

SENATE BILL 301

1 **SECTION 180.** 348.21 (3g) (a) of the statutes, as created by 2005 Wisconsin Act
2 167, is renumbered 348.21 (3g) (a) (intro.) and amended to read:

3 348.21 (**3g**) (a) (intro.) For a first conviction or a 2nd conviction within a
4 12-month period, a forfeiture of not less than \$150 nor more than \$250 plus an
5 amount equal to: 6 whichever of the following applies:

6 1. Six cents for each pound of total excess load when the total excess is less than
7 2,000 pounds; ~~8.~~

8 2. Eight cents for each pound of total excess load if the excess is 2,000 pounds
9 or more and not over 3,000 pounds; ~~9.~~

10 3. Nine cents for each pound of total excess load if the excess is over 3,000
11 pounds and not over 4,000 pounds; ~~10.~~

12 4. Ten cents for each pound of total excess load if the excess is over 4,000 pounds
13 and not over 5,000 pounds; ~~11.~~

14 5. Eleven cents for each pound of total excess load if the excess is over 5,000
15 pounds.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in
tabular form for consistency with current style and improved readability.

16 **SECTION 181.** 348.21 (3g) (b) of the statutes, as created by 2005 Wisconsin Act
17 167, is renumbered 348.21 (3g) (b) (intro.) and amended to read:

18 348.21 (**3g**) (b) (intro.) For the 3rd and each subsequent conviction within a
19 12-month period, a forfeiture of not less than \$500 nor more than \$550, plus an
20 amount equal to: 20 whichever of the following applies:

21 1. Twenty cents for each pound of total excess load when the total excess is 3,000
22 pounds or less; ~~21.~~

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1 2. ~~Twenty-one~~ cents for each pound of total excess load if the excess is over
2 3,000 pounds and not over 4,000 pounds; ~~22.~~

3 3. ~~Twenty-two~~ cents for each pound of total excess load if the excess is over
4 4,000 pounds and not over 5,000 pounds; ~~23.~~

5 4. ~~Twenty-three~~ cents for each pound of total excess load if the excess is over
6 5,000 pounds.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

7 **SECTION 182.** 402.318 (title) of the statutes is amended to read:

8 **402.318 (title) ~~Third-party~~ Third-party beneficiaries of warranties,**
9 **express or implied.**

NOTE: Corrects spelling.

10 **SECTION 183.** 440.142 (2) of the statutes, as affected by 2005 Wisconsin Act 198,
11 is renumbered 450.145 (1m) and amended to read:

12 **450.145 (1m)** Except as provided in s. ~~450.145 sub.~~ (2), a pharmacist or
13 pharmacy may not report personally identifying information concerning an
14 individual who is dispensed a prescription or who purchases a nonprescription drug
15 product as specified in sub. (1) (a), (b), or (c).

NOTE: The remainder of s. 440.142 was renumbered to s. 450.145.

16 **SECTION 184.** Subchapter XI of chapter 440 [precedes 440.980] of the statutes,
17 as created by 2005 Wisconsin Act 292, is renumbered subchapter XII of chapter 440
18 [precedes 440.9805].

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Subchapter VII of chapter 440, as created by 2005 Wis. Act 25, was renumbered subchapter XI of chapter 440 by the revisor under s. 13.93 (1) (b).

19 **SECTION 185.** 440.980 of the statutes, as created by 2005 Wisconsin Act 292,
20 is renumbered 440.9805.

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NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Section 440.70 as created by 2005 Wis. Act 25, was renumbered 440.98 by the revisor under s. 13.93 (1) (b).

1 **SECTION 186.** Subchapter XII of chapter 440 [precedes 440.99] of the statutes
2 is renumbered subchapter XIII of chapter 440 [precedes 440.99].

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). Subchapter XII of chapter 440 is renumbered subchapter XIII of chapter 440 to accommodate the renumbering of subchapter XI of chapter 440 by this bill.

3 **SECTION 187.** 441.15 (2) (intro.) of the statutes, as affected by 2005 Wisconsin
4 Acts 96 and 292, is amended to read:

5 441.15 (2) (intro.) Except as provided in sub. (2m) and s. 250.042 (4) (b), no
6 person may engage in the practice of nurse-midwifery unless each of the following
7 conditions is satisfied:

NOTE: Inserts “and” required by the merger of the treatments of s. 441.15 (2) (intro.) by 2005 Wis. Acts 96 and 292.

8 **SECTION 188.** 441.15 (2m) of the statutes, as created by 2005 Wisconsin Act 292,
9 is amended to read:

10 441.15 (2m) Subsection (2) does not apply to a person granted a license to
11 practice midwifery under subch. XI XII of ch. 440.

NOTE: Subchapter XI of chapter 440, as created by 2005 Wis. Act 477, is renumbered to subchapter XII of chapter 440 by this bill.

12 **SECTION 189.** 448.03 (2) (a) of the statutes, as affected by 2005 Wisconsin Act
13 292, is amended to read:

14 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
15 permit, registration, certificate or certification granted to practice midwifery under
16 subch. XI XII of ch. 440, to practice professional or practical nursing or
17 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
18 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to

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1 practice acupuncture under ch. 451 or under any other statutory provision, or as
2 otherwise provided by statute.

NOTE: Subchapter XI of chapter 440, as created by 2005 Wis. Act 292, is
renumbered to subchapter XII of chapter 440 by this bill.

3 **SECTION 190.** 448.08 (3) of the statutes is amended to read:

4 448.08 (3) BILLING FOR TESTS PERFORMED BY THE STATE LABORATORY OF HYGIENE.
5 A person other than a state or local government agency who charges a patient, other
6 person or ~~3rd party~~ 3rd-party payer for services performed by the state laboratory
7 of hygiene shall identify the actual amount charged by the state laboratory of
8 hygiene and shall restrict charges for those services to that amount.

NOTE: Corrects spelling.

9 **SECTION 191.** 449.18 (8) of the statutes is renumbered 449.18 (6) (cm).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
297 changed cross-references to s. 449.18 (8) to s. 449.18 (6) (cm), but did not treat s.
449.18 (8).

10 **SECTION 192.** 450.11 (4m) of the statutes, as created by 2005 Wisconsin Act 195,
11 is renumbered 450.11 (4g).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
196 also created a provision numbered s. 450.11 (4m).

12 **SECTION 193.** 452.135 (2) (a) (intro.) of the statutes, as affected by 2005
13 Wisconsin Act 87, is amended to read:

14 452.135 (2) (a) (intro.) Except as provided in ~~sub. par.~~ (b), a broker shall provide
15 to a client a copy of the following written disclosure statement not later than the time
16 the broker enters into an agency agreement with the client:

NOTE: Corrects cross-reference. The cross-reference is shown correctly in the
printed statutes.

17 **SECTION 194.** 560.275 (2) (c) of the statutes, as affected by 2005 Wisconsin Act
18 97, is amended to read:

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1 560.275 (2) (c) *Bridge grants and loans.* The department may make a grant
2 or loan from the appropriation under s. 20.143 (1) (c) or (ie) to a person who has
3 received early stage financing from 3rd parties or a grant from the federal
4 government to fund early stage research and development and who has sought
5 additional early stage financing from 3rd parties or applied for an additional grant
6 from the federal government to fund early stage research and development. A grant
7 or loan under this paragraph shall be for the purpose of funding professional
8 activities necessary to maintain the project research and management team and
9 funding basic operations until the applicant's additional ~~3rd party~~ 3rd-party
10 financing request or federal grant application is approved or denied.

NOTE: Corrects spelling.

11 **SECTION 195.** 560.799 (1) (bm) 1. of the statutes, as created by 2005 Wisconsin
12 Act 361, is amended to read:

13 560.799 (1) (bm) 1. A business' employees in ~~a economic~~ an enterprise zone.

NOTE: Inserts correct term consistent with the remainder of 2005 Wis. Act 361.
Inserts correct article after governor's partial veto.

14 **SECTION 196.** 705.04 (2) (intro.) of the statutes, as affected by 2005 Wisconsin
15 Acts 216 and 387, is amended to read:

16 705.04 (2) (intro.) If the account is a P.O.D. account, on the death of the original
17 payee or the survivor of 2 or more original payees, ~~54~~ all of the following apply:

NOTE: Deletes language inserted by 2005 Wis. Act 387 but rendered surplusage by
2005 Wis. Act 216.

18 **SECTION 197.** 705.04 (2) (f) of the statutes, as created by 2005 Wisconsin Act
19 216, is amended to read:

20 705.04 (2) (f) Payment may be made to a minor P.O.D. beneficiary only in
21 accordance with a procedure approved under ch. ~~880~~ 54.

NOTE: Chapter 880 is renumbered ch. 54 by 2005 Wis. Act 387.

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1 **SECTION 198.** 705.20 (4) of the statutes, as created by 2005 Wisconsin Act 216,
2 is renumbered 705.10 (4).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 206 renumbered s. 705.20 to s. 705.10.

3 **SECTION 199.** 752.03 (3) of the statutes is repealed.

NOTE: Repeals obsolete transition provision.

4 **SECTION 200.** 752.03 (4) of the statutes is renumbered 752.03 and amended to
5 read:

6 **752.03 Number of judges.** ~~Beginning on August 1, 1994, there~~ There shall
7 be 16 court of appeals judges. Three judges shall be elected from the district specified
8 in s. 752.17, 4 judges shall be elected from each of the 2 districts specified in ss. 752.13
9 and 752.15 and 5 judges shall be elected from the district specified in s. 752.19.

NOTE: As a result of the repeal of ss. 752.03 (3) by this bill, this provision does not have multiple subsections. Obsolete transition language is deleted.

10 **SECTION 201.** The treatment of 767.41 (1) (a), as renumbered, of the statutes
11 by 2005 Wisconsin Act 130, section 5, is not repealed by 2005 Wisconsin Act 443,
12 section 29. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 767.41 (1) (a), as renumbered from s. 767.05 (2) by 2005 Wis. Act 443, reads:

(a) Subject to ch. 822, the question of a child's custody may be determined as an incident of any action affecting the family or in an independent action for custody. The effect of any determination of a child's custody is not binding personally against any parent or guardian unless the parent or guardian has been made personally subject to the jurisdiction of the court in the action as provided under ch. 801 or has been notified under s. 822.08, as provided in s. 822.06. Nothing in this chapter may be construed to foreclose a person other than a parent who has physical custody of a child from proceeding under ch. 822.

13 **SECTION 202.** 767.80 (2) (title) of the statutes, as created by 2005 Wisconsin Act
14 443, is amended to read:

15 767.80 (2) (title) CERTAIN AGREEMENTS NOT ~~A~~ A BAR TO ACTION.

NOTE: Corrects capitalization.

16 **SECTION 203.** 801.14 (3) of the statutes is amended to read:

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1 801.14 (3) In any action in which there are unusually large numbers of
2 defendants, the court, upon motion or on its own initiative, may order that service
3 of the pleadings of the defendants and replies thereto need not be made as between
4 the defendants and that any ~~eross-claim~~ cross claim, counterclaim, or matter
5 constituting an avoidance or affirmative defense contained therein shall be deemed
6 to be denied or avoided by all other parties and that the filing of any such pleading
7 and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy
8 of every such order shall be served upon the parties in such manner and form as the
9 court directs.

NOTE: Corrects spelling.

10 **SECTION 204.** 802.01 (1) of the statutes, as affected by 2005 Wisconsin Act 253,
11 is amended to read:

12 802.01 (1) PLEADINGS. There shall be a complaint and an answer; a reply to a
13 counterclaim denominated as such; an answer to a ~~eross-claim~~ cross claim, if the
14 answer contains a ~~eross-claim~~ cross claim; a 3rd-party complaint, if a person who
15 was not an original party is summoned under s. 803.05, and a 3rd-party answer, if
16 a 3rd-party complaint is served. No other pleading shall be allowed, except that the
17 court may order a further pleading to a reply or to any answer.

