



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3048/2

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2009 BILL

by Friday please

Reynolds

1 AN ACT to renumber 814.78 (1), 814.79 (1), 814.80 (1) and 814.81 (1); to
2 renumber and amend 938.343 (2); to amend 46.215 (2) (c) 3., 46.22 (1) (e) 3.
3 c., 48.02 (1d), 48.02 (2), 48.366 (8), subchapter IX (title) of chapter 48 [precedes
4 48.44], 48.44 (title), 48.44 (1), 48.45 (1) (a), 48.45 (1) (am), 48.45 (3), 118.163 (4),
5 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1., 165.83 (1) (c)
6 2., 301.12 (2m), 301.12 (14) (a), 301.26 (3) (c), 301.26 (4) (d) 3., 301.26 (6) (a),
7 301.26 (7) (intro.), 302.31 (7), 895.035 (6), 938.02 (1), 938.02 (10m), 938.12 (2),
8 938.17 (2) (d) 1., 938.17 (2) (d) 2., 938.17 (2) (e), 938.18 (2), 938.183 (3), 938.255
9 (1) (intro.), 938.342 (1d) (b), 938.342 (1g) (h), 938.342 (1m) (am), 938.344 (2) (a),
10 938.344 (2) (b), 938.344 (2) (c), 938.344 (2b) (a), 938.344 (2b) (b), 938.344 (2b)
11 (c), 938.344 (2d) (a), 938.344 (2d) (b), 938.344 (2d) (c), 938.344 (2e) (a) 1., 938.344
12 (2e) (a) 2., 938.344 (2e) (a) 3., 938.344 (3), 938.35 (1m), 938.355 (4) (b), 938.355
13 (4m) (a), 938.39, subchapter IX (title) of chapter 938 [precedes 938.44], 938.44,
14 938.45 (1) (a), 938.45 (1r) (b), 938.45 (3), 938.48 (4m) (title), 938.48 (4m) (a),

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1 938.48 (4m) (b), 938.48 (14), 938.57 (3) (title), 938.57 (3) (a) 1., 938.57 (3) (a) 3.,
2 938.57 (3) (b), 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1),
3 948.60 (2) (d), 948.61 (4), 961.455 (1), 961.46, 961.573 (2), 961.574 (2), 961.575
4 (1), 961.575 (2), 961.575 (3), 990.01 (3) and 990.01 (20); **to repeal and recreate**
5 48.02 (1d), 48.02 (2), 48.45 (1) (a), 48.45 (1) (am), 48.45 (3), 165.83 (1) (c) 1.,
6 165.83 (1) (c) 2., 301.12 (14) (a), 301.26 (4) (d) 3., 938.02 (1), 938.02 (10m), 938.12
7 (2), 938.18 (2), 938.255 (1) (intro.), 938.35 (1m), 938.355 (4m) (a), 938.39, 938.45
8 (1) (a), 938.45 (3), 946.50 (intro.), 948.01 (1), 948.60 (2) (d), 948.61 (4), 990.01
9 (3) and 990.01 (20); and **to create** 20.410 (3) (gr), 59.25 (3) (gm), 59.40 (2) (nm),
10 301.26 (4) (dm), 301.265, 814.75 (1h), 814.75 (28), 814.77 (17), 814.78 (1j),
11 814.78 (13), 814.79 (1j), 814.80 (1j), 814.80 (12), 814.81 (1j), 814.81 (10), 938.17
12 (2) (cr), 938.342 (3), 938.343 (2) (b) and 938.344 (2f) of the statutes; **relating to:**
13 the age at which a person who is alleged to have violated a criminal law, a civil
14 law, or a municipal ordinance is subject to circuit court or municipal court
15 jurisdiction rather than juvenile court jurisdiction; creating a community youth
16 and family aids surcharge, ~~authorizing counties, cities, villages, and towns to~~
17 ~~create a youth services surcharge,~~ authorizing the Department of Corrections
18 to set the youth aids daily rates for care of a juvenile in a juvenile correctional
19 facility or a treatment facility; providing an exemption from rule-making
20 procedures; and making an appropriation.

