

1 *-1261/5.967* *-1261/P3.604* SECTION 3782. 938.02 (6) of the statutes is
2 amended to read:

3 938.02 (6) "Foster home" means any facility that is operated by a person
4 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
5 no more than 4 juveniles or, if necessary to enable a sibling group to remain together,
6 for no more than 6 juveniles or, if the department of health and family services
7 children and families promulgates rules permitting a different number of juveniles,
8 for the number of juveniles permitted under those rules.

9 *-1261/5.968* *-1261/P3.605* SECTION 3783. 938.02 (7) of the statutes is
10 amended to read:

11 938.02 (7) "Group home" means any facility operated by a person required to
12 be licensed by the department of health and family services children and families
13 under s. 48.625 for the care and maintenance of 5 to 8 juveniles.

14 *-1261/5.969* *-1261/P3.606* SECTION 3784. 938.02 (17) of the statutes is
15 amended to read:

16 938.02 (17) "Shelter care facility" means a nonsecure place of temporary care
17 and physical custody for juveniles, including a holdover room, licensed by the
18 department of health and family services children and families under s. 48.66 (1) (a).

19 *-1261/5.970* *-1261/P3.607* SECTION 3785. 938.06 (1) (b) of the statutes is
20 amended to read:

21 938.06 (1) (b) Notwithstanding par. (a), the county board of supervisors may
22 make changes in the administration of services to the children's court center in order
23 to qualify for the maximum amount of federal and state aid as provided in sub. (4)
24 and s. ss. 46.495 and 48.569.

SECTION 3786

1 *-1261/5.971* *-1261/P3.608* SECTION 3786. 938.06 (4) of the statutes is
2 amended to read:

3 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related
4 court services under this section shall be at the same net effective rate that each
5 county is reimbursed for county administration under s. 46.495 48.569, except as
6 provided in s. 301.26. Counties having a population of less than 500,000 may use
7 funds received under ss. 46.495 48.569 (1) (d) and 301.26, including county or federal
8 revenue sharing funds allocated to match funds received under s. 46.495 48.569 (1)
9 (d), for the cost of providing court attached intake services in amounts not to exceed
10 50% of the cost of providing court attached intake services or \$30,000 per county per
11 calendar year, whichever is less.

12 *-0011/3.146* SECTION 3787. 938.17 (2) (d) 2. of the statutes is amended to
13 read:

14 938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the
15 court shall immediately take possession of the applicable license ~~and forward it if~~
16 issued under ch. 29 or, if the license is issued under ch. 343, the court may take
17 possession of, and if possession is taken, shall destroy, the license. The court shall
18 forward to the department that issued the license, ~~together with the notice of~~
19 suspension stating that the suspension is for failure to pay a forfeiture imposed by
20 the court, together with any license issued under ch. 29 of which the court takes
21 possession. If the forfeiture is paid during the period of suspension, the court shall
22 immediately notify the department, which shall then, if the license is issued under
23 ch. 29, return the license to the person.

24 *-0261/6.26* SECTION 3788. 938.21 (5) (b) 1. of the statutes is renumbered
25 938.21 (5) (b) 1. a. and amended to read:

1 938.21 (5) (b) 1. a. A finding that continued placement of the juvenile in his or
2 her home would be contrary to the welfare of the juvenile. ~~Unless the court finds that~~
3 ~~any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, the order shall~~
4 ~~in addition include a-~~

5 b. A finding as to whether the person who took the juvenile into custody and
6 the intake worker have made reasonable efforts to prevent the removal of the
7 juvenile from the home, while assuring that the juvenile's health and safety are the
8 paramount concerns, and a- ~~unless the court finds that any of the circumstances~~
9 specified in s. 938.355 (2d) (b) 1. to 4. applies.

10 c. A finding as to whether the person who took the juvenile into custody and
11 the intake worker have made reasonable efforts to make it possible for the juvenile
12 to return safely home.

13 1m. If for good cause shown sufficient information is not available for the court
14 to make a finding as to whether those reasonable efforts were made to prevent the
15 removal of the juvenile from the home, the order shall include while assuring that
16 the juvenile's health and safety are the paramount concerns, a finding as to whether
17 those reasonable efforts were made to make it possible for the juvenile to return
18 safely home and an order for the county department or agency primarily responsible
19 for providing services to the juvenile under the custody order to file with the court
20 sufficient information for the court to make a finding as to whether those reasonable
21 efforts were made to prevent the removal of the juvenile from the home by no later
22 than 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of on
23 which the order is granted.

24 ***-0261/6.27* SECTION 3789.** 938.21 (5) (b) 1. d. of the statutes is created to
25 read:

1 938.21 (5) (b) 1. d. If the juvenile is under the supervision of the county
2 department, an order ordering the juvenile into the placement and care
3 responsibility of the county department as required under 42 USC 672 (a) (2) and
4 assigning the county department primary responsibility for providing services to the
5 juvenile.

6 *~~0261/6.28~~* SECTION 3790. 938.21 (5) (c) of the statutes is amended to read:

7 938.21 (5) (c) The court shall make the findings specified in par. (b) 1., 1m., and
8 3. on a case-by-case basis based on circumstances specific to the juvenile and shall
9 document or reference the specific information on which those findings are based in
10 the custody order. A custody order that merely references par. (b) 1., 1m., or 3.
11 without documenting or referencing that specific information in the custody order
12 or an amended custody order that retroactively corrects an earlier custody order that
13 does not comply with this paragraph is not sufficient to comply with this paragraph.

14 *~~1261/5.972~~* *~~1261/P3.609~~* SECTION 3791. 938.22 (1) (a) of the statutes is
15 amended to read:

16 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of a
17 county may establish a juvenile detention facility in accordance with ss. 301.36 and
18 301.37 or the county boards of supervisors for 2 or more counties may jointly
19 establish a juvenile detention facility in accordance with ss. 46.20, 301.36, and
20 301.37. The county board of supervisors of a county may establish a shelter care
21 facility in accordance with ss. ~~46.16 and 46.17~~ 48.576 and 48.578 or the county boards
22 of supervisors for 2 or more counties may jointly establish a shelter care facility in
23 accordance with ss. ~~46.16, 46.17, and 46.20~~, 48.576, and 48.578. A private entity may
24 establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and

1 contract with one or more county boards of supervisors under s. 938.222 to hold
2 juveniles in the private juvenile detention facility.

3 ***-1261/5.973* *-1261/P3.610* SECTION 3792.** 938.22 (2) (a) of the statutes is
4 amended to read:

5 938.22 (2) (a) Counties shall submit plans for a juvenile detention facility or
6 juvenile portion of the county jail to the department of corrections and submit plans
7 for a shelter care facility to the department of ~~health and family services~~ children and
8 families. A private entity that proposes to establish a juvenile detention facility shall
9 submit plans for the facility to the department of corrections. The applicable
10 department shall review the submitted plans. A county or a private entity may not
11 implement a plan unless the applicable department has approved the plan. The
12 department of corrections shall promulgate rules establishing minimum
13 requirements for the approval and operation of juvenile detention facilities and the
14 juvenile portion of county jails. The plans and rules shall be designed to protect the
15 health, safety, and welfare of the juveniles placed in those facilities.

16 ***-1261/5.974* *-1261/P3.611* SECTION 3793.** 938.22 (7) (a) of the statutes is
17 amended to read:

18 938.22 (7) (a) No person may establish a shelter care facility without first
19 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
20 operate a shelter care facility, a person must meet the minimum requirements for a
21 license established by the department of ~~health and family services~~ children and
22 families under s. 48.67, meet the requirements specified in s. 48.685, and pay the
23 license fee under par. (b). A license issued under s. 48.66 (1) (a) to operate a shelter
24 care facility is valid until revoked or suspended, but shall be reviewed every 2 years
25 as provided in s. 48.66 (5).

1 *-1261/5.975* *-1261/P3.612* SECTION 3794. 938.22 (7) (b) of the statutes is
2 amended to read:

3 938.22 (7) (b) Before the department of health and family services children and
4 families may issue a license under s. 48.66 (1) (a) to operate a shelter care facility,
5 the shelter care facility shall pay to that department a biennial fee of \$60.50, plus
6 a biennial fee of \$18.15 per juvenile, based on the number of juveniles that the shelter
7 care facility is licensed to serve. A shelter care facility that wishes to continue a
8 license issued under s. 48.66 (1) (a) shall pay the fee by the continuation date of the
9 license. A new shelter care facility shall pay the fee by no later than 30 days before
10 the opening of the shelter care facility.

11 *-0261/6.29* SECTION 3795. 938.235 (4) (b) of the statutes is amended to read:

12 938.235 (4) (b) The court shall order the agency identified under s. ~~938.355 (2)~~
13 (b) 1. 938.33 (1) (c) as primarily responsible for the provision of services to notify the
14 guardian ad litem, if any, regarding actions to be taken under par. (a).

