



1 **SECTION 3746.** 767.87 (6) (a) of the statutes is amended to read:

2 767.87 **(6)** (a) Whenever the state brings the action to determine paternity
3 pursuant to an assignment under s. ~~46.261~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3),
4 49.19 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157,
5 or 49.159, the natural mother of the child may not be compelled to testify about the
6 paternity of the child if it has been determined that the mother has good cause for
7 refusing to cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B)
8 and the federal regulations promulgated pursuant to this statute, as of July 1, 1981,
9 and pursuant to any rules promulgated by the department which define good cause
10 in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B)
11 in effect on July 1, 1981.

12 **SECTION 3746h.** 767.89 (2) of the statutes is renumbered 767.89 (2) (a).

13 **SECTION 3746i.** 767.89 (2) (b) of the statutes is created to read:

14 767.89 **(2)** (b) If the clerk of court or county child support agency is unable to
15 collect any of the following fees under par. (a), the department shall pay the fee and
16 may not require the county or county child support agency to reimburse the
17 department for the cost:

18 1. A fee for omitting the father's name on a birth certificate under s. 69.15 (3)

19 (a) 1.

20 2. A fee for changing the father's name on a birth certificate under s. 69.15 (3)

21 (a) 2.

22 3. A fee for inserting the father's name on a birth certificate under s. 69.15 (3)

23 (a) 3.

24 **SECTION 3747.** 769.201 (7) of the statutes is amended to read:

1 769.201 (7) The individual asserted parentage in a declaration of paternal
2 interest filed with the department of ~~health and family services~~ children and families
3 under s. 48.025 or in a statement acknowledging paternity filed with the state
4 registrar under s. 69.15 (3) (b) 1. or 3.

5 **SECTION 3748.** 769.31 (1) of the statutes is amended to read:

6 769.31 (1) The department of ~~workforce development~~ children and families is
7 the state information agency under this chapter.

8 **SECTION 3751.** 801.02 (1) of the statutes is amended to read:

9 801.02 (1) ~~A~~ Except as provided in s. 20.931 (5) (b), a civil action in which a
10 personal judgment is sought is commenced as to any defendant when a summons and
11 a complaint naming the person as defendant are filed with the court, provided service
12 of an authenticated copy of the summons and of the complaint is made upon the
13 defendant under this chapter within 90 days after filing.

14 **SECTION 3752.** 803.03 (2) (c) of the statutes is amended to read:

15 803.03 (2) (c) *Scheduling and pretrial conferences.* At the scheduling
16 conference and pretrial conference, the judge to whom the case has been assigned
17 shall inquire concerning the existence of and joinder of persons with subrogated,
18 derivative or assigned rights and shall make such orders as are necessary to
19 effectuate the purposes of this section. If the case is an action to recover damages
20 based on alleged criminally injurious conduct, the court shall inquire to see if an
21 award has been made under subch. I of ch. 949 and if the department of justice is
22 subrogated to the cause of action under s. 949.15.

23 **SECTION 3753.** 803.09 (1) and (2) of the statutes are amended to read:

24 803.09 (1) ~~Upon~~ Except as provided in s. 20.931, upon timely motion anyone
25 shall be permitted to intervene in an action when the movant claims an interest

1 relating to the property or transaction which is the subject of the action and the
2 movant is so situated that the disposition of the action may as a practical matter
3 impair or impede the movant's ability to protect that interest, unless the movant's
4 interest is adequately represented by existing parties.

5 (2) Upon Except as provided in s. 20.931, upon timely motion anyone may be
6 permitted to intervene in an action when a movant's claim or defense and the main
7 action have a question of law or fact in common. When a party to an action relies for
8 ground of claim or defense upon any statute or executive order or rule administered
9 by a federal or state governmental officer or agency or upon any regulation, order,
10 rule, requirement or agreement issued or made pursuant to the statute or executive
11 order, the officer or agency upon timely motion may be permitted to intervene in the
12 action. In exercising its discretion the court shall consider whether the intervention
13 will unduly delay or prejudice the adjudication of the rights of the original parties.

14 **SECTION 3754.** 804.01 (2) (intro.) of the statutes is amended to read:

15 804.01 (2) SCOPE OF DISCOVERY. (intro.) Unless Except as provided in s. 20.931
16 (9), and unless otherwise limited by order of the court in accordance with the
17 provisions of this chapter, the scope of discovery is as follows:

18 **SECTION 3755.** 805.04 (1) of the statutes is amended to read:

19 805.04 (1) BY PLAINTIFF; BY STIPULATION. An Except as provided in sub. (2m), an
20 action may be dismissed by the plaintiff without order of court by serving and filing
21 a notice of dismissal at any time before service by an adverse party of responsive
22 pleading or motion or by the filing of a stipulation of dismissal signed by all parties
23 who have appeared in the action. Unless otherwise stated in the notice of dismissal
24 or stipulation, the dismissal is not on the merits, except that a notice of dismissal

1 operates as an adjudication on the merits when filed by a plaintiff who has once
2 dismissed in any court an action based on or including the same claim.

3 **SECTION 3756.** 805.04 (2m) of the statutes is created to read:

4 805.04 (2m) FALSE CLAIMS. An action filed under s. 20.931 may be dismissed
5 only by order of the court. In determining whether to dismiss the action filed under
6 s. 20.931, the court shall take into account the best interests of the parties and the
7 purposes of s. 20.931.

8 **SECTION 3757.** 806.025 (2) (am) of the statutes is amended to read:

9 806.025 (2) (am) If money remains after the payment of all unpaid orders and
10 judgments under par. (a), order reimbursement to the department of justice for an
11 award made under subch. I of ch. 949 for which the department is subrogated under
12 s. 949.15.

13 **SECTION 3758.** 809.105 (13) of the statutes is amended to read:

14 809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or
15 guardian or legal custodian, if one has been appointed, or foster parent or treatment
16 foster parent, if the minor has been placed in a foster home or treatment foster home,
17 and the minor's parent has signed a waiver granting the department of health and
18 family services children and families, a county department under s. 46.215, 46.22,
19 or 46.23, the foster parent or the treatment foster parent the authority to consent to
20 medical services or treatment on behalf of the minor, or adult family member, as
21 defined in s. 48.375 (2) (b), of any minor who has initiated an appeal under this
22 section may attend or intervene in any proceeding under this section.

23 **SECTION 3759.** 809.30 (2) (d) of the statutes is amended to read:

24 809.30 (2) (d) *Indigency redetermination.* Except as provided in this
25 paragraph, whenever a person whose trial counsel is appointed by the state public

1 defender files a notice under par. (b) requesting public defender representation for
2 purposes of postconviction or postdisposition relief, the prosecutor may, within 5
3 days after the notice is served and filed, file in the circuit court and serve upon the
4 state public defender a request that the person's indigency be redetermined before
5 counsel is appointed or transcripts are requested. This paragraph does not apply to
6 a ~~child or juvenile person~~ who is entitled to be represented by counsel under s. 48.23,
7 51.60 (1), 55.105, or 938.23.