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

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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. The 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's alleged to have committed a felony.)

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, while 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. The change is effective on July 1, 2010.

Under current law relating to community youth and family aids, generally referred to as "youth aids," the Department of Corrections (DOC) must allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the cost of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$275 for care in a juvenile correctional facility or a treatment facility.

This bill eliminates those statutorily set assessments and instead directs DOC to set those assessments at least annually. The bill permits DOC to set one assessment for short-term placements of 30 days or less and another assessment for long-term placements of more than 30 days and permits DOC to adjust those assessments more frequently than annually as necessary to reflect the per person average daily cost of providing that care. ~~The bill requires DOC to publish those assessments and adjustments in the Wisconsin Administrative Register and excepts DOC from having to promulgate those assessments and adjustments as rules. The bill also requires DOC to increase the youth aids funds allocated to counties if DOC increases an assessment under the bill.~~

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Under current law, when a court imposes a fine or forfeiture in certain actions, the court must also impose certain surcharges in addition to the fine or forfeiture, plus costs and fees, imposed. This bill requires a court to impose a community youth and family aids surcharge (youth aids surcharge) in the amount of \$14 when the court imposes a forfeiture for a traffic violation. Youth aids surcharges must be transmitted to the secretary of administration, deposited into the general fund, and credited to an appropriation account of DOC, which must ~~use~~ those youth aids surcharges for state-provided juvenile correctional services and local delinquency-related and juvenile justice services.

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~~The bill also permits a county to adopt an ordinance or bylaw authorizing the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) of that county, and a city, village, or town to adopt an ordinance or bylaw authorizing the municipal court of that city, village, or town, to impose a youth services surcharge in an amount specified in the ordinance or bylaw when the juvenile court or municipal court imposes a forfeiture for truancy, an alcohol or drug violation, or any other violation of a civil law or municipal ordinance, other than a forfeiture for a violation of a traffic regulation. Youth services surcharges are retained by the county, city, village, or town and must be used to provide services for youths.~~

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

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

1 **SECTION 1.** 20.410 (3) (gr) of the statutes is created to read:

2 20.410 (3) (gr) *Community youth and family aids surcharges.* All moneys
3 received from community youth and family aids surcharges collected under s.
4 301.265 for the improvement and provision of juvenile delinquency-related services
5 under s. 301.26.

6 **SECTION 2.** 46.215 (2) (c) 3. of the statutes, as affected by 2009 Wisconsin Act
7 28, is amended to read:

8 46.215 (2) (c) 3. A county department of social services shall develop, under the
9 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related
10 care and services to be purchased. The department of corrections may review the
11 contracts and approve them if they are consistent with s. 301.08 (2) and if state or
12 federal funds are available for such purposes. The joint committee on finance may
13 require the department of corrections to submit the contracts to the committee for
14 review and approval. The department of corrections may not make any payments
15 to a county for programs included in a contract under review by the committee. The

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1 department of corrections shall reimburse each county for the contracts from the
2 appropriations under s. 20.410 (3) (cd), (gr), (ko), and (o) as appropriate.

3 **SECTION 3.** 46.22 (1) (e) 3. c. of the statutes, as affected by 2009 Wisconsin Act
4 28, is amended to read:

5 46.22 (1) (e) 3. c. A county department of social services shall develop, under
6 the requirements of s. 301.08 (2), plans and contracts for juvenile
7 delinquency-related care and services to be purchased. The department of
8 corrections may review the contracts and approve them if they are consistent with
9 s. 301.08 (2) and to the extent that state or federal funds are available for such
10 purposes. The joint committee on finance may require the department of corrections
11 to submit the contracts to the committee for review and approval. The department
12 of corrections may not make any payments to a county for programs included in the
13 contract that is under review by the committee. The department of corrections shall
14 reimburse each county for the contracts from the appropriations under s. 20.410 (3)
15 (cd), (gr), (ko), and (o) as appropriate.

