

ASSEMBLY BILL 443

1 **SECTION 587.** 938.48 (14) and (16) of the statutes are amended to read:

2 **938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17.** Pay
3 maintenance, tuition, and related expenses from the appropriation under s. 20.410
4 (3) (ho) for persons who, when they ~~reached~~ attained 17 years of age, were students
5 regularly attending a school, college, or university or regularly attending a course of
6 vocational or technical training designed to ~~fit~~ prepare them for gainful employment,
7 and who ~~when reaching upon attaining~~ that age were under the supervision of the
8 department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of
9 a judicial decision.

10 **(16) STANDARDS FOR SERVICES.** Establish and enforce standards for services
11 ~~provided~~ under s. 938.183, 938.34, or 938.345.

12 **SECTION 588.** 938.49 (1) of the statutes is amended to read:

13 **938.49 (1) NOTICE TO DEPARTMENT OF PLACEMENT.** When ~~the a~~ court places a
14 juvenile in a ~~secured juvenile~~ correctional facility or ~~secured child-caring institution~~
15 residential care center for children and youth under the supervision of the
16 department, the court shall immediately notify the department of that action. The
17 court shall, in accordance with procedures established by the department, provide
18 transportation for the juvenile to a receiving center designated by the department
19 or deliver the juvenile to department personnel ~~of the department~~.

20 **SECTION 589.** 938.49 (2) of the statutes is renumbered 938.49 (2) (intro.) and
21 amended to read:

22 **938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS.** (intro.) When ~~the a~~
23 court places a juvenile in a ~~secured juvenile~~ correctional facility or a ~~secured child~~
24 ~~caring institution~~ residential care center for children and youth under the

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1 supervision of the department, the court and all other public agencies shall also
2 immediately ~~transfer~~ do all of the following:

3 (a) Transfer to the department a copy of the report submitted to the court under
4 s. 938.33 or, if the report was presented orally, a transcript of the report and all other
5 pertinent data in their possession ~~and shall immediately notify~~.

6 (b) Notify the juvenile's last school district in writing of its obligation under s.
7 118.125 (4).

8 **SECTION 590.** 938.50 (1) and (2) of the statutes are consolidated, renumbered
9 938.50 and amended to read:

10 **938.50 Examination of juveniles under supervision of department.** The
11 department shall examine every juvenile who is placed under its supervision to
12 determine the type of placement best suited to the juvenile and to the protection of
13 the public. ~~This~~ The examination shall include an investigation of the personal and
14 family history of the juvenile and his or her environment, any physical or mental
15 examinations ~~considered~~ necessary to determine the type of placement ~~that is~~
16 ~~necessary~~ appropriate for the juvenile, and ~~the~~ an evaluation under s. 938.533 (2) to
17 determine whether the juvenile is eligible for corrective sanctions supervision or
18 serious juvenile offender supervision. ~~A~~ The department shall screen a juvenile who
19 ~~is examined under this subsection shall be screened~~ section to determine whether
20 the juvenile is in need of special treatment or care because of alcohol or other drug
21 abuse, mental illness, or severe emotional disturbance. ~~(2)~~ In making ~~this~~ the
22 examination the department may use any facilities, public or private, that offer aid
23 ~~to it~~ assistance in the ~~determination of~~ determining the correct placement for the
24 juvenile.

25 **SECTION 591.** 938.505 (1) (title) of the statutes is created to read:

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1 938.505 (1) (title) RIGHTS AND DUTIES OF DEPARTMENT OR COUNTY DEPARTMENT.

2 **SECTION 592.** 938.505 (2) of the statutes is amended to read:

3 938.505 (2) PSYCHOTROPIC MEDICATION. (a) If a juvenile 14 years of age or ~~over~~
4 ~~who older~~ is under the supervision of the department or a county department as
5 described in sub. (1) ~~and who~~, is not residing in his or her home, and wishes to be
6 administered psychotropic medication but a parent with legal custody or the
7 guardian refuses to consent to the administration of psychotropic medication or
8 cannot be found, or if there is no parent with legal custody, the department or county
9 department acting on the juvenile's behalf may petition the court assigned to
10 exercise jurisdiction under this chapter and ch. 48 in the county in which the juvenile
11 is located for permission to administer psychotropic medication to the juvenile. A
12 copy of the petition and a notice of hearing shall be served upon the parent or
13 guardian at his or her last-known address. If, after hearing, the court determines
14 that all of the following apply, the court shall grant permission for the department
15 or county department to administer psychotropic medication to the juvenile without
16 the parent's or guardian's consent:

17 1. ~~That the~~ The parent's or guardian's consent is unreasonably withheld ~~or~~
18 ~~that~~, the parent or guardian cannot be found, ~~or that~~ there is no parent with legal
19 custody, except that the court may not determine that a parent's or guardian's
20 consent is unreasonably withheld solely because the parent or guardian relies on
21 treatment by spiritual means through prayer for healing in accordance with his or
22 her religious tradition.

23 2. ~~That the~~ The juvenile is 14 years of age or ~~over and older~~, is competent to
24 consent to the administration of psychotropic medication, ~~and that the juvenile~~
25 voluntarily consents to the administration of psychotropic medication.

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1 3. ~~Based The juvenile, based on the recommendation of a physician, that the~~
2 ~~juvenile~~ is in need of psychotropic medication, ~~that~~ and psychotropic medication is
3 appropriate for the juvenile's needs and ~~that psychotropic medication~~ is the least
4 restrictive treatment consistent with ~~the juvenile's~~ those needs.

5 (b) The court may, at the request of the department or county department,
6 temporarily approve the administration of psychotropic medication, for not more
7 than 10 days after the date of the request, pending the hearing on the petition, ~~which,~~
8 The hearing shall be held within those 10 days that 10-day period.

9 **SECTION 593.** 938.51 (1) (intro.) of the statutes is amended to read:

10 938.51 (1) RELEASE FROM SECURED FACILITY OR SUPERVISION. (intro.) At least 15
11 days prior to the date of release from a ~~secured juvenile~~ correctional facility, or a
12 ~~secured child-caring institution or a secured group home~~ residential care center for
13 children and youth of a juvenile who has been adjudicated delinquent and at least
14 15 days prior to the release from the supervision of the department or a county
15 department of a juvenile who has been adjudicated delinquent, the department or
16 county department having supervision over the juvenile shall make a reasonable
17 attempt to do all of the following:

18 **SECTION 594.** 938.51 (1d) (title) and (1g) (title) of the statutes are created to
19 read:

20 938.51 (1d) (title) RELEASE FROM NONSECURED RESIDENTIAL CARE CENTER.

