutes are amended to read:

16 **938.342 (1g) HABITUAL TRUANCY ORDINANCE VIOLATIONS.** (intro.) If the court  
17 finds that a person under 18 years of age violated a municipal ordinance enacted  
18 under s. 118.163 (2), the court shall enter an order making one or more of the  
19 following dispositions if ~~such a~~ the disposition is authorized by the municipal  
20 ordinance:

21 (b) Order the person to participate in counseling or a supervised work program  
22 or other community service work as described in s. 938.34 (5g). The costs of any ~~such~~  
23 counseling, supervised work program, or other community service work may be

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1 assessed against the person, the parents or guardian of the person, or both. Any  
2 county department, community agency, public agency, or nonprofit charitable  
3 organization administering a supervised work program or other community service  
4 work to which a person is assigned pursuant to under an order under this paragraph  
5 acting in good faith has immunity from any civil liability in excess of \$25,000 for any  
6 act or omission by or impacting on that person.

7 **SECTION 394.** 938.342 (1g) (f) 1. and 2. of the statutes are amended to read:

8 938.342 (1g) (f) 1. The chief judge of the judicial administrative district has  
9 approved a teen court program established in the person's county of residence and  
10 the judge court determines that participation in the teen court program will likely  
11 benefit the person and the community.

12 2. The person admits or pleads no contest in open court, with in the presence  
13 of the person's parent, guardian, or legal custodian present, to the allegations that  
14 the person violated the municipal ordinance enacted under s. 118.163 (2).

15 **SECTION 395.** 938.342 (1m), (1r) and (2) of the statutes are amended to read:

16 938.342 (1m) ORDERS APPLICABLE TO PARENTS, GUARDIANS, AND LEGAL CUSTODIANS.

17 (a) If the court finds that the person violated a municipal ordinance enacted under  
18 s. 118.163 (2), the court may, in addition to or instead of the dispositions under sub.  
19 (1g), order the person's parent, guardian, or legal custodian to participate in  
20 counseling at the parent's, guardian's, or legal custodian's own expense or to attend  
21 school with the person, or both, if such a the disposition is authorized by the  
22 municipal ordinance.

23 (am) If the court finds that the person violated a municipal ordinance enacted  
24 under s. 118.163 (1m), the court may, as part of the disposition under sub. (1d), order  
25 the person's parent or guardian to pay all or part of a forfeiture plus costs assessed



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1 under sub. (1d) (b). If the court finds that the person violated a municipal ordinance  
2 enacted under s. 118.163 (2), the court may, as part of the ~~dispositions~~ disposition  
3 under sub. (1g), order the person's parent or guardian to pay all or part of the costs  
4 of any program ordered under sub. (1g) (b) or to pay all or part of a forfeiture plus  
5 costs assessed under sub. (1g) (h).

6 (b) No order to any parent, guardian, or legal custodian under par. (a) or (am)  
7 may be entered until the parent, guardian, or legal custodian is given an opportunity  
8 to be heard on the contemplated order of the court. The court shall cause notice of  
9 the time, place, and purpose of the hearing to be served on the parent, guardian, or  
10 legal custodian personally at least 10 days before the date of the hearing. The  
11 procedure in these cases shall, as far as practicable, be the same as in other cases to  
12 the court. At the hearing, the parent, guardian, or legal custodian may be  
13 represented by counsel and may produce and cross-examine witnesses. ~~Any~~ A  
14 parent, guardian, or legal custodian who fails to comply with any order issued by a  
15 court under par. (a) or (am) may be proceeded against for contempt of court.

16 **(1r)** SCHOOL ATTENDANCE CONDITION. If school attendance ~~under sub. (1d) (a) or~~  
17 ~~(1g) (g)~~ is a condition of an order under sub. (1d) or (1g), the order shall specify what  
18 constitutes a violation of the condition and shall direct the school board of the school  
19 district, or the governing body of the private school, in which the person is enrolled  
20 to notify the court or, if the person is under the supervision of an agency under sub.  
21 (1g) (j), the agency that is responsible for supervising the person, within 5 days after  
22 any violation of the condition by the person.