8 **SECTION 3760.** 813.12 (5) (b) of the statutes is amended to read:

9 813.12 (5) (b) The clerk of circuit court shall provide the simplified forms
10 provided under s. ~~46.95~~ 49.165 (3) (c) to help a person file a petition.

11 **SECTION 3761.** 813.122 (6) (b) of the statutes is amended to read:

12 813.122 (6) (b) Upon request, the clerk of circuit court shall provide, without
13 cost, the simplified forms obtained under s. ~~46.03~~ 48.47 (7) (d) to a petitioner.

14 **SECTION 3763.** 814.61 (13) of the statutes is amended to read:

15 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,
16 whenever a person not receiving benefits under s. 49.148 or 49.155 or aid under s.
17 49.19, 49.46, 49.465, 49.468 ~~or~~, 49.47, or 49.471 files a petition requesting child
18 support, maintenance or family support payments, \$10 in addition to any other fee
19 required under this section. This subsection does not apply to a petition filed by the
20 state or its delegate.

21 **SECTION 3764.** 814.69 (1) (a) of the statutes is amended to read:

22 814.69 (1) (a) For a transcript under SCR 71.04, a fee at the rate of \$1.50 per
23 25-line page for the original and 50 cents per 25-line page for the duplicate. Except
24 as provided in s. 967.06 (3), the fee shall be paid by the county treasurer upon the
25 certificate of the clerk of court.

1 **SECTION 3765.** 814.75 (22m) of the statutes is amended to read:

2 814.75 (**22m**) The supplemental food enforcement surcharge under s. 253.06
3 49.17 (4) (c).

4 **SECTION 3766.** 814.76 (15m) of the statutes is amended to read:

5 814.76 (**15m**) The supplemental food enforcement surcharge under s. 253.06
6 49.17 (4) (c).

7 **SECTION 3767.** 814.80 (11) of the statutes is amended to read:

8 814.80 (**11**) The supplemental food enforcement surcharge under s. 253.06
9 49.17 (4) (c).

10 **SECTION 3768.** 859.07 (2) (a) (intro.) of the statutes is amended to read:

11 859.07 (**2**) (a) (intro.) The personal representative shall provide notice of the
12 date set under s. 859.01 to the department of health and family services, the
13 department of children and families, or the department of corrections, as applicable,
14 and to the county clerk of the decedent's county of residence, as defined in s. 49.001
15 (6) if, at any time prior to or at the time of the decedent's death, any of the following
16 applied:

17 **SECTION 3769.** 859.07 (2) (a) 2. of the statutes is amended to read:

18 859.07 (**2**) (a) 2. The decedent was responsible for any obligation owing to the
19 state or a county under s. 46.03 (18), 46.10, 48.36, 49.32 (1), 49.345, 301.03 (18),
20 301.12, or 938.36.

21 **SECTION 3770.** 859.15 of the statutes is amended to read:

22 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),
23 49.08 and, 49.195 (1), 49.345 (11), and 301.12 (11), a claim shall not be allowed ~~which~~
24 that was barred by any statute of limitations at the time of the decedent's death. A
25 claim shall not be barred by statutes of limitation ~~which~~ that was not barred at the

1 time of the decedent's death if the claim is filed against the decedent's estate in the
2 court on or before the deadline for filing a claim under s. 859.01.

3 **SECTION 3771.** 885.01 (5) of the statutes is amended to read:

4 885.01 (5) By the department of ~~workforce development~~ children and families
5 or a county child support agency under s. 59.53 (5) in the administration of ss. 49.145,
6 49.19, 49.22, 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011
7 to 2029.

8 **SECTION 3772.** 885.01 (5) of the statutes, as affected by 2007 Wisconsin Act
9 (this act), is amended to read:

10 885.01 (5) By the department of children and families or a county child support
11 agency under s. 59.53 (5) in the administration of ss. 49.145, 49.19, 49.22, 49.46 and,
12 49.47, and 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

13 **SECTION 3773.** 885.38 (3) (a) (intro.) of the statutes is amended to read:

14 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~
15 ~~51, 55, or 938, if~~ If the court determines that the person has limited English
16 proficiency and that an interpreter is necessary, the court shall advise the person
17 that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~
18 ~~afford one, an interpreter will be provided at the public's expense if the person is one~~
19 of the following:

20 **SECTION 3774.** 885.38 (8) (a) (intro.) of the statutes is amended to read:

21 885.38 (8) (a) (intro.) Except as provided in par. (b), the necessary expenses of
22 providing qualified interpreters to ~~indigent~~ persons with limited English proficiency
23 under this section shall be paid as follows:

24 **SECTION 3775.** 893.981 of the statutes is created to read:

1 **893.981 False claims.** An action or claim under s. 20.931 shall be commenced
2 within 10 years after the cause of the action or claim accrues or be barred.

3 **SECTION 3776.** 895.45 (1) (a) of the statutes is amended to read:

4 895.45 (1) (a) "Abusive conduct" means domestic abuse, as defined under s.
5 ~~46.95~~ 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under
6 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault
7 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under
8 ss. 948.02 to 948.11.

9 **SECTION 3777.** 895.4803 of the statutes is amended to read:

10 **895.4803 Civil liability exemption; information concerning paternity.**

11 Any member of the staff of a hospital who is designated by the hospital and trained
12 by the department of ~~workforce development~~ children and families under s. 69.14 (1)
13 (cm) and who in good faith provides to a child's available parents written information
14 that is provided by the department of ~~workforce development~~ children and families
15 and oral information or an audio or video presentation about the form that is
16 prescribed by the state registrar under s. 69.15 (3) (b) 3. and about the significance
17 and benefits of, and alternatives to, establishing paternity, under the requirements
18 of s. 69.14 (1) (cm), is immune from civil liability for his or her acts or omissions in
19 providing that oral information or audio or video presentation and written
20 information.

21 **SECTION 3778.** 895.485 (4) (a) of the statutes is amended to read:

22 895.485 (4) (a) The agency has failed to provide the foster, treatment foster, or
23 family-operated group home parent with any information relating to a medical,
24 physical, mental, or emotional condition of the child that it is required to disclose
25 under this paragraph. The department of ~~health and family services~~ children and

1 families shall promulgate rules specifying the kind of information that an agency
2 shall disclose to a foster, treatment foster, or family-operated group home parent
3 which relates to a medical, physical, mental, or emotional condition of the child.

4 **SECTION 3778m.** 895.507 (7m) of the statutes is amended to read:

5 895.507 (7m) EFFECT OF FEDERAL LEGISLATION. If the joint committee on
6 administrative rules determines that the federal government has enacted legislation
7 that imposes notice requirements substantially similar to the requirements of this
8 section and determines that the legislation does not preempt this section, the joint
9 committee on administrative rules shall submit to the revisor of statutes legislative
10 reference bureau for publication in the Wisconsin administrative register a notice of
11 its determination. This section does not apply after publication of a notice under this
12 subsection.

13 **SECTION 3779.** 905.15 (1) of the statutes is amended to read:

14 905.15 (1) An employee of the department of health and family services, the
15 department of ~~workforce development~~ children and families or a county department
16 under s. 46.215, 46.22 or 46.23 or a member of a governing body of a federally
17 recognized American Indian tribe who is authorized by federal law to have access to
18 or awareness of the federal tax return information of another in the performance of
19 duties under s. 49.19 or 49.45 or 7 USC 2011 to 2049 may claim privilege to refuse
20 to disclose the information and the source or method by which he or she received or
21 otherwise became aware of the information.

