

2009 DRAFTING REQUEST

Bill

Received: **06/29/2009**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Frederick Kessler (608) 266-5813**

By/Representing: **Andy Hinkel**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - juvenile justice**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kessler@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Age of adult criminal jurisdiction

Instructions:

redraft 07-2050 raising age of adult criminal jurisdiction back up to 18

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 06/30/2009	wjackson 08/04/2009		_____			S&L
/1			jfrantze 08/04/2009	_____	chanaman 08/04/2009		S&L
/2	gmalaise 10/03/2009	wjackson 10/09/2009	mduchek 10/09/2009	_____	cduerst 10/09/2009		S&L
/3	gmalaise	wjackson	mduchek	_____	sbasford	cduerst	

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	10/26/2009	10/29/2009	10/30/2009	_____	10/30/2009		01/19/2010

FE Sent For:

<END>

↳ At Intro.

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MP 10/29 Km 10/30
1/3 WLJ 10/29

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/1		1/2 WJ 10/9	jfrantze 08/04/2009	_____	chanaman 08/04/2009		

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Handwritten initials and dates: WJ 10/9, JF, KM, <END>

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/?	gmalaise	11 WJ 8/4	<i>[Signature]</i> 8/4	_____	_____		

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Andy / Kessler

~~Handwritten scribble~~

938.355

extended age to 19

(4)(b)

Phase In

Misdemeanors 7/1/2010

Felony 7/1/2011

= 7/1/2010 Misdemeanor 18

Felony et seq (17)

7/1/2011 Everything 18

FROM: 07-2050/1

9 10

2007 - 2008 LEGISLATURE

-3048/1

LRB-2050/1

GMM: ~~WJW~~

WLJ

9

2007 BILL

LPS: Please PWF

IN 6/25

IN 7/29

wanted 8/21

Regen

Regen

1 AN ACT *to amend* 48.02 (1d), 48.02 (2), 48.366 (8), subchapter IX (title) of chapter

2 48 [precedes 48.44], 48.44 (title), 48.44 (1), 48.45 (1) (a), 48.45 (1) (am), 48.45

3 (3), 118.163 (4), 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1.,

4 165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a), 302.31 (7), 938.02 (1), 938.02

5 (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.344 (3), 938.35

6 (1m), 938.355 (4) (b), 938.355 (4m) (a), 938.39, subchapter IX (title) of chapter

7 938 [precedes 938.44], 938.44, 938.45 (1) (a), 938.45 (3), 938.48 (4m) (a), 938.48

8 (4m) (b), 938.48 (14), 938.57 (3) (a) 1., 938.57 (3) (a) 3., 938.57 (3) (b), 946.50

9 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4),

10 961.455 (1), 961.46, 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2), 961.575

11 (3), 990.01 (3) and 990.01 (20) of the statutes; **relating to:** the age at which a

12 person who is alleged to have violated a criminal law, a civil law, or a municipal

BILL

1 ordinance is subject to circuit court or municipal court rather than juvenile
2 court jurisdiction.

No fit
The
Jurisdiction
That change is effective on July 1, 2010, for a person who is alleged to have committed a misdemeanor and on July 1, 2011, for a person who is alleged to have committed a felony.

Analysis by the Legislative Reference Bureau

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court; a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

Insert 1-3
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 48.02 (1d) of the statutes ~~is amended~~ to read:

4 48.02 (1d) "Adult" means a person who is 18 years of age or older, except that
5 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~
6 ~~any state or federal criminal law or any civil law or municipal ordinance, "adult"~~
7 ~~means a person who has attained 17 years of age.~~

8 **SECTION 2.** 48.02 (2) of the statutes ~~is amended~~ to read:

as affected by 2009 Wisconsin Act 111. (This act) is repealed and recreated

Please fix Comp.

use twice

Fix Comp.

Insert 1-7

BILL

1 48.02 (2) "Child" means a person who is less than 18 years of age, except that
2 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~
3 ~~a state or federal criminal law or any civil law or municipal ordinance, "child" does~~
4 ~~not include a person who has attained 17 years of age.~~

5 **SECTION 3.** 48.366 (8)[↓] of the statutes is amended to read:

6 48.366 (8) **TRANSFER TO OR BETWEEN FACILITIES.** The department of corrections
7 may transfer a person subject to an order between juvenile correctional facilities.
8 After the person attains the age of ~~17~~ **18** years, the department of corrections may
9 place the person in a state prison named in s. 302.01, ~~except that the department of~~
10 ~~corrections may not place any person under the age of 18 years in the correctional~~
11 ~~institution authorized in s. 301.16 (1n).~~ If the department of corrections places a
12 person subject to an order under this section in a state prison, that department shall
13 provide services for that person from the appropriate appropriation under s. 20.410
14 (1). The department of corrections may transfer a person placed in a state prison
15 under this subsection to or between state prisons named in s. 302.01 without
16 petitioning for revision of the order under sub. (5) (a), ~~except that the department of~~
17 ~~corrections may not transfer any person under the age of 18 years to the correctional~~
18 ~~institution authorized in s. 301.16 (1n).~~

19 **SECTION 4.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes
20 is amended to read:

CHAPTER 48**SUBCHAPTER IX****JURISDICTION OVER PERSON ~~17~~ **18** OR OLDER**

24 **SECTION 5.** 48.44 (title)[↓] of the statutes is amended to read:

25 **48.44 (title) Jurisdiction over persons ~~17~~ **18** or older.**

BILL

1 SECTION 6. 48.44 (1) of the statutes is amended to read:

2 48.44 (1) The court has jurisdiction over persons 17 18 years of age or older as
3 provided under ss. 48.133, 48.355 (4), and 48.45 and as otherwise specifically
4 provided in this chapter.

(use 3 times)

as affected by 2009 Wisconsin Act 111 (this act) is repealed and recreated

Insert 4-4

Please fix comp.