15 *-0392/1.11* SECTION 3796. 938.237 (1) (intro.) of the statutes is amended to
16 read:

17 938.237 (1) ~~CITATION FORM~~ CITATIONS. (intro.) The A citation forms under s.
18 23.54, 66.0113, 778.25, 778.26, or 800.02 may be used to commence an action for a
19 violation of civil laws and ordinances in the court.

20 *-1261/5.976* *-1267/P1.409* SECTION 3797. 938.30 (6) (b) of the statutes is
21 amended to read:

22 938.30 (6) (b) If it appears to the court that disposition of the case may include
23 placement of the juvenile outside the juvenile's home, the court shall order the
24 juvenile's parent to provide a statement of the income, assets, debts, and living
25 expenses of the juvenile and the juvenile's parent to the court or the designated

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

7 ***-1261/5.977* *-1267/P1.410* SECTION 3798.** 938.31 (7) (b) of the statutes is
8 amended to read:

9 938.31 (7) (b) If it appears to the court that disposition of the case may include
10 placement of the juvenile outside the juvenile's home, the court shall order the
11 juvenile's parent to provide a statement of the income, assets, debts, and living
12 expenses of the juvenile and the juvenile's parent, to the court or the designated
13 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
14 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
15 provide, without charge, to any parent ordered to provide the statement a document
16 setting forth the percentage standard established by the department of workforce
17 development children and families under s. 49.22 (9) and listing the factors that a
18 court may consider under s. 301.12 (14) (c).

19 ***-0261/6.30* SECTION 3799.** 938.315 (2m) (a) of the statutes is amended to
20 read:

21 938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.
22 or 1m, 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made
23 to prevent the removal of the juvenile from the home, while assuring that the
24 juvenile's health and safety are the paramount concerns, or an initial finding under
25 s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not

1 required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4.
2 applies, more than 60 days after the date on which the juvenile was removed from
3 the home.

4 ***-0261/6.31* SECTION 3800.** 938.32 (1) (c) 1. d. of the statutes is created to read:

5 938.32 (1) (c) 1. d. If the juvenile's placement or other living arrangement is
6 under the supervision of the county department, an order ordering the juvenile into
7 the placement and care responsibility of the county department as required under
8 42 USC 672 (a) (2) and assigning the county department primary responsibility for
9 providing services to the juvenile.

10 ***-0011/3.147* SECTION 3801.** 938.34 (8) of the statutes is amended to read:

11 938.34 (8) Impose a forfeiture based upon a determination that this disposition
12 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum
13 forfeiture that the court may impose under this subsection for a violation by a
14 juvenile is the maximum amount of the fine that may be imposed on an adult for
15 committing that violation or, if the violation is applicable only to a person under 18
16 years of age, \$100. The order shall include a finding that the juvenile alone is
17 financially able to pay the forfeiture and shall allow up to 12 months for payment.
18 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
19 other alternatives under this section; or the court may suspend any license issued
20 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's
21 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court
22 suspends any license under this subsection, the clerk of the court shall immediately
23 take possession of the suspended license and forward it if issued under ch. 29 or, if
24 the license is issued under ch. 343, the court may take possession of, and if possession
25 is taken, shall destroy, the license. The court shall forward to the department which

1 issued the license, ~~together with~~ a notice of suspension stating that the suspension
2 is for failure to pay a forfeiture imposed by the court, together with any license issued
3 under ch. 29 of which the court takes possession. If the forfeiture is paid during the
4 period of suspension, the suspension shall be reduced to the time period which has
5 already elapsed and the court shall immediately notify the department which shall
6 then, if the license is issued under ch. 29, return the license to the juvenile. Any
7 recovery under this subsection shall be reduced by the amount recovered as a
8 forfeiture for the same act under s. 938.45 (1r) (b).

9 ***-0011/3.148*** SECTION 3802. 938.34 (8d) (d) of the statutes is amended to read:
10 938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court
11 may vacate the surcharge and order other alternatives under this section, in
12 accordance with the conditions specified in this chapter; or the court may suspend
13 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
14 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
15 than 30 days nor more than 5 years. If the court suspends any license under this
16 subsection, the clerk of the court shall immediately take possession of the suspended
17 license and forward it if issued under ch. 29 or, if the license is issued under ch. 343,
18 the court may take possession of, and if possession is taken, shall destroy, the license.
19 The court shall forward to the department which issued the license, ~~together with~~
20 a notice of suspension stating that the suspension is for failure to pay a surcharge
21 imposed by the court, together with any license issued under ch. 29 of which the court
22 takes possession. If the surcharge is paid during the period of suspension, the
23 suspension shall be reduced to the time period which has already elapsed and the
24 court shall immediately notify the department which shall then, if the license is
25 issued under ch. 29, return the license to the juvenile.

SECTION 3803

1 *-0011/3.149* SECTION 3803. 938.34 (14m) of the statutes is amended to read:

2 938.34 (14m) Restrict or suspend the operating privilege, as defined in s.

3 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law

4 in which a motor vehicle is involved. If the court suspends a juvenile's operating

5 privilege under this subsection, the court shall immediately may take possession of

6 the suspended license and forward it. If the court takes possession of a license, it

7 shall destroy the license. The court shall forward to the department of

8 transportation together with a notice stating the reason for and duration of the

9 suspension. If the court limits a juvenile's operating privilege under this subsection,

10 the court shall immediately notify the department of transportation of that

11 limitation.

12 *-0011/3.150* SECTION 3804. 938.34 (14r) (a) of the statutes is amended to

13 read:

14 938.34 (14r) (a) In addition to any other dispositions imposed under this

15 section, if the juvenile is found to have violated ch. 961, the court shall suspend the

16 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months

17 nor more than 5 years. The court shall immediately may take possession of any

18 suspended license and forward it. If the court takes possession of a license, it shall

19 destroy the license. The court shall forward to the department of transportation

20 together with the notice of suspension stating that the suspension or revocation is

21 for a violation of ch. 961.

22 *-0011/3.151* SECTION 3805. 938.342 (1g) (a) of the statutes is amended to

23 read:

24 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.

25 340.01 (40), for not less than 30 days nor more than one year. The court shall

1 ~~immediately may take possession of the suspended license and forward it. If the~~
2 ~~court takes possession of a license, it shall destroy the license. The court shall~~
3 ~~forward to the department of transportation together with a notice stating the reason~~
4 ~~for and duration of the suspension.~~

5 ***-0011/3.152* SECTION 3806.** 938.343 (2) of the statutes is amended to read:

6 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
7 forfeiture that may be imposed on an adult for committing that violation or, if the
8 violation is only applicable to a person under 18 years of age, \$50. The order shall
9 include a finding that the juvenile alone is financially able to pay and shall allow up
10 to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may
11 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,
12 as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately
13 take possession of the suspended license and forward it if issued under ch. 29 or, if
14 the license is issued under ch. 343, the court may take possession of, and if possession
15 is taken, shall destroy, of the license. The court shall forward to the department
16 which issued the license, together with the notice of suspension stating that the
17 suspension is for failure to pay a forfeiture imposed by the court, together with any
18 license issued under ch. 29 of which the court takes possession. If the forfeiture is
19 paid during the period of suspension, the court shall immediately notify the
20 department, which shall, if the license is issued under ch. 29, return the license to
21 the person. Any recovery under this subsection shall be reduced by the amount
22 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

23 ***-0011/3.153* SECTION 3807.** 938.344 (2e) (b) of the statutes is amended to
24 read:

1 938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege
2 under this subsection, the court shall immediately may take possession of any
3 suspended license and forward it. If the court takes possession of a license, it shall
4 destroy the license. The court shall forward to the department of transportation,
5 together with the notice of suspension stating that the suspension is for a violation
6 under s. 961.573 (2), 961.574 (2) or 961.575 (2), or a local ordinance that strictly
7 conforms to one of those statutes.

8 ***-1537/4.9*** SECTION 3808. 938.346 (1) (h) 3. of the statutes is amended to read:

9 938.346 (1) (h) 3. The right to compensation, as provided under subch. I of ch.
10 949.

11 ***-0261/6.32*** SECTION 3809. 938.355 (2) (b) 1. of the statutes is amended to
12 read:

13 938.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided
14 to the juvenile and the juvenile's family, ~~the identity of the agencies that are~~
15 ~~primarily responsible for the provision of the services, the identity of the person or~~
16 ~~agency that will provide case management or coordination of services, if any, and, if~~
17 custody is to be transferred to effect the treatment plan, the identity of the legal
18 custodian.

19 ***-0261/6.33*** SECTION 3810. 938.355 (2) (b) 6g. of the statutes is created to
20 read:

21 938.355 (2) (b) 6g. If the juvenile is placed outside the home under the
22 supervision of the county department, an order ordering the juvenile into the
23 placement and care responsibility of the county department as required under 42
24 USC 672 (a) (2) and assigning the county department primary responsibility for
25 providing services to the juvenile.