22 **SECTION 3780.** 938.02 (6) of the statutes is amended to read:

23 938.02 (6) "Foster home" means any facility that is operated by a person
24 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
25 no more than 4 juveniles or, if necessary to enable a sibling group to remain together,

1 for no more than 6 juveniles or, if the department of health and family services
2 children and families promulgates rules permitting a different number of juveniles,
3 for the number of juveniles permitted under those rules.

4 **SECTION 3781.** 938.02 (7) of the statutes is amended to read:

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

8 **SECTION 3782.** 938.02 (17) of the statutes is amended to read:

9 938.02 (17) "Shelter care facility" means a nonsecure place of temporary care
10 and physical custody for juveniles, including a holdover room, licensed by the
11 department of health and family services children and families under s. 48.66 (1) (a).

12 **SECTION 3783.** 938.06 (1) (b) of the statutes is amended to read:

13 938.06 (1) (b) Notwithstanding par. (a), the county board of supervisors may
14 make changes in the administration of services to the children's court center in order
15 to qualify for the maximum amount of federal and state aid as provided in sub. (4)
16 and ~~s. ss. 46.495~~ and 48.569.

17 **SECTION 3784.** 938.06 (4) of the statutes is amended to read:

18 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related
19 court services under this section shall be at the same net effective rate that each
20 county is reimbursed for county administration under s. ~~46.495~~ 48.569, except as
21 provided in s. 301.26. Counties having a population of less than 500,000 may use
22 funds received under ss. ~~46.495~~ 48.569 (1) (d) and 301.26, including county or federal
23 revenue sharing funds allocated to match funds received under s. ~~46.495~~ 48.569 (1)
24 (d), for the cost of providing court attached intake services in amounts not to exceed

1 50% of the cost of providing court attached intake services or \$30,000 per county per
2 calendar year, whichever is less.

3 **SECTION 3786.** 938.21 (5) (b) 1. of the statutes is renumbered 938.21 (5) (b) 1.
4 a. and amended to read:

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

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

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

17 1m. If for good cause shown sufficient information is not available for the court
18 to make a finding as to whether those reasonable efforts were made to prevent the
19 removal of the juvenile from the home, ~~the order shall include~~ while assuring that
20 ~~the juvenile's health and safety are the paramount concerns,~~ a finding as to whether
21 those reasonable efforts were made to make it possible for the juvenile to return
22 safely home and an order for the county department or agency primarily responsible
23 for providing services to the juvenile under the custody order to file with the court
24 sufficient information for the court to make a finding as to whether those reasonable
25 efforts were made to prevent the removal of the juvenile from the home by no later

1 than 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of on
2 which the order is granted.

3 **SECTION 3787.** 938.21 (5) (b) 1. d. of the statutes is created to read:

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

9 **SECTION 3788.** 938.21 (5) (c) of the statutes is amended to read:

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

17 **SECTION 3789.** 938.22 (1) (a) of the statutes is amended to read:

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

1 establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and
2 contract with one or more county boards of supervisors under s. 938.222 to hold
3 juveniles in the private juvenile detention facility.

4 **SECTION 3790.** 938.22 (2) (a) of the statutes is 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 **SECTION 3791.** 938.22 (7) (a) of the statutes is amended to read:

17 938.22 (7) (a) No person may establish a shelter care facility without first
18 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
19 operate a shelter care facility, a person must meet the minimum requirements for a
20 license established by the department of ~~health and family services~~ children and
21 families under s. 48.67, meet the requirements specified in s. 48.685, and pay the
22 license fee under par. (b). A license issued under s. 48.66 (1) (a) to operate a shelter
23 care facility is valid until revoked or suspended, but shall be reviewed every 2 years
24 as provided in s. 48.66 (5).

25 **SECTION 3792.** 938.22 (7) (b) of the statutes is amended to read:

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

9 **SECTION 3793.** 938.235 (4) (b) of the statutes is amended to read:

10 938.235 (4) (b) The court shall order the agency identified under s. ~~938.355 (2)~~
11 ~~(b) 1.~~ 938.33 (1) (c) as primarily responsible for the provision of services to notify the
12 guardian ad litem, if any, regarding actions to be taken under par. (a).

13 **SECTION 3795.** 938.30 (6) (b) of the statutes is amended to read:

14 938.30 (6) (b) If it appears to the court that disposition of the case may include
15 placement of the juvenile outside the juvenile's home, the court shall order the
16 juvenile's parent to provide a statement of the income, assets, debts, and living
17 expenses of the juvenile and the juvenile's parent to the court or the designated
18 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
19 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
20 provide, without charge, to any parent ordered to provide that statement a document
21 setting forth the percentage standard established by the department of ~~workforce~~
22 ~~development~~ children and families under s. 49.22 (9) and listing the factors that a
23 court may consider under s. 301.12 (14) (c).

24 **SECTION 3796.** 938.31 (7) (b) of the statutes is amended to read:

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

11 **SECTION 3797.** 938.315 (2m) (a) of the statutes is amended to read:

12 938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.
13 or 1m., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made
14 to prevent the removal of the juvenile from the home, while assuring that the
15 juvenile's health and safety are the paramount concerns, or an initial finding under
16 s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not
17 required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4.
18 applies, more than 60 days after the date on which the juvenile was removed from
19 the home.

20 **SECTION 3798.** 938.32 (1) (c) 1. d. of the statutes is created to read:

21 938.32 (1) (c) 1. d. If the juvenile's placement or other living arrangement is
22 under the supervision of the county department, an order ordering the juvenile into
23 the placement and care responsibility of the county department as required under
24 42 USC 672 (a) (2) and assigning the county department primary responsibility for
25 providing services to the juvenile.

1 **SECTION 3806.** 938.346 (1) (h) 3. of the statutes is amended to read:

2 938.346 (1) (h) 3. The right to compensation, as provided under subch. I of ch.
3 949.

4 **SECTION 3807.** 938.355 (2) (b) 1. of the statutes is amended to read:

5 938.355 (2) (b) 1. The specific services ~~or continuum of services~~ to be provided
6 to the juvenile and the juvenile's family, ~~the identity of the agencies that are~~
7 ~~primarily responsible for the provision of the services, the identity of the person or~~
8 ~~agency that will provide case management or coordination of services, if any, and, if~~
9 custody is to be transferred to effect the treatment plan, the identity of the legal
10 custodian.

11 **SECTION 3808.** 938.355 (2) (b) 6g. of the statutes is created to read:

12 938.355 (2) (b) 6g. If the juvenile is placed outside the home under the
13 supervision of the county department, an order ordering the juvenile into the
14 placement and care responsibility of the county department as required under 42
15 USC 672 (a) (2) and assigning the county department primary responsibility for
16 providing services to the juvenile.