16 **SECTION 4.** 48.02 (1d) of the statutes is amended to read:

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

22 **SECTION 5.** 48.02 (1d) of the statutes, as affected by 2009 Wisconsin Act (this
23 act), is repealed and recreated to read:

24 48.02 (1d) "Adult" means a person who is 18 years of age or older.

25 **SECTION 6.** 48.02 (2) of the statutes is amended to read:

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SUBCHAPTER IX

JURISDICTION OVER PERSON ~~17~~ 18 OR OLDER

SECTION 10. 48.44 (title) of the statutes is amended to read:

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

SECTION 11. 48.44 (1) of the statutes is amended to read:

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

SECTION 12. 48.45 (1) (a) of the statutes is amended to read:

48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any person 17 years of age or older has been guilty of contributing to, encouraging, or tending to cause, by any act or omission, ~~such that is punishable as a felony, that condition of the child or that any person 18 years of age or older has been guilty of contributing to, encouraging, or tending to cause, by any act or omission that is punishable as a misdemeanor, that condition of the child,~~ the judge may make orders with respect to the conduct of ~~such that~~ person in his or her relationship to the child, including orders determining the ability of the person to provide for the maintenance or care of the child and directing when, how, and where funds for the maintenance or care shall be paid.

SECTION 13. 48.45 (1) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any person 18 years of age or older has been guilty of contributing to, encouraging, or tending to cause, by any act or omission, that condition of the child, the judge may make orders with respect to the conduct

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1 of that person in his or her relationship to the child, including orders determining
2 the ability of the person to provide for the maintenance or care of the child and
3 directing when, how, and where funds for the maintenance or care shall be paid.

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

5 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
6 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
7 that any person 17 years of age or over has been guilty of contributing to,
8 encouraging, or tending to cause, by any act or omission, ~~such that is punishable as~~
9 a felony, that condition of the unborn child and expectant mother or that any person
10 18 years of age or over has been guilty of contributing to, encouraging, or tending to
11 cause, by any act or omission that is punishable as a misdemeanor, that condition of
12 the unborn child and expectant mother, the judge may make orders with respect to
13 the conduct of ~~such that~~ that person in his or her relationship to the unborn child and
14 expectant mother.

15 **SECTION 15.** 48.45 (1) (am) of the statutes, as affected by 2009 Wisconsin Act
16 (this act), is repealed and recreated to read:

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

23 **SECTION 16.** 48.45 (3) of the statutes is amended to read:

24 48.45 (3) If it appears at a court hearing that any person 17 years of age or older
25 has violated s. 948.40 and that the violation is punishable as a felony or that any

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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.

6 **SECTION 17.** 48.45 (3) of the statutes, as affected by 2009 Wisconsin Act (this
7 act), is repealed and recreated to read:

8 48.45 (3) If it appears at a court hearing that any person 18 years of age or older
9 has violated s. 948.40, the judge shall refer the record to the district attorney for
10 criminal proceedings as may be warranted in the district attorney's judgment. This
11 subsection does not prevent prosecution of violations of s. 948.40 without the prior
12 reference by the judge to the district attorney, as in other criminal cases.