23 **(2)** SCHOOL DROPOUT ORDINANCE VIOLATION. (a) Except as provided in par. (b),  
24 if the court finds that a person is subject to a municipal ordinance enacted under s.  
25 118.163 (2m) (a), the court shall enter an order suspending the person's operating

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1 privilege, as defined in s. 340.01 (40), until the person ~~reaches the age of~~ attains 18  
2 years of age.

3 (b) The court may ~~enter an order making~~ any of the dispositions specified under  
4 sub. (1g) if the court finds that suspension of the person's operating privilege, as  
5 defined in s. 340.01 (40), until the person ~~reaches the age of~~ attains 18 years of age  
6 would cause an undue hardship to the person or the person's family.

7 **SECTION 396.** 938.343 (1) (title) of the statutes is created to read:

8 938.343 (1) (title) COUNSELING.

9 **SECTION 397.** 938.343 (2) of the statutes is amended to read:

10 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
11 forfeiture that may be imposed on an adult for committing that violation or, if the  
12 violation is only applicable to a person under 18 years of age, \$50. ~~Any such~~ The order  
13 shall include a finding that the juvenile alone is financially able to pay and shall  
14 allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture, the  
15 court may suspend any license issued under ch. 29 or suspend the juvenile's  
16 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court  
17 shall immediately take possession of the suspended license and forward it to the  
18 department which issued the license, together with the notice of suspension ~~clearly~~  
19 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
20 the forfeiture is paid during the period of suspension, the court shall immediately  
21 notify the department, which ~~will thereupon~~ shall return the license to the person.  
22 Any recovery under this subsection shall be reduced by the amount recovered as a  
23 forfeiture for the same act under s. 938.45 (1r) (b).

24 **SECTION 398.** 938.343 (2m) (title) of the statutes is created to read:

25 938.343 (2m) (title) TEEN COURT PROGRAM.

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1           **SECTION 399.** 938.343 (2m) (a) of the statutes is amended to read:

2           938.343 (2m) (a) The chief judge of the judicial administrative district has  
3 approved a teen court program established in the juvenile's county of residence and  
4 the judge court determines that participation in the teen court program will likely  
5 benefit the juvenile and the community.

6           **SECTION 400.** 938.343 (2m) (b) of the statutes is amended to read:

7           938.343 (2m) (b) The juvenile admits or pleads no contest in open court, ~~with~~  
8 in the presence of the juvenile's parent, guardian or legal custodian ~~present~~, to the  
9 allegations that the juvenile violated the civil law or ordinance.

10          **SECTION 401.** 938.343 (3) (title) and (3m) (title) of the statutes are created to  
11 read:

12          938.343 (3) (title) COMMUNITY SERVICE WORK PROGRAM.

13          (3m) (title) YOUTH REPORT CENTER.

14          **SECTION 402.** 938.343 (4), (5), (6) and (7) of the statutes are amended to read:

15          938.343 (4) RESTITUTION. If the violation has resulted in damage to the property  
16 of another, or in actual physical injury to another excluding pain and suffering, ~~the~~  
17 ~~court may~~ order the juvenile to make repairs of the damage to property or reasonable  
18 restitution for the damage or injury, either in the form of cash payments or, if the  
19 victim agrees, the performance of services for the victim, or both, if the court, after  
20 taking into consideration the well-being and needs of the victim, considers it  
21 beneficial to the well-being and behavior of the juvenile. ~~Any such~~ An order  
22 requiring payment for repairs or restitution shall include a finding that the juvenile  
23 alone is financially able to pay or physically able to perform the services, may allow  
24 up to the date of the expiration of the order for the payment or for the completion of  
25 the services, and may include a schedule for the performance and completion of the

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1 services. ~~Objection by~~ If the juvenile objects to the amount of damages claimed shall  
2 ~~entitle~~, the juvenile is entitled to a hearing on the question of damages before the  
3 amount of restitution is ordered. Any recovery under this subsection shall be reduced  
4 by the amount recovered as restitution for the same act under s. 938.45 (1r) (a).