1 *-1261/5.978* *-1261/P3.613* SECTION 3811. 938.355 (2b) of the statutes is
2 amended to read:

3 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
4 department or the agency primarily responsible for providing services to a juvenile
5 under a court order may, at the same time as the county department or agency is
6 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
7 of the juvenile from the home or to make it possible for the juvenile to return safely
8 to his or her home, work with the department of health and family services children
9 and families, a county department under s. 48.57 (1) (e) or (hm), or a child welfare
10 agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile
11 for adoption, with a guardian, with a fit and willing relative, or in some other
12 alternative permanent placement.

13 *-0261/6.34* SECTION 3812. 938.355 (6) (d) 1. of the statutes is amended to
14 read:

15 938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or
16 juvenile portion of a county jail that meets the standards promulgated by the
17 department by rule or in a place of nonsecure custody, for not more than 10 days and
18 the provision of educational services consistent with his or her current course of
19 study during the period of placement. The juvenile shall be given credit against the
20 period of detention or nonsecure custody imposed under this subdivision for all time
21 spent in secure detention in connection with the course of conduct for which the
22 detention or nonsecure custody was imposed. If the court orders placement of the
23 juvenile in a place of nonsecure custody under the supervision of the county
24 department, the court shall order the juvenile into the placement and care
25 responsibility of the county department as required under 42 USC 672 (a) (2) and

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1 shall assign the county department primary responsibility for providing services to
2 the juvenile.

3 ***-0011/3.154* SECTION 3813.** 938.355 (6) (d) 2. of the statutes is amended to
4 read:

5 938.355 (6) (d) 2. Suspension of or limitation restriction on the use of the
6 juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval
7 issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold
8 a valid operator's license under ch. 343, other than an instruction permit under s.
9 343.07 or a restricted license under s. 343.08, on the date of the order issued under
10 this subdivision, the court may order the suspension to begin on the date that the
11 operator's license would otherwise be reinstated or issued after the juvenile applies
12 and qualifies for issuance or 2 years after the date of the order issued under this
13 subdivision, whichever occurs first. If the court suspends the juvenile's operating
14 privileges or an approval issued under ch. 29, the court shall immediately take
15 possession of the suspended license or approval and forward it may take possession
16 of, and if possession is taken, shall destroy, the suspended license. The court shall
17 forward to the department that issued it, together with the license or approval the
18 notice of suspension, together with any approval of which the court takes possession.

19 ***-0261/6.35* SECTION 3814.** 938.355 (6m) (a) 1g. of the statutes is amended to
20 read:

21 938.355 (6m) (a) 1g. Placement of the juvenile in a secure detention facility or
22 juvenile portion of a county jail that meets the standards promulgated by the
23 department by rule or in a place of nonsecure custody, for not more than 10 days and
24 the provision of educational services consistent with his or her current course of
25 study during the period of placement. The juvenile shall be given credit against the

1 period of detention or nonsecure custody imposed under this subdivision for all time
2 spent in secure detention in connection with the course of conduct for which the
3 detention or nonsecure custody was imposed. The use of placement in a secure
4 detention facility or in a juvenile portion of a county jail as a sanction under this
5 subdivision is subject to the adoption of a resolution by the county board of
6 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.
7 If the court orders placement of the juvenile in a place of nonsecure custody under
8 the supervision of the county department, the court shall order the juvenile into the
9 placement and care responsibility of the county department as required under 42
10 USC 672 (a) (2) and shall assign the county department primary responsibility for
11 providing services to the juvenile.

12 ***-0011/3.155* SECTION 3815.** 938.355 (6m) (a) 1m. of the statutes is amended
13 to read:

14 938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's
15 operating privilege, as defined under s. 340.01 (40), or of any approval issued under
16 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's
17 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted
18 license under s. 343.08, on the date of the order issued under this subdivision, the
19 court may order the suspension or limitation to begin on the date that the operator's
20 license would otherwise be reinstated or issued after the juvenile applies and
21 qualifies for issuance or 2 years after the date of the order issued under this
22 subdivision, whichever occurs first. If the court suspends a juvenile's operating
23 privilege or an approval issued under ch. 29, the court shall immediately take
24 possession of the suspended license or approval and forward it it may take possession
25 of, and if possession is taken, shall destroy, the suspended license. The court shall

1 forward to the department that issued the license or approval with a notice stating
2 the reason for and the duration of the suspension, together with any approval of
3 which the court takes possession.

4 ***-0261/6.36* SECTION 3816.** 938.357 (1) (am) 3. of the statutes is amended to
5 read:

6 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
7 placement outside the home to another placement outside the home, the change in
8 placement order shall contain one of the statements the applicable order under sub.
9 (2v) (a) 1m. and the applicable statement under sub. (2v) (a) 2.

10 ***-0261/6.37* SECTION 3817.** 938.357 (1) (c) 3. of the statutes is amended to
11 read:

12 938.357 (1) (c) 3. If the court changes the juvenile's placement from a placement
13 in the juvenile's home to a placement outside the juvenile's home, the change in
14 placement order shall contain the findings under sub. (2v) (a) 1., one of the
15 statements the applicable order under sub. (2v) (a) 1m., the applicable statement
16 under sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances
17 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination
18 under sub. (2v) (a) 3.

19 ***-0261/6.38* SECTION 3818.** 938.357 (2m) (c) of the statutes is amended to
20 read:

21 938.357 (2m) (c) ~~In-home to out-of-home placement; findings~~ Findings
22 required. If the court changes the juvenile's placement from a placement in the
23 juvenile's home to a placement outside the juvenile's home, the change in placement
24 order shall contain the findings under sub. (2v) (a) 1., one of the statements the
25 applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a)

1 2., and, if in addition the court finds that any of the circumstances under s. 938.355
2 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v)
3 (a) 3. If the court changes the juvenile's placement from a placement outside the
4 home to another placement outside the home, the change in placement order shall
5 contain the applicable order under sub. (2v) (a) 1m. and the applicable statement
6 under sub. (2v) (a) 2.

7 ***-0261/6.39* SECTION 3819.** 938.357 (2v) (a) 1m. of the statutes is created to
8 read:

9 938.357 (2v) (a) 1m. If the change in placement order changes the placement
10 of a juvenile who is under the supervision of the county department to a placement
11 outside the juvenile's home, whether from a placement in the home or from another
12 placement outside the home, an order ordering the juvenile into, or to be continued
13 in, the placement and care responsibility of the county department as required under
14 42 USC 672 (a) (2) and assigning the county department primary responsibility, or
15 continued primary responsibility, for providing services to the juvenile.

16 ***-1261/5.979* *-1261/P3.614* SECTION 3820.** 938.357 (4) (a) of the statutes
17 is amended to read:

18 938.357 (4) (a) When the juvenile is placed with the department, the
19 department may, after an examination under s. 938.50, place the juvenile in a
20 juvenile correctional facility or a secured residential care center for children and
21 youth or on aftercare supervision, either immediately or after a period of placement
22 in a juvenile correctional facility or a secured residential care center for children and
23 youth. The department shall send written notice of the change in placement to the
24 parent, guardian, legal custodian, county department designated under s. 938.34
25 (4n), if any, and committing court. If the department places a juvenile in a Type 2

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1 juvenile correctional facility operated by a child welfare agency, the department shall
2 reimburse the child welfare agency at the rate established under s. 46.037 49.343
3 that is applicable to the type of placement that the child welfare agency is providing
4 for the juvenile. A juvenile who is placed in a Type 2 juvenile correctional facility or
5 a secured residential care center for children and youth remains under the
6 supervision of the department, remains subject to the rules and discipline of that
7 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

8 *~~1261/5.980~~* *~~1261/P3.615~~* SECTION 3821. 938.357 (4) (b) 2. of the statutes
9 is amended to read:

10 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential
11 care center for children and youth under s. 938.34 (4d) violates a condition of his or
12 her placement in the Type 2 residential care center for children and youth, the child
13 welfare agency operating the Type 2 residential care center for children and youth
14 shall notify the county department that has supervision over the juvenile and, if the
15 county department agrees to a change in placement under this subdivision, the child
16 welfare agency shall notify the department, and the department, after consulting
17 with the child welfare agency, may place the juvenile in a Type 1 juvenile correctional
18 facility under the supervision of the department, without a hearing under sub. (1)
19 (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 juvenile
20 correctional facility under this subdivision, the county department that has
21 supervision over the juvenile shall reimburse the child welfare agency operating the
22 Type 2 residential care center for children and youth in which the juvenile was
23 placed at the rate established under s. 46.037 49.343, and that child welfare agency
24 shall reimburse the department at the rate specified in s. 301.26 (4) (d) 2. or 3.,

1 whichever is applicable, for the cost of the juvenile's care while placed in a Type 1
2 juvenile correctional facility.

3 ***-1261/5.981* *-1261/P3.616* SECTION 3822.** 938.357 (4) (c) 1. of the statutes
4 is amended to read:

5 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility
6 operated by a child welfare agency under par. (a) and it appears that a less restrictive
7 placement would be appropriate for the juvenile, the department, after consulting
8 with the child welfare agency that is operating the Type 2 juvenile correctional
9 facility, may place the juvenile in a less restrictive placement, and may return the
10 juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1)
11 (am) 2. The child welfare agency shall establish a rate for each type of placement in
12 the manner provided in s. ~~46.037~~ 49.343.