NOTE: Corrects spelling.

18 **SECTION 205.** 802.04 (1) of the statutes is amended to read:

19 802.04 (1) CAPTION. Every pleading shall contain a caption setting forth the
20 name of the court, the venue, the title of the action, the file number, and a designation
21 as in s. 802.01 (1). If a pleading contains motions, or an answer or reply contains
22 ~~eross-claims~~ cross claims or counterclaims, the designation in the caption shall state
23 their existence. In the complaint the caption of the action shall include the

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1 standardized description of the case classification type and associated code number
2 as approved by the director of state courts, and the title of the action shall include
3 the names and addresses of all the parties, indicating the representative capacity,
4 if any, in which they sue or are sued and, in actions by or against a corporation, the
5 corporate existence and its domestic or foreign status shall be indicated. In pleadings
6 other than the complaint, it is sufficient to state the name of the first party on each
7 side with an appropriate indication of other parties. Every pleading commencing an
8 action under s. 814.61 (1) (a) or 814.62 (1) or (2) and every complaint filed under s.
9 814.61 (3) shall contain in the caption, if the action includes a claim for a money
10 judgment, a statement of whether the amount claimed is greater than the amount
11 under s. 799.01 (1) (d).

NOTE: Corrects spelling.

12 **SECTION 206.** 802.06 (1) of the statutes, as affected by Supreme Court Order
13 03-06 and 2005 Wisconsin Act 442, is amended to read:

14 802.06 (1) WHEN PRESENTED. Except when a court dismisses an action or special
15 proceeding under s. 802.05 (4), a defendant shall serve an answer within 20 days
16 after the service of the complaint upon the defendant. If a guardian ad litem is
17 appointed for a defendant, the guardian ad litem shall have 20 days after
18 appointment to serve the answer. A party served with a pleading stating a
19 ~~cross-claim~~ cross claim against the party shall serve an answer thereto within 20
20 days after the service upon the party. The plaintiff shall serve a reply to a
21 counterclaim in the answer within 20 days after service of the answer. The state or
22 an agency of the state or an officer, employee, or agent of the state shall serve an
23 answer to the complaint or to a ~~cross-claim~~ cross claim or a reply to a counterclaim
24 within 45 days after service of the pleading in which the claim is asserted. If any

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1 pleading is ordered by the court, it shall be served within 20 days after service of the
2 order, unless the order otherwise directs. If a defendant in the action is an insurance
3 company, or if any cause of action raised in the original pleading, ~~cross-claim~~ cross
4 claim, or counterclaim is founded in tort, the periods of time to serve a reply or answer
5 shall be 45 days. The service of a motion permitted under sub. (2) alters these periods
6 of time as follows, unless a different time is fixed by order of the court: if the court
7 denies the motion or postpones its disposition until the trial on the merits, the
8 responsive pleading shall be served within 10 days after notice of the court's action;
9 or if the court grants a motion for a more definite statement, the responsive pleading
10 shall be served within 10 days after the service of the more definite statement.

NOTE: Corrects spelling.

11 **SECTION 207.** 802.06 (2) (a) (intro.) of the statutes is amended to read:

12 802.06 (2) (a) (intro.) Every defense, in law or fact, except the defense of
13 improper venue, to a claim for relief in any pleading, whether a claim, counterclaim,
14 ~~cross-claim~~ cross claim, or 3rd-party claim, shall be asserted in the responsive
15 pleading thereto if one is required, except that the following defenses may at the
16 option of the pleader be made by motion:

NOTE: Corrects spelling.

17 **SECTION 208.** 802.07 (title) of the statutes is amended to read:

18 **802.07 (title) Counterclaim and ~~cross-claim~~ cross claim.**

NOTE: Corrects spelling.

19 **SECTION 209.** 802.07 (4) and (5) of the statutes are amended to read:

20 802.07 (4) JOINDER OF ADDITIONAL PARTIES. Persons other than those made
21 parties to the original action may be made parties to a counterclaim or ~~cross-claim~~
22 cross claim in accordance with ss. 803.03 to 803.05.

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1 **(5) SEPARATE TRIALS; SEPARATE JUDGMENTS.** If the court orders separate trials as
2 provided in s. 805.05 (2), judgment on a counterclaim or ~~eross-claim~~ cross claim may
3 be rendered in accordance with s. 806.01 (2) when the court has jurisdiction so to do,
4 even if the claims of the opposing party have been dismissed or otherwise disposed
5 of.

NOTE: Corrects spelling.

6 **SECTION 210.** 802.08 (1) of the statutes, as affected by 2005 Wisconsin Act 253,
7 is amended to read:

8 **802.08 (1) AVAILABILITY.** A party may, within 8 months of the filing of a
9 summons and complaint or within the time set in a scheduling order under s. 802.10,
10 move for summary judgment on any claim, counterclaim, ~~eross-claim~~ cross claim, or
11 3rd-party claim which is asserted by or against the party. Amendment of pleadings
12 is allowed as in cases where objection or defense is made by motion to dismiss.

NOTE: Corrects spelling.

13 **SECTION 211.** 803.02 (1) of the statutes, as affected by 2005 Wisconsin Act 253,
14 is amended to read:

15 **803.02 (1)** A party asserting a claim to relief as an original claim, counterclaim,
16 ~~eross-claim~~ cross claim, or 3rd-party claim, may join, either as independent or as
17 alternate claims, as many claims, legal or equitable, as the party has against an
18 opposing party.

NOTE: Corrects spelling.

19 **SECTION 212.** 803.05 (1) of the statutes, as affected by 2005 Wisconsin Act 253,
20 is amended to read:

21 **803.05 (1)** At any time after commencement of the action, a defending party,
22 as a 3rd-party plaintiff, may cause a summons and complaint to be served upon a

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1 person not a party to the action who is or may be liable to the defending party for all
2 or part of the plaintiff's claim against the defending party, or who is a necessary party
3 under s. 803.03. The 3rd-party plaintiff need not obtain leave to implead if he or she
4 serves the 3rd-party summons and 3rd-party complaint not later than 6 months
5 after the summons and complaint are filed or the time set in a scheduling order under
6 s. 802.10; thereafter, the 3rd-party plaintiff must obtain leave on motion upon notice
7 to all parties to the action. The person served with the summons and 3rd-party
8 complaint, hereinafter called the 3rd-party defendant, shall make defenses to the
9 3rd-party plaintiff's claim as provided in s. 802.06 and counterclaims against the
10 3rd-party plaintiff and ~~cross-claims~~ cross claims against any other defendant as
11 provided in s. 802.07. The 3rd-party defendant may assert against the plaintiff any
12 defenses which the 3rd-party plaintiff has to the plaintiff's claim. The 3rd-party
13 defendant may also assert any claim against the plaintiff if the claim is based upon
14 the same transaction, occurrence or series of transactions or occurrences as is the
15 plaintiff's claim against the 3rd-party plaintiff. The plaintiff may assert any claim
16 against the 3rd-party defendant if the claim is based upon the same transaction,
17 occurrence or series of transactions or occurrences as is the plaintiff's claim against
18 the 3rd-party plaintiff, and the 3rd-party defendant thereupon shall assert defenses
19 as provided in s. 802.06 and counterclaims and ~~cross-claims~~ cross claims as provided
20 in s. 802.07.

NOTE: Corrects spelling.

21 **SECTION 213.** 803.07 of the statutes is amended to read:

22 **803.07 Interpleader.** Persons having claims against the plaintiff may be
23 joined as defendants and required to interplead when their claims are such that the
24 plaintiff is or may be exposed to double or multiple liability. It is not ground for

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1 objection to the joinder that the claims of the several claimants or the titles on which
2 their claims depend do not have a common origin or are not identical but are adverse
3 to and independent of one another, or that the plaintiff avers that the plaintiff is not
4 liable in whole or in part to any or all of the claimants. A defendant exposed to similar
5 liability may obtain such interpleader by way of ~~cross-claim~~ cross claim or
6 counterclaim. The provisions of this section supplement and do not in any way limit
7 the joinder of parties permitted in s. 803.04.

NOTE: Corrects spelling.

8 **SECTION 214.** 804.05 (3) (b) 5. of the statutes, as affected by 2005 Wisconsin Act
9 253, is amended to read:

10 804.05 (3) (b) 5. In this subsection, the terms “defendant” and “plaintiff”
11 include officers, directors and managing agents of corporate defendants and
12 corporate plaintiffs, or other persons designated under sub. (2) (e), as appropriate.
13 A defendant who asserts a counterclaim or a ~~cross-claim~~ cross claim shall not be
14 considered a plaintiff within the meaning of this subsection, but a 3rd-party plaintiff
15 under s. 803.05 (1) shall be so considered with respect to the 3rd-party defendant.

NOTE: Corrects spelling.

16 **SECTION 215.** 805.04 (3) of the statutes, as affected by 2005 Wisconsin Act 253,
17 is amended to read:

18 805.04 (3) COUNTERCLAIM, ~~CROSS-CLAIM~~ CROSS CLAIM AND 3RD-PARTY CLAIM. This
19 section applies to the voluntary dismissal of any counterclaim, ~~cross-claim~~ cross
20 claim, or 3rd-party claim. A voluntary dismissal by the claimant alone shall be made
21 before a responsive pleading is served, or if there is none, before the introduction of
22 evidence at the trial or hearing.

NOTE: Corrects spelling.

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1 **SECTION 216.** 805.05 (2) of the statutes, as affected by 2005 Wisconsin Act 253,
2 is amended to read:

3 805.05 (2) **SEPARATE TRIALS.** The court, in furtherance of convenience or to avoid
4 prejudice, or when separate trials will be conducive to expedition or economy, or
5 pursuant to s. 803.04 (2) (b), may order a separate trial of any claim, ~~cross-claim~~
6 cross claim, counterclaim, or 3rd-party claim, or of any number of claims, always
7 preserving inviolate the right of trial in the mode to which the parties are entitled.

NOTE: Corrects spelling.

8 **SECTION 217.** 805.14 (9) of the statutes, as affected by 2005 Wisconsin Act 253,
9 is amended to read:

10 805.14 (9) **INVOLUNTARY DISMISSAL OF COUNTERCLAIM, ~~CROSS-CLAIM~~ CROSS CLAIM**
11 **OR 3RD-PARTY CLAIM.** This section applies to counterclaims, ~~cross-claims~~ cross claims,
12 and 3rd-party claims.

NOTE: Corrects spelling.

13 **SECTION 218.** 812.17 of the statutes is amended to read:

14 **812.17 Impleader.** When the answer of the garnishee discloses that any 3rd
15 person claims the debt or property in the garnishee's hands and the name and
16 residence of such claimant the court may order that such claimant be impleaded as
17 a defendant in the garnishment action and that notice thereof, setting forth the facts,
18 with a copy of such order and answer be served upon the ~~3rd person~~ 3rd-person
19 claimant, and that after such service is made the garnishee may pay or deliver to the
20 officer or the clerk such debt or property and have a receipt therefor, which shall be
21 a complete discharge from all liability for the amount so paid or property so delivered.
22 Such notice shall be served as required for service of a summons. Upon such service
23 being made such claimant shall be deemed a defendant in the garnishee action, and

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1 within 20 days shall answer setting forth the claimant's claim or any defense which
2 that the garnishee might have made.

NOTE: Corrects spelling.

3 **SECTION 219.** 814.75 (1g) of the statutes, as created by 2005 Wisconsin Act 433,
4 is renumbered 814.75 (1j).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
288 also created a provision numbered 814.75 (1g).

5 **SECTION 220.** 814.75 (1r) of the statutes, as affected by 2005 Wisconsin Act 433,
6 is renumbered 814.75 (1m).