5 (5) BOATING SAFETY COURSE. If the violation is related to unsafe use of a boat,  
6 order the juvenile to attend a boating safety course under s. 30.74 (1). If the juvenile  
7 has a valid boating safety certificate at the time that the court imposes sentence the  
8 disposition, the court shall permanently revoke the certificate and order the person  
9 to obtain a another boating safety certificate of ~~satisfactory completion of a safety~~  
10 course under s. 30.74 (1).

11 (6) HUNTING, TRAPPING, OR FISHING LICENSE SUSPENSION. If the violation is of ch.  
12 29, ~~suspension of~~ suspend the license or licenses of the juvenile issued under that  
13 chapter for not more than one year or until the juvenile is 18 years of age, whichever  
14 occurs first.

15 (7) HUNTER EDUCATION PROGRAM. If the violation is related to the unsafe use of  
16 firearms, order the juvenile to attend ~~the course under~~ the hunter education program  
17 course under s. 29.591.

18 **SECTION 403.** 938.343 (8) of the statutes is amended to read:

19 938.343 (8) SNOWMOBILE SAFETY COURSE. If the violation is one under ch. 350  
20 concerning the use of snowmobiles, order the juvenile to attend a snowmobile safety  
21 course under s. 350.055.

22 **SECTION 404.** 938.343 (9) of the statutes is amended to read:

23 938.343 (9) ALL-TERRAIN VEHICLE SAFETY COURSE. If the violation is one under  
24 s. 23.33 or under an ordinance enacted in conformity with s. 23.33 concerning the use

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1 of all-terrain vehicles, order the juvenile to ~~enroll and participate in~~ attend an  
2 all-terrain vehicle safety course.

3 **SECTION 405.** 938.343 (10) (title) of the statutes is created to read:

4 938.343 (10) (title) ALCOHOL OR DRUG ASSESSMENT, TREATMENT, OR EDUCATION.

5 **SECTION 406.** 938.344 (2) (title) of the statutes is created to read:

6 938.344 (2) (title) UNDERAGE ALCOHOL POSSESSION OR POSSESSION ON SCHOOL  
7 GROUNDS.

8 **SECTION 407.** 938.344 (2) (a), (b) and (c) of the statutes are amended to read:

9 938.344 (2) (a) For a first violation, a forfeiture of not more than \$50,  
10 suspension of the juvenile's operating privilege ~~as provided~~ under s. 343.30 (6) (b) 1.,  
11 or ~~the juvenile's~~ participation in a supervised work program or other community  
12 service work under s. 938.34 (5g).

13 (b) For a violation committed within 12 months of one previous violation, a  
14 forfeiture of not more than \$100 or ~~the juvenile's~~ participation in a supervised work  
15 program or other community service work under s. 938.34 (5g). In addition, the  
16 juvenile's operating privilege may be suspended ~~as provided~~ under s. 343.30 (6) (b)  
17 2., except that if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's  
18 operating privilege shall be suspended ~~as provided~~ under s. 343.30 (6) (b) 2.

19 (c) For a violation committed within 12 months of 2 or more previous violations,  
20 a forfeiture of not more than \$500 or ~~the juvenile's~~ participation in a supervised work  
21 program or other community service work under s. 938.34 (5g). In addition, the  
22 juvenile's operating privilege may be suspended ~~as provided~~ under s. 343.30 (6) (b)  
23 3., except that if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's  
24 operating privilege shall be suspended ~~as provided~~ under s. 343.30 (6) (b) 3.

25 **SECTION 408.** 938.344 (2b) (title) of the statutes is created to read:

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1           938.344 (2b) (title) UNDERAGE PURCHASE OF ALCOHOL OR ENTERING LICENSED  
2 PREMISES.

3           **SECTION 409.** 938.344 (2b) (a), (b) and (c) of the statutes are amended to read:

4           938.344 (2b) (a) For a first violation, a forfeiture of not less than \$250 nor more  
5 than \$500, suspension of the juvenile's operating privilege as ~~provided~~ under s.  
6 343.30 (6) (b) 1., or the juvenile's participation in a supervised work program or other  
7 community service work under s. 938.34 (5g).