13 **SECTION 18.** 59.25 (3) (gm) of the statutes is created to read:

14 ~~59.25 (3) (gm) Deposit all moneys for youth services surcharges received under~~
15 ~~s. 938.342 (1d) (b), (1g) (h), or (1m) (am), 938.343 (2) (a), or 938.344 (2), (2b), (2d), or~~
16 ~~(2e) in a youth services fund and make payments from the fund for purposes of~~
17 ~~providing services for youths on order of the board under par. (b).~~

18 **SECTION 19.** 59.40 (2) (nm) of the statutes is created to read:

19 ~~59.40 (2) (nm) Pay monthly to the treasurer the amounts required by s. 938.342~~
20 ~~(3), 938.343 (2) (b), or 938.344 (2f) for the youth services surcharge. The payments~~
21 ~~shall be made by the 15th day of the month following receipt of the surcharge.~~

22 **SECTION 20.** 118.163 (4) of the statutes is amended to read:

23 118.163 (4) A person who is under ~~17~~ 18 years of age on the date of disposition
24 is subject to s. 938.342.

25 **SECTION 21.** 125.07 (4) (d) of the statutes is amended to read:

BILL**SECTION 21**

1 125.07 (4) (d) A person who is under ~~17~~ 18 years of age on the date of disposition
2 is subject to s. 938.344 unless proceedings have been instituted against the person
3 in a court of civil or criminal jurisdiction after dismissal of the citation under s.
4 938.344 (3).

5 **SECTION 22.** 125.07 (4) (e) 1. of the statutes is amended to read:

6 125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty
7 of violating par. (a) or (b) who is ~~17~~, 18, 19, or 20 years of age.

8 **SECTION 23.** 125.085 (3) (bt) of the statutes is amended to read:

9 125.085 (3) (bt) A person who is under ~~17~~ 18 years of age on the date of
10 disposition is subject to s. 938.344 unless proceedings have been instituted against
11 the person in a court of civil or criminal jurisdiction after dismissal of the citation
12 under s. 938.344 (3).

13 **SECTION 24.** 165.83 (1) (c) 1. of the statutes is amended to read:

14 165.83 (1) (c) 1. An act that is committed by a person who has attained the age
15 of 17 and that is a felony or an act that is committed by a person who has attained
16 the age of 18 and that is a misdemeanor.

17 **SECTION 25.** 165.83 (1) (c) 1. of the statutes, as affected by 2009 Wisconsin Act
18 (this act), is repealed and recreated to read:

19 165.83 (1) (c) 1. An act that is committed by a person who has attained the age
20 of 18 and that is a felony or a misdemeanor.

21 **SECTION 26.** 165.83 (1) (c) 2. of the statutes is amended to read:

22 165.83 (1) (c) 2. An act that is committed by a person who has attained the age
23 of 10 but who has not attained the age of 17 and that would be a felony ~~or~~
24 ~~misdemeanor~~ if committed by an adult or an act that is committed by a person who

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1 has attained the age of 10 but who has not attained the age of 18 and that would be
2 a misdemeanor if committed by an adult.

3 **SECTION 27.** 165.83 (1) (c) 2. of the statutes, as affected by 2009 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 165.83 (1) (c) 2. An act that is committed by a person who has attained the age
6 of 10 but who has not attained the age of 18 and that would be a felony or
7 misdemeanor if committed by an adult.

8 **SECTION 28.** 301.12 (2m) of the statutes is amended to read:

9 301.12 (2m) The liability specified in sub. (2) shall not apply to persons ~~17~~ 18
10 and older receiving care, maintenance, services, and supplies provided by prisons
11 named in s. 302.01.

12 **SECTION 29.** 301.12 (14) (a) of the statutes is amended to read:

13 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
14 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under ~~17~~
15 18 years of age in residential, nonmedical facilities such as group homes, foster
16 homes, treatment foster homes, residential care centers for children and youth, and
17 juvenile correctional institutions is determined in accordance with the cost-based
18 fee established under s. 301.03 (18). The department shall bill the liable person up
19 to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
20 3rd-party benefits, subject to rules ~~which~~ that include formulas governing ability to
21 pay promulgated by the department under s. 301.03 (18). Any liability of the resident
22 not payable by any other person terminates when the resident reaches age ~~17~~ 18,
23 unless the liable person has prevented payment by any act or omission.