21 (1g) (title) RELEASE FROM INPATIENT FACILITY.

22 **SECTION 595.** 938.51 (1m) of the statutes is amended to read:

23 938.51 (1m) NOTIFICATION OF LOCAL AGENCIES. The department or county
24 department having supervision over a juvenile described in sub. (1) shall determine
25 the local agencies that it will notify under sub. (1) (a) based on the residence of the

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1 juvenile's parents or on the juvenile's intended residence specified in the juvenile's
2 aftercare supervision plan or, if those methods do not indicate the community in
3 which the juvenile will reside following release from a ~~secured juvenile~~ juvenile correctional
4 facility, or a secured child caring institution or a secured group home residential care
5 center for children and youth or from the supervision of the department or county
6 department, the community in which the juvenile states that he or she intends to
7 reside.

8 **SECTION 596.** 938.51 (1r) (title) of the statutes is created to read:

9 938.51 (1r) (title) CONTENTS OF NOTICE.

10 **SECTION 597.** 938.51 (2) of the statutes is amended to read:

11 938.51 (2) NOTIFICATION REQUEST CARDS. The department shall design and
12 prepare cards for any person specified in sub. (1) (b), (c), (cm), or (d) to send to the
13 department or county department having supervision over a juvenile described in
14 sub. (1), (1d), or (1g). The cards shall have space for ~~any such person to provide his~~
15 ~~or her~~ the person's name, telephone number and mailing address, the name of the
16 applicable juvenile, and any other information that the department determines is
17 necessary. The cards shall also advise a victim who is under 18 years of age that he
18 or she may complete a card requesting notification under sub. (1) (b), (1d), or (1g) if
19 the notification occurs after the victim attains 18 years of age and advising the
20 parent or guardian of a victim who is under 18 years of age that the parent or
21 guardian may authorize on the card direct notification of the victim under sub. (1)
22 (b), (1d), or (1g) if the notification occurs after the victim attains 18 years of age. The
23 department shall provide the cards, without charge, to district attorneys. District
24 attorneys shall provide the cards, without charge, to persons specified in sub. (1) (b)
25 to (d). These persons may send completed cards to the department or county

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1 department having supervision over the juvenile. ~~All department~~ Department and
2 county department records or portions of records that relate to telephone numbers
3 and mailing addresses of these persons are not subject to inspection or copying under
4 s. 19.35 (1).

5 **SECTION 598.** 938.51 (3) (title) of the statutes is created to read:

6 938.51 (3) (title) **RELEASE NOT AFFECTED BY FAILURE TO NOTIFY.**

7 **SECTION 599.** 938.51 (4) (intro.) of the statutes is amended to read:

8 938.51 (4) NOTIFICATION IF ESCAPE OR ABSENCE. (intro.) If a juvenile described
9 in sub. (1), (1d), or (1g) escapes from a ~~secured~~ juvenile correctional facility,
10 residential care center for children and youth, ~~secured group home~~, inpatient facility,
11 ~~secure~~ juvenile detention facility, or juvenile portion of a county jail, or from the
12 custody of a peace officer or a guard of such a facility, center, home, or jail, or has been
13 allowed to leave a ~~secured~~ juvenile correctional facility, residential care center for
14 children and youth, ~~secured group home~~, inpatient facility, ~~secure~~ juvenile detention
15 facility, or juvenile portion of a county jail for a specified period of time and is absent
16 from the facility, center, home, or jail for more than 12 hours after the expiration of
17 the specified period, as soon as possible after the department or county department
18 having supervision over the juvenile discovers ~~that~~ the escape or absence, ~~that~~ the
19 department or county department shall make a reasonable attempt to notify by
20 telephone all of the following persons:

21 **SECTION 600.** 938.52 (1) (d), (2) and (4) of the statutes are amended to read:

22 938.52 (1) (d) Institutions, facilities, and services, including ~~without limitation~~
23 forestry or conservation camps, for the training and treatment of juveniles 10 years
24 of age or older who have been adjudged delinquent.

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1 (2) USE OF OTHER FACILITIES. (a) In addition to the facilities and services
2 ~~described in~~ under sub. (1), the department may use other facilities and services
3 under its jurisdiction. The department may also contract for and pay for the use of
4 other public facilities or private facilities for the care and treatment of juveniles in
5 its care; ~~but placement.~~ Placement of juveniles in private or public facilities not
6 under ~~its~~ the department's jurisdiction does not terminate ~~the~~ its supervision under
7 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) ~~of the department.~~ Placements
8 in institutions for ~~the mentally ill or developmentally disabled persons with a mental~~
9 illness or development disability shall be made in accordance with ss. 48.14 (5),
10 48.63, and 938.34 (6) (am) and ch. 51.

11 (b) Public facilities ~~are required to~~ shall accept and care for persons placed with
12 them by the department in the same manner as they would be required to do had the
13 legal custody of these persons been transferred by a court of competent jurisdiction.
14 Nothing in this subsection ~~shall be construed to require~~ requires any public facility
15 to serve the department ~~inconsistently in a manner that is inconsistent~~ with ~~its~~ the
16 facility's functions or with the laws and regulations governing ~~their~~ its activities; or
17 ~~to give~~ gives the department authority to use any private facility without its consent.

18 (c) The department ~~shall have the right to~~ may inspect ~~all facilities~~ any facility
19 it is using and ~~to~~ examine and consult with persons under its supervision under s.
20 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) who have been placed in ~~that~~ the
21 facility.

22 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department may ~~institute~~
23 establish and maintain coeducational programs and institutions under this chapter.