8           (b) For a violation committed within 12 months of one previous violation, a  
9 forfeiture of not less than \$300 nor more than \$500 or the juvenile's participation in  
10 a supervised work program or other community service work under s. 938.34 (5g).  
11 In addition, the juvenile's operating privilege may be suspended as ~~provided~~ under  
12 s. 343.30 (6) (b) 2., except that if the violation involved a motor vehicle the juvenile's  
13 operating privilege shall be suspended as ~~provided~~ under s. 343.30 (6) (b) 2.

14           (c) For a violation committed within 12 months of 2 or more previous violations,  
15 a forfeiture of \$500 or the juvenile's participation in a supervised work program or  
16 other community service work under s. 938.34 (5g). In addition, the juvenile's  
17 operating privilege may be suspended as ~~provided~~ under s. 343.30 (6) (b) 3., except  
18 that if the violation involved a motor vehicle the juvenile's operating privilege shall  
19 be suspended as ~~provided~~ under s. 343.30 (6) (b) 3.

20           **SECTION 410.** 938.344 (2d) (title) of the statutes is created to read:

21           938.344 (2d) (title) FALSE PROOF OF AGE.

22           **SECTION 411.** 938.344 (2d) (a), (b) and (c) of the statutes are amended to read:

23           938.344 (2d) (a) For a first violation, a forfeiture of not less than \$100 nor more  
24 than \$500, suspension of the juvenile's operating privilege as ~~provided~~ under s.

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1 343.30 (6) (b) 1., or ~~the juvenile's~~ participation in a supervised work program or other  
2 community service work under s. 938.34 (5g).

3 (b) For a violation committed within 12 months of a previous violation, a  
4 forfeiture of not less than \$300 nor more than \$500, suspension of the juvenile's  
5 operating privilege as ~~provided~~ under s. 343.30 (6) (b) 2., or ~~the juvenile's~~  
6 participation in a supervised work program or other community service work under  
7 s. 938.34 (5g).

8 (c) For a violation committed within 12 months of 2 or more previous violations,  
9 a forfeiture of \$500, suspension of the juvenile's operating privilege as ~~provided~~  
10 under s. 343.30 (6) (b) 3., or ~~the juvenile's~~ participation in a supervised work program  
11 or other community service work under s. 938.34 (5g).

12 **SECTION 412.** 938.344 (2e) (title) of the statutes is created to read:

13 938.344 (2e) (title) DRUG PARAPHERNALIA VIOLATION.

14 **SECTION 413.** 938.344 (2e) (a) 1., 2. and 3., (b) and (c) of the statutes are  
15 amended to read:

16 938.344 (2e) (a) 1. For a first violation, a forfeiture of not more than \$50 or ~~the~~  
17 ~~juvenile's~~ participation in a supervised work program or other community service  
18 work under s. 938.34 (5g) or both.

19 2. For a violation committed within 12 months of a previous violation, a  
20 forfeiture of not more than \$100 or ~~the juvenile's~~ participation in a supervised work  
21 program or other community service work under s. 938.34 (5g) or both.

22 3. For a violation committed within 12 months of 2 or more previous violations,  
23 a forfeiture of not more than \$500 or ~~the juvenile's~~ participation in a supervised work  
24 program or other community service work under s. 938.34 (5g) or both.

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1 (b) Whenever a court suspends a juvenile's operating privilege under this  
2 subsection, the court shall immediately take possession of any suspended license and  
3 forward it to the department of transportation, together with the notice of  
4 suspension clearly stating that the suspension is for a violation under s. 961.573 (2),  
5 961.574 (2), or 961.575 (2), or a local ordinance that strictly conforms to one of those  
6 statutes.

7 (c) If the juvenile's license or operating privilege is currently suspended or  
8 revoked or the juvenile does not currently possess a valid operator's license issued  
9 under ch. 343, the suspension under this subsection is effective on the date on which  
10 the juvenile is first eligible and applies for issuance or reinstatement of an operator's  
11 license under ch. 343.

12 **SECTION 414.** 938.344 (2g) (title) of the statutes is created to read:

13 938.344 (2g) (title) STAY OF ORDER.