NOTE: 2005 Wis. Act 288 renumbered s. 814.75 (1) to 814.75 (1m). 2005 Wis. Act
433 renumbered 814.75 (1) to 814.75 (1r). The revisor under s. 13.93 (1) (b) numbers the
provision 814.75 (1m).

7 **SECTION 221.** 814.75 (13m) of the statutes, as created by 2005 Wisconsin Act
8 288, is amended to read:

9 **814.75 (13m)** The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905
by this bill.

10 **SECTION 222.** 814.76 (1g) of the statutes, as created by 2005 Wisconsin Act 433,
11 is renumbered 814.76 (1j).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
288 also created a provision numbered 814.76 (1g).

12 **SECTION 223.** 814.76 (1r) of the statutes, as affected by 2005 Wisconsin Act 433,
13 section 13, is renumbered 814.76 (1m).

NOTE: 2005 Wis. Act 288 renumbered s. 814.76 (1) to 814.76 (1m). 2005 Wis. Act
433 renumbered 814.76 (1) to 814.76 (1r). The revisor under s. 13.93 (1) (b) numbers the
provision 814.76 (1m).

14 **SECTION 224.** 814.76 (10m) of the statutes, as created by 2005 Wisconsin Act
15 288, is amended to read:

16 **814.76 (10m)** The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905
by this bill.

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1 **SECTION 225.** 814.77 (6m) of the statutes, as created by 2005 Wisconsin Act 288,
2 is amended to read:

3 814.77 **(6m)** The Great Lakes resource surcharge under s. ~~29.99~~ 29.9905.

NOTE: Section 29.99, as created by 2005 Wis. Act 288, is renumbered to s. 29.9905
by this bill.

4 **SECTION 226.** 822.31 (1) of the statutes, as affected by 2005 Wisconsin Act 130,
5 is amended to read:

6 822.31 **(1)** “Judicial day” means each day except Saturday, Sunday, or a legal
7 holiday under s. ~~895.20~~ 995.20.

NOTE: Corrects cross-reference. Section 895.20 was renumbered to s. 995.20 by
2005 Wis. Act 155.

8 **SECTION 227.** 867.046 (1m) of the statutes, as affected by 2005 Wisconsin Acts
9 206 and 216, is amended to read:

10 867.046 **(1m)** UPON DEATH; GENERALLY. If a domiciliary of this state dies who
11 immediately prior to death had an interest in property in this state, including an
12 interest in survivorship marital property or an interest in property passing under s.
13 ~~705.20~~ 705.10 (1), or if a person not domiciled in this state dies having an interest
14 in property in this state, including an interest in survivorship marital property or an
15 interest in property passing under s. ~~705.20~~ 705.10 (1), upon petition of the
16 decedent’s spouse, a beneficiary of a marital property agreement or, a TOD
17 beneficiary, or a beneficiary of a transfer under s. ~~705.20~~ 705.10 (1) to the court of the
18 county of domicile of the decedent or, if the decedent was not domiciled in this state,
19 of any county where the property is situated, the court shall issue a certificate under
20 the seal of the court. The certificate shall set forth the fact of the death of the
21 decedent, the termination or transfer of the decedent’s interest in the property, the
22 interest of the petitioner in the property and any other facts essential to a

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1 determination of the rights of persons interested. The certificate is prima facie
2 evidence of the facts recited, and if the certificate relates to an interest in real
3 property or to a debt secured by an interest in real property, the petitioner shall
4 record a certified copy or duplicate original of the certificate in the office of the
5 register of deeds in each county in this state in which the real property is located.

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206. Corrects
punctuation.

6 **SECTION 228.** 867.046 (2) (intro.) of the statutes, as affected by 2005 Wisconsin
7 Acts 206 and 216, is amended to read:

8 **867.046 (2) UPON DEATH; INTEREST IN PROPERTY.** (intro.) As an alternative to sub.
9 (1m), upon the death of any person having an interest in any real property, a vendor's
10 interest in a land contract, an interest in a savings or checking account, an interest
11 in a security, a mortgagee's interest in a mortgage, or an interest in property passing
12 under s. ~~705.20~~ 705.10 (1), including an interest in survivorship marital property, the
13 decedent's spouse, a beneficiary of a marital property agreement or a TOD
14 beneficiary, or a beneficiary of a transfer under s. ~~705.20~~ 705.10 (1) may obtain
15 evidence of the termination of that interest of the decedent and confirmation of the
16 petitioner's interest in the property by providing to the register of deeds of the county
17 in which the property is located the certified death certificate for the decedent and,
18 on applications supplied by the register of deeds for that purpose, all of the following
19 information:

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206. Corrects
punctuation.

20 **SECTION 229.** 867.046 (2) (k) of the statutes, as created by 2005 Wisconsin Act
21 216, is amended to read:

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1 867.046 (2) (k) In the case of a transfer under s. ~~705.20~~ 705.10 (1), except as
2 described in par. (i) or (j), a copy of the document described in s. ~~705.20~~ 705.10 (1).

NOTE: Section 705.20 was renumbered to s. 705.10 by 2005 Wis. Act 206.

3 **SECTION 230.** 879.09 of the statutes, as affected by 2005 Wisconsin Acts 216 and
4 387, is amended to read:

5 **879.09 Notice requirement satisfied by waiver of notice.** Persons who
6 are not minors or individuals adjudicated incompetent, on behalf of themselves, and
7 appointed guardians ad litem and guardians of the estate on behalf of themselves
8 and those whom they represent, may in writing waive the service of notice upon them
9 and consent to the hearing of any matter without notice. An attorney, or
10 attorney-in-fact, for a person in the military service may waive notice on behalf of
11 himself or herself but cannot waive notice on behalf of the person in the military
12 service. Waiver of notice by any person is equivalent to timely service of notice.

NOTE: Deletes unnecessary comma.

13 **SECTION 231.** 880.01 (8m) of the statutes, as created by 2005 Wisconsin Act 264,
14 is renumbered 54.01 (28).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
387 created the same provision as s. 54.01 (28) and renumbered the remainder of s. 880.01
to s. 54.01.

15 **SECTION 232.** 880.07 (2m) of the statutes, as created by 2005 Wisconsin Act 264,
16 is renumbered 54.34 (2m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
387 renubers the remainder of s. 880.07 to s. 54.34.

17 **SECTION 233.** 880.33 (2) (f) of the statutes, as created by 2005 Wisconsin Act
18 264, is renumbered 54.44 (5m).

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act
387 renumbered s. 880.33 to multiple locations in ch. 54 but did not take into account the
creation of s. 880.33 (2) (f) by 2005 Wis. Act 264. It is moved to s. 54.44 (5) for proximity
to provisions relating to who may be present at a guardianship hearing.

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SECTION 234

1 **SECTION 234.** The treatment of 893.587 of the statutes by 2005 Wisconsin Act
2 155 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 893.587 reads:

893.587 Sexual assault of a child; limitation. An action to recover damages for injury caused by an act that would constitute a violation of s. 948.02, 948.025, 948.06, 948.085, or 948.095 or would create a cause of action under s. 895.442 shall be commenced before the injured party reaches the age of 35 years or be barred.

3 **SECTION 235.** 895.07 (7) (i) of the statutes, as created by 2005 Wisconsin Act
4 201, is amended to read:

5 895.07 (7) (i) If the contractor rejects the supplemental offer made by the
6 supplier to remedy the construction defect or to settle the claim by monetary
7 payment or a combination of each, the contractor shall, within 15 working days after
8 receiving the offer, serve written notice of the contractor's rejection on the supplier.
9 The notice shall include the reasons for the contractor's rejection of the supplier's
10 supplemental settlement offer. If the contractor believes the supplier's
11 supplemental settlement offer is unreasonable, the contractor shall set forth the
12 reasons why the contractor believes the supplemental settlement offer is
13 unreasonable. If the supplier declines to make a supplemental offer, or if the
14 contractor rejects the supplemental offer, the contractor may bring an action against
15 the supplier for the claim described in the notice of claim without further notice.

NOTE: Inserts missing article.

16 **SECTION 236.** 895.497 (title) of the statutes, as created by 2005 Wisconsin Act
17 322, is amended to read:

18 **895.497 (title) Liability Civil liability exemption: furnishing safety**
19 **services relating to child safety restraint systems.**

NOTE: Conforms form of title to the other titles in ch. 895 relating to civil liability exemptions, as affected by 2005 Wis. Act 155.

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1 **SECTION 237.** 895.506 (title) of the statutes, as created by 2005 Wisconsin Act
2 325, is amended to read:

3 **895.506** (title) **Liability Civil liability exemption: weight gain and**
4 **obesity claims.**

NOTE: Conforms form of title to the other titles in ch. 895 relating to civil liability exemptions, as affected by 2005 Wis. Act 155.

5 **SECTION 238.** 895.507 of the statutes, as created by 2005 Wisconsin Act 138,
6 is renumbered 134.98.

NOTE: 2005 Wis. Act 155 revises ch. 895 to include only provisions related to limits on liability and miscellaneous court provisions and renumbers s. 895.505, relating to disposal of records containing personal information, to s. 134.97. Section 895.507 relating to notice of unauthorized acquisition of personal information, is renumbered 134.98 so the section continues to be located with the former s. 895.505 in the statutes.

7 **SECTION 239.** 895.81 of the statutes, as created by 2005 Wisconsin Act 212, is
8 renumbered 895.472.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 155 revises ch. 895 to create 2 subchapters and to reorganize the chapter accordingly. Section 895.81, Indemnification of a financial institution, is moved so it is not located in subchapter II, Exemptions From Liability, and is located in subchapter I, Damages, Liability, and Miscellaneous Provisions Regarding Actions in Courts.

9 **SECTION 240.** The treatment of 905.04 (4) (a) of the statutes by 2005 Wisconsin
10 Act 387 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor s. 905.04 (4) (a) reads:

(a) *Proceedings for hospitalization, guardianship, protective services, or protective placement or for control, care, or treatment of a sexually violent person.* There is no privilege under this rule as to communications and information relevant to an issue in proceedings to hospitalize the patient for mental illness, to appoint a guardian in this state, for court-ordered protective services or protective placement, for review of guardianship, protective services, or protective placement orders, or for control, care, or treatment of a sexually violent person under ch. 980, if the physician, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist, or professional counselor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization, guardianship, protective services, or protective placement or control, care, and treatment as a sexually violent person.

11 **SECTION 241.** 938.08 (3) (a) (intro.) of the statutes, as affected by 2005
12 Wisconsin Act 344, is amended to read:

SENATE BILL 301**SECTION 241**

1 938.08 (3) (a) (intro.) In addition to the law enforcement authority under sub.
2 (2), department personnel designated by the department, and personnel of an agency
3 contracted with under s. 301.08 (1) (b) 3. and designated by agreement between the
4 agency and the department, ~~and personnel of a county contracted with under s.~~
5 ~~301.08 (1) (b) 4. and designated by agreement between the county and the~~
6 ~~department~~ have the power of law enforcement authorities to take a juvenile into
7 physical custody under the following conditions:

NOTE: Section 301.08 (1) (b) 4. was repealed by 2005 Wis. Act 344, leaving the
stricken language without effect.

8 **SECTION 242.** 938.17 (1) (b) of the statutes is amended to read:

9 938.17 (1) (b) If the court orders the juvenile to serve a period of incarceration
10 of less than 6 months, the juvenile may serve that period of incarceration only in a
11 secure juvenile detention facility.

NOTE: The term "secure detention facility" was changed to "juvenile detention
facility" by 2005 Wis. Act 344.