13 ***-1261/5.982* *-1261/P3.617* SECTION 3823.** 938.357 (4) (c) 2. of the statutes
14 is amended to read:

15 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for
16 children and youth under s. 938.34 (4d) and it appears that a less restrictive
17 placement would be appropriate for the juvenile, the child welfare agency operating
18 the Type 2 residential care center for children and youth shall notify the county
19 department that has supervision over the juvenile and, if the county department
20 agrees to a change in placement under this subdivision, the child welfare agency may
21 place the juvenile in a less restrictive placement. A child welfare agency may also,
22 with the agreement of the county department that has supervision over a juvenile
23 who is placed in a less restrictive placement under this subdivision, return the
24 juvenile to the Type 2 residential care center for children and youth without a

1 hearing under sub. (1) (am) 2. The child welfare agency shall establish a rate for each
2 type of placement in the manner provided in s. ~~46.037~~ 49.343.

3 ~~*-1261/5.983* *-1267/P1.411*~~ SECTION 3824. 938.357 (5m) (a) of the statutes
4 is amended to read:

5 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
6 placement from a placement in the juvenile's home to a placement outside the
7 juvenile's home, the court shall order the juvenile's parent to provide a statement of
8 the income, assets, debts, and living expenses of the juvenile and the juvenile's
9 parent to the court or the person or agency primarily responsible for implementing
10 the dispositional order by a date specified by the court. The clerk of court shall
11 provide, without charge, to any parent ordered to provide that statement a document
12 setting forth the percentage standard established by the department of ~~workforce~~
13 ~~development~~ children and families under s. 49.22 (9) and listing the factors under
14 s. 301.12 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall
15 determine the liability of the parent in the manner provided in s. 301.12 (14).

16 ~~*-1261/5.984* *-1267/P1.412*~~ SECTION 3825. 938.36 (1) (b) of the statutes is
17 amended to read:

18 938.36 (1) (b) In determining the amount of support under par. (a), the court
19 may consider all relevant financial information or other information relevant to the
20 parent's earning capacity, including information reported under s. 49.22 (2m) to the
21 department of ~~workforce~~ ~~development~~ children and families, or the county child
22 support agency, under s. 59.53 (5). If the court has insufficient information with
23 which to determine the amount of support, the court shall order the juvenile's parent
24 to furnish a statement of the income, assets, debts, and living expenses of the juvenile
25 and the juvenile's parent, if the parent has not already done so, to the court within

1 10 days after the court's order transferring custody or designating an alternative
2 placement is entered or at such other time as ordered by the court.

3 ***-1261/5.985* *-1267/P1.413* SECTION 3826.** 938.363 (1) (c) of the statutes
4 is amended to read:

5 938.363 (1) (c) If the proposed revision is for a change in the amount of child
6 support to be paid by a parent, the court shall order the juvenile's parent to provide
7 a statement of the income, assets, debts, and living expenses of the juvenile and the
8 juvenile's parent to the court and the person or agency primarily responsible for
9 implementing the dispositional order by a date specified by the court. The clerk of
10 court shall provide, without charge, to any parent ordered to provide that statement
11 a document setting forth the percentage standard established by the department of
12 workforce development children and families under s. 49.22 (9) and listing the
13 factors that a court may consider under s. 301.12 (14) (c).

14 ***-0261/6.40* SECTION 3827.** 938.38 (2) (intro.) of the statutes is amended to
15 read:

16 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
17 for each juvenile living in a foster home, treatment foster home, group home,
18 residential care center for children and youth, juvenile detention facility, or shelter
19 care facility, the agency that placed the juvenile or arranged the placement or the
20 agency assigned primary responsibility for providing services to the juvenile under
21 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
22 conditions exists, and, for each juvenile living in the home of a relative other than
23 a parent, that agency shall prepare a written permanency plan, if any of the
24 conditions under pars. (a) to (e) exists:

1 ***-1261/5.986*** ***-1261/P3.618*** SECTION 3828. 938.396 (2g) (b) of the statutes
2 is amended to read:

3 938.396 (2g) (b) *Federal program monitoring*. Upon request of the department
4 of health and family services, the department of corrections children and families,
5 or a federal agency to review court records for the purpose of monitoring and
6 conducting periodic evaluations of activities as required by and implemented under
7 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection by
8 authorized representatives of that department or federal agency.

9 ***-0011/3.156*** SECTION 3829. 938.396 (4) of the statutes is amended to read:

10 938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise
11 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction
12 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege
13 under this chapter, the department of transportation may not disclose information
14 concerning or relating to the revocation, suspension, or restriction to any person
15 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a
16 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county
17 corporation counsel, or city, village, or town attorney, a law enforcement agency, a
18 driver licensing agency of another jurisdiction, the juvenile whose operating
19 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.
20 Persons entitled to receive this information may not disclose the information to other
21 persons or agencies.

22 ***-1261/5.987*** ***-1261/P3.619*** SECTION 3830. 938.538 (6) of the statutes is
23 amended to read:

24 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract
25 with the department of health and family services, the department of children and

1 families, a county department, or any public or private agency for the purchase of
2 goods, care, and services for participants in the program under this section. The
3 department of ~~corrections~~ shall reimburse a person from whom it purchases goods,
4 care, or services under this subsection from the appropriation under s. 20.410 (3) (cg).

5 *~~-1261/5.988~~* *~~-1261/P3.620~~* SECTION 3831. 938.547 (2) of the statutes is
6 amended to read:

7 938.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding
8 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the pilot program, the
9 department of ~~health and family services~~ children and families shall select counties
10 to participate in the pilot program. Unless a county department of human services
11 has been established under s. 46.23 in the county that is seeking to implement a pilot
12 program, the application submitted to the department of ~~health and family services~~
13 children and families shall be a joint application by the county department that
14 provides social services and the county department established under s. 51.42 or
15 51.437. The department of ~~health and family services~~ children and families shall
16 select counties in accordance with the request-for-proposal procedures established
17 by that department. The department of ~~health and family services~~ children and
18 families shall give a preference to county applications that include a plan for case
19 management.

20 *~~-1261/5.989~~* *~~-1261/P3.621~~* SECTION 3832. 938.548 of the statutes is
21 amended to read:

22 **938.548 Multidisciplinary screen and assessment criteria.** The
23 department of ~~health and family services~~ children and families shall make the
24 multidisciplinary screen developed under s. 938.547 (3) and the assessment criteria
25 developed under s. 938.547 (4) available to all counties.

1 ***-1261/5.990*** ***-1261/P3.622*** **SECTION 3833.** 938.57 (3) (a) (intro.) of the
2 statutes is amended to read:

3 938.57 (3) (a) (intro.) From the reimbursement received under s. ~~46.495~~ 48.569
4 (1) (d), counties may provide funding for the maintenance of any juvenile who meets
5 all of the following qualifications:

6 ***-1261/5.991*** ***-1261/P3.623*** **SECTION 3834.** 938.57 (3) (a) 3. of the statutes
7 is amended to read:

8 938.57 (3) (a) 3. Received funding under s. ~~46.495~~ 48.569 (1) (d) immediately
9 prior to his or her 17th birthday.

10 ***-1261/5.992*** ***-1261/P3.624*** **SECTION 3835.** 938.57 (3) (b) of the statutes is
11 amended to read:

12 938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.
13 (a) shall be in an amount equal to that to which the juvenile would receive under s.
14 ~~46.495~~ 48.569 (1) (d) if the juvenile were 16 years of age.

15 ***-1261/5.993*** ***-1261/P3.625*** **SECTION 3836.** 938.78 (2) (h) of the statutes is
16 amended to read:

17 938.78 (2) (h) Paragraph (a) does not prohibit the department of ~~health and~~
18 ~~family services~~ children and families, a county department, or a licensed child
19 welfare agency from entering the content of any record kept or information received
20 by that department, county department, or licensed child welfare agency into the
21 statewide automated child welfare information system established under s. ~~46.03~~
22 48.47 (7g).

23 ***-1261/5.994*** ***-1267/P1.414*** **SECTION 3837.** 948.22 (4) (b) of the statutes is
24 amended to read:

1 948.22 (4) (b) For a person not subject to a court order requiring child,
2 grandchild or spousal support payments, when the person knows or reasonably
3 should have known that he or she has a dependent, failure to provide support equal
4 to at least the amount established by rule by the department of workforce
5 development children and families under s. 49.22 (9) or causing a spouse, grandchild
6 or child to become a dependent person, or continue to be a dependent person, as
7 defined in s. 49.01 (2).

8 *-1261/5.995* *-1261/P3.626* SECTION 3838. 948.31 (1) (a) 2. of the statutes
9 is amended to read:

10 948.31 (1) (a) 2. The department of ~~health and family services~~ children and
11 families or the department of corrections or any person, county department under
12 s. 46.215, 46.22, or 46.23, or licensed child welfare agency, if custody or supervision
13 of the child has been transferred under ch. 48 or 938 to that department, person, or
14 agency.