24 **SECTION 601.** 938.53 of the statutes is amended to read:

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1 **938.53 Duration of control of department over delinquents.** Except as
2 provided under ss. 48.366 and 938.183, all juveniles a juvenile adjudged delinquent
3 who ~~have~~ has been placed under the supervision of the department under s. 938.183,
4 938.34 (4h), (4m), or (4n), or 938.357 (4) shall be discharged as soon as the
5 department determines that there is a reasonable probability that it departmental
6 supervision is no longer necessary ~~either~~ for the rehabilitation and treatment of the
7 juvenile or for the protection of the public ~~that the department retain supervision.~~

8 **SECTION 602.** 938.533 of the statutes is amended to read:

9 **938.533 Corrective sanctions. (2) CORRECTIVE SANCTIONS PROGRAM.** From
10 the appropriation under s. 20.410 (3) (hr), the department shall provide a corrective
11 sanctions program to serve an average daily population of 136 juveniles, ~~or an~~
12 ~~average daily population of more than 136 juveniles if~~ unless the appropriation
13 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
14 for the program are increased under s. 13.101 or 16.505 (2) or if unless funding and
15 positions to serve more than that average daily population are otherwise available,
16 in ~~not less than~~ at least 3 counties, including Milwaukee County. The department's
17 office of juvenile offender review ~~in the department~~ shall evaluate and select for
18 participation in the program juveniles who have been placed under the supervision
19 of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4). The
20 department shall place a program participant in the community, provide intensive
21 surveillance of that participant, and provide an average of not more than \$3,000 per
22 year per slot to purchase community-based treatment services for each participant.
23 The department shall make the intensive surveillance ~~required under this~~
24 ~~subsection~~ available 24 hours a day, 7 days a week, and may purchase or provide
25 electronic monitoring for the intensive surveillance of program participants. The

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1 department shall provide a report center in Milwaukee County to provide on-site
2 programming after school and in the evening for juveniles from Milwaukee County
3 who are placed in the corrective sanctions program. A contact worker providing
4 services under the program shall have a case load of approximately 10 juveniles and,
5 during the initial phase of placement in the community under the program of a
6 juvenile who is assigned to that contact worker, shall have not less than one
7 face-to-face contact per day with that juvenile. Case management services under
8 the program shall be provided by a corrective sanctions agent who shall have a case
9 load of approximately 15 juveniles. The department shall promulgate rules to
10 implement the program.

11 (3) INSTITUTIONAL STATUS. (a) A participant in the corrective sanctions program
12 ~~remains is~~ under the supervision of the department, ~~remains is~~ subject to the rules
13 and discipline of ~~that~~ the department, and is considered to be in custody, as defined
14 in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a
15 condition of ~~that~~ juvenile's his or her participation in the corrective sanctions
16 program the department may, without a hearing, take the juvenile into custody and
17 place the juvenile in a secured juvenile detention facility or return the juvenile to
18 placement in a Type 1 secured juvenile correctional facility or a secured ~~child-caring~~
19 institution residential care center for children and youth. This paragraph does not
20 preclude a juvenile who has violated a condition of the juvenile's his or her
21 participation in the corrective sanctions program from being taken into and held in
22 custody under ss. 938.19 to 938.21.

23 (b) The department shall operate the corrective sanctions program as a Type 2
24 secured juvenile correctional facility. The secretary may allocate and reallocate
25 existing and future facilities as part of the Type 2 secured juvenile correctional

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1 facility. The Type 2 ~~secured~~ juvenile correctional facility is subject to s. 301.02.
2 Construction or establishment of a Type 2 ~~secured~~ juvenile correctional facility shall
3 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the
4 exemptions under s. 13.48 (13), construction or establishment of a Type 2 ~~secured~~
5 juvenile correctional facility is not subject to the ordinances or regulations relating
6 to zoning, including zoning under ch. 91, of the county and city, village, or town in
7 which the construction or establishment takes place and is exempt from the
8 investigations permitted under s. 46.22 (1) (c) 1. b.

9 **(3m) ESCAPE.** If a juvenile runs away from the juvenile's his or her placement
10 in the community while participating in the corrective sanctions program, ~~that~~ the
11 juvenile is considered to have escaped in violation of s. 946.42 (3) (c).

12 **SECTION 603.** 938.534 (1) (title) of the statutes is created to read:

13 938.534 (1) (title) PROGRAM REQUIREMENTS; VIOLATION OF CONDITION OF
14 PARTICIPATION.

15 **SECTION 604.** 938.534 (1) (a) and (b) 1., 2. and 4. of the statutes are amended
16 to read:

17 938.534 (1) (a) A county department may provide an intensive supervision
18 program for juveniles who have been adjudicated delinquent and ordered to
19 participate in an intensive supervision program under s. 938.34 (2r). A county
20 department that provides ~~an intensive supervision~~ a program shall purchase or
21 provide intensive surveillance and community-based treatment services for
22 participants in ~~that~~ the program and may purchase or provide electronic monitoring
23 for the intensive surveillance of program participants. A caseworker providing
24 services under ~~an intensive supervision~~ a program may have a case load of no more
25 than 10 juveniles and shall have not less than one face-to-face contact per day with

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1 each juvenile who is assigned to that caseworker, except that the face-to-face contact
2 requirement does not apply to a juvenile placed under par. (b) or (c).

3 (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
4 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
5 the county board relating to the taking into custody and placement of a juvenile
6 under this subdivision, if a juvenile violates a condition of the juvenile's his or her
7 participation in the program, the juvenile's caseworker or any other person
8 authorized to provide or providing intake or dispositional services for the court under
9 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
10 the juvenile in a secure juvenile detention facility or juvenile portion of a county jail
11 that meets the standards promulgated by the department by rule or in a place of
12 nonsecure custody designated by that person for not more than 72 hours while the
13 alleged violation and the appropriateness of a sanction under s. 938.355 (6) or a
14 change in the conditions of the juvenile's participation in the program are being
15 investigated, Short-term detention under this subdivision may be imposed only if
16 at the dispositional hearing the court explained those conditions to the juvenile and
17 informed the juvenile of the possibility of that possible placement or if before the
18 violation the juvenile has acknowledged in writing that he or she has read, or has had
19 read to him or her, those conditions and that possible placement and that he or she
20 understands those conditions and that possible placement.

21 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written
22 policies adopted by the court under s. 938.06 (1) or (2) and to any policies adopted by
23 the county board relating to the taking into custody and placement of a juvenile
24 under this subdivision, if a juvenile violates a condition of the juvenile's participation
25 in the program, the juvenile's caseworker or any other person authorized to provide

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1 or providing intake or dispositional services for the court under s. 938.067 or 938.069
2 may, without a hearing, take the juvenile into custody and place the juvenile in a
3 secure juvenile detention facility or juvenile portion of a county jail that meets the
4 standards promulgated by the department by rule or in a place of nonsecure custody
5 designated by that person for not more than 72 hours as a consequence of that
6 violation, Short-term detention under this subdivision may be imposed only if at
7 the dispositional hearing the court explained those conditions to the juvenile and
8 informed the juvenile of ~~the possibility of~~ that possible placement or if before the
9 violation the juvenile has acknowledged in writing that he or she has read, or has had
10 read to him or her, those conditions and that possible placement and that he or she
11 understands those conditions and that possible placement. A person who takes a
12 juvenile into custody under this subdivision shall permit the juvenile to make a
13 written or oral statement concerning the possible placement of the juvenile and the
14 course of conduct for which the juvenile was taken into custody. A person designated
15 by the court or the county department who is employed in a supervisory position by
16 a person authorized to provide or providing intake or dispositional services under s.
17 938.067 or 938.069 shall review that statement and shall either approve the
18 placement, modify the terms of the placement, or order the juvenile to be released
19 from custody.