17 **SECTION 3809.** 938.355 (2b) of the statutes is amended to read:

18 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
19 department or the agency primarily responsible for providing services to a juvenile
20 under a court order may, at the same time as the county department or agency is
21 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
22 of the juvenile from the home or to make it possible for the juvenile to return safely
23 to his or her home, work with the department of ~~health and family services~~ children
24 and families, a county department under s. 48.57 (1) (e) or (hm), or a child welfare
25 agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile

1 for adoption, with a guardian, with a fit and willing relative, or in some other
2 alternative permanent placement.

3 **SECTION 3810.** 938.355 (6) (d) 1. of the statutes is amended to read:

4 938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or
5 juvenile portion of a county jail that meets the standards promulgated by the
6 department by rule or in a place of nonsecure custody, for not more than 10 days and
7 the provision of educational services consistent with his or her current course of
8 study during the period of placement. The juvenile shall be given credit against the
9 period of detention or nonsecure custody imposed under this subdivision for all time
10 spent in secure detention in connection with the course of conduct for which the
11 detention or nonsecure custody was imposed. If the court orders placement of the
12 juvenile in a place of nonsecure custody under the supervision of the county
13 department, the court shall order the juvenile into the placement and care
14 responsibility of the county department as required under 42 USC 672 (a) (2) and
15 shall assign the county department primary responsibility for providing services to
16 the juvenile.

17 **SECTION 3812.** 938.355 (6m) (a) 1g. of the statutes is amended to read:

18 938.355 (6m) (a) 1g. Placement of the juvenile in a secure detention facility or
19 juvenile portion of a county jail that meets the standards promulgated by the
20 department by rule or in a place of nonsecure custody, for not more than 10 days and
21 the provision of educational services consistent with his or her current course of
22 study during the period of placement. The juvenile shall be given credit against the
23 period of detention or nonsecure custody imposed under this subdivision for all time
24 spent in secure detention in connection with the course of conduct for which the
25 detention or nonsecure custody was imposed. The use of placement in a secure

1 detention facility or in a juvenile portion of a county jail as a sanction under this
2 subdivision is subject to the adoption of a resolution by the county board of
3 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.

4 If the court orders placement of the juvenile in a place of nonsecure custody under
5 the supervision of the county department, the court shall order the juvenile into the
6 placement and care responsibility of the county department as required under 42
7 USC 672 (a) (2) and shall assign the county department primary responsibility for
8 providing services to the juvenile.

9 **SECTION 3814.** 938.357 (1) (am) 3. of the statutes is amended to read:

10 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
11 placement outside the home to another placement outside the home, the change in
12 placement order shall contain ~~one of the statements~~ the applicable order under sub.
13 (2v) (a) 1m. and the applicable statement under sub. (2v) (a) 2.

14 **SECTION 3815.** 938.357 (1) (c) 3. of the statutes is amended to read:

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

22 **SECTION 3816.** 938.357 (2m) (c) of the statutes is amended to read:

23 938.357 (2m) (c) ~~In-home to out-of-home placement; findings~~ Findings
24 required. If the court changes the juvenile's placement from a placement in the
25 juvenile's home to a placement outside the juvenile's home, the change in placement

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

9 **SECTION 3817.** 938.357 (2v) (a) 1m. of the statutes is created to read:

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

17 **SECTION 3818.** 938.357 (4) (a) of the statutes 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

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 **SECTION 3819.** 938.357 (4) (b) 2. of the statutes is amended to read:

9 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential
10 care center for children and youth under s. 938.34 (4d) violates a condition of his or
11 her placement in the Type 2 residential care center for children and youth, the child
12 welfare agency operating the Type 2 residential care center for children and youth
13 shall notify the county department that has supervision over the juvenile and, if the
14 county department agrees to a change in placement under this subdivision, the child
15 welfare agency shall notify the department, and the department, after consulting
16 with the child welfare agency, may place the juvenile in a Type 1 juvenile correctional
17 facility under the supervision of the department, without a hearing under sub. (1)
18 (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 juvenile
19 correctional facility under this subdivision, the county department that has
20 supervision over the juvenile shall reimburse the child welfare agency operating the
21 Type 2 residential care center for children and youth in which the juvenile was
22 placed at the rate established under s. ~~46.037~~ 49.343, and that child welfare agency
23 shall reimburse the department at the rate specified in s. 301.26 (4) (d) 2. or 3.,
24 whichever is applicable, for the cost of the juvenile's care while placed in a Type 1
25 juvenile correctional facility.

1 **SECTION 3820.** 938.357 (4) (c) 1. of the statutes is amended to read:

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

10 **SECTION 3821.** 938.357 (4) (c) 2. of the statutes is amended to read:

11 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for
12 children and youth under s. 938.34 (4d) and it appears that a less restrictive
13 placement would be appropriate for the juvenile, the child welfare agency operating
14 the Type 2 residential care center for children and youth shall notify the county
15 department that has supervision over the juvenile and, if the county department
16 agrees to a change in placement under this subdivision, the child welfare agency may
17 place the juvenile in a less restrictive placement. A child welfare agency may also,
18 with the agreement of the county department that has supervision over a juvenile
19 who is placed in a less restrictive placement under this subdivision, return the
20 juvenile to the Type 2 residential care center for children and youth without a
21 hearing under sub. (1)(am) 2. The child welfare agency shall establish a rate for each
22 type of placement in the manner provided in s. ~~46.037~~ 49.343.

23 **SECTION 3822.** 938.357 (5m) (a) of the statutes is amended to read:

24 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
25 placement from a placement in the juvenile's home to a placement outside the

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

10 **SECTION 3823.** 938.36 (1) (b) of the statutes is amended to read:

11 938.36 (1) (b) In determining the amount of support under par. (a), the court
12 may consider all relevant financial information or other information relevant to the
13 parent's earning capacity, including information reported under s. 49.22 (2m) to the
14 department of ~~workforce~~ development children and families, or the county child
15 support agency, under s. 59.53 (5). If the court has insufficient information with
16 which to determine the amount of support, the court shall order the juvenile's parent
17 to furnish a statement of the income, assets, debts, and living expenses of the juvenile
18 and the juvenile's parent, if the parent has not already done so, to the court within
19 10 days after the court's order transferring custody or designating an alternative
20 placement is entered or at such other time as ordered by the court.

21 **SECTION 3824.** 938.363 (1) (c) of the statutes is amended to read:

22 938.363 (1) (c) If the proposed revision is for a change in the amount of child
23 support to be paid by a parent, the court shall order the juvenile's parent to provide
24 a statement of the income, assets, debts, and living expenses of the juvenile and the
25 juvenile's parent to the court and the person or agency primarily responsible for

1 implementing the dispositional order by a date specified by the court. The clerk of
2 court shall provide, without charge, to any parent ordered to provide that statement
3 a document setting forth the percentage standard established by the department of
4 ~~workforce development~~ children and families under s. 49.22 (9) and listing the
5 factors that a court may consider under s. 301.12 (14) (c).