15 *-1537/4.10* SECTION 3839. Subchapter I (title) of chapter 949 [precedes
16 949.001] of the statutes is created to read:

17 **CHAPTER 949**

18 **SUBCHAPTER I**

19 **CRIME VICTIM COMPENSATION**

20 *-1537/4.11* SECTION 3840. 949.01 (intro.) of the statutes is amended to read:

21 **949.01 Definitions.** (intro.) In this chapter subchapter:

22 *-1537/4.12* SECTION 3841. 949.02 of the statutes is amended to read:

23 **949.02 Administration.** The department shall administer this chapter
24 subchapter. The department shall appoint a program director to assist in
25 administering this chapter subchapter. The department shall promulgate rules for

1 the implementation and operation of this chapter subchapter. The rules shall
2 include procedures to ensure that any limitation of an award is calculated in a fair
3 and equitable manner.

4 ***-1537/4.13* SECTION 3842.** 949.035 (1) of the statutes is amended to read:

5 949.035 (1) If a Wisconsin resident suffers injury or death in a situation
6 described in s. 949.03 except that the act occurred outside this state, the resident has
7 the same rights under this chapter subchapter as if the act had occurred in this state
8 upon a showing that the state, territory, country or political subdivision of a country
9 in which the act occurred does not have a compensation of victims of crimes law which
10 covers the injury or death suffered by the person.

11 ***-1537/4.14* SECTION 3843.** 949.04 (1) (intro.) of the statutes is amended to
12 read:

13 949.04 (1) ELIGIBILITY. (intro.) Any person may apply for an award under this
14 chapter subchapter.

15 ***-1537/4.15* SECTION 3844.** 949.04 (2) of the statutes is amended to read:

16 949.04 (2) FORMS. The department shall prescribe application forms for awards
17 under this chapter subchapter and shall furnish law enforcement agencies with the
18 forms. The law enforcement agency investigating a crime shall provide forms to each
19 person who may be eligible to file a claim under this subchapter.

20 ***-1537/4.16* SECTION 3845.** 949.06 (1) (intro.) of the statutes is amended to
21 read:

22 949.06 (1) (intro.) In accordance with this chapter subchapter, the department
23 shall make awards, as appropriate, for any of the following economic losses incurred
24 as a direct result of an injury:

25 ***-1537/4.17* SECTION 3846.** 949.06 (1m) (b) of the statutes is amended to read:

1 949.06 (1m) (b) In accordance with this ~~chapter~~ subchapter, the department
2 shall make awards, as appropriate, to persons who, immediately prior to the crime,
3 lived in the same household with and to family members of a victim of s. 940.01,
4 940.02, 940.05, 940.06, 940.07, 940.08 or 940.09 for any of the economic losses
5 specified in sub. (1) as a result of the person's or family member's reaction to the
6 death. A dependent may recover both under sub. (1) and this subsection, subject to
7 the limitation under sub. (2).

8 ***-1537/4.18* SECTION 3847.** 949.06 (3) (f) of the statutes is created to read:

9 949.06 (3) (f) From an award under s. 949.26.

10 ***-1537/4.19* SECTION 3848.** 949.06 (4) (b) of the statutes is amended to read:

11 949.06 (4) (b) The department may suspend proceedings under this ~~chapter~~
12 subchapter for a period it deems appropriate on the grounds that a prosecution for
13 an offense arising out of the act or omission has been commenced or is imminent.

14 ***-1537/4.20* SECTION 3849.** 949.09 of the statutes is amended to read:

15 **949.09 Effect of conviction.** If any person has been convicted of any offense
16 with respect to an act or omission on which a claim under this ~~chapter~~ subchapter
17 is based, proof of that conviction shall be taken as conclusive evidence that the
18 offense has been committed, unless an appeal or any proceeding with regard thereto
19 is pending.

20 ***-1537/4.21* SECTION 3850.** 949.11 (1) of the statutes is amended to read:

21 949.11 (1) The procedure of ch. 227 for contested cases applies to hearings
22 under this ~~chapter~~ subchapter except as otherwise provided in this section and ss.
23 949.12 and 949.14.

24 ***-1537/4.22* SECTION 3851.** 949.11 (2) of the statutes is amended to read:

1 949.11 (2) The division of hearings and appeals in the department of
2 administration shall appoint hearing examiners to make findings and orders under
3 s. 227.46 and this ~~chapter~~ subchapter.

4 *-1537/4.23* SECTION 3852. 949.115 of the statutes is amended to read:

5 **949.115 Subpoenas.** The department or any of its authorized agents may
6 issue subpoenas for persons or records for any investigation or hearing conducted
7 under this ~~chapter~~ subchapter and may enforce compliance with such subpoenas as
8 provided in s. 885.12.

9 *-1537/4.24* SECTION 3853. 949.12 of the statutes is amended to read:

10 **949.12 Condition of claimant.** There is no privilege, except privileges
11 arising from the attorney-client relationship, as to communications or records
12 relevant to an issue of the physical, mental or emotional condition of the claimant
13 or victim in a proceeding under this ~~chapter~~ subchapter in which that condition is
14 an element.

15 *-1537/4.25* SECTION 3854. 949.13 of the statutes is amended to read:

16 **949.13 Agency cooperation.** Upon request by the department, any state or
17 local agency, including a district attorney or law enforcement agency, shall make
18 available all reports, files and other appropriate information which the department
19 requests in order to make a determination that a person is eligible for an award
20 under this ~~chapter~~ subchapter.

21 *-1537/4.26* SECTION 3855. 949.15 (1) of the statutes is amended to read:

22 949.15 (1) Whenever the department orders the payment of an award under
23 this ~~chapter~~ subchapter as a result of the occurrence of an event that creates a cause
24 of action on the part of a claimant against any person, the department is subrogated
25 to the rights of the claimant and may bring an action against the person for the

1 amount of the damages sustained by the claimant. If an amount greater than that
2 paid under the award order is recovered and collected in any such action, the
3 department shall pay the balance to the claimant. If the person responsible for the
4 injury or death has previously made restitution payments to the general fund under
5 s. 973.20, any judgment obtained by the department under this section shall be
6 reduced by the amount of the restitution payments to the general fund.

7 *-1537/4.27* SECTION 3856. 949.16 of the statutes is amended to read:

8 **949.16 Confidentiality of records.** The record of a proceeding before an
9 examiner or the department under this ~~chapter~~ subchapter is a public record. Any
10 record or report obtained by an examiner or the department, the confidentiality of
11 which is protected by any other law or rule, shall remain confidential.

12 *-1537/4.28* SECTION 3857. 949.165 (12) of the statutes is amended to read:

13 949.165 (12) PAYMENT IS NOT AN AWARD. Any payment from an escrow account
14 under this section shall not be considered as an award by the department under this
15 ~~chapter~~ subchapter.

16 *-1537/4.29* SECTION 3858. 949.18 (intro.) of the statutes is amended to read:

17 **949.18 Report by the department.** (intro.) The department's biennial
18 report under s. 15.04 (1) (d) shall include a report of its activities under this ~~chapter~~
19 subchapter including:

20 *-1537/4.30* SECTION 3859. 949.18 (1) of the statutes is amended to read:

21 949.18 (1) An explanation of the procedures for filing and processing claims
22 under this ~~chapter~~ subchapter.

23 *-1537/4.31* SECTION 3860. 949.18 (4) of the statutes is amended to read:

24 949.18 (4) A copy of the forms utilized under this ~~chapter~~ subchapter.

1 ***-1537/4.32*** SECTION 3861. 949.18 (5) (intro.) of the statutes is amended to
2 read:

3 949.18 (5) (intro.) A complete statistical analysis of the cases handled under
4 this chapter subchapter, including:

5 ***-1537/4.33*** SECTION 3862. 949.18 (5) (e) of the statutes is amended to read:

6 949.18 (5) (e) A summary of cases handled under this chapter subchapter.

7 ***-1537/4.34*** SECTION 3863. Subchapter II of chapter 949 [precedes 949.20] of
8 the statutes is created to read:

9 **CHAPTER 949**

10 **SUBCHAPTER II**

11 **SEXUAL ASSAULT FORENSIC**

12 **EXAMINATION COMPENSATION**

13 **949.20 Definitions.** In this subchapter:

14 (1) "Cooperate with a law enforcement agency" means to report a sex offense
15 to a law enforcement agency or to aid a law enforcement agency in the investigation
16 of a sex offense.

17 (2) "Department" means the department of justice.

18 (3) "Examination costs" means the costs of an examination that is done to
19 gather evidence regarding a sex offense, any procedure during that examination
20 process that tests for or prevents a sexually transmitted disease, and any medication
21 provided or prescribed, during that examination process, that prevents or treats a
22 sexually transmitted disease that the person performing the examination or
23 procedure believes could be a consequence of the sex offense. "Examination costs"
24 does not include any processing or administrative costs, attorney fees, or other
25 expenses.