5 SECTION 7. 48.45 (1) (a) of the statutes is amended to read:

6 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
7 described in s. 48.13 it appears that any person ^(plur) 18 years of age or older has been
8 guilty of contributing to, encouraging, or tending to cause by any act or omission,
9 such that condition of the child, the judge may make orders with respect to the
10 conduct of such that person in his or her relationship to the child, including orders
11 determining the ability of the person to provide for the maintenance or care of the
12 child and directing when, how, and ~~where~~ ^{plain} where funds for the maintenance or care
13 shall be paid.

Insert 4-13

Please fix comp.

14 SECTION 8. 48.45 (1) (am) of the statutes is amended to read:

15 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
16 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
17 that any person ~~17~~ ^{plain} 18 years of age or ^{older} ~~over~~ has been guilty of contributing to,
18 encouraging, or tending to cause by any act or omission, ~~such that~~ ^{plain} condition of the
19 unborn child and expectant mother, the judge may make orders with respect to the
20 conduct of ~~such that~~ ^{plain} that person in his or her relationship to the unborn child and
21 expectant mother.

Insert 4-21

Please fix comp.

22 SECTION 9. 48.45 (3) of the statutes is amended to read:

23 48.45 (3) If it appears at a court hearing that any person ~~17~~ ^{plain} 18 years of age or
24 older has violated s. 948.40, the judge shall refer the record to the district attorney
25 for criminal proceedings as may be warranted in the district attorney's judgment.

BILL

1 This subsection does not prevent prosecution of violations of s. 948.40 without the
2 prior reference by the judge to the district attorney, as in other criminal cases.

3 **SECTION 10.** 118.163 (4) of the statutes is amended to read:

4 118.163 (4) A person who is under ~~17~~ 18 years of age on the date of disposition
5 is subject to s. 938.342.

6 **SECTION 11.** 125.07 (4) (d) of the statutes is amended to read:

7 125.07 (4) (d) A person who is under ~~17~~ 18 years of age on the date of disposition
8 is subject to s. 938.344 unless proceedings have been instituted against the person
9 in a court of civil or criminal jurisdiction after dismissal of the citation under s.
10 938.344 (3).

11 **SECTION 12.** 125.07 (4) (e) 1. of the statutes is amended to read:

12 125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty
13 of violating par. (a) or (b) who is ~~17,~~ 18, 19, or 20 years of age.

14 **SECTION 13.** 125.085 (3) (bt) of the statutes is amended to read:

15 125.085 (3) (bt) A person who is under ~~17~~ 18 years of age on the date of
16 disposition is subject to s. 938.344 unless proceedings have been instituted against
17 the person in a court of civil or criminal jurisdiction after dismissal of the citation
18 under s. 938.344 (3).

*as affected by 2009 Wisconsin Act 111 (this act),
is repealed and recreated*

19 **SECTION 14.** 165.83 (1) (c) 1. of the statutes is amended to read:

20 165.83 (1) (c) 1. An act that is committed by a person who has attained the age
21 of ~~17~~ 18 and that is a felony or a misdemeanor.

22 **SECTION 15.** 165.83 (1) (c) 2. of the statutes is amended to read:

23 165.83 (1) (c) 2. An act that is committed by a person who has attained the age
24 of 10 but who has not attained the age of ~~17~~ 18 and that would be a felony or
25 misdemeanor if committed by an adult.

Insert
5-18

Insert
5-21

Please
fix comp.

plain

Please
fix comp.

plain

(last time)

(Plan)

BILL residential care centers for children and youth

1 SECTION 16. 301.12 (2m) of the statutes is amended to read:

2 301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 18
3 and older receiving care, maintenance, services, and supplies provided by prisons
4 named in s. 302.01.

5 SECTION 17. 301.12 (14) (a) of the statutes is amended to read:

6 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
7 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
8 18 years of age in residential, nonmedical facilities such as group homes, foster
9 homes, treatment foster homes, ~~and other care institutions~~, and juvenile correctional
10 institutions is determined in accordance with the cost-based fee established under
11 s. 301.03 (18). The department shall bill the liable person up to any amount of
12 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party
13 benefits, subject to rules which that include formulas governing ability to pay
14 promulgated by the department under s. 301.03 (18). Any liability of the resident not
15 payable by any other person terminates when the resident reaches age 17 18, unless
16 the liable person has prevented payment by any act or omission.

Insert
6-16
17

17 SECTION 18. 302.31 (7) of the statutes is amended to read:

18 302.31 (7) The temporary placement of persons in the custody of the
19 department, other than persons under 17 18 years of age, and persons who have
20 attained the age of 17 18 years but have not attained the age of 25 years who are
21 under the supervision of the department under s. 48.366 or 938.355 (4) and who have
22 been taken into custody pending revocation of aftercare supervision under s. 48.366
(5) or 938.357 (5) (e).

Insert
6-23
23
24

As affected by 2009 Wisconsin Act... (this act) is repealed and recreated

Please fix comp.

24 SECTION 19. 938.02 (1) of the statutes is amended to read:

(use 3 times)

BILL

SECTION 19

As affected by 2009 Wisconsin Act 111. (This Act) is repealed and recreated

1 938.02 (1) "Adult" means a person who is 18 years of age or older, except that
2 for purposes of investigating or prosecuting a person who is alleged to have violated
3 any state or federal criminal law or any civil law or municipal ordinance, "adult"
4 means a person who has attained 17 years of age.

Insert
7-4

Please
fix comp.

5 SECTION 20. 938.02 (10m) of the statutes is amended to read:

6 938.02 (10m) "Juvenile" means a person who is less than 18 years of age, except
7 that for purposes of investigating or prosecuting a person who is alleged to have
8 violated a state or federal criminal law or any civil law or municipal ordinance,
9 "juvenile" does not include a person who has attained 17 years of age.

Insert
7-9

Please
fix comp.

10 SECTION 21. 938.12 (2) of the statutes is amended to read:

11 938.12 (2) ~~SEVENTEEN YEARS OR OLDS EIGHTEEN YEARS OR OLDS~~ If a petition alleging
12 that a juvenile is delinquent is filed before the juvenile is ~~17~~ 18 years of age, but the
13 juvenile becomes ~~17~~ 18 years of age before admitting the facts of the petition at the
14 plea hearing or if the juvenile denies the facts, before an adjudication, the court
15 retains jurisdiction over the case.