12 **SECTION 243.** The treatment of 938.17 (2) (a) 3. (intro.) of the statutes by 2005
13 Wisconsin Act 190 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.17 (2) (a)
3. (intro.) reads:

3. Except as provided in subd. 1m., when a juvenile is alleged to have violated a
municipal ordinance, one of the following may occur:

14 **SECTION 244.** The treatment of 938.18 (1) (a), as renumbered, of the statutes
15 by 2005 Wisconsin Act 212, section 3, is not repealed by 2005 Wisconsin Act 344,
16 section 150. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.18 (1) (a),
as renumbered from s. 938.18 (1) (a) 1. by 2005 Wisconsin Act 344, reads:

(a) The juvenile is alleged to have violated s. 940.03, 940.06, 940.225 (1) or (2),
940.305, 940.31, 943.10 (2), 943.32 (2), 943.87, or 961.41 (1) on or after the juvenile's 14th
birthday.

17 **SECTION 245.** 938.183 (1m) (a) of the statutes is amended to read:

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1 938.183 (1m) (a) If the juvenile is under 15 years of age, the juvenile may be
2 held in secure custody only in a secure juvenile detention facility or in the juvenile
3 portion of a county jail.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

4 **SECTION 246.** 938.195 (1) (title) of the statutes is created to read:

5 938.195 (1) (title) DEFINITIONS.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

6 **SECTION 247.** 938.195 (1) (c) of the statutes is amended to read:

7 938.195 (1) (c) “Place of detention” means a secure juvenile detention facility,
8 jail, municipal lockup facility, or secured juvenile correctional facility, or a police or
9 sheriff’s office or other building under the control of a law enforcement agency, at
10 which juveniles are held in custody in connection with an investigation of a
11 delinquent act.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” and the term “secured correctional facility” was changed to “juvenile correctional facility” by 2005 Wis. Act 344.

12 **SECTION 248.** 938.195 (2) (title) of the statutes is created to read:

13 938.195 (2) (title) WHEN REQUIRED.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

14 **SECTION 249.** 938.195 (3) (title) of the statutes is created to read:

15 938.195 (3) (title) NOTICE NOT REQUIRED.

NOTE: Section 938.195 was created by 2005 Wis. Act 60 without subsection titles. As a result of 2005 Wis. Act 344, all other subsections in ch. 938 have titles.

16 **SECTION 250.** 938.208 (intro.) of the statutes is amended to read:

SENATE BILL 301**SECTION 250**

1 **938.208 Criteria for holding a juvenile in a secure juvenile detention**
2 **facility.** (intro.) A juvenile may be held in a secure juvenile detention facility if the
3 intake worker determines that ~~one~~ any of the following conditions applies:

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

4 **SECTION 251.** 938.209 (1) (intro.) of the statutes is amended to read:

5 **938.209 (1) COUNTY JAIL.** (intro.) Subject to s. 938.208, a county jail may be used
6 as a secure juvenile detention facility if the criteria under either par. (a) or (b) are
7 met:

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

8 **SECTION 252.** 938.209 (1) (a) (intro.) of the statutes is amended to read:

9 **938.209 (1) (a)** (intro.) There is no other secure juvenile detention facility
10 approved by the department or a county which is available and all of the following
11 conditions are met:

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

12 **SECTION 253.** 938.209 (1) (a) 1. of the statutes is amended to read:

13 **938.209 (1) (a) 1.** The jail meets the standards for secure juvenile detention
14 facilities established by the department.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

15 **SECTION 254.** 938.21 (2) (am) of the statutes is amended to read:

16 **938.21 (2) (am)** A juvenile held in a nonsecure place of custody may waive in
17 writing his or her right to participate in the hearing under this section. After any
18 waiver, a rehearing shall be granted upon the request of the juvenile or any other
19 interested party for good cause shown. Any juvenile transferred to a secure juvenile
20 detention facility shall thereafter have a rehearing under this section.

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NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

1 **SECTION 255.** 938.22 (1) (d) of the statutes is amended to read:

2 938.22 (1) (d) The nonjudicial operational policies of a private ~~secure~~ juvenile
3 detention facility shall be established by the private entity operating the ~~secure~~
4 juvenile detention facility. Those policies shall be executed by the superintendent
5 appointed under sub. (3) (bm).

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

6 **SECTION 256.** 938.22 (3) (bm) of the statutes is amended to read:

7 938.22 (3) (bm) A private juvenile detention facility shall be in the charge of
8 a superintendent appointed by the private entity operating the ~~secure~~ juvenile
9 detention facility.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

10 **SECTION 257.** 938.22 (5) of the statutes is amended to read:

11 938.22 (5) COUNTY CONTRACTS WITH PRIVATE FACILITIES. A county board of
12 supervisors, or 2 or more county boards of supervisors jointly, may contract with
13 privately operated ~~secure~~ juvenile detention facilities, shelter care facilities, or home
14 detention programs for purchase of services. A county board of supervisors may
15 delegate this authority to its county department.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

16 **SECTION 258.** 938.222 (title) of the statutes is amended to read:

17 **938.222 (title) Contracts with private entities for ~~secure~~ juvenile**
18 **detention facility services.**

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

19 **SECTION 259.** 938.222 (2) (b) 1. of the statutes is amended to read:

SENATE BILL 301**SECTION 259**

1 938.222 (2) (b) 1. The rates to be paid by the county for holding a juvenile in
2 the private secure juvenile detention facility and the charges to be paid by the county
3 for any extraordinary medical and dental expenses and any programming provided
4 for a juvenile who is held in the private secure juvenile detention facility.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

5 **SECTION 260.** 938.222 (2) (b) 2. of the statutes is amended to read:

6 938.222 (2) (b) 2. An agreement that the county retains jurisdiction over a
7 juvenile who is held in the private secure juvenile detention facility.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

8 **SECTION 261.** 938.222 (2) (b) 3. of the statutes is amended to read:

9 938.222 (2) (b) 3. An agreement that the private secure juvenile detention
10 facility is subject to investigation and inspection by the department under s. 301.36.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

11 **SECTION 262.** 938.223 (title) of the statutes is amended to read:

12 **938.223 (title) Contracts with Minnesota counties for secure juvenile**
13 **detention facility services.**

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

14 **SECTION 263.** 938.223 (1) of the statutes is amended to read:

15 938.223 (1) **USES OF FACILITIES.** The county board of supervisors of any county
16 may contract with one or more counties in Minnesota that operate a secure juvenile
17 detention facility for the use of one or more Minnesota secure juvenile detention
18 facilities for the holding of juveniles who meet the criteria under s. 48.208, 938.17
19 (1), 938.183 (1m) (a), or 938.208 or who are subject to a disposition under s. 938.17

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1 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355 (6) (d) 1., or short-term detention
2 under s. 938.355 (6d) or 938.534 (1).

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

3 **SECTION 264.** 938.223 (2) (b) 1. of the statutes is amended to read:

4 938.223 (2) (b) 1. The rates to be paid by the Wisconsin county for holding a
5 juvenile in the Minnesota ~~secure~~ juvenile detention facility and the charges to be
6 paid by the Wisconsin county for any extraordinary medical and dental expenses and
7 any programming provided for a juvenile who is held in the Minnesota ~~secure~~
8 juvenile detention facility.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

9 **SECTION 265.** 938.223 (2) (b) 2. of the statutes is amended to read:

10 938.223 (2) (b) 2. An agreement that the Wisconsin county retains jurisdiction
11 over a juvenile who is held in the Minnesota ~~secure~~ juvenile detention facility.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

12 **SECTION 266.** 938.223 (2) (b) 3. of the statutes is amended to read:

13 938.223 (2) (b) 3. An agreement that the Minnesota ~~secure~~ juvenile detention
14 facility is subject to investigation and inspection by the department under s. 301.36.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

15 **SECTION 267.** 938.224 (title) of the statutes is amended to read:

16 **938.224 (title) Contracts with department for ~~secure~~ juvenile detention**
17 **facility services.**

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

18 **SECTION 268.** 938.224 (2) (a) (intro.) of the statutes is amended to read:

SENATE BILL 301**SECTION 268**

1 938.224 (2) (a) (intro.) That the county may use a secured juvenile correctional
2 facility for holding a juvenile under sub. (1) only if any of the following criteria are
3 met:

NOTE: The term “secured correctional facility” was changed to “juvenile correctional facility” by 2005 Wis. Act 344.

4 **SECTION 269.** 938.224 (2) (a) 1. of the statutes is amended to read:

5 938.224 (2) (a) 1. There is no county–operated secure juvenile detention facility
6 approved by the department within 40 miles of the county seat of the county.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

7 **SECTION 270.** 938.224 (2) (a) 2. of the statutes is amended to read:

8 938.224 (2) (a) 2. There is no bed space available in a county–operated secure
9 juvenile detention facility approved by the department within 40 miles of the county
10 seat of the county.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

11 **SECTION 271.** 938.224 (2) (b) of the statutes is amended to read:

12 938.224 (2) (b) That the county may use a secured juvenile correctional facility
13 for holding a juvenile under sub. (1) only if the department approves that use based
14 on the availability of beds in the secured juvenile correctional facility and on the
15 programming needs of the juvenile.

NOTE: The term “secured correctional facility” was changed to “juvenile correctional facility” by 2005 Wis. Act 344.

16 **SECTION 272.** 938.225 of the statutes is amended to read:

17 **938.225 Statewide plan for secure juvenile detention facilities.** The
18 department shall assist counties in establishing secure juvenile detention facilities
19 under s. 938.22 by developing and promulgating a statewide plan for the

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1 establishment and maintenance of suitable secure juvenile detention facilities
2 reasonably accessible to each court.

NOTE: 2005 Wis. Act 344 changed "secure detention facility" to "juvenile detention facility" in all other sections of the statutes.

3 **SECTION 273.** 938.293 (3) of the statutes, as affected by 2005 Wisconsin Acts
4 42 and 344, is amended to read:

5 938.293 (3) VIDEOTAPED AUDIOVISUAL RECORDING OF ORAL STATEMENT. Upon
6 request prior to the fact-finding hearing, the district attorney shall disclose to the
7 juvenile, and to the juvenile's counsel or guardian ad litem, the existence of any
8 audiovisual recording of an oral statement of a child under s. 908.08 that is within
9 the possession, custody, or control of the state and shall make reasonable
10 arrangements for the requesting person to view the statement. If, after compliance
11 with this subsection, the state obtains possession, custody, or control of the
12 audiovisual recording of the oral statement, the district attorney shall promptly
13 notify the requesting person of that fact and make reasonable arrangements for the
14 requesting person to view the statement.

NOTE: "Oral" replaced "such" in 2005 Wis. Act 344, requiring the insertion of the specific reference for clarity. Also, the title created by 2005 Wis. Act 344 for this provision references a "videotaped" oral statement, but that term was replaced with "audiovisual recording" by 2005 Wis. Act 42. This SECTION conforms the title to the new terminology enacted by 2005 Wis. Act 42.

15 **SECTION 274.** The treatment of 938.299 (4) (b) of the statutes by 2005 Wisconsin
16 Act 277 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.299 (4) (b) reads:

(b) Except as provided in s. 901.05, common law and statutory rules of evidence are not binding at a waiver hearing under s. 938.18, a hearing for a juvenile held in custody under s. 938.21, a hearing under s. 938.296 (4) for a juvenile who is alleged to have violated s. 940.225, 948.02, 948.025, 948.05, 948.06, or 948.085 (2), a hearing under s. 938.296 (5) for a juvenile who is alleged to have violated s. 946.43 (2m), a dispositional hearing, or any postdispositional hearing under this chapter. At those hearings, the court shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, or evidence that is inadmissible under s. 901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial

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guarantees of trustworthiness. The court shall give effect to the rules of privilege recognized by law. The court shall apply the basic principles of relevancy, materiality, and probative value to proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

1 **SECTION 275.** 938.31 (3) (title) of the statutes is created to read:

2 938.31 (3) (title) ADMISSIBILITY OF CUSTODIAL INTERROGATIONS.