20 4. The use of placement in a secure juvenile detention facility or in a juvenile
21 portion of a county jail as a place of short-term detention under subd. 1. or 2. is
22 subject to the adoption of a resolution by the county board of supervisors under s.
23 938.06 (5) authorizing the use of those placements as places of short-term detention
24 under subd. 1. or 2.

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NOTE: Clarifies, in the last sentence in s. 938.534 (1) (a), stats., that the “one face-to-face contact per day” requirement does not apply: (1) under par. (b) when a youth is placed in shelter care or a secure facility for a violation of intensive supervision program rules for a 72-hour hold; or (2) under par. (c) when a youth is placed in non-secure custody for not more than 30 days as crisis intervention. Under current practice, assigned caseworkers do not have daily contact with youth when they are receiving a “service” such as being held in detention or in shelter care.

Specifies, in s. 938.534 (1) (b) 2., stats., that when a juvenile is placed on a 72-hour hold in either a secure or non-secure facility for a violation of a condition of participation in an intensive supervision program, a person authorized to review the juvenile’s statement has the authority to modify the placement as well as approve the statement (current law). Under current practice, supervisors do modify the placement downward from 72 hours or suggest that the caseworkers do so if appropriate.

1 **SECTION 605.** 938.534 (1) (c) and (d) and (2) of the statutes are amended to read:

2 938.534 (1) (c) Notwithstanding ss. 938.19 to 938.21, but subject to any general

3 written policies adopted by the court under s. 938.06 (1) or (2) and to any policies

4 adopted by the county board relating to the taking into custody and placement of a

5 juvenile under this paragraph, if the juvenile is in need of crisis intervention the

6 juvenile’s caseworker may also, without a hearing, take the juvenile into custody and

7 place the juvenile in a place of nonsecure custody for not more than 30 days ~~as crisis~~

8 ~~intervention, if the juvenile is in need of crisis intervention and, if. This placement~~

9 may be made only if at the dispositional hearing the court informed the juvenile of

10 ~~the possibility of that possible~~ placement or if before the violation the juvenile has

11 acknowledged in writing that he or she has read, or has had read to him or her, those

12 conditions and that possible placement and that he or she understands those

13 conditions and that possible placement.

14 (d) If the juvenile is held under par. (b) 1. or 2. in a ~~secure~~ juvenile detention

15 facility, juvenile portion of a county jail, or place of nonsecure custody for longer than

16 72 hours, the juvenile is entitled to a hearing under s. 938.21. The hearing shall be

17 conducted in the manner provided in s. 938.21, except that the hearing shall be

18 conducted within 72 hours, rather than 24 hours, after the end of the day that the

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1 decision to hold the juvenile was made and a written statement of the reasons for
2 continuing to hold the juvenile in custody may be filed rather than a petition under
3 s. 938.25.

4 (2) RULES FOR INTENSIVE SUPERVISION PROGRAM. The department shall
5 promulgate rules specifying the requirements for an intensive supervision program
6 under this section. The rules shall include ~~rules that govern~~ provisions governing
7 the use of placement in a ~~secure~~ juvenile detention facility, juvenile portion of a
8 county jail, or place of nonsecure custody for not more than 72 hours under sub. (1)
9 (b) and the use of placement in a place of nonsecure custody for not more than 30 days
10 under sub. (1) (c).

11 **SECTION 606.** 938.535 of the statutes is amended to read:

12 **938.535 Early release and intensive supervision program; limits.** The
13 department may establish a program for the early release and intensive supervision
14 of juveniles who have been placed in a ~~secured~~ juvenile correctional facility or a
15 ~~secured child-caring institution~~ residential care center for children and youth under
16 s. 938.183 or 938.34 (4m). The program may not include any juveniles who have been
17 placed in a ~~secured~~ juvenile correctional facility or a ~~secured child-caring institution~~
18 residential care center for children and youth as a result of a delinquent act involving
19 the commission of a violent crime as defined in s. 969.035, but not including the crime
20 specified in s. 948.02 (1).

21 **SECTION 607.** 938.538 (3) (a) 1., 1m., 1p. and 2. of the statutes are amended to
22 read:

23 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 ~~secured~~ juvenile
24 correctional facility, ~~or a secured child-caring institution or, if the participant is 17~~
25 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~

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1 ~~(d), a Type 1 prison, as defined in s. 301.01 (5), residential care center for children~~
2 ~~and youth~~ for a period of not more than 3 years.

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

11 1p. Alternate care, including placement in a foster home, treatment foster
12 home, group home, residential care center for children and youth, or secured child
13 eating institution residential care center for children and youth.

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

17 **SECTION 608.** 938.538 (4), (5) (b) and (c), (6) and (6m) (b) of the statutes are
18 amended to read:

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

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

11 (b) The department shall operate the component phases of the program
12 specified in sub. (3) (a) 2. to 9. as a Type 2 secured juvenile correctional facility. The
13 secretary of corrections may allocate and reallocate existing and future facilities as
14 part of the Type 2 secured juvenile correctional facility. The Type 2 secured juvenile
15 correctional facility is subject to s. 301.02. Construction or establishment of a Type 2
16 secured juvenile correctional facility shall be in compliance with all state laws except
17 s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction
18 or establishment of a Type 2 secured juvenile correctional facility is not subject to the
19 ordinances or regulations relating to zoning, including zoning under ch. 91, of the
20 county and city, village, or town in which the construction or establishment takes
21 place and is exempt from inspections required under s. 301.36.

22 (5) (b) The department may discharge a participant from participation in the
23 serious juvenile offender program and from departmental supervision and control at
24 any time after the participant he or she has completed 3 years of participation in the
25 serious juvenile offender program.