Insert
7-15

Please
fix comp.

16 SECTION 22. 938.18 (2) of the statutes is amended to read:

17 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the
18 district attorney or the juvenile or may be initiated by the court and shall contain a
19 brief statement of the facts supporting the request for waiver. The petition for waiver
20 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
21 delinquency and shall be filed prior to the plea hearing, except that if the juvenile
22 denies the facts of the petition and becomes ~~17~~ 18 years of age before an adjudication,
23 the petition for waiver of jurisdiction may be filed at any time prior to the
24 adjudication. If the court initiates the petition for waiver of jurisdiction, the judge
25 shall disqualify himself or herself from any future proceedings on the case.

RETENTION OF JURISDICTION

plain

plain

plain

BILL

*, as affected by 2009 Wisconsin Act 1111 (this act),
is repealed and recreated*

SECTION 23

1 SECTION 23. 938.183 (3) of the statutes is amended to read:

2 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. When a juvenile who is subject
3 to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., attains the age
4 of 17 18 years, the department may place the juvenile in a state prison named in s.
5 302.01, ~~except that the department may not place any person under the age of 18~~
6 ~~years in the correctional institution authorized in s. 301.16 (1n).~~ A juvenile who is
subject to a criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for
an act committed before December 31, 1999, is eligible for parole under s. 304.06.

*Insert
8-8*

9 SECTION 24. 938.255 (1) (intro.) of the statutes ~~is amended~~ to read:

*Please
fix
Comp.*

10 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
11 under this chapter, ~~other than a petition initiating proceedings under s. 938.12,~~
12 ~~938.125, or 938.13 (12)~~ shall be entitled, "In the interest of (juvenile's name), a
13 person under the age of 18." ~~A petition initiating proceedings under s. 938.12,~~
14 ~~938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person~~
15 ~~under the age of 17."~~ **PLAIN** A petition initiating proceedings under this chapter shall
specify all of the following:

17 SECTION 25. 938.344 (3) of the statutes is amended to read:

18 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have
19 committed the violation is within 3 months of his or her 17th 18th birthday, the court
20 assigned to exercise jurisdiction under this chapter and ch. 48 may, at the request
21 of the district attorney or on its own motion, dismiss the citation without prejudice
22 and refer the matter to the district attorney for prosecution under s. 125.07 (4). The
23 juvenile is entitled to a hearing only on the issue of his or her age. This subsection
24 does not apply to violations under s. 961.573 (2), 961.574 (2), or 961.575 (2) or a local
25 ordinance that strictly conforms to one of those statutes.

BILL

*is affected by 2009 Wisconsin Act 100 (this act),
is repealed and recreated*

SECTION 26

*Insert
9-1*

*please
fix comp.*

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SECTION 26. 938.35 (1m) of the statutes ~~is amended~~ to read:

938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter in criminal court when the juvenile attains ~~at~~ ¹⁸ years of age. This ~~paragraph~~ ^{sub}section does not affect proceedings in criminal court that have been transferred under s. 938.18.

plain

19th

SECTION 27. 938.355 (4) (b) of the statutes is amended to read:

938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years after the date on which the order is granted or until the juvenile's ~~18th~~ ^{19th} birthday, whichever is earlier, unless the court specifies a shorter period of time or the court terminates the order sooner. If the order does not specify a termination date, it shall apply for one year after the date on which the order is granted or until the juvenile's 18th birthday, whichever is earlier, unless the court terminates the order sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the juvenile attains 18 years of age shall apply for 5 years after the date on which the order is granted, if the juvenile is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile attains ~~17~~ ¹⁸ years of age shall terminate at the end of one year after the date on which the order is granted unless the court specifies a shorter period of time or the

BILL

1 court terminates the order sooner. No extension under s. 938.365 of an original
 2 dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a
 3 juvenile who is ~~17~~ 18 years of age or older when the original dispositional order
 4 terminates.

Insert
10-4

as affected by 2009 Wisconsin Act 1111 (this act, 13) (part 4)
repealed and recreated

Please
fix corr.

5 SECTION 28. 938.355 (4m) (a) of the statutes is amended to read:

6 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
 7 1993 stats., or s. 938.12 may, on attaining ~~17~~ 18 years of age, petition the court to
 8 expunge the court's record of the juvenile's adjudication. Subject to par. (b), the court
 9 may expunge the record if the court determines that the juvenile has satisfactorily
 10 complied with the conditions of his or her dispositional order and that the juvenile
 11 will benefit from, and society will not be harmed by, the expungement.

Insert
10-11

12 SECTION 29. 938.39 of the statutes is amended to read:

13 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
 14 court of any violation of state law within its jurisdiction under s. 938.12 bars any
 15 future criminal proceeding on the same matter in circuit court when the juvenile
 16 reaches the age of ~~17~~ 18. ^{plan} This section does not affect criminal proceedings in circuit
 17 court that were transferred under s. 938.18.

18 SECTION 30. Subchapter IX (title) of chapter 938 [precedes 938.44] of the
 19 statutes is amended to read:

CHAPTER 938

SUBCHAPTER IX

JURISDICTION OVER PERSONS 17 18 OR OLDER

22 SECTION 31. 938.44 of the statutes is amended to read:

23

BILL

as affected by 2009 Wisconsin Act 111 (this act),
is repealed and recreated

1 **938.44 Jurisdiction over persons 17 18 or older.** The court has jurisdiction
2 over persons 17 18 years of age or older as provided under ss. 938.355 (4) and 938.45
3 and as otherwise specified in this chapter.

4 **SECTION 32.** 938.45 (1) (a) of the statutes is amended to read:

5 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
6 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
7 person ~~17~~ ¹⁸ years of age or older has been guilty of contributing to, encouraging, or
8 tending to cause ² by any act or omission, ~~with~~ ^{that} condition of the juvenile, the court
9 may make orders with respect to the conduct of that person in his or her relationship
10 to the juvenile, including orders relating to determining the ability of the person to
11 provide for the maintenance or care of the juvenile and directing when, how, and
12 where funds for the maintenance or care shall be paid.