1 (4) "Guardian of the victim" means one of the following:

2 1. If the victim is under 18 years of age, the parent, guardian, or legal custodian
3 of the victim.

4 2. If the victim has been determined to be incompetent under ch. 54, the
5 guardian of the victim.

6 (5) "Health care provider" means any person providing health care services.

7 (6) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

8 (7) "Sex offense" means an act committed in the state that, if committed by a
9 competent adult, would be a violation, or an attempted violation, of s. 940.225,
10 948.02, 948.025, 948.05, 948.06, 948.08, or 948.09.

11 (8) "Sexually transmitted disease" has the meaning given in s. 252.11 (1).

12 (9) "Victim" means a person against whom a sex offense has been committed.

13 **949.22 Administration.** The department shall administer this subchapter.

14 The department shall appoint a program director to assist in administering this
15 subchapter. The department shall promulgate rules for the implementation and
16 operation of this subchapter. The rules shall include procedures to ensure that any
17 limitation of an award is calculated in a fair and equitable manner.

18 **949.24 Application for award. (1) ELIGIBILITY.** Any health care provider who
19 conducts an examination to gather evidence regarding a sex offense may apply for
20 an award under this subchapter.

21 (2) **FORMS.** The department shall prescribe application forms for awards under
22 this subchapter and shall furnish health care providers with the forms.

23 (3) **MEDICAL RECORDS.** An applicant shall submit to the department reports
24 from any physician, physician's assistant, or nurse who treated or examined the
25 victim to gather evidence regarding a sex offense, performed any procedure during

1 that treatment or examination that tests for or prevents a sexually transmitted
2 disease, or provided or prescribed any medication to prevent or treat a sexually
3 transmitted disease. The applicant may not submit to the department any other
4 records than those pertaining to the examination, treatment, procedure, or
5 medication for which the applicant is seeking an award.

6 **949.26 Computation of awards.** (1) Except as provided in sub. (1m), the
7 department shall make an award under this section to a health care provider who
8 conducts an examination to gather evidence regarding a sex offense to reimburse the
9 health care provider only for the examination costs, as follows:

10 (a) If, under sub. (2) (b), the health care provider is not authorized to seek
11 payment from insurance or another available source of payment, the award shall be
12 the examination costs, regardless of whether the victim, or any guardian of the
13 victim, cooperates with a law enforcement agency regarding the sex offense.

14 (b) If, under sub. (2) (b), the health care provider is authorized to seek payment
15 from insurance or another available source of payment and the victim, or any
16 guardian of the victim, does not cooperate with a law enforcement agency regarding
17 the sex offense, the award shall be the examination costs, reduced by any payment
18 to be received as a result of the authorization under sub. (2) (b).

19 **(1m)** The department may not make an award under this section if, under sub.
20 (2) (b), the health care provider is authorized to seek payment and the victim, or any
21 guardian of the victim, cooperates with a law enforcement agency.

22 **(2)(a)** A health care provider seeking an award under this section may not seek
23 payment for any examination costs from the victim or any guardian of the victim.

24 **(b)** A health care provider seeking an award under this section may not seek
25 payment for any examination costs from insurance or another available source of

1 payment unless the victim or any guardian of the victim authorizes the health care
2 provider to seek payment.

3 (3) The department may not refuse to make an award under this section
4 because the victim or the guardian of the victim does not cooperate with a law
5 enforcement agency regarding the sex offense, or due to lack of an investigation or
6 prosecution of the sex offense.

7 **949.28 Limitations on awards.** (1) No order for the payment of an award
8 under this subchapter may be made unless the application was made within one year
9 after the date of the examination. The department may waive the one-year
10 requirement under this subsection in the interest of justice.

11 (2) The department may not make an award under this subchapter that
12 exceeds the examination costs of the victim.

13 (3) The department may not make an award under this subchapter for any part
14 of the examination costs of the victim for which the health care provider seeking the
15 award has received compensation from any other source.

16 (4) The department may not make an award under this subchapter if the total
17 dollar amount awarded under this section in that year is greater than \$50,000.

18 **949.31 Hearings.** (1) The procedure of ch. 227 for contested cases applies to
19 hearings under this subchapter except as otherwise provided in this section and s.
20 949.32.

21 (2) The division of hearings and appeals in the department of administration
22 shall appoint hearing examiners to make findings and orders under s. 227.46 and
23 this subchapter.

24 (3) All hearings shall be open to the public unless in a particular case the
25 examiner determines that the hearing, or a portion of the hearing, shall be held in

1 private having regard to the fact that the offender has not been convicted or to the
2 interest of the victim.

3 **949.315 Subpoenas.** The department or any of its authorized agents may
4 issue subpoenas for persons or records for any investigation or hearing conducted
5 under this subchapter and may enforce compliance with such subpoenas as provided
6 in s. 885.12.

7 **949.32 Condition of victim.** There is no privilege, except privileges arising
8 from the attorney-client relationship, as to communications or records relevant to
9 an issue of the physical condition of the victim in a proceeding under this subchapter
10 in which that condition is an element.

11 **949.33 Agency cooperation.** Upon request by the department, any state or
12 local agency, including a district attorney or law enforcement agency, shall make
13 available all reports, files, and other appropriate information which the department
14 requests in order to make a determination that a health care provider is eligible for
15 an award under this subchapter.

16 **949.36 Confidentiality.** If a health care provider seeks an award under this
17 subchapter, any personally identifiable information, as defined in s. 19.62 (5), of the
18 victim who received the examination shall remain confidential unless written
19 consent for the release of any personally identifiable information is provided by one
20 of the following:

21 (1) Except as provided under sub. (2), the victim.

22 (2) If there is a guardian of the victim, the guardian of the victim.

23 **949.37 Offenses. (1) PROHIBITION.** In connection with an award under this
24 subchapter, no person may do any of the following:

25 (a) Submit a fraudulent application or claim for an award.

1 (b) Intentionally make or cause to be made any false statement or
2 representation of a material fact.

3 (c) Intentionally conceal or fail to disclose information affecting the amount of
4 or the initial or continued right to any such award when reasonably requested to
5 provide such information by the department.

6 (2) PENALTIES. Any person who violates this section shall be fined not more than
7 \$500 or imprisoned not more than 6 months or both. The person shall forfeit any
8 benefit received and shall reimburse the state for payments received.

9 (3) DAMAGES. The state has a civil cause of action for relief against any person
10 who violates this section for the amount of damages that the state sustained by
11 reason of the violation and, in addition, for punitive damages not more than double
12 the amount of damages that the state may have sustained, together with interest,
13 and the cost of the suit.

14 (4) ACTION. The attorney general may bring any action and has such powers
15 as may be necessary to enforce this section.

16 **949.38 Report by the department.** The department's biennial report under
17 s. 15.04 (1) (d) shall include a report of its activities under this subchapter including
18 all of the following:

19 (1) An explanation of the procedures for filing and processing claims under this
20 subchapter.

21 (2) A description of the programs and policies instituted to promote awareness
22 about the awards under this subchapter.

23 (3) An analysis of future needs and suggested program improvements.

24 (4) A copy of the forms used under this subchapter.

1 (5) A complete statistical analysis of the cases handled under this subchapter,
2 including all of the following:

3 (a) The number of claims filed.

4 (b) The number of claims approved and the amount of each award.

5 (c) The number of claims denied and the reasons for rejection.

6 (d) A breakdown of claims by geographic area and month.

7 *-1403/2.47* SECTION 3864. 950.04 (1v) (f) of the statutes is amended to read:

8 950.04 (1v) (f) To have the parole earned release review commission make a
9 reasonable attempt to notify the victim of applications for parole, release to extended
10 supervision, or termination of extended supervision, as provided under s. 304.06 (1).

11 *-1537/4.35* SECTION 3865. 950.04 (1v) (rm) of the statutes is amended to
12 read:

13 950.04 (1v) (rm) To compensation, as provided under subch. I of ch. 949.

14 *-1537/4.36* SECTION 3866. 950.08 (2g) (b) of the statutes is amended to read:

15 950.08 (2g) (b) The availability of compensation under subch. I of ch. 949 and
16 the address and telephone number at which to contact the department for
17 information concerning compensation under subch. I of ch. 949.

18 *-1537/4.37* SECTION 3867. 950.08 (2r) (d) of the statutes is amended to read:

19 950.08 (2r) (d) The availability of compensation under subch. I of ch. 949,
20 including information concerning eligibility for compensation and the procedure for
21 applying for compensation.

22 *-1122/1.1* SECTION 3868. 961.41 (5) (c) of the statutes, as affected by 2005
23 Wisconsin Act 25, is amended to read:

1 961.41 (5) (c) 1. ~~Two-thirds~~ The first \$850,000 plus two-thirds of all moneys
2 in excess of \$1,275,000 collected in each fiscal year from drug surcharges under this
3 subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

4 2. ~~One-third of all~~ All moneys in excess of \$850,000 and up to \$1,275,000 plus
5 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug
6 surcharges under this subsection shall be credited to the appropriation account
7 under s. 20.505 (6) (ku).