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

5 (6) PURCHASE OF SERVICES. The department of corrections may contract with the
6 department of health and family services, a county department, or any public or
7 private agency for the purchase of goods, care, and services for participants in the
8 ~~serious juvenile offender program under this section.~~ The department of corrections
9 shall reimburse a person from whom it purchases goods, care, or services under this
10 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~
11 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~
12 ~~301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the~~
13 ~~appropriate appropriation under s. 20.410 (1).~~

14 (6m) (b) In the selection of classified service employees for a secured juvenile
15 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
16 the appointing authority shall make every effort to use the expanded certification
17 program under s. 230.25 (1n) or rules of the administrator of the division of merit
18 recruitment and selection in the office of state employment relations to ensure that
19 the percentage of employees who are minority group members approximates the
20 percentage of the juveniles placed at that secured juvenile correctional facility who
21 are minority group members. The administrator of the division of merit recruitment
22 and selection in the office of state employment relations shall provide guidelines for
23 the administration of ~~this~~ the selection procedure.

NOTE: Deletes references to placement of juveniles in state prison from s. 938.538,
stats., because the bill repeals the authority of DOC to place juveniles who have been

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adjudicated delinquent in state prison or under intensive sanctions supervision. See the NOTE to s. 938.537 (4) (d), stats., as repealed by this bill.

1 **SECTION 609.** 938.539 (1) of the statutes is amended to read:

2 938.539 (1) TYPE 2 RESIDENTIAL CARE CENTER; COUNTY DEPARTMENT CONTROL. A
3 juvenile who is placed in a Type 2 ~~child-caring institution~~ residential care center for
4 children and youth under s. 938.34 (4d) or who, having been so placed, is replaced
5 in a less restrictive placement under s. 938.357 (4) (c) is under the supervision and
6 control of the county department, is subject to the rules and discipline of the county
7 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

8 **SECTION 610.** 938.539 (2) to (5) of the statutes are amended to read:

9 938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT CONTROL. A
10 juvenile who is placed in a Type 2 secured juvenile correctional facility under s.
11 938.357 (4) (a) or who, having been so placed, is replaced in a less restrictive
12 placement under s. 938.357 (4) (c) is under the supervision and control of the
13 department, is subject to the rules and discipline of the department, and is
14 considered to be in custody, as defined in s. 946.42 (1) (a).

15 (3) VIOLATION OF CONDITION OF PLACEMENT. Notwithstanding ss. 938.19 to
16 938.21, if a juvenile placed in a Type 2 ~~child-caring institution~~ residential care center
17 for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 secured
18 juvenile correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his
19 or her placement in the ~~Type 2 child-caring institution~~ center or ~~Type 2 secured~~
20 ~~correctional~~ facility, the juvenile may be placed in a Type 1 secured juvenile
21 correctional facility as provided in s. 938.357 (4) (b). This subsection does not
22 preclude a juvenile who has violated a condition of the juvenile's placement in a Type
23 2 secured juvenile correctional facility or a Type 2 ~~child-caring institution~~ residential

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1 care center for children and youth from being taken into and held in custody under
2 ss. 938.19 to 938.21.

3 (4) ESCAPE OR ABSENCE. ~~Any intentional failure of a~~ A juvenile placed in a
4 Type 2 ~~child caring institution~~ residential care center for children and youth under
5 s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 secured juvenile correctional facility
6 under s. 938.357 (4) (a) or (c) who intentionally fails to remain within the extended
7 limits of his or her placement or to return within the time prescribed by the
8 administrator of the ~~Type 2 child caring institution center~~ or ~~Type 2 secured~~
9 ~~correctional facility~~ is considered an escape under s. 946.42 (3) (c).

10 (5) OPERATION AS TYPE 2 PLACEMENT. With respect to a juvenile who is placed
11 in a secured residential care center for children and youth ~~or a secured child caring~~
12 ~~institution~~ under s. 938.34 (4d) or 938.357 (4) (a) or in a less restrictive placement
13 under s. 938.357 (4) (c), the child welfare agency operating the ~~residential care center~~
14 ~~for children and youth~~ ~~or secured child caring institution~~ in which the juvenile is
15 placed, and the person operating any less restrictive placement in which the juvenile
16 is placed, shall operate that ~~residential care center for children and youth, secured~~
17 ~~child caring institution,~~ or less restrictive placement as a Type 2 ~~child caring~~
18 ~~institution~~ residential care center for children and youth or a Type 2 secured juvenile
19 correctional facility. This subsection does not preclude a child welfare agency or
20 other person from placing in a residential care center for children and youth, ~~secured~~
21 ~~child caring institution,~~ or less restrictive placement in which a juvenile is placed
22 under s. 938.34 (4d) or 938.357 (4) (a) or (c) a juvenile who is not placed under s.
23 938.34 (4d) or 938.357 (4) (a) or (c).

24 **SECTION 611.** 938.539 (6) (title) of the statutes is created to read:

25 938.539 (6) (title) **RULE-MAKING.**

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1 **SECTION 612.** 938.549 (1) (title), (2) (title) and (3) (title) of the statutes are
2 created to read:

3 938.549 (1) (title) CLASSIFICATION SYSTEM; CONTENT.

4 (2) (title) USES OF CLASSIFICATION SYSTEM.

5 (3) (title) TRAINING IN USE OF SYSTEM.

6 **SECTION 613.** 938.57 (1) (title) of the statutes is created to read:

7 938.57 (1) (title) COUNTY DEPARTMENT DUTIES; POWERS.

8 **SECTION 614.** 938.57 (1) (b), (c), (cm), (d) and (2) of the statutes are amended
9 to read:

10 938.57 (1) (b) Accept legal custody or supervision of juveniles transferred to it
11 by the court under s. 938.355 and provide special treatment or care if ordered by the
12 court. Except as provided in s. 938.505 (2), a court may not order a county
13 department to administer psychotropic medications to juveniles who receive special
14 treatment or care ~~under this paragraph.~~

15 (c) Provide appropriate protection and services for juveniles in its care,
16 including providing services for juveniles and their families in their own homes,
17 placing the juveniles in licensed foster homes, licensed treatment foster homes, or
18 licensed group homes in this state or another state within a reasonable proximity to
19 the agency with legal custody ~~or~~, contracting for services for them by licensed child
20 welfare agencies, or replacing them in ~~secured juvenile~~ juvenile correctional facilities, ~~or~~
21 ~~secured child-caring institutions or secured group homes~~ residential care centers for
22 children and youth in accordance with rules promulgated under ch. 227, except that
23 the county department may not purchase the educational component of private day
24 treatment programs unless the county department, the school board, as defined in
25 s. 115.001 (7), and the state superintendent of public instruction ~~all~~ determine that

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1 an appropriate public education program is not available. Disputes between the
2 county department and the school district shall be resolved by the state
3 superintendent of public instruction.