13 **SECTION 33.** 938.45 (3) of the statutes is amended to read:

14 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.
15 If it appears at a court hearing that any person ~~17~~ ¹⁸ years of age or older has violated
16 s. 948.40, the court shall refer the record to the district attorney. This subsection does
17 not prohibit prosecution of violations of s. 948.40 without the prior reference by the
18 court to the district attorney.

19 **SECTION 34.** 938.48 (4m) (a) of the statutes is amended to read:

20 938.48 (4m) (a) Is at least 17 18 years of age.

21 **SECTION 35.** 938.48 (4m) (b) of the statutes is amended to read:

22 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,
23 938.34 (4h), (4m), or (4n) or 938.357 (4) when the person reached 17 18 years of age.

24 **SECTION 36.** 938.48 (14) of the statutes is amended to read:

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11-3

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plain

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1 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17 18. Pay
 2 maintenance, tuition, and related expenses from the appropriation under s. 20.410
 3 (3) (ho) for persons who, when they attained 17 18 years of age, were students
 4 regularly attending a school, college, or university or regularly attending a course of
 5 vocational or technical training designed to prepare them for gainful employment,
 6 and who upon attaining that age were under the supervision of the department
 under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of a judicial
 decision.

Insert
12-8

9 SECTION 37. 938.57 (3) (a) 1. of the statutes is amended to read:

10 938.57 (3) (a) 1. Is 17 18 years of age or older.

11 SECTION 38. 938.57 (3) (a) 3. of the statutes is amended to read:

12 938.57 (3) (a) 3. Received funding under s. ~~46.498~~ (1) (d) immediately prior to
 13 his or her 17th 18th birthday.

14 SECTION 39. 938.57 (3) (b) of the statutes is amended to read:

15 938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.
 16 (a) shall be in an amount equal to that to which the juvenile would receive under s.
 17 ~~46.498~~ (1) (d) if the juvenile were 16 17 years of age.

Insert
12-17

18 SECTION 40. 946.50 (intro.) of the statutes is amended to read:

19 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
 20 who intentionally fails to appear before the court assigned to exercise jurisdiction
 21 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
 22 does not return to that court for a dispositional hearing before attaining the age of
 23 17 18 years is guilty of the following:

24 SECTION 41. 948.01 (1) of the statutes is amended to read:

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use 2x

(use 1m)

as affected by 2009 Wisconsin Act 111 (this act), is repealed and recreated

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1 948.01 (1) "Child" means a person who has not attained the age of 18 years,
 2 ~~except that for purposes of prosecuting a person who is alleged to have violated a~~
 3 ~~state or federal criminal law, "child" does not include a person who has attained the~~
 4 ~~age of 17 years.~~

5 **SECTION 42.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

6 948.11 (2) (am) (intro.) Any person who has attained the age of 17 18 and who,
 7 with knowledge of the character and content of the description or narrative account,
 8 verbally communicates, by any means, a harmful description or narrative account
 9 to a child, with or without monetary consideration, is guilty of a Class I felony if any
 10 of the following applies:

11 **SECTION 43.** 948.45 (1) of the statutes is amended to read:

12 948.45 (1) Except as provided in sub. (2), any person 17 18 years of age or older
 13 who, by any act or omission, knowingly encourages or contributes to the truancy, as
 14 defined under s. 118.16 (1) (c), of a person 17 18 years of age or under is guilty of a
 15 Class C misdemeanor.

was affected by 2009 Wisconsin Act 110 (this act), is repealed and recreated

16 **SECTION 44.** 948.60 (2) (d) of the statutes is amended to read:

17 948.60 (2) (d) A person under ~~17~~ 18 ^{plain} years of age who has violated this
 18 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under
 19 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
 20 under s. 938.183.

Please fix comp.

21 **SECTION 45.** 948.61 (4) of the statutes is amended to read:

22 948.61 (4) A person under ~~17~~ 18 ^{plain} years of age who has violated this section is
 23 subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18 or
 24 the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
 25 938.183.

FFA comp!

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1 SECTION 46. 961.455 (1) of the statutes is amended to read:

2 961.455 (1) Any person who has attained the age of 17 18 years who knowingly
3 solicits, hires, directs, employs, or uses a person who is under the age of 17 18 years
4 for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

5 SECTION 47. 961.46 of the statutes is amended to read:

6 **961.46 Distribution to persons under age 18.** If a person ~~17~~ 18 years of age
7 or over violates s. 961.41 (1) by distributing or delivering a controlled substance or
8 a controlled substance analog to a person 17 years of age or under who is at least 3
9 years his or her junior, the applicable maximum term of imprisonment prescribed
10 under s. 961.41 (1) for the offense may be increased by not more than 5 years.

11 SECTION 48. 961.573 (2) of the statutes is amended to read:

12 961.573 (2) Any person ~~who violates sub. (1) who is under 17~~ 18 years of age
13 ~~who violates sub. (1)~~ is subject to a disposition under s. 938.344 (2e).

14 SECTION 49. 961.574 (2) of the statutes is amended to read:

15 961.574 (2) Any person ~~who violates sub. (1) who is under 17~~ 18 years of age
16 ~~who violates sub. (1)~~ is subject to a disposition under s. 938.344 (2e).

17 SECTION 50. 961.575 (1) of the statutes is amended to read:

18 961.575 (1) Any person ~~17~~ 18 years of age or over who violates s. 961.574 (1)
19 by delivering drug paraphernalia to a person 17 years of age or under who is at least
20 3 years younger than the violator may be fined not more than \$10,000 or imprisoned
21 for not more than 9 months or both.

22 SECTION 51. 961.575 (2) of the statutes is amended to read:

23 961.575 (2) Any person ~~who violates this section who is under 17~~ under 18 years
24 of age ~~who violates s. 961.574 (3)~~ is subject to a disposition under s. 938.344 (2e).