6 **SECTION 3825.** 938.38 (2) (intro.) of the statutes is amended to read:

7 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
8 for each juvenile living in a foster home, treatment foster home, group home,
9 residential care center for children and youth, juvenile detention facility, or shelter
10 care facility, the agency that placed the juvenile or arranged the placement or the
11 agency assigned primary responsibility for providing services to the juvenile under
12 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
13 conditions exists, and, for each juvenile living in the home of a relative other than
14 a parent, that agency shall prepare a written permanency plan, if any of the
15 conditions under pars. (a) to (e) exists:

16 **SECTION 3826.** 938.396 (2g) (b) of the statutes is amended to read:

17 938.396 (2g) (b) *Federal program monitoring.* Upon request of the department
18 ~~of health and family services~~, the department of ~~corrections~~ children and families,
19 or a federal agency to review court records for the purpose of monitoring and
20 conducting periodic evaluations of activities as required by and implemented under
21 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection by
22 authorized representatives of that department or federal agency.

23 **SECTION 3827.** 938.396 (4) of the statutes is amended to read:

24 938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise
25 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction

1 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege
2 under this chapter, the department of transportation may not disclose information
3 concerning or relating to the revocation, suspension, or restriction to any person
4 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a
5 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county
6 corporation counsel, or city, village, or town attorney, a law enforcement agency, a
7 driver licensing agency of another jurisdiction, the juvenile whose operating
8 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.
9 Persons entitled to receive this information may not disclose the information to other
10 persons or agencies.

11 **SECTION 3828.** 938.538 (6) of the statutes is amended to read:

12 938.538 (6) PURCHASE OF SERVICES. The department of ~~corrections~~ may contract
13 with the department of health and family services, the department of children and
14 families, a county department, or any public or private agency for the purchase of
15 goods, care, and services for participants in the program under this section. The
16 department of ~~corrections~~ shall reimburse a person from whom it purchases goods,
17 care, or services under this subsection from the appropriation under s. 20.410 (3) (cg).

18 **SECTION 3829.** 938.547 (2) of the statutes is amended to read:

19 938.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding
20 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the pilot program, the
21 department of ~~health and family services~~ children and families shall select counties
22 to participate in the pilot program. Unless a county department of human services
23 has been established under s. 46.23 in the county that is seeking to implement a pilot
24 program, the application submitted to the department of ~~health and family services~~
25 children and families shall be a joint application by the county department that

1 provides social services and the county department established under s. 51.42 or
2 51.437. The department of ~~health and family services~~ children and families shall
3 select counties in accordance with the request-for-proposal procedures established
4 by that department. The department of ~~health and family services~~ children and
5 families shall give a preference to county applications that include a plan for case
6 management.

7 **SECTION 3830.** 938.548 of the statutes is amended to read:

8 **938.548 Multidisciplinary screen and assessment criteria.** The
9 department of ~~health and family services~~ children and families shall make the
10 multidisciplinary screen developed under s. 938.547 (3) and the assessment criteria
11 developed under s. 938.547 (4) available to all counties.

12 **SECTION 3831.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

13 938.57 (3) (a) (intro.) From the reimbursement received under s. 46.495 48.569
14 (1) (d), counties may provide funding for the maintenance of any juvenile who meets
15 all of the following qualifications:

16 **SECTION 3832.** 938.57 (3) (a) 3. of the statutes is amended to read:

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

19 **SECTION 3833.** 938.57 (3) (b) of the statutes is amended to read:

20 938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.
21 (a) shall be in an amount equal to that to which the juvenile would receive under s.
22 46.495 48.569 (1) (d) if the juvenile were 16 years of age.

23 **SECTION 3834.** 938.78 (2) (h) of the statutes is amended to read:

24 938.78 (2) (h) Paragraph (a) does not prohibit the department of ~~health and~~
25 ~~family services~~ children and families, a county department, or a licensed child

1 welfare agency from entering the content of any record kept or information received
2 by that department, county department, or licensed child welfare agency into the
3 statewide automated child welfare information system established under s. 46.03
4 48.47 (7g).

5 **SECTION 3835.** 948.22 (4) (b) of the statutes is amended to read:

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

13 **SECTION 3836.** 948.31 (1) (a) 2. of the statutes is amended to read:

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

19 **SECTION 3837.** Subchapter I (title) of chapter 949 [precedes 949.001] of the
20 statutes is created to read:

21 **CHAPTER 949**

22 **SUBCHAPTER I**

23 **CRIME VICTIM COMPENSATION**

24 **SECTION 3838.** 949.01 (intro.) of the statutes is amended to read:

25 **949.01 Definitions.** (intro.) In this ~~chapter~~ subchapter:

1 **SECTION 3839.** 949.02 of the statutes is amended to read:

2 **949.02 Administration.** The department shall administer this ~~chapter~~
3 subchapter. The department shall appoint a program director to assist in
4 administering this ~~chapter~~ subchapter. The department shall promulgate rules for
5 the implementation and operation of this ~~chapter~~ subchapter. The rules shall
6 include procedures to ensure that any limitation of an award is calculated in a fair
7 and equitable manner.

8 **SECTION 3840.** 949.035 (1) of the statutes is amended to read:

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

15 **SECTION 3841.** 949.04 (1) (intro.) of the statutes is amended to read:

16 949.04 (1) **ELIGIBILITY.** (intro.) Any person may apply for an award under this
17 ~~chapter~~ subchapter.

18 **SECTION 3842.** 949.04 (2) of the statutes is amended to read:

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

23 **SECTION 3843.** 949.06 (1) (intro.) of the statutes is amended to read:

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

4 **SECTION 3844.** 949.06 (1m) (b) of the statutes is amended to read:

5 949.06 (1m) (b) In accordance with this ~~chapter~~ subchapter, the department
6 shall make awards, as appropriate, to persons who, immediately prior to the crime,
7 lived in the same household with and to family members of a victim of s. 940.01,
8 940.02, 940.05, 940.06, 940.07, 940.08 or 940.09 for any of the economic losses
9 specified in sub. (1) as a result of the person's or family member's reaction to the
10 death. A dependent may recover both under sub. (1) and this subsection, subject to
11 the limitation under sub. (2).

12 **SECTION 3845.** 949.06 (3) (f) of the statutes is created to read:

13 949.06 (3) (f) From an award under s. 949.26.

14 **SECTION 3846.** 949.06 (4) (b) of the statutes is amended to read:

15 949.06 (4) (b) The department may suspend proceedings under this ~~chapter~~
16 subchapter for a period it deems appropriate on the grounds that a prosecution for
17 an offense arising out of the act or omission has been commenced or is imminent.

18 **SECTION 3847.** 949.09 of the statutes is amended to read:

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

24 **SECTION 3848.** 949.11 (1) of the statutes is amended to read:

1 949.11 (1) The procedure of ch. 227 for contested cases applies to hearings
2 under this ~~chapter~~ subchapter except as otherwise provided in this section and ss.
3 949.12 and 949.14.

4 **SECTION 3849.** 949.11 (2) of the statutes is amended to read:

5 949.11 (2) The division of hearings and appeals in the department of
6 administration shall appoint hearing examiners to make findings and orders under
7 s. 227.46 and this ~~chapter~~ subchapter.

8 **SECTION 3850.** 949.115 of the statutes is amended to read:

9 **949.115 Subpoenas.** The department or any of its authorized agents may
10 issue subpoenas for persons or records for any investigation or hearing conducted
11 under this ~~chapter~~ subchapter and may enforce compliance with such subpoenas as
12 provided in s. 885.12.