8 *~~-0011/3.157~~* **SECTION 3869.** 961.50 (1) (intro.) of the statutes is amended to
9 read:

10 961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the
11 court shall, in addition to any other penalties that may apply to the crime, suspend
12 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6
13 months nor more than 5 years. The court shall immediately may take possession of
14 any suspended license and forward it. If the court takes possession of a license, it
15 shall destroy the license. The court shall forward to the department of
16 transportation ~~together with~~ the record of conviction and notice of the suspension.
17 The person is eligible for an occupational license under s. 343.10 as follows:

18 *~~-0011/3.158~~* **SECTION 3870.** 961.50 (2) of the statutes is amended to read:

19 961.50 (2) For purposes of counting the number of convictions under sub. (1),
20 convictions under the law of a federally recognized American Indian tribe or band in
21 this state, federal law or the law of another jurisdiction, as defined in s. 343.32 (1m)
22 (a) 340.01 (41m), for any offense therein which, if the person had committed the
23 offense in this state and been convicted of the offense under the laws of this state,
24 would have required suspension or revocation of such person's operating privilege
25 under this section, shall be counted and given the effect specified under sub. (1). The

1 5-year period under this section shall be measured from the dates of the violations
2 which resulted in the convictions.

3 ***-0459/2.27* SECTION 3871.** 967.06 of the statutes is renumbered 967.06 (1)
4 and amended to read:

5 967.06 (1) As soon as practicable after a person has been detained or arrested
6 in connection with any offense which that is punishable by incarceration, or in
7 connection with any civil commitment proceeding, or in any other situation in which
8 a person is entitled to counsel regardless of ability to pay under the constitution or
9 laws of the United States or this state, the person shall be informed of his or her right
10 to counsel. Persons

11 (2) (a) Except as provided in par. (b), a person entitled to counsel under sub.
12 (1) who indicate indicates at any time that they wish he or she wants to be
13 represented by a lawyer, and who claim that they are claims that he or she is not able
14 to pay in full for a lawyer's services, shall immediately be permitted to contact the
15 authority for indigency determinations specified under s. 977.07 (1). The authority
16 for indigency determination in each county shall have daily telephone access to the
17 county jail in order to identify all persons who are being held in the jail. The jail
18 personnel shall provide by phone information requested by the authority.

19 (3) In any case in which the state public defender provides representation to
20 an indigent person, the public defender may request that the applicable court
21 reporter or clerk of circuit court prepare and transmit any transcript or court record.
22 The request shall be complied with. The state public defender shall, from the
23 appropriation under s. 20.550 (1) (f), compensate the court reporter or clerk of circuit
24 court for the cost of preparing, handling, duplicating, and mailing the documents.

25 ***-0459/2.28* SECTION 3872.** 967.06 (2) (b) of the statutes is created to read:

1 967.06 (2) (b) If the person indicating that he or she wants to be represented
2 by a lawyer is detained under ch. 48, 51, 55, or 938, the person shall be referred for
3 appointment of counsel as provided under s. 48.23 (4), 51.60, 55.105, or 938.23 (4),
4 whichever is applicable.

5 *-1067/1.2* SECTION 3873. 971.14 (3) (d) of the statutes is amended to read:

6 971.14 (3) (d) If the examiner reports that the defendant lacks competency, the
7 examiner's opinion regarding the likelihood that the defendant, if provided
8 treatment, may be restored to competency within the time period permitted under
9 sub. (5) (a). The examiner shall provide an opinion as to whether the individual's
10 treatment should occur in an inpatient facility designated by the department of
11 health and family services, or should be conducted in a jail or locked unit of a facility,
12 as a condition of bail or bond.

13 *-1067/1.3* SECTION 3874. 971.14 (5) (a) of the statutes is amended to read:

14 971.14 (5) (a) If the court determines that the defendant is not competent but
15 is likely to become competent within the period specified in this paragraph if
16 provided with appropriate treatment, the court shall suspend the proceedings and
17 commit the defendant to the custody of the department of health and family services
18 for placement in an appropriate institution. The department of health and family
19 services shall determine whether treatment shall occur in an institution, or in a
20 community-based treatment conducted in a jail or a locked unit of a facility, as a
21 condition of bail or bond, and the defendant shall be placed as appropriate for a
22 period of time not to exceed 12 months, or the maximum sentence specified for the
23 most serious offense with which the defendant is charged, whichever is less. Days
24 spent in commitment under this paragraph are considered days spent in custody
25 under s. 973.155.

1 *-1067/1.4* SECTION 3875. 971.14 (5) (b) of the statutes is amended to read:

2 971.14 (5) (b) The defendant shall be periodically reexamined by the treatment
3 facility department of health and family services examiners. Written reports of
4 examination shall be furnished to the court 3 months after commitment, 6 months
5 after commitment, 9 months after commitment and within 30 days prior to the
6 expiration of commitment. Each report shall indicate either that the defendant has
7 become competent, that the defendant remains incompetent but that attainment of
8 competency is likely within the remaining commitment period, or that the defendant
9 has not made such progress that attainment of competency is likely within the
10 remaining commitment period. Any report indicating such a lack of sufficient
11 progress shall include the examiner's opinion regarding whether the defendant is
12 mentally ill, alcoholic, drug dependent, developmentally disabled or infirm because
13 of aging or other like incapacities.

14 *-1067/1.5* SECTION 3876. 971.14 (5) (c) of the statutes is amended to read:

15 971.14 (5) (c) Upon receiving a report under par. (b), indicating the defendant
16 has regained competency or is not competent and unlikely to become competent in
17 the remaining commitment period, the court shall hold a hearing within 14 days of
18 receipt of the report and the court shall proceed under sub. (4). If the court
19 determines that the defendant has become competent, the defendant shall be
20 discharged from commitment and the criminal proceeding shall be resumed. If the
21 court determines that the defendant is making sufficient progress toward becoming
22 competent, the commitment shall continue.

23 *-0293/2.1* SECTION 3877. 971.17 (3) (e) of the statutes is amended to read:

24 971.17 (3) (e) An order for conditional release places the person in the custody
25 and control of the department of health and family services. A conditionally released

1 person is subject to the conditions set by the court and to the rules of the department
2 of health and family services. Before a person is conditionally released by the court
3 under this subsection, the court shall so notify the municipal police department and
4 county sheriff for the area where the person will be residing. The notification
5 requirement under this paragraph does not apply if a municipal department or
6 county sheriff submits to the court a written statement waiving the right to be
7 notified. If the department of health and family services alleges that a released
8 person has violated any condition or rule, or that the safety of the person or others
9 requires that conditional release be revoked, he or she may be taken into custody
10 under the rules of the department. The department of health and family services
11 shall submit a statement showing probable cause of the detention and a petition to
12 revoke the order for conditional release to the committing court and the regional
13 office of the state public defender responsible for handling cases in the county where
14 the committing court is located within 48 72 hours after the detention, excluding
15 Saturdays, Sundays, and legal holidays. The court shall hear the petition within 30
16 days, unless the hearing or time deadline is waived by the detained person. Pending
17 the revocation hearing, the department of health and family services may detain the
18 person in a jail or in a hospital, center or facility specified by s. 51.15 (2). The state
19 has the burden of proving by clear and convincing evidence that any rule or condition
20 of release has been violated, or that the safety of the person or others requires that
21 conditional release be revoked. If the court determines after hearing that any rule
22 or condition of release has been violated, or that the safety of the person or others
23 requires that conditional release be revoked, it may revoke the order for conditional
24 release and order that the released person be placed in an appropriate institution

1 under s. 51.37 (3) until the expiration of the commitment or until again conditionally
2 released under this section.

3 ***-1326/1.1* SECTION 3878.** 971.23 (10) of the statutes is amended to read:

4 **971.23 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT**
5 **DEFENDANTS.** When the state public defender or a private attorney appointed under
6 s. 977.08 requests photocopies copies, in any format, of any item that is discoverable
7 under this section, the state public defender shall pay any fee charged for the
8 photocopies copies from the appropriation under s. 20.550 (1) (f). If the person
9 providing photocopies copies under this section charges the state public defender a
10 fee for the photocopies copies, the fee may not exceed the actual, necessary, and direct
11 cost of photocopying providing the copies.

12 ***-1403/2.48* SECTION 3879.** 973.01 (4) of the statutes is amended to read:

13 **973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
14 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
15 confinement in prison portion of the sentence without reduction for good behavior.
16 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
17 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
18 304.06 (1) (b), or 973.195 (1r).

19 ***-1403/2.49* SECTION 3880.** 973.01 (7) of the statutes is amended to read:

20 **973.01 (7) NO DISCHARGE.** The department of corrections may not discharge a
21 person who is serving a bifurcated sentence from custody, control and supervision
22 until the person has served the entire bifurcated sentence, except as provided in s.
23 304.06 (1) (b).