25 SECTION 52. 961.575 (3) of the statutes is amended to read:

BILL

as affected by, 2009 Wisconsin Act ... (this act),
is repealed and recreated

1 961.575 (3) Any person 17 18 years of age or over who violates s. 961.574 (3)
2 by delivering drug paraphernalia to a person 17 years of age or under is guilty of a
3 Class G felony.

Insert
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4 SECTION 53. 990.01 (3) of the statutes is amended to read:

5 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,
6 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~
7 ~~have violated any state or federal criminal law or any civil law or municipal~~
8 ~~ordinance, "adult" means a person who has attained the age of 17 years.~~

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9 SECTION 54. 990.01 (20) of the statutes is amended to read:

10 990.01 (20) MINOR. "Minor" means a person who has not attained the age of
11 18 years, ~~except that for purposes of investigating or prosecuting a person who is~~
12 ~~alleged to have violated a state or federal criminal law or any civil law or municipal~~
13 ~~ordinance, "minor" does not include a person who has attained the age of 17 years.~~

14 SECTION 55. Initial applicability.

15 (1) AGE OF ADULT JURISDICTION. This act first applies to a violation of a criminal
16 law, civil law, or municipal ordinance allegedly committed on the effective date of this
17 subsection.

18

(END)

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15-17

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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(INSERT 1-3)

1 SECTION ~~#~~ 48.02 (1d) of the statutes is amended to read:

2 48.02 (1d) "Adult" means a person who is 18 years of age or older, except that
3 for purposes of investigating or prosecuting a person who is alleged to have violated
4 committed a violation of any state or federal criminal law or any civil law or
5 municipal ordinance that is punishable as a felony, "adult" means a person who has
6 attained 17 years of age.

History: 1971 c. 41 s. 12; 1971 c. 164; 1973 c. 263; 1977 c. 205, 299, 354, 418, 447, 449; 1979 c. 135, 300, 352; 1981 c. 81; 1983 a. 189, 447, 471; 1985 a. 176; 1987 a. 27, 285, 339; 1989 a. 31; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1989 a. 107; 1991 a. 39; 1993 a. 98, 375, 377, 385, 446, 491; 1995 a. 27 ss. 2423 to 2426p, 9126 (19), 9145 (1); 1995 a. 77, 275, 352, 448; 1997 a. 27, 104, 191, 292; 1999 a. 9; 2001 a. 16, 59, 69; 2005 a. 113, 232, 277, 344; 2005 a. 443 s. 265; 2007 a. 20.

(END OF INSERT)

(INSERT 1-7)

7 SECTION ~~#~~ 48.02 (2) of the statutes is amended to read:

8 48.02 (2) "Child" means a person who is less than 18 years of age, except that
9 for purposes of investigating or prosecuting a person who is alleged to have violated
10 committed a violation of a state or federal criminal law or any civil law or municipal
11 ordinance that is punishable as a felony, "child" does not include a person who has
12 attained 17 years of age.

History: 1971 c. 41 s. 12; 1971 c. 164; 1973 c. 263; 1977 c. 205, 299, 354, 418, 447, 449; 1979 c. 135, 300, 352; 1981 c. 81; 1983 a. 189, 447, 471; 1985 a. 176; 1987 a. 27, 285, 339; 1989 a. 31; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1989 a. 107; 1991 a. 39; 1993 a. 98, 375, 377, 385, 446, 491; 1995 a. 27 ss. 2423 to 2426p, 9126 (19), 9145 (1); 1995 a. 77, 275, 352, 448; 1997 a. 27, 104, 191, 292; 1999 a. 9; 2001 a. 16, 59, 69; 2005 a. 113, 232, 277, 344; 2005 a. 443 s. 265; 2007 a. 20.

(END OF INSERT)

(INSERT 4-4)

13 SECTION ~~#~~ 48.45 (1) (a) of the statutes is amended to read:

14 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
15 described in s. 48.13 it appears that any person 17 years of age or older has been
16 guilty of contributing to, encouraging, or tending to cause, by any act or omission,
17 such that is punishable as a felony, that condition of the child or that any person 18

1 years of age or older has been guilty of contributing to, encouraging, or tending to
 2 cause, by any act or omission that is punishable as a misdemeanor ²³ that condition of
 3 the child, the judge may make orders with respect to the conduct of such that person
 4 in his or her relationship to the child, including orders determining the ability of the
 5 person to provide for the maintenance or care of the child and directing when, how ³
 6 and where funds for the maintenance or care shall be paid.

History: 1977 c. 354, 449; 1987 a. 332 s. 64; 1989 a. 121; 1993 a. 118, 377; 1995 a. 27, 77; 1997 a. 35, 292.

(END OF INSERT)

(INSERT 4-13)

7 SECTION ~~4~~ 48.45 (1) (am) of the statutes is amended to read:
 8 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
 9 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
 10 that any person 17 years of age or over has been guilty of contributing to,
 11 encouraging, or tending to cause, by any act or omission, ~~such~~ that is punishable as
 12 a felony, that condition of the unborn child and expectant mother or that any person
 13 18 years of age or ^{over} ~~older~~ has been guilty of contributing to, encouraging, or tending
 14 to cause, by any act or omission that is punishable as a misdemeanor ²³ that condition
 15 of the unborn child and expectant mother, the judge may make orders with respect
 16 to the conduct of such that person in his or her relationship to the unborn child and
 17 expectant mother.

History: 1977 c. 354, 449; 1987 a. 332 s. 64; 1989 a. 121; 1993 a. 118, 377; 1995 a. 27, 77; 1997 a. 35, 292.

(END OF INSERT)

(INSERT 4-21)

18 SECTION ~~4~~ 48.45 (3) of the statutes is amended to read:
 19 48.45 (3) If it appears at a court hearing that any person 17 years of age or older
 20 has violated s. 948.40 and that the violation is punishable as a felony or that any

1 person 18 years of age or older has violated s. 948.40 and that the violation is
 2 punishable as a misdemeanor, the judge shall refer the record to the district attorney
 3 for criminal proceedings as may be warranted in the district attorney's judgment.
 4 This subsection does not prevent prosecution of violations of s. 948.40 without the
 5 prior reference by the judge to the district attorney, as in other criminal cases.