NOTE: The other subsections of s. 938.31 have titles.

3 **SECTION 276.** 938.34 (3) (f) (intro.) of the statutes is amended to read:

4 938.34 (3) (f) (intro.) A secure juvenile detention facility or juvenile portion of
5 a county jail that meets the standards promulgated by the department by rule, or in
6 a place of nonsecure custody designated by the court, subject to all of the following:

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

7 **SECTION 277.** 938.34 (3) (f) 2. of the statutes is amended to read:

8 938.34 (3) (f) 2. The order may provide that the juvenile may be released from
9 the secure juvenile detention facility, juvenile portion of the jail, or place of nonsecure
10 custody during specified hours to attend school, to work at the juvenile’s place of
11 employment or to attend or participate in any activity which the court considers
12 beneficial to the juvenile.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

13 **SECTION 278.** 938.34 (3) (f) 3. of the statutes is amended to read:

14 938.34 (3) (f) 3. The use of placement in a secure juvenile detention facility or
15 in a juvenile portion of a county jail as a disposition under this paragraph is subject
16 to the adoption of a resolution by the county board of supervisors under s. 938.06 (5)
17 authorizing the use of those placements as a disposition.

NOTE: The term “secure detention facility” was changed to “juvenile detention facility” by 2005 Wis. Act 344.

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1 **SECTION 279.** The treatment of 938.34 (4h) (a) of the statutes by 2005 Wisconsin
2 Act 253 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.34 (4h)
(a) reads:

(a) The juvenile is 14 years of age or over and has been adjudicated delinquent for committing or conspiring to commit a violation of s. 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2) or attempting a violation of s. 943.32 (2) or the juvenile is 10 years of age or over and has been adjudicated delinquent for attempting or committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

3 **SECTION 280.** 938.345 (4) (title) of the statutes is created to read:

4 938.345 (4) (title) UNCONTROLLABLE JUVENILES.

NOTE: The other subsections of s. 938.345 have titles.

5 **SECTION 281.** 938.355 (6) (d) 1. of the statutes is amended to read:

6 938.355 (6) (d) 1. Placement of the juvenile in a secure juvenile detention
7 facility or juvenile portion of a county jail that meets the standards promulgated by
8 the department by rule or in a place of nonsecure custody, for not more than 10 days
9 and the provision of educational services consistent with his or her current course
10 of study during the period of placement. The juvenile shall be given credit against
11 the period of detention or nonsecure custody imposed under this subdivision for all
12 time spent in secure detention in connection with the course of conduct for which the
13 detention or nonsecure custody was imposed.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

14 **SECTION 282.** 938.355 (6d) (a) 1. of the statutes is amended to read:

15 938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
16 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
17 policies adopted by the county board relating to the taking into custody and
18 placement of a juvenile under this subdivision, if a juvenile who has been adjudged
19 delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker

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1 or any other person authorized to provide or providing intake or dispositional
2 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
3 juvenile into custody and place the juvenile in a secure juvenile detention facility or
4 juvenile portion of a county jail that meets the standards promulgated by the
5 department by rule or in a place of nonsecure custody designated by that person for
6 not more than 72 hours while the alleged violation and the appropriateness of a
7 sanction under sub. (6) are being investigated. Short-term detention may be
8 imposed under this subdivision only if at the dispositional hearing the court
9 explained those conditions to the juvenile and informed the juvenile of that possible
10 placement or if before the violation the juvenile has acknowledged in writing that he
11 or she has read, or has had read to him or her, those conditions and that possible
12 placement and that he or she understands those conditions and that possible
13 placement.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

14 **SECTION 283.** 938.355 (6d) (a) 2. of the statutes is amended to read:

15 938.355 (6d) (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
16 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
17 policies adopted by the county board relating to the taking into custody and
18 placement of a juvenile under this subdivision, if a juvenile who has been adjudged
19 delinquent violates a condition specified in sub. (2) (b) 7., the juvenile's caseworker
20 or any other person authorized to provide or providing intake or dispositional
21 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
22 juvenile into custody and place the juvenile in a secure juvenile detention facility or
23 juvenile portion of a county jail that meets the standards promulgated by the

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1 department by rule or in a place of nonsecure custody designated by that person for
2 not more than 72 hours as a consequence of that violation. Short-term detention
3 may be imposed under this subdivision only if at the dispositional hearing the court
4 explained those conditions to the juvenile and informed the juvenile of that possible
5 placement or if before the violation the juvenile has acknowledged in writing that he
6 or she has read, or has had read to him or her, those conditions and that possible
7 placement and that he or she understands those conditions and that possible
8 placement. A person who takes a juvenile into custody under this subdivision shall
9 permit the juvenile to make a written or oral statement concerning the possible
10 placement of the juvenile and the course of conduct for which the juvenile was taken
11 into custody. A person designated by the court or county department who is employed
12 in a supervisory position by a person authorized to provide or providing intake or
13 dispositional services under s. 938.067 or 938.069 shall review that statement and
14 either approve the placement, modify the terms of the placement, or order the
15 juvenile to be released from custody.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

16 **SECTION 284.** 938.355 (6d) (b) 2. of the statutes is amended to read:

17 938.355 (6d) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
18 general written policies adopted by the court under s. 938.06 (1) or (2), to any policies
19 adopted by the county department relating to aftercare supervision administered by
20 the county department, and to any policies adopted by the county board relating to
21 the taking into custody and placement of a juvenile under this subdivision, if a
22 juvenile who is on aftercare supervision administered by the county department
23 violates a condition of that supervision, the juvenile's caseworker or any other person

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

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

20 **SECTION 285.** 938.355 (6d) (d) of the statutes is amended to read:

21 938.355 (6d) (d) *Hearing; when required.* If a juvenile is held under par. (a),
22 (b), or (c) in a ~~secure~~ juvenile detention facility, juvenile portion of a county jail, or
23 place of nonsecure custody for longer than 72 hours, the juvenile is entitled to a

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1 hearing under sub. (6) (c) or s. 938.21. The hearing shall be conducted in the manner
2 provided in sub. (6) or s. 938.21, except that, notwithstanding s. 938.21 (1) (a), the
3 hearing shall be conducted within 72 hours, rather than 24 hours, after the time that
4 the decision to hold the juvenile was made and a written statement of the reasons
5 for continuing to hold the juvenile in custody may be filed instead of a petition under
6 s. 938.25.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

7 **SECTION 286.** 938.355 (6d) (e) of the statutes is amended to read:

8 938.355 (6d) (e) *County board authorization required.* The use of placement
9 in a secure juvenile detention facility or in a juvenile portion of a county jail as a place
10 of short-term detention under par. (a) 1. or 2. or (b) 1. or 2. is subject to the adoption
11 of a resolution by the county board of supervisors under s. 938.06 (5) authorizing the
12 use of those placements as places of short-term detention under par. (a) 1. or 2. or
13 (b) 1. or 2.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

14 **SECTION 287.** 938.355 (6m) (a) 1g. of the statutes is amended to read:

15 938.355 (6m) (a) 1g. Placement of the juvenile in a secure juvenile detention
16 facility or juvenile portion of a county jail that meets the standards promulgated by
17 the department by rule or in a place of nonsecure custody, for not more than 10 days
18 and the provision of educational services consistent with his or her current course
19 of study during the period of placement. The juvenile shall be given credit against
20 the period of detention or nonsecure custody imposed under this subdivision for all
21 time spent in secure detention in connection with the course of conduct for which the
22 detention or nonsecure custody was imposed. The use of placement in a secure

SENATE BILL 301**SECTION 287**

1 juvenile detention facility or in a juvenile portion of a county jail as a sanction under
2 this 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.

NOTE: The term "secure detention facility" was changed to "juvenile detention facility" by 2005 Wis. Act 344.

4 **SECTION 288.** The treatment of 938.371 (1) (intro.) of the statutes by 2005
5 Wisconsin Act 232 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.371 (1) (intro.) reads:

(1) **MEDICAL INFORMATION.** If a juvenile is placed in a foster home, treatment foster home, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, treatment foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

6 **SECTION 289.** The treatment of 938.371 (1) (a) of the statutes by 2005 Wisconsin
7 Act 232 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.371 (1) (a) reads:

(a) Results of a test or a series of tests of the juvenile to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, treatment foster parent, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).

8 **SECTION 290.** 938.371 (1) (b) of the statutes, as affected by 2005 Wisconsin Acts
9 232 and 344, is amended to read:

10 938.371 (1) (b) Results of any tests of the juvenile to determine the presence
11 of viral hepatitis, type B, including results included in a court report or permanency
12 plan. juvenile

NOTE: "Juvenile" was inserted by 2005 Wis. Act 344 but rendered surplusage by the treatment by 2005 Wis Act 232.

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1 **SECTION 291.** 938.371 (1) (c) of the statutes, as affected by 2005 Wisconsin Acts
2 232 and 344, is amended to read:

3 938.371 (1) (c) Any other medical information concerning the juvenile that is
4 necessary for the care of the juvenile. juvenile

NOTE: "Juvenile" was inserted by 2005 Wis. Act 344 but rendered surplusage by
the treatment by 2005 Wis Act 232.

5 **SECTION 292.** The treatment of 938.371 (3) (intro.) of the statutes by 2005
6 Wisconsin Act 232 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.371 (3)
(intro.) reads:

(3) OTHER INFORMATION. At the time of placement of a juvenile in a foster home,
treatment foster home, group home, residential care center for children and youth, or
juvenile correctional facility or in the home of a relative other than a parent or, if the
information is not available at that time, as soon as possible after the date on which the
court report or permanency plan has been submitted, but no later than 7 days after that
date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's
permanency plan shall provide to the foster parent, treatment foster parent, relative, or
operator of the group home, residential care center for children and youth, or juvenile
correctional facility information contained in the court report submitted under s. 938.33
(1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating
to findings or opinions of the court or agency that prepared the court report or
permanency plan relating to any of the following:

7 **SECTION 293.** 938.371 (3) (a), (b) and (c) of the statutes, as affected by 2005
8 Wisconsin Acts 232 and 344, are amended to read:

9 938.371 (3) (a) Any mental, emotional, cognitive, developmental, or behavioral
10 disability of the juvenile. juvenile

11 (b) Any involvement of the juvenile in any criminal gang, as defined in s. 939.22
12 (9), or in any other group in which any child was traumatized as a result of his or her
13 association with that group. juvenile

14 (c) Any involvement of the juvenile in any activities that are harmful to the
15 juvenile's physical, mental, or moral well-being. juvenile

NOTE: "Juvenile" was inserted by 2005 Wis. Act 344 but rendered surplusage by
the treatment by 2005 Wis Act 232.

SENATE BILL 301**SECTION 294**

1 **SECTION 294.** 938.371 (3) (d) of the statutes, as affected by 2005 Wisconsin Acts
2 232, 277 and 344, is amended to read:

3 938.371 (3) (d) Any involvement of the juvenile, whether as victim or
4 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,
5 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a
6 child in violation of s. 948.05, or causing a child to view or listen to sexual activity
7 in violation of s. 948.055, if the information is necessary for the care of the juvenile
8 or for the protection of any person living in the foster home, treatment foster home,
9 group home, residential care center for children and youth, or juvenile correctional
10 facility. juvenile

NOTE: “Juvenile” was inserted by 2005 Wis. Act 344 but rendered surplusage by
the treatment by 2005 Wis Act 232.

11 **SECTION 295.** 938.371 (4) (title) of the statutes is created to read:

12 938.371 (4) (title) **DISCLOSURE BEFORE PLACEMENT PERMITTED.**

NOTE: The other subsections of s. 938.371 have titles.