13 **SECTION 3851.** 949.12 of the statutes is amended to read:

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

19 **SECTION 3852.** 949.13 of the statutes is amended to read:

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

25 **SECTION 3853.** 949.15 (1) of the statutes is amended to read:

1 949.15 (1) Whenever the department orders the payment of an award under
2 this ~~chapter~~ subchapter as a result of the occurrence of an event that creates a cause
3 of action on the part of a claimant against any person, the department is subrogated
4 to the rights of the claimant and may bring an action against the person for the
5 amount of the damages sustained by the claimant. If an amount greater than that
6 paid under the award order is recovered and collected in any such action, the
7 department shall pay the balance to the claimant. If the person responsible for the
8 injury or death has previously made restitution payments to the general fund under
9 s. 973.20, any judgment obtained by the department under this section shall be
10 reduced by the amount of the restitution payments to the general fund.

11 **SECTION 3854.** 949.16 of the statutes is amended to read:

12 **949.16 Confidentiality of records.** The record of a proceeding before an
13 examiner or the department under this ~~chapter~~ subchapter is a public record. Any
14 record or report obtained by an examiner or the department, the confidentiality of
15 which is protected by any other law or rule, shall remain confidential.

16 **SECTION 3855.** 949.165 (12) of the statutes is amended to read:

17 949.165 (12) PAYMENT IS NOT AN AWARD. Any payment from an escrow account
18 under this section shall not be considered as an award by the department under this
19 ~~chapter~~ subchapter.

20 **SECTION 3856.** 949.18 (intro.) of the statutes is amended to read:

21 **949.18 Report by the department.** (intro.) The department's biennial
22 report under s. 15.04 (1) (d) shall include a report of its activities under this ~~chapter~~
23 subchapter including:

24 **SECTION 3857.** 949.18 (1) of the statutes is amended to read:

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

3 **SECTION 3858.** 949.18 (4) of the statutes is amended to read:

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

5 **SECTION 3859.** 949.18 (5) (intro.) of the statutes is amended to read:

6 949.18 (5) (intro.) A complete statistical analysis of the cases handled under
7 this chapter subchapter, including:

8 **SECTION 3860.** 949.18 (5) (e) of the statutes is amended to read:

9 949.18 (5) (e) A summary of cases handled under this chapter subchapter.

10 **SECTION 3861.** Subchapter II of chapter 949 [precedes 949.20] of the statutes
11 is created to read:

12 **CHAPTER 949**

13 **SUBCHAPTER II**

14 **SEXUAL ASSAULT FORENSIC**

15 **EXAMINATION COMPENSATION**

16 **949.20 Definitions.** In this subchapter:

17 (1) "Cooperate with a law enforcement agency" means to report a sex offense
18 to a law enforcement agency or to aid a law enforcement agency in the investigation
19 of a sex offense.

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

21 (3) "Examination costs" means the costs of an examination that is done to
22 gather evidence regarding a sex offense, any procedure during that examination
23 process that tests for or prevents a sexually transmitted disease, and any medication
24 provided or prescribed, during that examination process, that prevents or treats a
25 sexually transmitted disease that the person performing the examination or

1 procedure believes could be a consequence of the sex offense. "Examination costs"
2 does not include any processing or administrative costs, attorney fees, or other
3 expenses.

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

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

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

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

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

11 (7) "Sex offense" means an act committed in the state that, if committed by a
12 competent adult, would be a violation, or an attempted violation, of s. 940.225,
13 948.02, 948.025, 948.05, 948.06, 948.08, or 948.09.

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

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

16 **949.22 Administration.** The department shall administer this subchapter.
17 The department shall appoint a program director to assist in administering this
18 subchapter. The department shall promulgate rules for the implementation and
19 operation of this subchapter. The rules shall include procedures to ensure that any
20 limitation of an award is calculated in a fair and equitable manner.

21 **949.24 Application for award. (1) ELIGIBILITY.** Any health care provider who
22 conducts an examination to gather evidence regarding a sex offense may apply for
23 an award under this subchapter.

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

1 **(3) MEDICAL RECORDS.** An applicant shall submit to the department reports
2 from any physician, physician's assistant, or nurse who treated or examined the
3 victim to gather evidence regarding a sex offense, performed any procedure during
4 that treatment or examination that tests for or prevents a sexually transmitted
5 disease, or provided or prescribed any medication to prevent or treat a sexually
6 transmitted disease. The applicant may not submit to the department any other
7 records than those pertaining to the examination, treatment, procedure, or
8 medication for which the applicant is seeking an award.

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

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

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

22 **(1m)** The department may not make an award under this section if, under sub.
23 (2) (b), the health care provider is authorized to seek payment and the victim, or any
24 guardian of the victim, cooperates with a law enforcement agency.

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

3 (b) A health care provider seeking an award under this section may not seek
4 payment for any examination costs from insurance or another available source of
5 payment unless the victim or any guardian of the victim authorizes the health care
6 provider to seek payment.

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

11 **949.28 Limitations on awards.** (1) No order for the payment of an award
12 under this subchapter may be made unless the application was made within one year
13 after the date of the examination. The department may waive the one-year
14 requirement under this subsection in the interest of justice.

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

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

20 **949.31 Hearings.** (1) The procedure of ch. 227 for contested cases applies to
21 hearings under this subchapter except as otherwise provided in this section and s.
22 949.32.

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

1 (3) All hearings shall be open to the public unless in a particular case the
2 examiner determines that the hearing, or a portion of the hearing, shall be held in
3 private having regard to the fact that the offender has not been convicted or to the
4 interest of the victim.

5 **949.315 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 subchapter and may enforce compliance with such subpoenas as provided
8 in s. 885.12.

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

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

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

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

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

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

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

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

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

9 **(2) PENALTIES.** Any person who violates this section shall be fined not more than
10 \$500 or imprisoned not more than 6 months or both. The person shall forfeit any
11 benefit received and shall reimburse the state for payments received.

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

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

19 **949.38 Report by the department.** The department's biennial report under
20 s. 15.04 (1) (d) shall include a report of its activities under this subchapter including
21 all of the following:

22 **(1)** An explanation of the procedures for filing and processing claims under this
23 subchapter.

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

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

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

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

5 (a) The number of claims filed.

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

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

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

9 **SECTION 3862.** 950.04 (1v) (f) of the statutes is amended to read:

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

13 **SECTION 3863.** 950.04 (1v) (rm) of the statutes is amended to read:

14 950.04 (1v) (rm) To compensation, as provided under subch. I of ch. 949.

15 **SECTION 3864.** 950.08 (2g) (b) of the statutes is amended to read:

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

19 **SECTION 3865.** 950.08 (2r) (d) of the statutes is amended to read:

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

23 **SECTION 3866.** 961.41 (5) (c) of the statutes, as affected by 2005 Wisconsin Act
24 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 **SECTION 3869.** 967.06 of the statutes is renumbered 967.06 (1) and amended
9 to read:

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

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

24 (3) In any case in which the state public defender provides representation to
25 an indigent person, the public defender may request that the applicable court

1 reporter or clerk of circuit court prepare and transmit any transcript or court record.
2 The request shall be complied with. The state public defender shall, from the
3 appropriation under s. 20.550 (1) (f), compensate the court reporter or clerk of circuit
4 court for the cost of preparing, handling, duplicating, and mailing the documents.