24 ***-1633/P9.5* SECTION 3881.** 973.017 (2) (a) and (10) of the statutes are
25 amended to read:

1 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted
2 submitted in the report by the sentencing commission truth-in-sentencing phase II
3 council under s. 973.30 16.015 or, if the sentencing commission truth-in-sentencing
4 phase II council has not adopted submitted a guideline for the offense, any applicable
5 temporary sentencing guideline adopted by the sentencing commission created
6 under 2001 Wisconsin Act 109, or if the sentencing commission did not adopt a
7 guideline for the offense, any applicable temporary sentencing guideline adopted by
8 the criminal penalties study committee created under 1997 Wisconsin Act 283.

***NOTE: This is reconciled s. 973.017 (2) (a). This SECTION has been affected by
drafts with the following LRB numbers: -1416/5 and -1633/P6

9 (10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The requirement
10 under sub. (2) (a) that a court consider sentencing guidelines submitted in the report
11 by the truth-in-sentencing phase II council or adopted by the sentencing
12 commission or the criminal penalties study committee does not require a court to
13 make a sentencing decision that is within any range or consistent with a
14 recommendation specified in the guidelines, and there is no right to appeal a court's
15 sentencing decision based on the court's decision to depart in any way from any
16 guideline.

17 *-0435/1.3* SECTION 3882. 973.045 (1) (intro.) of the statutes is amended to
18 read:

19 973.045 (1) (intro.) ~~Except as provided in sub. (1m), if~~ If a court imposes a
20 sentence or places a person on probation, the court shall impose a crime victim and
21 witness assistance surcharge calculated as follows:

22 *-0435/1.4* SECTION 3883. 973.045 (1m) of the statutes is repealed and
23 recreated to read:

1 973.045 (1m) (a) In this subsection, "civil offense" means an offense punishable
2 by a forfeiture.

3 (b) If all of the following apply, the court shall impose a crime victim and witness
4 assistance surcharge in addition to any forfeiture that it imposes:

5 1. The person is charged with one or more crimes in a complaint.

6 2. As a result of the complaint being amended, the person is charged with a civil
7 offense in lieu of one of those crimes.

8 3. The court finds that the person committed that civil offense on or after the
9 effective date of this subdivision [revisor inserts date].

10 (c) The amount of the surcharge imposed under par. (b) shall be the amount
11 specified in sub. (1) (a) or (b), depending on whether the crime that was the subject
12 of the amendment under par. (b) 2. was a misdemeanor or a felony.

13 *-0435/1.5* SECTION 3884. 973.045 (1r) (b) of the statutes is created to read:

14 973.045 (1r) (b) The entire amount of any surcharge imposed under sub. (1m)
15 shall be allocated to part A.

16 *-0435/1.6* SECTION 3885. 973.045 (2m) of the statutes is created to read:

17 973.045 (2m) The secretary of administration shall credit part A of the crime
18 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and
19 part B to the appropriation account under s. 20.455 (5) (gc).

20 *-0435/1.7* SECTION 3886. 973.045 (3) (a) of the statutes is renumbered

21 973.045 (1r) (a), and 973.045 (1r) (a) (intro.), as renumbered, is amended to read:

22 973.045 (1r) (a) (intro.) The clerk shall record ~~the any~~ crime victim and witness
23 surcharge imposed under sub. (1) in 2 parts. Part A is the portion that the secretary
24 ~~of administration shall credit to the appropriation account under s. 20.455 (5) (g) and~~

1 part B is the portion that the secretary of administration shall credit to the
2 appropriation account under s. ~~20.455 (5) (ge)~~, as follows:

3 ***-1261/5.996* *-1261/P3.627* SECTION 3887.** 973.05 (2m) (r) of the statutes
4 is amended to read:

5 973.05 (2m) (r) To payment of the enforcement surcharge under s. ~~253.06~~ 49.17
6 (4) (c) until paid in full.

7 ***-1261/5.997* *-1261/P3.628* SECTION 3888.** 973.055 (3) of the statutes is
8 amended to read:

9 973.055 (3) All moneys collected from domestic abuse surcharges shall be
10 deposited by the secretary of administration in s. ~~20.435 (3)~~ 20.437 (1) (hh) and
11 utilized in accordance with s. ~~46.95~~ 49.165.

12 ***-1537/4.38* SECTION 3889.** 973.09 (1) (b) of the statutes is amended to read:

13 973.09 (1) (b) If the court places the person on probation, the court shall order
14 the person to pay restitution under s. 973.20, unless the court finds there is
15 substantial reason not to order restitution as a condition of probation. If the court
16 does not require restitution to be paid to a victim, the court shall state its reason on
17 the record. If the court does require restitution, it shall notify the department of
18 justice of its decision if the victim may be eligible for compensation under subch. I
19 of ch. 949.

20 ***-1403/2.50* SECTION 3890.** 973.195 (1g) of the statutes is repealed.

21 ***-1403/2.51* SECTION 3891.** 973.195 (1r) (a) of the statutes is amended to read:

22 973.195 (1r) (a) An inmate who is serving a sentence imposed under s. 973.01
23 for a crime other than a Class B Class C to Class E felony may petition the sentencing
24 court to adjust the sentence if the inmate has served at least the applicable
25 percentage 85 percent of the term of confinement in prison portion of the sentence.

1 If an inmate is subject to more than one sentence imposed under this section, the
2 sentences shall be treated individually for purposes of sentence adjustment under
3 this subsection.

4 ***-1403/2.52* SECTION 3892.** 973.195 (1r) (d) of the statutes is amended to read:

5 973.195 (1r) (d) If the sentence for which the inmate seeks adjustment is for
6 an offense under s. 940.225 (2) ~~or~~ (3), 948.02 (2), 948.08, or 948.085, and the district
7 attorney does not object to the petition within 10 days of receiving notice under par.
8 (c), the district attorney shall notify the victim, as defined under s. 950.02 (4), of the
9 inmate's petition. The notice to the victim shall include information on the sentence
10 adjustment petition process under this subsection, including information on how to
11 object to the inmate's petition. If the victim objects to adjustment of the inmate's
12 sentence within 45 days of the date on which the district attorney received notice
13 under par. (c), the court shall deny the inmate's petition.

14 ***-1537/4.39* SECTION 3893.** 973.20 (9) (a) of the statutes is amended to read:

15 973.20 (9) (a) If a crime victim is paid an award under subch. I of ch. 949 for
16 any loss arising out of a criminal act, the state is subrogated to the rights of the victim
17 to any restitution required by the court. The rights of the state are subordinate to
18 the claims of victims who have suffered a loss arising out of the offenses or any
19 transaction which is part of the same continuous scheme of criminal activity.

20 ***-0434/5.2* SECTION 3894.** 973.20 (9) (b) of the statutes is amended to read:

21 973.20 (9) (b) When restitution is ordered, the court shall inquire to see if an
22 award has been made under subch. I of ch. 949 and if the department of justice is
23 subrogated to the cause of action under s. 949.15. If the restitution ordered is less
24 than or equal to the award under subch. I of ch. 949, the restitution shall be paid only
25 to the general fund credited to the appropriation account under s. 20.455 (5) (hh).

1 If the restitution ordered is greater than the award under subch. I of ch. 949, the
2 general fund shall receive an amount equal to the award under subch. I of ch. 949
3 shall be credited to the appropriation account under s. 20.455 (5) (hh) and the balance
4 shall be paid to the victim.

****NOTE: This is reconciled s. 973.20 (9) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0434 and LRB-1537.

5 ***-1416/6.16* SECTION 3895.** 973.30 (title) of the statutes is repealed.

6 ***-1416/6.17* SECTION 3896.** 973.30 (1) (intro.) of the statutes is repealed.

7 ***-1416/6.18* SECTION 3897.** 973.30 (1) (a) of the statutes is repealed.

8 ***-1416/6.19* SECTION 3898.** 973.30 (1) (b) of the statutes is renumbered 16.964

9 (13) (a) 2.

10 ***-1416/6.20* SECTION 3899.** 973.30 (1) (c) of the statutes is repealed.

11 ***-1416/6.21* SECTION 3900.** 973.30 (1) (d) of the statutes is renumbered 16.964

12 (13) (a) 3.

13 ***-1416/6.22* SECTION 3901.** 973.30 (1) (e) of the statutes is repealed.

14 ***-1416/6.23* SECTION 3902.** 973.30 (1) (f) of the statutes is repealed.

15 ***-1416/6.24* SECTION 3903.** 973.30 (1) (g) of the statutes is renumbered 16.964

16 (13) (a) 4.

17 ***-1416/6.25* SECTION 3904.** 973.30 (1) (h) of the statutes is renumbered 16.964

18 (13) (a) 5.

19 ***-1416/6.26* SECTION 3905.** 973.30 (1) (i) of the statutes is renumbered 16.964

20 (13) (a) 6.

21 ***-1416/6.27* SECTION 3906.** 973.30 (1) (j) of the statutes is renumbered 16.964

22 (13) (a) 7.

23 ***-1416/6.28* SECTION 3907.** 973.30 (2) of the statutes is repealed.