24 **SECTION 30.** 301.12 (14) (a) of the statutes, as affected by 2009 Wisconsin Acts
25 28 and (this act), is repealed and recreated to read:

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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.

12 **SECTION 31.** 301.26 (3) (c) of the statutes, as affected by 2009 Wisconsin Act 28,
13 is amended to read:

14 301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd),
15 (gr), (ko), and (o), the department shall allocate funds to each county for services
16 under this section.

17 **SECTION 32.** 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin Act
18 28, section 2677, is amended to read:

19 301.26 (4) (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the
20 per person daily cost assessment to counties shall be ~~\$275~~ the dollar amount set by
21 the department under par. (dm) ^{l.} ~~for~~ ^{l.} care in a Type 1 juvenile correctional facility, as
22 defined in s. 938.02 (19), ~~\$275~~ the dollar amount set by the department under par.
23 (dm) ^{l.} ~~for~~ care for juveniles transferred from a juvenile correctional institution under
24 s. 51.35 (3), \$313 for care in a residential care center for children and youth, \$200 for
25 care in a group home for children, \$75 for care in a foster home, \$130 for care in a

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1 treatment foster home, \$103 for departmental corrective sanctions services, and \$41
2 for departmental aftercare services.

3 **SECTION 33.** 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin Act
4 28, section 2678, and 2009 Wisconsin Act ... (this act), is repealed and recreated to
5 read:

6 301.26 (4) (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the
7 per person daily cost assessment to counties shall be the dollar amount set by the
8 department under par. (dm) ^{1.} for care in a Type 1 juvenile correctional facility, as
9 defined in s. 938.02 (19), the dollar amount set by the department under par. (dm) ^{1.}
10 for care for juveniles transferred from a juvenile correctional institution under s.
11 51.35 (3), \$313 for care in a residential care center for children and youth, \$200 for
12 care in a group home for children, \$75 for care in a foster home, \$130 for care in a
13 treatment foster home under rules promulgated under s. 48.62 (8) (c), \$103 for
14 departmental corrective sanctions services, and \$41 for departmental aftercare
15 services.

16 **SECTION 34.** 301.26 (4) (dm) of the statutes is created to read:

17 301.26 (4) (dm). The department shall set the per person cost assessments to
18 counties under par. (d) 2. and 3. for care in a Type 1 juvenile correctional facility, as
19 defined in s. 938.02 (19), and for care for juveniles transferred from a juvenile
20 correctional institution under s. 51.35 (3). In setting those assessments, the
21 department may set one assessment for short-term placements of 30 days or less and
22 another assessment for long-term placements of more than 30 days. The
23 department shall set those assessments at least annually, effective on July 1 of each
24 year, and may adjust those assessments more frequently as necessary to reflect the
25 average per person daily cost of providing that care. ~~The department shall publish~~

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SECTION 34

~~(Those assessments and any adjustments to those assessments in the Wisconsin Administrative Register and is not required to promulgate those assessments or adjustments as rules under ch. 227. If the department increases an assessment under this paragraph, the department shall increase the funds allocated to counties under sub. (3) (c) in proportion to each county's proportional use of those services.)~~

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SECTION 35. 301.26 (6) (a) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

301.26 (6) (a) The intent of this subsection is to develop criteria to assist the legislature in allocating funding, excluding funding for base allocations, from the appropriations under s. 20.410 (3) (cd), (gr), (ko), and (o) for purposes described in this section.

§ as affected by 2009 Wisconsin Act 28[^]

SECTION 36. 301.26 (7) (intro.) of the statutes is amended to read:

301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of federal funds and of the appropriations under s. 20.410 (3) (cd), (gr), (ko), and (o), the department shall allocate funds for community youth and family aids for the period beginning on July 1, 2009, and ending on June 30, 2011, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

Insert
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18

SECTION 37. 301.265 of the statutes is created to read:

301.265 Community youth and family aids surcharges. (1) If a court imposes a forfeiture for a violation of a traffic regulation, as defined in s. 345.20 (1) (b), the court shall impose under ch. 814 a community youth and family aids surcharge of \$14.

