

1 ~~SECTION 250.~~ 938.208 (intro.) of the statutes is amended to read:

2 **938.208 Criteria for holding a juvenile in a secure juvenile detention**
3 **facility.** (intro.) A juvenile may be held in a secure juvenile detention facility if the
4 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.

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

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

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

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

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

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

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

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

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

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

17 **938.21 (2) (am)** A juvenile held in a nonsecure place of custody may waive in
18 writing his or her right to participate in the hearing under this section. After any
19 waiver, a rehearing shall be granted upon the request of the juvenile or any other

1 interested party for good cause shown. Any juvenile transferred to a secure juvenile
2 detention facility shall thereafter have a rehearing under this section.

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

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

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

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

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

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

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

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

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

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

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

19 938.222 (title) **Contracts with private entities for secure juvenile**
20 **detention facility services.**

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

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

2 938.222 (2) (b) 1. The rates to be paid by the county for holding a juvenile in
3 the private ~~secure~~ juvenile detention facility and the charges to be paid by the county
4 for any extraordinary medical and dental expenses and any programming provided
5 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.

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

7 938.222 (2) (b) 2. An agreement that the county retains jurisdiction over a
8 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.

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

10 938.222 (2) (b) 3. An agreement that the private ~~secure~~ juvenile detention
11 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.

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

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

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

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

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

1 (1), 938.183 (1m) (a), or 938.208 or who are subject to a disposition under s. 938.17
2 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355 (6) (d) 1., or short-term detention
3 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.

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

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

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

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

11 938.223 (2) (b) 2. An agreement that the Wisconsin county retains jurisdiction
12 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.

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

14 938.223 (2) (b) 3. An agreement that the Minnesota ~~secure~~ juvenile detention
15 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.

16 ~~SECTION 267.~~ 938.224 (title) of the statutes is amended to read:

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

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

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

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

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

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.

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

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

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

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

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~~

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.

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.

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.

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:

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

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.

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

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:

(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).

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.~~

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.

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.

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.

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

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

(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".

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”.

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.

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.

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”.

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.

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 440.980 and subchapter XI of chapter 440 of the
15 statutes takes effect on May 1, 2007.

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

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

1 (4) The treatment of section 48.981 (1) (b) of the statutes takes effect on July
2 1, 2008.

3 (5) The treatment of section 348.21 (3g) (intro.) (by SECTION 179) of the statutes
4 takes effect on January 1, 2011.

5 *****NOTE:** You had marked sub. (1) for deletion because bill won't pass before May
1, 2007. However, the items listed in sub. (1) are confirming renumbering by the revisor.
Shouldn't they be confirmed retroactively -- i.e., shouldn't sub. (1) be retained here? CJS

(END)

I don't see that really does anything. It doesn't do the renumber. It confirms a renumber that already happened. It's the creation of those sections that is effected on May 1. They get the number then. But if you disagree we can keep it.



WISCONSIN LEGISLATIVE COUNCIL

PRELIMINARY AGENDA

LAW REVISION COMMITTEE

(Sen. Tim Carpenter and Rep. Scott Suder, Co-Chairs)

October 23, 2007

Room 328 Northwest
State Capitol

9:00 a.m.* CALL TO ORDER AND ROLL CALL.

9:05 a.m. INTRODUCTION OF REVISOR'S CORRECTION BILLS:

- LRB-0495/1
- LRB-0496/1
- LRB-0530/1
- LRB-2078/1
- LRB-2079/1
- LRB-2957/1

*Jacket
introduction
(all for senate)*

*per
Don Dyke
10-26-07*

REVIEW AND INTRODUCTION OF PROPOSED STATE AGENCY REMEDIAL LEGISLATION:

- Department of Health and Family Services (10 drafts)
- Department of Administration (2 drafts)
- Department of Commerce (10 drafts)
- Department of Public Instruction (1 draft)
- Department of Regulation and Licensing (1 draft)
- Office of State Employment Relations (2 drafts)

PLANS FOR FUTURE MEETINGS.

11:00 a.m. ADJOURNMENT.

Other committee members: Sens. Grothman and Sullivan; and Reps. Hubler and Roth.