History: 1977 c. 354, 449; 1987 a. 332 s. 64; 1989 a. 121; 1993 a. 118, 377; 1995 a. 27, 77; 1997 a. 35, 292.

(END OF INSERT)

(INSERT 5-18)

6 SECTION ~~#~~ 165.83 (1) (c) 1. of the statutes is amended to read:
 7 165.83 (1) (c) 1. An act that is committed by a person who has attained the age
 8 of 17 and that is a felony or an act that is committed by a person who has attained
 9 the age of 18 and that is a misdemeanor.

History: 1971 c. 219; 1983 a. 27, 535; 1985 a. 29; 1993 a. 407; 1995 a. 448; 1997 a. 27; 2007 a. 27.

(END OF INSERT)

(INSERT 5-21)

10 SECTION ~~#~~ 165.83 (1) (c) 2. of the statutes is amended to read:
 11 165.83 (1) (c) 2. An act that is committed by a person who has attained the age
 12 of 10 but who has not attained the age of 17 and that would be a felony or
 13 misdemeanor if committed by an adult or an act that is committed by a person who
 14 has attained the age of 10 but who has not attained the age of 18 and that would be
 15 a misdemeanor if committed by an adult.

History: 1971 c. 219; 1983 a. 27, 535; 1985 a. 29; 1993 a. 407; 1995 a. 448; 1997 a. 27; 2007 a. 27.

(END OF INSERT)

(INSERT 6-16)

2007 Wisconsin Act 29 and

16
17

SECTION ~~#~~ 301.12 (14) (a) of the statutes, as affected by 2009 Wisconsin Act
 20 and (this act), is repealed and recreated to read:

2009 Wisconsin Act 29 and
STET

1 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
 2 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 18
 3 years of age in residential, nonmedical facilities such as group homes, foster homes,
 4 residential care centers for children and youth and juvenile correctional institutions
 5 is determined in accordance with the cost-based fee established under s. 301.03 (18).
 6 The department shall bill the liable person up to any amount of liability not paid by
 7 an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules
 8 that include formulas governing ability to pay promulgated by the department under
 9 s. 301.03 (18). Any liability of the resident not payable by any other person
 10 terminates when the resident reaches age 18, unless the liable person has prevented
 11 payment by any act or omission.

(END OF INSERT)

(INSERT 6-23)

12 SECTION ~~9~~ 938.02 (1) of the statutes is amended to read:
 13 938.02 (1) "Adult" means a person who is 18 years of age or older, except that
 14 for purposes of investigating or prosecuting a person who is alleged to have violated
 15 committed a violation of any state or federal criminal law or any civil law or
 16 municipal ordinance that is punishable as a felony, "adult" means a person who has
 17 attained 17 years of age.

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 265; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a).

(END OF INSERT)

(INSERT 7-4)

18 SECTION ~~10~~ 938.02 (10m) of the statutes is amended to read:
 19 938.02 (10m) "Juvenile" means a person who is less than 18 years of age, except
 20 that for purposes of investigating or prosecuting a person who is alleged to have

1 ~~violated~~ committed a violation of a state or federal criminal law or any civil law or
2 ~~municipal ordinance~~ that is punishable as a felony, “juvenile” does not include a
3 person who has attained 17 years of age.

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 265; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a).

(END OF INSERT)

(INSERT 7-9)

4 SECTION ~~11~~ 938.12 (2) of the statutes is amended to read:
5 938.12 (2) ~~SEVENTEEN YEAR OLDS~~ RETENTION OF JURISDICTION. If a petition
6 alleging that a juvenile is delinquent for committing an act that would be a felony
7 if committed by an adult is filed before the juvenile is 17 years of age, but the juvenile
8 becomes 17 years of age before admitting the facts of the petition at the plea hearing
9 or if the juvenile denies the facts, before an adjudication, the court retains
10 jurisdiction over the case. If a petition alleging that a juvenile is delinquent for
11 committing an act that would be a misdemeanor if committed by an adult is filed
12 before the juvenile is 18 years of age, but the juvenile becomes 18 years of age before
13 admitting the facts of the petition at the plea hearing or if the juvenile denies the
14 facts, before an adjudication, the court retains jurisdiction over the case.

History: 1995 a. 77; 2005 a. 344.

(END OF INSERT)

(INSERT 7-15)

15 SECTION ~~12~~ 938.18 (2) of the statutes is amended to read:
16 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the
17 district attorney or the juvenile or may be initiated by the court and shall contain a
18 brief statement of the facts supporting the request for waiver. The petition for waiver
19 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging

1 delinquency and shall be filed prior to the plea hearing, except that if the juvenile
 2 denies the facts of the ^{(S)ET} ~~petition~~ ^{plain} ~~petition~~ ^(Date) ~~alleging that the juvenile has committed a~~
 3 violation that would be punishable as a felony if committed by an adult and becomes
 4 17 years of age before an adjudication or if the juvenile denies that facts of a petition
 5 alleging that the juvenile has committed a violation that would be punishable as a
 6 misdemeanor if committed by an adult and becomes 18 years of age before an
 7 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
 8 the adjudication. If the court initiates the petition for waiver of jurisdiction, the
 9 judge shall disqualify himself or herself from any future proceedings on the case.

History: 1995 a. 77, 352, 448; 1997 a. 35; 2005 a. 212, 344; 2007 a. 97.

(END OF INSERT)

(INSERT 8-8)

10 SECTION ~~13~~ 938.255 (1) (intro.) [✓] of the statutes is amended to read:
 11 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
 12 under this chapter, other than a petition initiating proceedings under s. 938.12,
 13 ~~938.125~~, or 938.13 (12) alleging that the juvenile has committed a violation that
 14 would be punishable as a felony if committed by an adult, shall be entitled, "In the
 15 interest of (juvenile's name), a person under the age of 18". A petition initiating
 16 proceedings under s. 938.12, ~~938.125~~, or 938.13 (12) alleging that the juvenile has
 17 committed a violation that would be punishable as a felony if committed by an adult
 18 shall be entitled, "In the interest of (juvenile's name), a person under the age of 17".
 19 A petition initiating proceedings under this chapter shall specify all of the following:

History: 1995 a. 77, 352; 2001 a. 109; 2003 a. 284; 2005 a. 344.