(2) If a forfeiture is suspended in whole or in part, the community youth and family aids surcharge shall be reduced in proportion to the suspension.

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1 **(3)** If any deposit is made for an offense to which this section applies, the person
2 making the deposit shall also deposit a sufficient amount to include the community
3 youth and family aids surcharge under this section. If the deposit is forfeited, the
4 amount of that surcharge shall be transmitted to the secretary of administration
5 under sub. (4). If the deposit is returned, the amount of that surcharge shall also be
6 returned.

7 **(4)** (a) If the surcharge is imposed by a court of record, after the court
8 determines the amount due, the clerk of the court shall collect and transmit the
9 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer
10 shall then make payment to the secretary of administration as provided in s. 59.25
11 (3) (f) 2.

12 (b) If the surcharge is imposed by a municipal court, after a determination by
13 the court of the amount due, the court shall collect and transmit the amount to the
14 treasurer of the county, city, village, or town, and that treasurer shall make payment
15 to the secretary of administration as provided in s. 66.0114 (1) (bm).

16 **(5)** All moneys collected from community youth and family aids surcharges
17 shall be deposited by the secretary of administration in s. 20.410 (3) (gr) and utilized
18 in accordance with s. 301.26.

19 **SECTION 38.** 302.31 (7) of the statutes is amended to read:

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

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SECTION 39

1 **SECTION 39.** 814.75 (1h) of the statutes is created to read:

2 814.75 (1h) The community youth and family aids surcharge under s. 301.265.

3 ~~**SECTION 40.** 814.75 (28) of the statutes is created to read:~~

4 ~~814.75 (28) The youth services surcharge, if authorized under s. 938.17 (2) (cr).~~

5 ~~**SECTION 41.** 814.77 (17) of the statutes is created to read:~~

6 ~~814.77 (17) The youth services surcharge, if authorized under s. 938.17 (2) (cr).~~

7 **SECTION 42.** 814.78 (1) of the statutes is renumbered 814.78 (1m).

8 **SECTION 43.** 814.78 (1j) of the statutes is created to read:

9 814.78 (1j) The community youth and family aids surcharge under s. 301.265.

10 ~~**SECTION 44.** 814.78 (13) of the statutes is created to read:~~

11 ~~814.78 (13) The youth services surcharge, if authorized under s. 938.17 (2) (cr).~~

12 **SECTION 45.** 814.79 (1) of the statutes is renumbered 814.79 (1r).

13 **SECTION 46.** 814.79 (1j) of the statutes is created to read:

14 814.79 (1j) The community youth and family aids surcharge under s. 301.265.

15 **SECTION 47.** 814.80 (1) of the statutes is renumbered 814.80 (1m).

16 **SECTION 48.** 814.80 (1j) of the statutes is created to read:

17 814.80 (1j) The community youth and family aids surcharge under s. 301.265.

18 ~~**SECTION 49.** 814.80 (12) of the statutes is created to read:~~

19 ~~814.80 (12) The youth services surcharge, if authorized under s. 938.17 (2) (cr).~~

20 **SECTION 50.** 814.81 (1) of the statutes is renumbered 814.80 (2).

21 **SECTION 51.** 814.81 (1j) of the statutes is created to read:

22 814.81 (1j) The community youth and family aids surcharge under s. 301.265.