13 **SECTION 296.** 938.371 (5) of the statutes is amended to read:

14 938.371 (5) CONFIDENTIALITY OF INFORMATION. Except as permitted under s.
15 252.15 (6), a foster parent, treatment foster parent, relative, or operator of a group
16 home, residential care center for children and youth, or secured juvenile correctional
17 facility that receives any information under sub. (1) or (3), other than the information
18 described in sub. (3) (e), shall keep the information confidential and may disclose that
19 information only for the purposes of providing care for the juvenile or participating
20 in a court hearing or permanency plan review concerning the juvenile.

NOTE: The term “secured correctional facility” was changed to “juvenile
correctional facility” by 2005 Wis. Act 344. Also, the other subsections of s. 938.371 have
titles.

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1 **SECTION 297.** 938.38 (4) (ar) of the statutes, as affected by 2005 Wisconsin Act
2 344, is amended to read:

3 938.38 (4) (ar) A description of the services offered and any services provided
4 in an effort to prevent the removal of the juvenile from his or her home, while
5 assuring that the health and safety of the juvenile are the paramount concerns, and
6 to achieve the goal of the permanency plan, except that the permanency plan is not
7 required to include a description of the services offered or provided with respect to
8 a parent of the juvenile to prevent the removal of the juvenile from the home or to
9 achieve the permanency plan goal of returning the juvenile safely to his or her home
10 if any of the circumstances under ~~in~~ s. 938.355 (2d) (b) 1. to 4. apply to that parent.

NOTE: Deletes "in" rendered surplusage by 2005 Wis. Act 344.

11 **SECTION 298.** 938.396 (1) (a) of the statutes, as affected by 2005 Wisconsin Act
12 344, section 509, and 2005 Wisconsin Act 434, is amended to read:

13 938.396 (1) (a) *Confidentiality.* Law enforcement agency records of juveniles
14 shall be kept separate from records of adults. Law enforcement agency records of
15 juveniles may not be open to inspection or their contents disclosed except under, par.
16 (b) or (c), sub. (1j), or (10), or s. 938.293 or by order of the court.

NOTE: Inserts serial comma.

17 **SECTION 299.** 938.396 (1j) (a) (intro.) of the statutes, as affected by 2005
18 Wisconsin Act 344, section 561, and 2005 Wisconsin Act 434, section 42, is amended
19 to read:

20 938.396 (1j) (a) (intro.) Any person who is denied access to a record under sub.
21 (1), (a) or (10) may petition the court to order the disclosure of the record. The
22 petition shall be in writing and shall describe as specifically as possible all of the
23 following:

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NOTE: Deletes commas inserted by 2005 Wis. Act 434 but rendered surplusage by 2005 Wis. Act 344. Act 344 renumbered s. 938.396 (1) to s. 938.396 (1) (a) and changed other cross-references to s. 938.396 (1) (a) accordingly.

1 **SECTION 300.** 938.396 (2) of the statutes, as affected by 2005 Wisconsin Act 344,
2 is amended to read:

3 **938.396 (2) COURT RECORDS; CONFIDENTIALITY.** Records of the court assigned to
4 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising
5 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for
6 that purpose only. Those records shall not be open to inspection or their contents
7 disclosed except by order of the court assigned to exercise jurisdiction under this
8 chapter and ch. 48 or as permitted under sub. (2g) or (10).

NOTE: Act 344 renumbered s. 938.396 (2) (e) to s. 938.396 (2g) (e), but then Act 434 renumbered s. 938.396 (2) (e) as s. 938.391 (10). Accordingly, s. 938.396 (2) needs a cross-reference to s. 938.396 (10) for completeness.

9 **SECTION 301.** 938.534 (1) (b) 1. of the statutes, as affected by 2005 Wisconsin
10 Act 344, is amended to read:

11 **938.534 (1) (b) 1.** Notwithstanding ss. 938.19 to 938.21, but subject to any
12 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
13 policies adopted by the county board relating to the taking into custody and
14 placement of a juvenile under this subdivision, if a juvenile violates a condition of the
15 his or her participation in the program, the juvenile's caseworker or any other person
16 authorized to provide or providing intake or dispositional services for the court under
17 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
18 the juvenile in a juvenile detention facility or juvenile portion of a county jail that
19 meets the standards promulgated by the department by rule or in a place of
20 nonsecure custody designated by that person for not more than 72 hours while the
21 alleged violation and the appropriateness of a sanction under s. 938.355 (6) or a

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1 change in the conditions of the juvenile's participation in the program are being
2 investigated. Short-term detention under this subdivision may be imposed only if
3 at the dispositional hearing the court explained those conditions to the juvenile and
4 informed the juvenile of that possible placement or if before the violation the juvenile
5 has acknowledged in writing that he or she has read, or has had read to him or her,
6 those conditions and that possible placement and that he or she understands those
7 conditions and that possible placement.

NOTE: Deletes "the" rendered surplusage by 2005 Wis. Act 344.

8 **SECTION 302.** 938.57 (1) (c) of the statutes, as affected by 2005 Wisconsin Acts
9 25 and 344, is amended to read:

10 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
11 care, including providing services for juveniles and their families in their own homes,
12 placing the juveniles in licensed foster homes, licensed treatment foster homes, or
13 licensed group homes in this state or another state within a reasonable proximity to
14 the agency with legal custody, placing the juveniles in the homes of guardians under
15 s. 48.977 (2), contracting for services for them by licensed child welfare agencies, or
16 replacing them in juvenile correctional facilities or secured, residential care centers
17 for children and youth in accordance with rules promulgated under ch. 227, except
18 that the county department may not purchase the educational component of private
19 day treatment programs unless the county department, the school board, as defined
20 in s. 115.001 (7), and the state superintendent of public instruction determine that
21 an appropriate public education program is not available. Disputes between the
22 county department and the school district shall be resolved by the state
23 superintendent of public instruction.

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NOTE: Deletes comma inserted by 2005 Wis. Act 25 but rendered surplusage by 2005 Wis. Act 344.

1 **SECTION 303.** 938.57 (2m) (title) of the statutes is created to read:

2 938.57 (2m) (title) NOTICE OF CHANGE OF COUNTY OF RESIDENCE.

NOTE: The other subsections of s. 938.57 have titles.

3 **SECTION 304.** 938.57 (3) (a) 4. of the statutes, as affected by 2005 Wisconsin Act
4 25, is amended to read:

5 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
6 residential care center for children and youth, or subsidized guardianship home
7 under s. 48.62 (5).

NOTE: Deletes unnecessary comma inserted by 2005 Wis. Act 25. The correct punctuation is shown in the printed statutes.

8 **SECTION 305.** The treatment of 938.78 (2) (a) of the statutes by 2005 Wisconsin
9 Act 293 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.78 (2) (a) reads:

(a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d) or (5m) (d), 938.51, or 938.57 (2m) or by order of the court.

10 **SECTION 306.** The treatment of 938.78 (3) of the statutes by 2005 Wisconsin Act
11 277 is not repealed by 2005 Wisconsin Act 344. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 938.78 (3) reads:

(3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional facility, residential care center for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave a juvenile correctional facility, residential care center for children and youth, inpatient facility, juvenile detention facility, or juvenile portion of a county jail for a specified time period and is absent from the facility, center, home, or jail for more than 12 hours after the

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expiration of the specified period, the department or county department having supervision over the juvenile may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, center, home, or jail. The department shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.

1 **SECTION 307.** 939.10 of the statutes is amended to read:

2 **939.10 ~~Common-law~~ Common law crimes abolished; ~~common-law~~**
3 **common law rules preserved.** ~~Common-law~~ Common law crimes are abolished.
4 The ~~common-law~~ common law rules of criminal law not in conflict with chs. 939 to
5 951 are preserved.

NOTE: Eliminates hyphen for consistent treatment with the remainder of the statutes.

6 **SECTION 308.** The treatment of 939.22 (34) of the statutes by 2005 Wisconsin
7 Act 273 is not repealed by 2005 Wisconsin Act 435. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 939.22 (34) reads:

(34) "Sexual contact" means any of the following if done for the purpose of sexual humiliation, degradation, arousal, or gratification:

(a) The intentional touching by the defendant or, upon the defendant's instruction, by a third person of the clothed or unclothed intimate parts of another person with any part of the body, clothed or unclothed, or with any object or device.

(b) The intentional touching by the defendant or, upon the defendant's instruction, by a third person of any part of the body, clothed or unclothed, of another person with the intimate parts of the body, clothed or unclothed.

(c) The intentional penile ejaculation of ejaculate or the intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by a third person upon any part of the body, clothed or unclothed, of another person.

(d) Intentionally causing another person to ejaculate or emit urine or feces on any part of the actor's body, whether clothed or unclothed.

8 **SECTION 309.** 939.617 of the statutes, as created by 2005 Wisconsin Act 430,
9 is renumbered 939.616.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 433 also created a provision numbered s. 939.617.

10 **SECTION 310.** The treatment of 939.74 (2) (c) of the statutes by 2005 Wisconsin
11 Act 276 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 939.74 (2) (c) reads:

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(c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (b), 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, 948.085, or 948.095 shall be commenced before the victim reaches the age of 45 years or be barred, except as provided in sub. (2d) (c).

1 **SECTION 311.** The treatment of 941.291 (1) (b) of the statutes by 2005 Wisconsin
2 Act 212 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 941.291 (1) (b) reads:

(b) "Violent felony" means any felony, or the solicitation, conspiracy, or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to commit a felony under s. 943.84 (1) or (2).

3 **SECTION 312.** 941.38 (1) (b) 21. of the statutes, as created by 2005 Wisconsin
4 Act 277, is renumbered 941.38 (1) (b) 21m.

NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b). 2005 Wis. Act 212 also created a provision numbered 941.38 (1) (b) 21.

5 **SECTION 313.** The treatment of 946.42 (1) (a) of the statutes by 2005 Wisconsin
6 Act 344 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 946.42 (1) (a) reads:

(a) "Custody" includes without limitation actual custody of an institution, including a juvenile correctional facility, as defined in s. 938.02 (10p), a secured residential care center for children and youth, as defined in s. 938.02 (15g), a juvenile detention facility, as defined in s. 938.02 (10r), a Type 2 residential care center for children and youth, as defined in s. 938.02 (19r), a facility used for the detention of persons detained under s. 980.04 (1), a facility specified in s. 980.065, or a juvenile portion of a county jail, or actual custody of a peace officer or institution guard. "Custody" also includes the constructive custody of persons placed on supervised release under ch. 980 and constructive custody of prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e) temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile, or otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to which the prisoner was transferred after conviction. It does not include the custody of a probationer, parolee, or person on extended supervision by the department of corrections or a probation, extended supervision, or parole officer or the custody of a person who has been released to aftercare supervision under ch. 938 unless the person is in actual custody or is subject to a confinement order under s. 973.09 (4).

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1 **SECTION 314.** 948.085 (2) 1., 2. and 3. of the statutes, as created by 2005
2 Wisconsin Act 277, are renumbered 948.085 (2) (a), (b) and (c).

 NOTE: Confirms renumbering by the revisor under s. 13.93 (1) (b) correcting a
 numbering error.

3 **SECTION 315.** 948.095 (3) (d) of the statutes, as created by 2005 Wisconsin Act
4 274, is renumbered 948.095 (3) (d) (intro.) and amended to read:

5 948.095 (3) (d) (intro.) Evidence that a person engages in an occupation or
6 participates in a volunteer position relating to any of the following is prima facie
7 evidence that the occupation or position requires him or her to work or interact
8 directly with children: ~~teaching~~

- 9 1. Teaching children, ~~child.~~
- 10 2. Child care, ~~youth.~~
- 11 3. Youth counseling, ~~youth.~~
- 12 4. Youth organization, ~~coaching.~~
- 13 5. Coaching children, ~~parks.~~
- 14 6. Parks or playground recreation, ~~or school.~~
- 15 7. School bus driving.

 NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in
 tabular form for consistency with current style and improved readability.

16 **SECTION 316.** 948.13 (3) of the statutes is renumbered 948.13 (3) (intro.) and
17 amended to read:

18 948.13 (3) (intro.) Evidence that a person engages in an occupation or
19 participates in a volunteer position relating to any of the following is prima facie
20 evidence that the occupation or position requires him or her to work or interact
21 primarily and directly with children under 16 years of age: ~~teaching~~

- 22 (a) Teaching children, ~~child.~~

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SECTION 316

- 1 (b) Child care, youth,
2 (c) Youth counseling, youth,
3 (d) Youth organization, coaching,
4 (e) Coaching children, parks,
5 (f) Parks or playground recreation or school,
6 (g) School bus driving.

NOTE: Renumbers provision pursuant to s. 13.93 (1) (a) and (b) to place a series in tabular form for consistency with current style and improved readability.

- 7 **SECTION 317.** The treatment of 949.03 (1) (b) of the statutes by 2005 Wisconsin
8 Act 212 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 949.03 (1) (b) reads:

(b) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24, 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86, 943.87, 948.02, 948.025, 948.03, 948.04, 948.07, 948.085, 948.095, 948.20, 948.30 or 948.51.

- 9 **SECTION 318.** 950.04 (1v) (m) of the statutes is amended to read:
10 950.04 (1v) (m) To provide statements concerning sentencing, disposition, or
11 parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1. 1g., 938.335 (3m) (a) (ag),
12 and 972.14 (3) (a).

NOTE: Corrects cross-reference. The substance of s. 938.32 (1) (b) 1. was moved to s. 938.32 (1) (b) 1g. and the substance of s. 938.335 (3m) (a) was moved to s. 938.335 (3m) (ag) by 2005 Wis. Act 344.

- 13 **SECTION 319.** 950.04 (1v) (w) of the statutes is amended to read:
14 950.04 (1v) (w) To have the department of corrections make a reasonable
15 attempt to notify the victim under s. 303.068 (4m) regarding leave granted to
16 qualified inmates under s. 303.068.

NOTE: Inserts missing "s." The correction is shown in the printed statutes.

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1 **SECTION 320.** The treatment of s. 961.577 of the statutes by 2005 Wisconsin Act
2 90 is not repealed by 2005 Wisconsin Act 116. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 961.577 reads:

961.577 Municipal ordinances. Nothing in this subchapter precludes a city, village, or town from prohibiting conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) or a county from prohibiting conduct that is the same as that prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

3 **SECTION 321.** The treatment of 969.08 (10) (b) of the statutes by 2005 Wisconsin
4 Act 212 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 969.08 (10) (b) reads:

(b) "Serious crime" means any crime specified in s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

5 **SECTION 322.** The treatment of 970.03 (4) (a) of the statutes by 2005 Wisconsin
6 Act 155 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 970.03 (4) (a) reads:

(a) If the defendant is accused of a crime under s. 940.225, 948.02, 948.025, 948.05, 948.06, 948.085, or 948.095, the court may exclude from the hearing all persons who are not officers of the court, members of the complainant's or defendant's families or others considered by the court to be supportive of the complainant or defendant, the service representative, as defined in s. 895.45 (1) (c), or other persons required to attend, if the court finds that the state or the defendant has established a compelling interest that would likely be prejudiced if the persons were not excluded. The court may consider as a compelling interest, among others, the need to protect a complainant from undue embarrassment and emotional trauma.

7 **SECTION 323.** 972.15 (4) of the statutes, as affected by 2005 Wisconsin Acts 311
8 and 434, is amended to read:

9 972.15 (4) Except as provided in sub. (4m) ~~or~~, (5), or (6), after sentencing ~~or (6)~~
10 the presentence investigation report shall be confidential and shall not be made
11 available to any person except upon specific authorization of the court.

SENATE BILL 301**SECTION 323**

NOTE: A cross-reference inserted by 2005 Wis. Act 434 is relocated to accommodate the treatment by 2005 Wis. Act 311.

1 **SECTION 324.** 973.017 (4) (b) 1. and 2. of the statutes are amended to read:

2 973.017 (4) (b) 1. At the time that he or she committed the serious sex crime,
3 the person convicted of committing the serious sex crime had a sexually transmitted
4 disease or acquired immunodeficiency syndrome or had had a positive test for the
5 presence of HIV, antigen, or nonantigenic products of HIV, or an antibody to HIV.

6 2. At the time that he or she committed the serious sex crime, the person
7 convicted of committing the serious sex crime knew that he or she had a sexually
8 transmitted disease or acquired immunodeficiency syndrome or that he or she had
9 had a positive test for the presence of HIV, antigen, or nonantigenic products of HIV,
10 or an antibody to HIV.

NOTE: Moves misplaced commas.

11 **SECTION 325.** 973.05 (2m) (f) of the statutes, as affected by 2005 Wisconsin Acts
12 149 and 433, is amended to read:

13 973.05 (2m) (f) To payment of the deoxyribonucleic acid analysis surcharge
14 until paid in full ~~shall then be applied to.~~

15 (fm) To payment of the child pornography surcharge until paid in full,

NOTE: Conforms the treatment of 973.05 (2m) by 2005 Wis. Act 433 to the revisions made to the provision by 2005 Wis. Act 149.

16 **SECTION 326.** 973.05 (2m) (g) of the statutes, as affected by 2005 Wisconsin Acts
17 25 and 149, is amended to read:

18 973.05 (2m) (g) To payment of the drug abuse program improvement surcharge
19 until paid in full. ~~shall then be applied to~~

20 (gm) To payment of the drug offender diversion surcharge until paid in full,

NOTE: Conforms the treatment of 973.05 (2m) by 2005 Wis. Act 25 to the revisions made to the provision by 2005 Wis. Act 149.

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1 **SECTION 327.** 973.05 (2m) (o) of the statutes, as affected by 2005 Wisconsin Acts
2 25 and 282, is amended to read:

3 973.05 (2m) (o) To payment of the wild animal protection surcharge until paid
4 in full. ~~shall then be applied to~~

5 (om) To the payment of the wildlife violator compact surcharge if applicable
6 until paid in full.

NOTE: Conforms the treatment of 973.05 (2m) by 2005 Wis. Act 282 to the revisions made to the provision by 2005 Wis. Act 149.

7 **SECTION 328.** 973.055 (title) of the statutes is amended to read:

8 **973.055 (title) Domestic abuse assessments surcharges.**

NOTE: 2003 Wis. Act 139 changed the references to “domestic abuse assessments” in s. 973.055 to “domestic abuse surcharges” without making the corresponding change to the section title.

9 **SECTION 329.** The treatment of 973.195 (1r) (d) of the statutes by 2005
10 Wisconsin Act 253 is not repealed by 2005 Wisconsin Act 277. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 973.195 (1r) (d) reads:

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

11 **SECTION 330.** 977.07 (2m) of the statutes is amended to read:

12 977.07 (2m) If the person is found to be indigent in full or in part, the person
13 shall be promptly informed of the state’s right to payment or recoupment under s.
14 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e), or 977.076 (1), and the possibility that
15 the payment of attorney fees may be made a condition of probation, should the person
16 be placed on probation. Furthermore, if found to be indigent in part, the person shall

SENATE BILL 301**SECTION 330**

1 be promptly informed of the extent to which he or she will be expected to pay for
2 counsel, and whether the payment shall be in the form of a lump sum payment or
3 periodic payments. The person shall be informed that the payment amount may be
4 adjusted if his or her financial circumstances change by the time of sentencing. The
5 payment and payment schedule shall be set forth in writing. This subsection does
6 not apply to persons who have paid under s. 977.075 ~~(1)~~ (3m).

NOTE: 2005 Wis. Act 129 renumbered s. 977.075 (1) to s. 977.075 (3m).

7 **SECTION 331.** The treatment of 980.01 (6) (a) of the statutes by 2005 Wisconsin
8 Act 277 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 980.01 (6) (a)
reads:

(a) Any crime specified in s. 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025, 948.06,
948.07, or 948.085.

9 **SECTION 332.** The treatment of 980.015 (2) (b) of the statutes by 2005 Wisconsin
10 Act 344 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 980.015 (2)
(b) reads:

(b) The anticipated release from a juvenile correctional facility, as defined in s.
938.02 (10p), or a secured residential care center for children and youth, as defined in s.
938.02 (15g), if the person was placed in the facility as a result of being adjudicated
delinquent under s. 48.34, 1993 stats., or under s. 938.183 or 938.34 on the basis of a
sexually violent offense.

11 **SECTION 333.** The treatment of 980.04 (1) of the statutes by 2005 Wisconsin Act
12 344 is not repealed by 2005 Wisconsin Act 434. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the revisor, s. 980.04 (1)
reads:

(1) Upon the filing of a petition under s. 980.02, the court shall review the petition
to determine whether to issue an order for detention of the person who is the subject of
the petition. The person shall be detained only if there is probable cause to believe that
the person is eligible for commitment under s. 980.05 (5). A person detained under this
subsection shall be held in a facility approved by the department. If the person is serving
a sentence of imprisonment, is in a juvenile correctional facility, as defined in s. 938.02
(10p), or a secured residential care center for children and youth, as defined in s. 938.02
(15g), or is committed to institutional care, and the court orders detention under this
subsection, the court shall order that the person be transferred to a detention facility
approved by the department. A detention order under this subsection remains in effect
until the petition is dismissed after a hearing under sub. (3) or after a trial under s. 980.05

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(5) or until the effective date of a commitment order under s. 980.06, whichever is applicable.

1 **SECTION 334.** 980.08 (6m) of the statutes, as affected by 2005 Wisconsin Acts
2 431 and 434, is amended to read:

3 **980.08 (6m)** An order for supervised release places the person in the custody
4 and control of the department. The department shall arrange for control, care and
5 treatment of the person in the least restrictive manner consistent with the
6 requirements of the person and in accordance with the plan for supervised release
7 approved by the court under sub. (b) (4) (g). A person on supervised release is subject
8 to the conditions set by the court and to the rules of the department. Within 10 days
9 of imposing a rule, the department shall file with the court any additional rule of
10 supervision not inconsistent with the rules or conditions imposed by the court. If the
11 department wants to change a rule or condition of supervision imposed by the court,
12 the department must obtain the court's approval. Before a person is placed on
13 supervised release by the court under this section, the court shall so notify the
14 municipal police department and county sheriff for the municipality and county in
15 which the person will be residing. The notification requirement under this
16 subsection does not apply if a municipal police department or county sheriff submits
17 to the court a written statement waiving the right to be notified.

NOTE: Deletes the paragraph designation of a cross-reference inserted by 2005
Wis. Act 431, but rendered surplusage by the removal of the subsection portion of the
cross-reference by 2005 Wis. Act 434.

18 **SECTION 335.** 2005 Wisconsin Act 72, section 3, is amended by replacing “paid
19 by a claimant, and” with “paid by a claimant, and”.

NOTE: The comma was inserted without being underscored. The change was
intended.

20 **SECTION 336.** 2005 Wisconsin Act 86, section 5, is amended by replacing “the
21 first ~~\$2,289,107~~ \$3,289,107” with “the first ~~\$2,389,107~~ \$3,289,107”.

SENATE BILL 301**SECTION 336**

NOTE: The stricken number contained an incorrect digit.

1 **SECTION 337.** 2005 Wisconsin Act 87, section 26, is amended by replacing
2 “**BROKER’S DUTIES TO ALL**” with “**DUTIES BROKER’S DUTIES TO ALL**”.

NOTE: “Duties” was replaced by “Brokers duties” without strikes and scores in s.
452.133 (1) (title).