5 **SECTION 3870.** 967.06 (2) (b) of the statutes is created to read:

6 967.06 (2) (b) If the person indicating that he or she wants to be represented
7 by a lawyer is detained under ch. 48, 51, 55, or 938, the person shall be referred for
8 appointment of counsel as provided under s. 48.23 (4), 51.60, 55.105, or 938.23 (4),
9 whichever is applicable.

10 **SECTION 3871.** 971.14 (3) (d) of the statutes is amended to read:

11 971.14 (3) (d) If the examiner reports that the defendant lacks competency, the
12 examiner's opinion regarding the likelihood that the defendant, if provided
13 treatment, may be restored to competency within the time period permitted under
14 sub. (5) (a). The examiner shall provide an opinion as to whether the individual's
15 treatment should occur in an inpatient facility designated by the department of
16 health and family services, or should be conducted in a jail or a locked unit of a facility
17 that has entered into a voluntary agreement with the state to serve as a location for
18 treatment, or as a condition of bail or bond.

19 **SECTION 3872.** 971.14 (5) (a) of the statutes is amended to read:

20 971.14 (5) (a) If the court determines that the defendant is not competent but
21 is likely to become competent within the period specified in this paragraph if
22 provided with appropriate treatment, the court shall suspend the proceedings and
23 commit the defendant to the custody of the department of health and family services
24 for placement in an appropriate institution for the department to determine whether
25 treatment shall occur in an appropriate institution designated by the department,

1 or in a community-based treatment conducted in a jail or a locked unit of a facility
2 that has entered into a voluntary agreement with the state to serve as a location for
3 treatment, or as a condition of bail or bond, for a period of time not to exceed 12
4 months, or the maximum sentence specified for the most serious offense with which
5 the defendant is charged, whichever is less. Under this subsection, the department
6 of health and family services may commence services to a person in jail but shall, as
7 soon as possible, transfer that person to an institution or provide services to the
8 person in a nonjail setting consistent with this subsection. Days spent in
9 commitment under this paragraph are considered days spent in custody under s.
10 973.155.

11 **SECTION 3873.** 971.14 (5) (b) of the statutes is amended to read:

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

24 **SECTION 3874.** 971.14 (5) (c) of the statutes is amended to read:

1 971.14 (5) (c) Upon receiving a report under par. (b), indicating the defendant
2 has regained competency or is not competent and unlikely to become competent in
3 the remaining commitment period, the court shall hold a hearing within 14 days of
4 receipt of the report and the court shall proceed under sub. (4). If the court
5 determines that the defendant has become competent, the defendant shall be
6 discharged from commitment and the criminal proceeding shall be resumed. If the
7 court determines that the defendant is making sufficient progress toward becoming
8 competent, the commitment shall continue.

9 **SECTION 3875.** 971.17 (3) (e) of the statutes is amended to read:

10 971.17 (3) (e) An order for conditional release places the person in the custody
11 and control of the department of health and family services. A conditionally released
12 person is subject to the conditions set by the court and to the rules of the department
13 of health and family services. Before a person is conditionally released by the court
14 under this subsection, the court shall so notify the municipal police department and
15 county sheriff for the area where the person will be residing. The notification
16 requirement under this paragraph does not apply if a municipal department or
17 county sheriff submits to the court a written statement waiving the right to be
18 notified. If the department of health and family services alleges that a released
19 person has violated any condition or rule, or that the safety of the person or others
20 requires that conditional release be revoked, he or she may be taken into custody
21 under the rules of the department. The department of health and family services
22 shall submit a statement showing probable cause of the detention and a petition to
23 revoke the order for conditional release to the committing court and the regional
24 office of the state public defender responsible for handling cases in the county where
25 the committing court is located within 48 72 hours after the detention, excluding

1 Saturdays, Sundays, and legal holidays. The court shall hear the petition within 30
2 days, unless the hearing or time deadline is waived by the detained person. Pending
3 the revocation hearing, the department of health and family services may detain the
4 person in a jail or in a hospital, center or facility specified by s. 51.15 (2). The state
5 has the burden of proving by clear and convincing evidence that any rule or condition
6 of release has been violated, or that the safety of the person or others requires that
7 conditional release be revoked. If the court determines after hearing that any rule
8 or condition of release has been violated, or that the safety of the person or others
9 requires that conditional release be revoked, it may revoke the order for conditional
10 release and order that the released person be placed in an appropriate institution
11 under s. 51.37 (3) until the expiration of the commitment or until again conditionally
12 released under this section.

13 **SECTION 3876.** 971.23 (10) of the statutes is amended to read:

14 **971.23 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT**
15 **DEFENDANTS.** When the state public defender or a private attorney appointed under
16 s. 977.08 requests photocopies copies, in any format, of any item that is discoverable
17 under this section, the state public defender shall pay any fee charged for the
18 photocopies copies from the appropriation under s. 20.550 (1) (f). If the person
19 providing photocopies copies under this section charges the state public defender a
20 fee for the photocopies copies, the fee may not exceed the actual, necessary, and direct
21 cost of photocopying providing the copies.

22 **SECTION 3877.** 973.01 (4) of the statutes is amended to read:

23 **973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
24 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
25 confinement in prison portion of the sentence without reduction for good behavior.

1 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
2 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
3 304.06 (1) (b), or 973.195 (1r).

4 **SECTION 3878.** 973.01 (7) of the statutes is amended to read:

5 973.01 (7) NO DISCHARGE. The department of corrections may not discharge a
6 person who is serving a bifurcated sentence from custody, control and supervision
7 until the person has served the entire bifurcated sentence, except as provided in s.
8 304.06 (1) (b).

9 **SECTION 3879d.** 973.017 (2) (a) of the statutes is amended to read:

10 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted by
11 the sentencing commission under s. 973.30 created under 2001 Wisconsin Act 109,
12 or, if the sentencing commission has not adopted a guideline for the offense, any
13 applicable temporary sentencing guideline adopted by the criminal penalties study
14 committee created under 1997 Wisconsin Act 283.

15 **SECTION 3880.** 973.045 (1) (intro.) of the statutes is amended to read:

16 973.045 (1) (intro.) ~~Except as provided in sub. (1m), if~~ If a court imposes a
17 sentence or places a person on probation, the court shall impose a crime victim and
18 witness assistance surcharge calculated as follows:

19 **SECTION 3881.** 973.045 (1m) of the statutes is repealed and recreated to read:

20 973.045 (1m) (a) In this subsection, "civil offense" means an offense punishable
21 by a forfeiture.

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

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

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

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

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

8 **SECTION 3882.** 973.045 (1r) (b) of the statutes is created to read:

9 973.045 (1r) (b) The entire amount of any surcharge imposed under sub. (1m)
10 shall be allocated to part A.

11 **SECTION 3883.** 973.045 (2m) of the statutes is created to read:

12 973.045 (2m) The secretary of administration shall credit part A of the crime
13 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and
14 part B to the appropriation account under s. 20.455 (5) (gc).