4 (cm) Provide appropriate services for juveniles who are referred to the county
5 department by a municipal court, except that if the funding, staffing, or other
6 resources of the county department for juvenile welfare services are insufficient to
7 meet the needs of all juveniles who are eligible to receive services from the county
8 department, the county department shall give first priority to juveniles who are
9 referred to the county department ~~it~~ by the court assigned to exercise jurisdiction
10 under this chapter and ch. 48.

11 (d) Provide for the moral and religious training of juveniles in its care according
12 to the religious belief beliefs of the juvenile or of his or her parents.

13 **(2) ASSISTANCE FROM PRIVATE INDIVIDUALS AND ORGANIZATIONS.** In performing the
14 functions ~~specified in~~ under sub. (1), the county department may avail itself of the
15 ~~cooperation~~ accept the assistance of ~~any~~ an individual or private agency or
16 organization interested in the social welfare of juveniles in the county.

17 **SECTION 615.** 938.57 (3) (title) of the statutes is created to read:

18 938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES OVER 17.

19 **SECTION 616.** 938.57 (4) of the statutes is amended to read:

20 938.57 (4) AFTERCARE SUPERVISION. A county department may provide aftercare
21 supervision under s. 938.34 (4n) for juveniles who are released from secured juvenile
22 correctional facilities, or secured child-caring institutions or secured group homes
23 residential care centers for children and youth. If a county department intends to
24 change its policy regarding whether the county department or the department shall
25 provide aftercare supervision for juveniles released from secured juvenile

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1 correctional facilities, ~~or secured child caring institutions or secured group homes,~~
2 residential care centers for children and youth the county executive or county
3 administrator, or, if the county has no county executive or county administrator, the
4 chairperson of the county board of supervisors, or, for multicounty departments, the
5 chairpersons of the county boards of supervisors jointly, shall submit a letter to the
6 department stating that intent before July 1 of the year preceding the year in which
7 the policy change will take effect.

8 **SECTION 617.** 938.59 (1) of the statutes is amended to read:

9 938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall
10 investigate the personal and family history and environment of any juvenile
11 transferred to its legal custody or placed under its supervision under s. 938.34 (4d)
12 or (4n) and make any physical or mental examinations of the juvenile considered
13 necessary to determine the type of care necessary for the juvenile. The county
14 department shall screen a juvenile who is examined ~~under this subsection~~ to
15 determine whether the juvenile is in need of special treatment or care because of
16 alcohol or other drug abuse, mental illness, or severe emotional disturbance. The
17 county department shall keep a complete record of the information received from the
18 court, the date of reception, all available data on the personal and family history of
19 the juvenile, the results of all tests and examinations given the juvenile, and a
20 complete history of all placements of the juvenile while in the legal custody or under
21 the supervision of the county department.

22 **SECTION 618.** 938.59 (2) (title) of the statutes is created to read:

23 938.59 (2) (title) **REPORT TO THE DEPARTMENT.**

24 **SECTION 619.** 938.78 (1) (title) and (2) (title) of the statutes are created to read:

25 938.78 (1) (title) **DEFINITION.**

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1 (2) (title) CONFIDENTIALITY; EXCEPTIONS.

2 **SECTION 620.** 938.78 (2) (a), (ag) and (am) of the statutes are amended to read:

3 938.78 (2) (a) No agency may make available for inspection or disclose the
4 contents of any record kept or information received about an individual who is or was
5 in its care or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5)
6 (b) or (d) or (5m) (d), or 938.51 or by order of the court.

7 (ag) Paragraph (a) does not prohibit an agency from making available for
8 inspection or disclosing the contents of a record, upon the request of the parent,
9 guardian, or legal custodian of the juvenile who is the subject of the record or upon
10 the request of the juvenile, if 14 years of age or ~~over~~ older, to the parent, guardian,
11 legal custodian, or juvenile, unless the agency finds that inspection of the record by
12 the juvenile, parent, guardian, or legal custodian would result in imminent danger
13 to anyone.

14 (am) Paragraph (a) does not prohibit an agency from making available for
15 inspection or disclosing the contents of a record, upon the written permission of the
16 parent, guardian, or legal custodian of the juvenile who is the subject of the record
17 or upon the written permission of the juvenile, if 14 years of age or ~~over~~ older, to the
18 person named in the permission if the parent, guardian, legal custodian, or juvenile
19 specifically identifies the record in the written permission, unless the agency
20 determines that inspection of the record by the person named in the permission
21 would result in imminent danger to anyone.

NOTE: Clarifies that, with specified exceptions, s. 938.78 (2) (a), stats., applies to
the contents of any record kept or information received about an individual who is or was
(i.e., currently or in the past) in the agency's care or legal custody.

22 **SECTION 621.** 938.78 (2) (b) 1. and (3) of the statutes are amended to read:

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1 938.78 (2) (b) 1. Paragraph (a) does not apply to the confidential exchange of
2 information between an agency and another social welfare agency, a law
3 enforcement agency, the victim–witness coordinator, a fire investigator under s.
4 165.55 (15), a public school district or a private school regarding an individual in the
5 care or legal custody of the agency. A social welfare agency that obtains information
6 under this paragraph shall keep the information confidential as required under this
7 section and s. 48.78. A law enforcement agency that obtains information under this
8 paragraph shall keep the information confidential as required under ss. 48.396 (1)
9 and 938.396 (1) (a). A public school that obtains information under this paragraph
10 shall keep the information confidential as required under s. 118.125 and a private
11 school that obtains information under this paragraph shall keep the information
12 confidential in the same manner as is required of a public school under s. 118.125.

13 **(3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
14 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
15 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
16 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
17 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
18 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
19 (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60, 948.605,
20 or 948.61 or any crime specified in ch. 940 has escaped from a secured juvenile
21 correctional facility, residential care center for children and youth, ~~secured group~~
22 ~~home~~, inpatient facility, as defined in s. 51.01 (10), secure juvenile detention facility,
23 or juvenile portion of a county jail, or from the custody of a peace officer or a guard
24 of such a facility, center, or jail, or has been allowed to leave a secured juvenile
25 correctional facility, residential care center for children and youth, ~~secured group~~

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1 home, inpatient facility, ~~secure~~ juvenile detention facility, or juvenile portion of a
2 county jail for a specified time period and is absent from the facility, center, home,
3 or jail for more than 12 hours after the expiration of the specified period, the
4 department or county department having supervision over the juvenile may release
5 the juvenile's name and any information about the juvenile that is necessary for the
6 protection of the public or to secure the juvenile's return to the facility, center, home,
7 or jail. The department ~~of corrections~~ shall promulgate rules establishing guidelines
8 for the release of the juvenile's name or information about the juvenile to the public.