3 **SECTION 338.** 2005 Wisconsin Act 87, section 34, is amended by replacing
4 “**BROKER’S DUTIES TO A**” with “**DUTIES BROKER’S DUTIES TO A**”.

NOTE: “Duties” was replaced by “Brokers duties” without strikes and scores in s.
452.133 (2) (title).

5 **SECTION 339.** 2005 Wisconsin Act 87, section 50 (1) is amended by replacing
6 “This act takes effect on the first day of the 6th month beginning after the effective
7 date of this subsection.” with “This act takes effect on the first day of the 6th month
8 beginning after publication.”

NOTE: Clarifies effective date by inserting language consistent with current style.

9 **SECTION 340.** 2005 Wisconsin Act 97, section 6 is amended by replacing “2
10 consecutive years” with “2 consecutive years”.

NOTE: “Consecutive” was inserted without being underscored. The change was
intended.

11 **SECTION 341.** 2005 Wisconsin Act 212, section 11 is amended by replacing “or,
12 if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s.
13 943.84 (1) or (2)” with “or, if the victim is a financial institution, as defined in s. 943.80
14 (2), a crime under s. 943.84 (1) or (2)”.

NOTE: Text was inserted without underscoring. The change was intended.

15 **SECTION 342.** 2005 Wisconsin Act 248, section 8 is amended by replacing
16 “board, except as” with “board, except as”.

NOTE: Previously existing text was shown as underscored. No change was
intended.

17 **SECTION 343.** 2005 Wisconsin Act 259, section 8 is amended by replacing
18 “development zones credits” with “development zones credit credits”.

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NOTE: Credit was changed to credits without strikes and underscores. The change was intended.

1 **SECTION 344.** 2005 Wisconsin Act 264, section 62 is amended by replacing “s.
2 51.15, ~~55.05 (4) or 55.06 (11) (a), 55.13,~~” with “s. 51.15, ~~55.05 (4) or 55.06 (11) (a)~~
3 55.13,”.

NOTE: A comma was inserted where a comma already existed.

4 **SECTION 345.** 2005 Wisconsin Act 264, section 108 is amended by replacing “or
5 another home, nursing home, or other facility” with “or another home, nursing home,
6 or other facility”.

NOTE: Text was inserted without being underscored. The change was intended.

7 **SECTION 346.** 2005 Wisconsin Act 264, section 135 is amended by replacing
8 “individuals who will need protective placement or protective services and given the
9 limited funds available” with “individuals who will need protective placement or
10 protective services and given the limited funds available”.

NOTE: Text was inserted without being underscored. The change was intended.

11 **SECTION 347.** 2005 Wisconsin Act 264, section 154 is amended by replacing
12 “individual's protective services or protective placement” with “individual's
13 protective services or protective placement”.

NOTE: Text was inserted without being underscored. The change was intended.

14 **SECTION 348.** 2005 Wisconsin Act 295, section 8 is amended by replacing “the
15 ~~type of prisoner supervision, and the delivery of services and programs to prisoners~~
16 how to supervise and provide services and programs to a prisoner, and what services
17 and programs to provide a prisoner” with “how to supervise and provide services and
18 programs to a prisoner, and what services and programs to provide a prisoner”.

NOTE: In 2005 Wis. Act 295, section 8, the underscored text was preexisting and should not have been underscored. Drafting records show that the stricken text was inserted in an earlier draft and should have been removed rather than stricken.

19 **SECTION 349.** 2005 Wisconsin Act 297, section 6 is repealed.

SENATE BILL 301**SECTION 349**

NOTE: 2005 Wis. Act 297 purports to renumber s. 449.03 (2) to s. 449.03, but that action cannot be carried out because s. 449.03 contains another subsection that is not treated by the act.

1 **SECTION 350.** 2005 Wisconsin Act 310, section 1 is amended by replacing “(2)
2 (a) OTHER CRIMES, WRONGS, OR ACTS. ~~Evidence~~” with “(2) (a) Evidence”.

NOTE: Section 904.04 (2) (title) was erroneously included as part of the text of s. 904.04 (2) (a).

3 **SECTION 351.** 2005 Wisconsin Act 344, section 19 is amended by replacing
4 “48.366 (1) (a) and (b) of the statutes are amended” with “48.366 (1) (a) (intro.) and
5 (b) of the statutes are amended”.

NOTE: 2005 Wis. Act 344 does not affect s. 48.366 (1) (a) 1. and 2.

6 **SECTION 352.** 2005 Wisconsin Act 344, section 189 is amended by replacing
7 “~~That the juvenile~~” with “That if the juvenile”.

NOTE: Previously existing text was deleted without being stricken. The change was intended.

8 **SECTION 353.** 2005 Wisconsin Act 344, section 356 is amended by replacing “of
9 the services, and may include” with “of the services, and may include”.

NOTE: A comma was inserted without being underscored. The change was intended.

10 **SECTION 354.** 2005 Wisconsin Act 344, section 466 is amended by replacing “the
11 Type 2 secured juvenile correctional facility shall notify the department and the
12 department, after consulting with the child welfare agency, may place the juvenile
13 in a Type 1 secured juvenile correctional facility under the supervision of the
14 department, without a hearing under sub. (1) (am) 2.” with “the Type 2 secured
15 juvenile correctional facility shall notify the department and the department, after
16 consulting with the child welfare agency, may place the juvenile in a Type 1 secured
17 juvenile correctional facility under the supervision of the department, without a
18 hearing under sub. (1) (am) 2.”.

NOTE: A comma was inserted without being underscored. The change was intended.

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1 **SECTION 355.** 2005 Wisconsin Act 347, section 27 is amended by replacing
2 “281.48 (3) (d) (intro.) A farmer” with “281.48 (3) (d) A farmer”.

NOTE: Removes unnecessary “(intro.)”

3 **SECTION 356.** 2005 Wisconsin Act 387, section 185 is amended by replacing
4 “chs. 48, 54, and 851 to ~~880~~ 879” with “chs. 48, 54, and 851 to 880 879”.

NOTE: “879” was inserted without underscoring. The change was intended.

5 **SECTION 357.** 2005 Wisconsin Act 387, section 574 is amended by replacing
6 “party’s interest or title ~~shall, may~~ be examined” with “party’s interest or title, shall
7 may be examined”.

NOTE: A comma was incorrectly placed and underscored.

8 **SECTION 358.** 2005 Wisconsin Act 388, section 175 is amended by replacing
9 “information from the ~~county elder-adult-at-risk~~ agency or ~~county protective~~
10 ~~services~~ adult-at-risk agency” with “information from the ~~county~~
11 ~~elder-adult-at-risk~~ agency or ~~county protective services~~ adult-at-risk agency”.

NOTE: “Adult-at-risk agency” was inserted without being underscored. The change was intended.

12 **SECTION 359.** 2005 Wisconsin Act 391, section 13 (1) is amended to read:
13 [2005 Wisconsin Act 391] Section 13 (1) DISSOLUTION OF VILLAGES. The
14 treatment of section ~~66.187~~ 61.187 (2) (a), (b), and (c) of the statutes first applies to
15 an election for the dissolution of a village that is held on the effective date of this
16 subsection.

NOTE: Corrects cross-reference. Act 391 treats s. 61.187 and does not treat 66.187.

17 **SECTION 360.** 2005 Wisconsin Act 434, section 34 is amended by replacing
18 “974.06, or 974.07 (2)” with “974.06, or 974.07 (2)”.

NOTE: A comma was inserted without underscoring. The change was intended.

19 **SECTION 361.** 2005 Wisconsin Act 434, section 70 is amended by replacing
20 “disease, defect, or illness” with “disease, defect, or illness”.

SENATE BILL 301**SECTION 361**

NOTE: A comma shown as underscored was previously existing. No change was intended.

1 **SECTION 362.** 2005 Wisconsin Act 443, section 137 is amended by replacing
2 “~~767.08 767.501~~, child support, family support, or maintenance under s. ~~767.23~~
3 ~~767.225~~, child support under s. ~~767.25 767.511~~, maintenance under s. ~~767.26 767.56~~,
4 family support under s. ~~767.261 767.531~~, attorney fees under s. ~~767.262 767.241~~,
5 child support or a child’s health care expenses under s. ~~767.477 767.85~~, paternity
6 obligations under s. ~~767.458 (3), 767.51 or 767.62 (4) 767.805 (4), 767.863 (3), or~~
7 ~~767.89~~, support arrearages under s. ~~767.293 767.71~~,” with “~~767.08 767.501~~, child
8 support, family support, or maintenance under s. ~~767.23 767.225~~, child support
9 under s. ~~767.25 767.511~~, maintenance under s. ~~767.26 767.56~~, family support under
10 s. ~~767.261 767.531~~, attorney fees under s. ~~767.262 767.241~~, child support or a child’s
11 health care expenses under s. ~~767.477 767.85~~, paternity obligations under s. ~~767.458~~
12 ~~(3), 767.51 or 767.62 (4) 767.805 (4), 767.863 (3), or 767.89~~, support arrearages under
13 s. ~~767.293 767.71~~.”.

NOTE: The commas following “767.501” and “767.225” were preexisting and should not have been underscored. The comma following “767.71” was inserted without underscoring. The change was intended.

14 **SECTION 363.** 2005 Wisconsin Act 443, section 170 is amended by replacing
15 “767.37 (1) (a) of the statutes is renumbered 767.251 and amended to read:” with
16 “767.37 (1) (a) of the statutes is renumbered 767.251 (1) and amended to read:”.

NOTE: Inserts missing subsection number.

17 **SECTION 364.** 2005 Wisconsin Act 443, section 218 is amended by replacing
18 “genetic tests as provided in s. ~~767.48 767.84~~ (5), and other costs.” with “genetic tests
19 as provided in s. ~~767.48 767.84~~ (5), and other costs.”.

NOTE: A comma was inserted without underscoring. The change was intended.

SENATE BILL 301

1 **SECTION 365.** 2005 Wisconsin Act 443, section 65 is amended by replacing
2 “PROCEEDINGS BEFORE COURT” with “PROCEEDINGS BEFORE COURT”.

 NOTE: A period shown as underscored was previously existing. No change was intended.

3 **SECTION 366.** 2005 Wisconsin Act 443, section 117 is amended by replacing
4 “767.265 (1m) to (7m) of the statutes are renumbered 767.75 (1m) to (7m), and 767.75
5 (1m), (2h), (2m) (a) 1. and 2. and (b), (2r), (3h), (4), (6) and (7m) (b) (intro.) and (c), as
6 renumbered, are amended to read:” with “767.265 (1m) to (7m) of the statutes are
7 renumbered 767.75 (1m) to (7m), and 767.75 (1m), (2h), (2m) (a) 1. and 2. and (b), (2r),
8 (3h), (4), (6) (a), (b) and (c) and (7m) (b) (intro.) and (c), as renumbered, are amended
9 to read:”.

 NOTE: Section 767.75 (6) (a), (b) and (c), but not (d), as renumbered are amended by 2005 Wis. Act 443.

10 **SECTION 367.** 2005 Wisconsin Act 449, section 3 is amended by replacing
11 “treatment facility,” with “treatment facility,”.

 NOTE: A comma was inserted without underscoring. The change was intended.

12 **SECTION 368. Effective dates.** This act takes effect on the day after
13 publication, except as follows:

14 (1) The treatment of section 153.05 (2r) (intro.) (by SECTION 127) of the statutes
15 takes effect on June 30, 2007, or on the day after publication, whichever is later.

16 (2) The treatment of sections 51.42 (3) (aw) 1. d., 301.03 (19), and 980.08 (6m)
17 of the statutes takes effect on July 1, 2007, or on the day after publication, whichever
18 is later.

19 (3) The treatment of section 48.981 (1) (b) of the statutes takes effect on July
20 1, 2008.