(END OF INSERT)

(INSERT 9-1)

1 SECTION ~~11~~ 938.35 (1m) of the statutes is amended to read:

2 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
3 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
4 under s. 938.12 or 938.13 (12) that the juvenile has committed a violation that would
5 be punishable as a felony if committed by an adult shall bar any future proceeding
6 on the same matter in criminal court when the juvenile attains 17 years of age.
7 Disposition by the court assigned to exercise jurisdiction under this chapter and ch.
8 48 of any allegation under s. 938.12 or 938.13 (12) that the juvenile has committed
9 a violation that would be punishable as a misdemeanor if committed by an adult shall
10 bar any future proceeding on the same matter in criminal court when the juvenile
11 attains 18 years of age. This ~~paragraph~~ ^{subsection} does not affect proceedings in criminal court
12 that have been transferred under s. 938.18.

History: 1995 a. 77; 1997 a. 35, 205; 1999 a. 32; 2005 a. 344, 434.

(END OF INSERT)

(INSERT 10-4)

13 SECTION ~~11~~ 938.355 (4m) (a) of the statutes is amended to read:

14 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
15 1993 stats., or s. 938.12 for committing a violation that would be punishable as a
16 felony if committed by an adult may, on attaining 17 years of age, petition the court
17 to expunge the court's record of the juvenile's adjudication. A juvenile who has been
18 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 for committing a
19 violation that would be punishable as a misdemeanor if committed by an adult may,
20 on attaining 18 years of age, petition the court to expunge the court's record of the
21 juvenile's adjudication. Subject to par. (b), the court may expunge the record if the
22 court determines that the juvenile has satisfactorily complied with the conditions of

1 his or her dispositional order and that the juvenile will benefit from, and society will
2 not be harmed by, the expungement.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; s. 13.92 (2) (i).

(END OF INSERT)

(INSERT 10-11)

3 SECTION ~~16~~ 938.39 of the statutes is amended to read:

4 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
5 court of any violation of state law within its jurisdiction under s. 938.12 that would
6 be punishable as a felony if committed by an adult bars any future criminal
7 proceeding on the same matter in circuit court when the juvenile reaches the age of
8 17. Disposition by the court of any violation of state law within its jurisdiction under
9 s. 938.12 that would be punishable as a misdemeanor if committed by an adult bars
10 any future criminal proceeding on the same matter in circuit court when the juvenile
11 reaches the age of 18. This section does not affect criminal proceedings in circuit
12 court that were transferred under s. 938.18.

History: 1995 a. 77; 2005 a. 344.

(END OF INSERT)

(INSERT 11-3)

13 SECTION ~~17~~ 938.45 (1) (a) of the statutes is amended to read:

14 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
15 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
16 person 17 years of age or older has been guilty of contributing to, encouraging, or
17 tending to cause, by any act or omission, such that is punishable as a felony, that
18 condition of the juvenile or that any person 18 years of age or older has been guilty
19 of contributing to, encouraging, or tending to cause, by an act or omission that is

1 punishable as a misdemeanor, that condition of the juvenile, the court may make
2 orders with respect to the conduct of that person in his or her relationship to the
3 juvenile, including orders relating to determining the ability of the person to provide
4 for the maintenance or care of the juvenile and directing when, how, and where funds
5 for the maintenance or care shall be paid.

History: 1995 a. 77; 1997 a. 35, 205; 2003 a. 138; 2005 a. 344.

(END OF INSERT)

(INSERT 11-12)

6 SECTION ~~18~~ 938.45 (3) of the statutes is amended to read:
7 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.
8 If it appears at a court hearing that any person 17 years of age or older has violated
9 s. 948.40 and that the violation is punishable as a felony or that any person 18 years
10 of age or older has violated s. 948.40 and that the violation is punishable as a
11 misdemeanor, the court shall refer the record to the district attorney. This subsection
12 does not prohibit prosecution of violations of s. 948.40 without the prior reference by
13 the court to the district attorney.

History: 1995 a. 77; 1997 a. 35, 205; 2003 a. 138; 2005 a. 344.

(END OF INSERT)

(INSERT 11-18)

14 SECTION ~~19~~ 938.48 (4m) (title) of the statutes is amended to read:
15 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES OVER ~~17~~ 18.

History: 1995 a. 77; 1997 a. 27; 2001 a. 38; 2005 a. 344.

(END OF INSERT)

(INSERT 12-8)

16 SECTION ~~20~~ 938.57 (3) (title) of the statutes is amended to read:

1 938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES OVER ~~17~~ 18.

History: 1995 a. 77; 1997 a. 27, 35; 1999 a. 9; 2001 a. 38, 59; 2005 a. 25, 293, 344; 2007 a. 20, 97.
(END OF INSERT)

(INSERT 12-17)

2 SECTION ~~21~~: 946.50 (intro.) of the statutes is amended to read:

3 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
4 who intentionally fails to appear before the court assigned to exercise jurisdiction
5 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
6 does not return to that court for a dispositional hearing before attaining the age of
7 17 years, if adjudicated delinquent for committing a violation that would be a felony
8 if committed by an adult, or 18 years, if adjudicated delinquent for committing a
9 violation that would be a misdemeanor if committed by an adult, is guilty of the
10 following:

History: 1995 a. 77; 2001 a. 109.

(END OF INSERT)

(INSERT 12-23)

11 SECTION ~~22~~: 948.01 (1) of the statutes is amended to read:

12 948.01 (1) "Child" means a person who has not attained the age of 18 years,
13 except that for purposes of prosecuting a person who is alleged to have violated
14 committed a violation of a state or federal criminal law that is punishable as a felony,
15 "child" does not include a person who has attained the age of 17 years.