15 **SECTION 3884.** 973.045 (3) (a) of the statutes is renumbered 973.045 (1r) (a),
16 and 973.045 (1r) (a) (intro.), as renumbered, is amended to read:

17 973.045 (1r) (a) (intro.) The clerk shall record ~~the~~ any crime victim and witness
18 surcharge imposed under sub. (1) in 2 parts. ~~Part A is the portion that the secretary~~
19 ~~of administration shall credit to the appropriation account under s. 20.455 (5) (g) and~~
20 ~~part B is the portion that the secretary of administration shall credit to the~~
21 ~~appropriation account under s. 20.455 (5) (ge), as follows:~~

22 **SECTION 3885.** 973.05 (2m) (r) of the statutes is amended to read:

23 973.05 (2m) (r) To payment of the enforcement surcharge under s. ~~253.06~~ 49.17
24 (4) (c) until paid in full.

25 **SECTION 3885m.** 973.055 (1) (intro.) of the statutes is amended to read:

1 973.055 (1) (intro.) If a court imposes a sentence on an adult person or places
2 an adult person on probation, regardless of whether any fine is imposed, the court
3 shall impose a domestic abuse surcharge under ch. 814 of \$75 \$100 for each offense
4 if:

5 **SECTION 3886.** 973.055 (3) of the statutes is amended to read:

6 973.055 (3) All moneys collected from domestic abuse surcharges shall be
7 deposited by the secretary of administration in s. ~~20.435 (3)~~ 20.437 (1) (hh) and
8 utilized in accordance with s. ~~46.95~~ 49.165.

9 **SECTION 3887.** 973.09 (1) (b) of the statutes is amended to read:

10 973.09 (1) (b) If the court places the person on probation, the court shall order
11 the person to pay restitution under s. 973.20, unless the court finds there is
12 substantial reason not to order restitution as a condition of probation. If the court
13 does not require restitution to be paid to a victim, the court shall state its reason on
14 the record. If the court does require restitution, it shall notify the department of
15 justice of its decision if the victim may be eligible for compensation under subch. I
16 of ch. 949.

17 **SECTION 3888.** 973.195 (1g) of the statutes is repealed.

18 **SECTION 3889.** 973.195 (1r) (a) of the statutes is amended to read:

19 973.195 (1r) (a) An inmate who is serving a sentence imposed under s. 973.01
20 for a ~~crime other than a Class B Class C to Class E~~ felony may petition the sentencing
21 court to adjust the sentence if the inmate has served at least ~~the applicable~~
22 percentage 85 percent of the term of confinement in prison portion of the sentence.
23 If an inmate is subject to more than one sentence imposed under this section, the
24 sentences shall be treated individually for purposes of sentence adjustment under
25 this subsection.

1 **SECTION 3890.** 973.195 (1r) (d) of the statutes is amended to read:

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

11 **SECTION 3891.** 973.20 (9) (a) of the statutes is amended to read:

12 973.20 (9) (a) If a crime victim is paid an award under subch. I of ch. 949 for
13 any loss arising out of a criminal act, the state is subrogated to the rights of the victim
14 to any restitution required by the court. The rights of the state are subordinate to
15 the claims of victims who have suffered a loss arising out of the offenses or any
16 transaction which is part of the same continuous scheme of criminal activity.

17 **SECTION 3892.** 973.20 (9) (b) of the statutes is amended to read:

18 973.20 (9) (b) When restitution is ordered, the court shall inquire to see if an
19 award has been made under subch. I of ch. 949 and if the department of justice is
20 subrogated to the cause of action under s. 949.15. If the restitution ordered is less
21 than or equal to the award under subch. I of ch. 949, the restitution shall be paid only
22 ~~to the general fund~~ credited to the appropriation account under s. 20.455 (5) (hh).
23 If the restitution ordered is greater than the award under subch. I of ch. 949, the
24 ~~general fund shall receive~~ an amount equal to the award under subch. I of ch. 949

1 shall be credited to the appropriation account under s. 20.455 (5) (hh) and the balance
2 shall be paid to the victim.

3 **SECTION 3893.** 973.30 of the statutes is repealed.

4 **SECTION 3907.** 974.07 (4) (b) of the statutes is amended to read:

5 974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing
6 addresses from completed information cards submitted by victims under ss. 51.37
7 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f),
8 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections,
9 the parole earned release review commission, and the department of health and
10 family services shall, upon request, assist clerks of court in obtaining information
11 regarding the mailing address of victims for the purpose of sending copies of motions
12 and notices of hearings under par. (a).

13 **SECTION 3908.** 976.03 (23) (c) of the statutes is amended to read:

14 976.03 (23) (c) The application shall be verified by affidavit, shall be executed
15 in duplicate and shall be accompanied by 2 certified copies of the indictment
16 returned, or information and affidavit filed, or of the complaint made to a judge,
17 stating the offense with which the accused is charged, or of the judgment of
18 conviction or of the sentence. The prosecuting officer, parole earned release review
19 commission, warden or sheriff may also attach such further affidavits and other
20 documents in duplicate as he, she or it deems proper to be submitted with the
21 application. One copy of the application, with the action of the governor indicated
22 by endorsement thereon, and one of the certified copies of the indictment, complaint,
23 information and affidavits, or of the judgment of conviction or of the sentence shall
24 be filed in the office of the governor to remain of record in that office. The other copies
25 of all papers shall be forwarded with the governor's requisition.

1 **SECTION 3909.** 977.02 (2m) of the statutes is amended to read:

2 977.02 **(2m)** Promulgate rules regarding eligibility for legal services under this
3 chapter, including legal services for ~~children~~ persons who are entitled to be
4 represented by counsel without a determination of indigency, as provided in s. 48.23
5 (4), 51.60, 55.105, or 938.23 (4).

6 **SECTION 3910.** 977.02 (3) of the statutes is amended to read:

7 977.02 **(3)** Promulgate rules regarding the determination of indigency of
8 persons entitled to be represented by counsel, other than ~~children~~ persons who are
9 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23,
10 including the time period in which the determination must be made and the criteria
11 to be used to determine indigency and partial indigency.

12 **SECTION 3911.** 977.05 (4) (gm) of the statutes is amended to read:

13 977.05 **(4)** (gm) In accordance with the standards under pars. (h) and (i), accept
14 referrals from judges and courts for the provision of legal services without a
15 determination of indigency of ~~children~~ persons who are entitled to be represented by
16 counsel under s. 48.23, 51.60, 55.105, or 938.23, appoint counsel in accordance with
17 contracts and policies of the board, and inform the referring judge or court of the
18 name and address of the specific attorney who has been assigned to the case.

19 **SECTION 3912.** 977.05 (4) (h) of the statutes is amended to read:

20 977.05 **(4)** (h) Accept requests for legal services from ~~children~~ persons who are
21 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23 and
22 from indigent persons who are entitled to be represented by counsel under s. 967.06
23 or who are otherwise so entitled under the constitution or laws of the United States
24 or this state and provide such persons with legal services when, in the discretion of
25 the state public defender, such provision of legal services is appropriate.