9 **SECTION 622.** 938.795 (1) to (4) of the statutes are amended to read:

10 938.795 (1) COLLECT STATISTICS AND INFORMATION. Collect and collaborate with
11 other agencies in collecting statistics and information useful in determining the
12 cause and amount of delinquency and crime in this state or in carrying out the powers
13 and duties of the department relating to delinquency and crime.

14 (2) ASSIST COMMUNITIES. Assist communities in their efforts to combat
15 delinquency and social breakdown likely to cause delinquency and crime and assist
16 them in setting up programs for coordinating ~~the~~ a total community program
17 relating to delinquency and crime, including the improvement of law enforcement.

18 (3) ASSIST SCHOOLS. Assist schools in extending their particular contribution
19 in ~~locating~~ identifying and helping juveniles vulnerable to delinquency and crime
20 and in improving ~~their~~ school services ~~to~~ for all youth.

21 (4) ENLIGHTEN PUBLIC OPINION. Develop and maintain an enlightened public
22 opinion in support of a any program to control delinquency and crime.

23 **SECTION 623.** 938.992 (3) of the statutes is amended to read:

24 938.992 (3) Notwithstanding s. 938.991 (3) (b), "delinquent juvenile" does not
25 include a person subject to an order under s. 48.366 who is confined to a state prison

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1 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~
2 ~~of age or over.~~

NOTE: Deletes reference in s. 938.992 (3), stats., to placement of a juvenile who has been adjudicated delinquent in a state prison. See the NOTE to s. 938.357 (4) (d), stats., as repealed by this bill.

3 **SECTION 624.** 940.225 (5) (ab) of the statutes is amended to read:

4 940.225 (5) (ab) “Correctional institution” means a jail or correctional facility,
5 as defined in s. 961.01 (12m), a secured juvenile correctional facility, as defined in s.
6 938.02 ~~(15m)~~ (10p), or a secure juvenile detention facility, as defined in s. 938.02 ~~(16)~~
7 (10r).

8 **SECTION 625.** 946.42 (1) (a) of the statutes is amended to read:

9 946.42 (1) (a) “Custody” includes without limitation actual custody of an
10 institution, including a secured juvenile correctional facility, as defined in s. 938.02
11 ~~(15m)~~ (10p), a secured child caring institution residential care center for children and
12 youth, as defined in s. 938.02 (15g), a ~~secured group home~~, as defined in s. 938.02
13 ~~(15p)~~, a secure juvenile detention facility, as defined in s. 938.02 ~~(16)~~ (10r), a Type 2
14 ~~child caring institution residential care center for children and youth~~, as defined in
15 s. 938.02 (19r), or a juvenile portion of a county jail, or of a peace officer or institution
16 guard and constructive custody of prisoners and juveniles subject to an order under
17 s. 48.366, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e) temporarily
18 outside the institution whether for the purpose of work, school, medical care, a leave
19 granted under s. 303.068, a temporary leave or furlough granted to a juvenile, or
20 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the
21 county to which the prisoner was transferred after conviction. It does not include the
22 custody of a probationer, parolee, or person on extended supervision by the
23 department of corrections or a probation, extended supervision, or parole officer or

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1 the custody of a person who has been released to aftercare supervision under ch. 938
2 unless the person is in actual custody or is subject to a confinement order under s.
3 973.09 (4).

4 **SECTION 626.** 946.44 (2) (c) and (d) of the statutes are amended to read:

5 946.44 (2) (c) “Institution” includes a secured juvenile correctional facility, as
6 defined in s. 938.02 (~~15m~~) (10p), a secured ~~child-caring institution~~ residential care
7 center for children and youth, as defined in s. 938.02 (15g), a ~~secured group home~~,
8 ~~as defined in s. 938.02 (15p)~~, and a Type 2 ~~child-caring institution~~ residential care
9 center for children and youth, as defined in s. 938.02 (19r).

10 (d) “Prisoner” includes a person who is under the supervision of the department
11 of corrections under s. 938.34 (4h), who is placed in a secured juvenile correctional
12 facility, or a secured ~~child-caring institution or a secured group home~~ residential care
13 center for children and youth under s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e),
14 who is placed in a Type 2 ~~child-caring institution~~ residential care center for children
15 and youth under s. 938.34 (4d), or who is subject to an order under s. 48.366.

16 **SECTION 627.** 946.45 (2) (c) and (d) of the statutes are amended to read:

17 946.45 (2) (c) “Institution” includes a secured juvenile correctional facility, as
18 defined in s. 938.02 (~~15m~~) (10p), a secured ~~child-caring institution~~ residential care
19 center for children and youth, as defined in s. 938.02 (15g), a ~~secured group home~~,
20 ~~as defined in s. 938.02 (15p)~~, and a Type 2 ~~child-caring institution~~ residential care
21 center for children and youth, as defined in s. 938.02 (19r).

22 (d) “Prisoner” includes a person who is under the supervision of the department
23 of corrections under s. 938.34 (4h), who is placed in a secured juvenile correctional
24 facility, or a secured ~~child-caring institution or a secured group home~~ residential care
25 center for children and youth under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e),

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1 who is placed in a Type 2 ~~child-caring institution~~ residential care center for children
2 and youth under s. 938.34 (4d), or who is subject to an order under s. 48.366.

3 **SECTION 628.** 948.50 (4) (b) of the statutes is amended to read:

4 948.50 (4) (b) Is placed in or transferred to a secured juvenile correctional
5 facility, as defined in s. 938.02 ~~(15m)~~ (10p), or a secured ~~child-caring institution~~
6 residential care center for children and youth, as defined in s. 938.02 (15g).