History: 1987 a. 332; 1989 a. 31; 1993 a. 446; 1995 a. 27, 67, 69, 100, 214; 2001 a. 16; 2005 a. 273, 435; 2007 a. 96.

(END OF INSERT)

(INSERT 13-15)

16 SECTION ~~23~~: 948.60 (2) (d) of the statutes is amended to read:

1 948.60 (2) (d) A person under 17 years of age who has violated ~~this subsection~~
 2 par. (b) or (c) is subject to the provisions of ch. 938 unless jurisdiction is waived under
 3 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
 4 under s. 938.183. A person under 18 years of age who has violated par. (a) is subject
 5 to ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the
 6 jurisdiction of a court of criminal jurisdiction under s. 938.183. ✓

History: 1987 a. 332; 1991 a. 18, 139; 1993 a. 98; 1995 a. 27, 77; 1997 a. 248; 2001 a. 109; 2005 a. 163.

(END OF INSERT)

(INSERT 13-20)

7 **SECTION ~~24~~** 948.61 (4) of the statutes is amended to read:
 8 948.61 (4) A person under 17 years of age who has violated ~~this section~~ sub. (2)
 9 (b) is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18
 10 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
 11 938.183. A person under 18 years of age who has violated sub. (2) (a) is subject to ch.
 12 938, unless jurisdiction is waived under s. 938.18 or the person is subject to the
 13 jurisdiction of a court of criminal jurisdiction under s. 938.183.

History: 1987 a. 332; 1991 a. 17; 1993 a. 336; 1995 a. 27, 77; 2001 a. 109; 2005 a. 290; 2007 a. 27.

(END OF INSERT)

(INSERT 15-3)

14 **SECTION ~~25~~** 990.01 (3) of the statutes is amended to read:
 15 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,
 16 except that for purposes of investigating or prosecuting a person who is alleged to
 17 have ~~violated~~ committed a violation of any state or federal criminal law or any civil

1 ~~law or municipal ordinance that is punishable as a felony~~, "adult" means a person
2 who has attained the age of 17 years.

History: 1971 c. 164 ss. 80, 91; 1971 c. 213 s. 5; Sup. Ct. Order, 67 Wis. 2d 784; 1977 c. 305; 1979 c. 169; 1981 c. 291, 391; 1983 a. 447; 1985 a. 65, 182, 332; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 399; 1989 a. 56, 278; 1991 a. 39; 1993 a. 486; 1995 a. 27 ss. 7294, 7295, 9126 (19); 1995 a. 77, 352; 1997 a. 252, 306; 1999 a. 22, 85; 2001 a. 102; 2003 a. 110; 2005 a. 441; 2005 a. 443 s. 265; 2007 a. 11; 2007 a. 20 s. 9121 (6) (a).

(END OF INSERT)

(INSERT 15-8)

3 SECTION ~~23~~ 990.01 (20) of the statutes is amended to read:

4 990.01 (20) MINOR. "Minor" means a person who has not attained the age of
5 18 years, except that for purposes of investigating or prosecuting a person who is
6 alleged to have ~~violated~~ committed a violation of a state or federal criminal law ~~or~~
7 ~~any civil law or municipal ordinance that is punishable as a felony~~, "minor" does not
8 include a person who has attained the age of 17 years.

History: 1971 c. 164 ss. 80, 91; 1971 c. 213 s. 5; Sup. Ct. Order, 67 Wis. 2d 784; 1977 c. 305; 1979 c. 169; 1981 c. 291, 391; 1983 a. 447; 1985 a. 65, 182, 332; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 399; 1989 a. 56, 278; 1991 a. 39; 1993 a. 486; 1995 a. 27 ss. 7294, 7295, 9126 (19); 1995 a. 77, 352; 1997 a. 252, 306; 1999 a. 22, 85; 2001 a. 102; 2003 a. 110; 2005 a. 441; 2005 a. 443 s. 265; 2007 a. 11; 2007 a. 20 s. 9121 (6) (a).

(END OF INSERT)

(INSERT 15-17)

9 SECTION ~~27~~ **Effective dates.** This act takes effect on July 1, 2010, except as
10 follows:

11 (1) FELONIES. The treatment of sections 48.366 (8), ~~subchapter IX (title) of~~
12 ~~chapter 48~~ 48.44 (title) and (1), 301.12 (2m), 302.31 (7), 938.183 (3), 938.355 (4) (b),
13 ~~subchapter IX (title) of chapter 938~~ 938.44 ~~title and IX~~, 938.48 (4m) (title), (a), and
14 (b) and (14), 938.57 (3) (title), (a) 1. and 3., and (b), 948.11 (2) (am) (intro.), 961.455 (title)
15 (1), 961.46, and 961.575 (3) of the statutes, the amendment of section 301.12 (14) (a)
16 ~~and subchapter IX (title) of chapter 48 and subchapter IX of chapter 938 of the~~
17 (a) and (am) and (3), 165.83 (1) (c) 1. and 2., 938.02 (1) and (10m), 938.12 (2), 938.18
18 (2), 938.255 (1) (intro.), 938.35 (1m), 938.355 (4m) (a), 938.45 (1) (a) and (3), 946.50

and Subchapter
and Subchapter (X) (title) of chapter 49 of the statutes

1 (intro.), 948.01 (1), 948.60 (2) (d), and 948.61 (4) of the statutes take effect on July
2 1, 2011.

3 (2) TREATMENT FOSTER HOMES. The repeal and recreation of section 301.12 (14)
4 (a) of the statutes takes effect on the date stated in the notice provided by the
5 secretary of children and families and published in the Wisconsin Administrative
6 Register under section 48.62 (9) of the statutes, as created by 2009 Wisconsin Act 20.

28

Andy / Kossler

-3048

- ① Require courts to charge \$14 surcharge for traffic violations & use moneys for youth aids
- ② Permit local governments to charge surcharge for juvenile citations & use moneys for youth services
- ③ Permit DOC to set juvenile correctional facility daily rates

- See 2003 AB 699