14 **SECTION 415.** 938.344 (2g) (a) 1. and 4. a. and b. and (d) of the statutes are  
15 amended to read:

16 938.344 (2g) (a) 1. Submit to an alcohol and other drug abuse assessment that  
17 conforms to the criteria specified under s. 938.547 (4) and that is conducted by an  
18 approved treatment facility. The order shall designate an approved treatment  
19 facility to conduct the alcohol and other drug abuse assessment and shall specify the  
20 date by which the assessment must be completed.

21 4. a. The chief judge of the judicial administrative district has approved a teen  
22 court program established in the juvenile's county of residence and the judge court  
23 determines that participation in the teen court program will likely benefit the  
24 juvenile and the community.



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1           b. The juvenile admits or pleads no contest in open court, with in the presence  
2 of the juvenile's parent, guardian or legal custodian present, to the allegations that  
3 the juvenile committed the violation specified in sub. (2), (2b), (2d) or (2e).

4           (d) If an approved treatment facility, court-approved pupil assistance program,  
5 or court-approved alcohol or other drug abuse education program, with the written  
6 informed consent of the juvenile or, if the juvenile has not attained the age of 12, the  
7 written informed consent of the juvenile's parent, notifies the agency primarily  
8 responsible for providing services to the juvenile that a juvenile is not participating,  
9 or has not satisfactorily completed, a recommended alcohol or other drug abuse  
10 treatment program, a court-approved pupil assistance program, or a  
11 court-approved alcohol or other drug abuse education program, the court shall hold  
12 a hearing to determine whether to impose the penalties under sub. (2), (2b), (2d),  
13 (2e) ~~should be imposed~~.

14           **SECTION 416.** 938.344 (2m) (title) and (3) (title) of the statutes are created to  
15 read:

16           938.344 (2m) (title) COUNTING VIOLATIONS.

17           (3) (title) PROSECUTION IN ADULT COURT.

18           **SECTION 417.** 938.345 (1) (intro.), (a), (d), (e) and (g) of the statutes are amended  
19 to read:

20           938.345 (1) DISPOSITIONAL ORDER. (intro.) If the court finds that the juvenile  
21 is in need of protection or services, the court shall enter an order deciding including  
22 one or more of the dispositions ~~of the case as provided in~~ under s. 938.34 under a care  
23 and treatment plan except that the order may not do any of the following:

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1 (a) Place the juvenile in the serious juvenile offender program, ~~or a secured~~  
2 juvenile correctional facility, ~~a secured child caring institution~~ or a secured group  
3 home residential care center for children and youth.

4 (d) Restrict, or suspend ~~or revoke~~ the driving privileges of the juvenile, except  
5 as provided under sub. (2).

6 (e) Place any juvenile not specifically found under ~~chs. ch.~~ 46, 49, 51, 115 and,  
7 or 880 to be developmentally disabled or mentally ill have a developmental disability  
8 or a mental illness or to be a child with a disability, as defined in s. 115.76 (5), in  
9 ~~facilities which~~ a facility that exclusively treat treats one or more of those categories  
10 of juveniles.

11 (g) ~~Order~~ Place the juvenile ~~into~~ in a juvenile detention facility or juvenile  
12 portion of a county jail or in nonsecure custody under s. 938.34 (3) (f).

NOTE: In s. 938.345 (1) (d), stats., removes revocation of a juvenile's driving  
privileges as a JIPS disposition to be consistent with the parallel delinquency disposition  
under s. 938.34 (14m).

13 **SECTION 418.** 938.345 (2) of the statutes is amended to read:

14 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a  
15 juvenile is in need of protection or services based on the fact that the juvenile is a  
16 school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the  
17 court also finds that ~~the reason~~ the juvenile has dropped out of school or is a habitual  
18 truant is as a result of the juvenile's intentional refusal to attend school rather than  
19 the failure of any other person to comply with s. 118.15 (1) (a), the court, instead of  
20 or in addition to any other disposition imposed under sub. (1), may enter an order  
21 permitted under s. 938.342.

22 **SECTION 419.** 938.345 (3) (title) of the statutes is created to read:

23 938.345 (3) (title) **SEX OFFENDER REGISTRATION.**