7 **SECTION 629.** 968.255 (7) (b) of the statutes is amended to read:

8 968.255 (7) (b) Is placed in or transferred to a secured juvenile correctional
9 facility, as defined in s. 938.02 ~~(15m)~~, (10p), or a secured ~~child-caring institution~~
10 residential care center for children and youth, as defined in s. 938.02 (15g), ~~or a~~
11 ~~secured group home, as defined in s. 938.02 (15p).~~

12 **SECTION 630.** 970.032 (1) of the statutes is amended to read:

13 970.032 (1) Notwithstanding s. 970.03, if a preliminary examination is held
14 regarding a juvenile who is subject to the original jurisdiction of the court of criminal
15 jurisdiction under s. 938.183 (1) ~~or (2)~~, the court shall first determine whether there
16 is probable cause to believe that the juvenile has committed the violation of which
17 he or she is accused under the circumstances specified in s. 938.183 (1) (a), (am), (ar),
18 (b), or (c) ~~or (2)~~, whichever is applicable. If the court does not make that finding, the
19 court shall order that the juvenile be discharged but proceedings may be brought
20 regarding the juvenile under ch. 938.

21 **SECTION 631.** 973.013 (3m) of the statutes is amended to read:

22 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
23 to the Wisconsin state prisons, the department shall place the person at a secured
24 juvenile correctional facility or a secured ~~child-caring institution~~ residential care
25 center for children and youth, unless the department determines that placement in

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1 an institution under s. 302.01 is appropriate based on the person's prior record of
2 adjustment in a correctional setting, if any; the person's present and potential
3 vocational and educational needs, interests and abilities; the adequacy and
4 suitability of available facilities; the services and procedures available for treatment
5 of the person within the various institutions; the protection of the public; and any
6 other considerations promulgated by the department by rule. The department may
7 not place any person under the age of 18 years in the correctional institution
8 authorized in s. 301.16 (1n). This subsection does not preclude the department from
9 designating an adult correctional institution, other than the correctional institution
10 authorized in s. 301.16 (1n), as a reception center for the person and subsequently
11 transferring the person to a ~~secured juvenile correctional facility or a secured child~~
12 ~~earing institution~~ residential care center for children and youth. Section 302.11 and
13 ch. 304 apply to all persons placed in a ~~secured juvenile correctional facility or a~~
14 ~~secured child-earing institution~~ residential care center for children and youth under
15 this subsection.

16 **SECTION 632.** 976.08 of the statutes is amended to read:

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

NOTE: Deletes reference in s. 976.08, stats., to placement of a juvenile who has been adjudicated delinquent in a state prison. See the NOTE to s. 938.357 (4) (d), stats., as repealed by this bill.

21 **SECTION 633.** 980.015 (2) (b) of the statutes is amended to read:

22 980.015 (2) (b) The anticipated release from a ~~secured juvenile~~ correctional
23 facility, as defined in s. 938.02 ~~(15m)~~ (10p), or a ~~secured child-earing institution~~

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1 residential care center for children and youth, as defined in s. 938.02 (15g), ~~or a~~
2 ~~secured group home, as defined in s. 938.02 (15p)~~, of a person adjudicated delinquent
3 under s. 938.183 or 938.34 on the basis of a sexually violent offense.

4 **SECTION 634.** 980.02 (1) (b) 2., (2) (ag) and (4) (am) and (b) of the statutes are
5 amended to read:

6 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
7 his or her discharge from a sentence, release on parole or extended supervision, or
8 release from imprisonment, from a secured juvenile correctional facility, as defined
9 in s. 938.02 (15m) (10p), from a ~~secured child caring institution~~ residential care
10 center for children and youth, as defined in s. 938.02 (15g), ~~from a secured group~~
11 ~~home, as defined in s. 938.02 (15p)~~, or from a commitment order.

12 (2) (ag) The person is within 90 days of discharge or release, on parole, extended
13 supervision or otherwise, from a sentence that was imposed for a conviction for a
14 sexually violent offense, from a secured juvenile correctional facility, as defined in s.
15 938.02 (15m), (10p), ~~or from a secured child caring institution~~ residential care center
16 for children and youth, as defined in s. 938.02 (15g), ~~or from a secured group home,~~
17 ~~as defined in s. 938.02 (15p)~~, if the person was placed in the facility for being
18 adjudicated delinquent under s. 938.183 or 938.34 on the basis of a sexually violent
19 offense or from a commitment order that was entered as a result of a sexually violent
20 offense.

21 (4) (am) The circuit court for the county in which the person will reside or be
22 placed upon his or her discharge from a sentence, release on parole or extended
23 supervision, or release from imprisonment, from a secured juvenile correctional
24 facility, as defined in s. 938.02 (15m) (10p), from a ~~secured child caring institution~~

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1 residential care center for children and youth, as defined in s. 938.02 (15g), ~~from a~~
2 ~~secured group home, as defined in s. 938.02 (15p)~~, or from a commitment order.

3 (b) The circuit court for the county in which the person is in custody under a
4 sentence, a placement to a ~~secured~~ juvenile correctional facility, as defined in s.
5 938.02 (15m) (10p), a ~~secured child-caring institution~~ residential care center for
6 children and youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined~~
7 ~~in s. 938.02 (15p)~~, or a commitment order.

8 **SECTION 635.** 980.04 (1) of the statutes is amended to read:

9 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
10 the petition to determine whether to issue an order for detention of the person who
11 is the subject of the petition. The person shall be detained only if there is cause to
12 believe that the person is eligible for commitment under s. 980.05 (5). A person
13 detained under this subsection shall be held in a facility approved by the department.
14 If the person is serving a sentence of imprisonment, is in a ~~secured~~ juvenile
15 correctional facility, as defined in s. 938.02 (15m), (10p), ~~or a secured child-caring~~
16 ~~institution~~ residential care center for children and youth, as defined in s. 938.02
17 (15g), ~~or a secured group home, as defined in s. 938.02 (15p)~~, or is committed to
18 institutional care, and the court orders detention under this subsection, the court
19 shall order that the person be transferred to a detention facility approved by the
20 department. A detention order under this subsection remains in effect until the
21 person is discharged after a trial under s. 980.05 or until the effective date of a
22 commitment order under s. 980.06, whichever is applicable.

23 **SECTION 636. Initial applicability.**

24 (1) PLACEMENT OF JUVENILES IN ADULT PRISONS. The treatment of sections 301.03
25 (10) (d), 302.11 (10), 302.255, 302.386 (5) (d), 938.183 (3), 938.357 (4) (d), 938.538 (3)

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SECTION 636

1 (a) 1., 1m., and 2., (4) (a), (5) (c), and (6), 938.992 (3), and 976.08 of the statutes first
2 applies to a juvenile who is convicted or adjudicated delinquent for a violation
3 committed on July 1, 1996.

4 (END)