23 ~~**SECTION 52.** 814.81 (10) of the statutes is created to read:~~

24 ~~814.81 (10) The youth services surcharge, if authorized under s. 938.17 (2) (cr).~~

25 ~~**SECTION 53.** 895.035 (6) of the statutes is amended to read:~~

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1 ~~895.035 (6) Any recovery of restitution under this section shall be reduced by~~
2 ~~the amount recovered as restitution for the same act under s. 938.245, 938.32, 938.34~~
3 ~~(5), 938.343 (4) or 938.45 (1r) (a). Any recovery of a forfeiture under this section shall~~
4 ~~be reduced by the amount recovered as a forfeiture for the same act under s. 938.34~~
5 ~~(8), 938.343 (2) or 938.45 (1r) (b). Any recovery of a surcharge under this section shall~~
6 ~~be reduced by the amount recovered as a surcharge under s. 938.34 (8d), 938.342 (1d)~~
7 ~~(b), (1g) (h), or (1m) (am), 938.343 (2) (a), or 938.344 (2), (2b), (2d), or (2e).~~

8 **SECTION 54.** 938.02 (1) of the statutes is amended to read:

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

14 **SECTION 55.** 938.02 (1) of the statutes, as affected by 2009 Wisconsin Act
15 (this act), is repealed and recreated to read:

16 938.02 (1) "Adult" means a person who is 18 years of age or older.

17 **SECTION 56.** 938.02 (10m) of the statutes is amended to read:

18 938.02 (10m) "Juvenile" means a person who is less than 18 years of age, except
19 that for purposes of investigating or prosecuting a person who is alleged to have
20 ~~violated~~ committed a violation of a state or federal criminal law or any civil law or
21 municipal ordinance that is punishable as a felony, "juvenile" does not include a
22 person who has attained 17 years of age.

23 **SECTION 57.** 938.02 (10m) of the statutes, as affected by 2009 Wisconsin Act
24 (this act), is repealed and recreated to read:

25 938.02 (10m) "Juvenile" means a person who is less than 18 years of age.

BILL**SECTION 58**

1 **SECTION 58.** 938.12 (2) of the statutes is amended to read:

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

12 **SECTION 59.** 938.12 (2) of the statutes, as affected by 2009 Wisconsin Act
13 (this act), is repealed and recreated to read:

14 938.12 (2) **RETENTION OF JURISDICTION.** If a petition alleging that a juvenile is
15 delinquent is filed before the juvenile is 18 years of age, but the juvenile becomes 18
16 years of age before admitting the facts of the petition at the plea hearing or if the
17 juvenile denies the facts, before an adjudication, the court retains jurisdiction over
18 the case.

19 ~~**SECTION 60.** 938.17 (2) (cr) of the statutes is created to read:~~

20 ~~938.17 (2) (cr) *Authorization for youth services surcharges.* A county may adopt~~
21 ~~an ordinance or bylaw authorizing the court assigned to exercise jurisdiction under~~
22 ~~this chapter of that county, and a city, village, or town may adopt an ordinance or~~
23 ~~bylaw authorizing the municipal court of that city, village, or town, to impose a youth~~
24 ~~services surcharge in an amount specified in the ordinance or bylaw when that court~~
25 ~~imposes a forfeiture under s. 938.342 (1d) (b), (1g) (h), or (1m) (am), 938.343 (2) (a)~~

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1 or 938.344 (2), (2b), (2d), or (2e), other than a forfeiture for a violation of a traffic
2 regulation, as defined in s. 345.20 (1) (b). The imposition of a youth services
3 surcharge is subject to any ordinance or bylaw adopted under this paragraph.

4 **SECTION 61.** 938.17 (2) (d) 1. of the statutes is amended to read:

5 938.17 (2) (d) 1. If a municipal court finds that the juvenile violated a municipal
6 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
7 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2),
8 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
9 s. 938.343 that are authorized under par. (cm) or (cr). If a juvenile fails to pay the
10 forfeiture or surcharge imposed by the municipal court, the court may not impose a
11 jail sentence but may suspend any license issued under ch. 29 for not less than 30
12 days nor more than 5 years, or suspend the juvenile's operating privilege, as defined
13 in s. 340.01 (40), for not more than 2 years.

14 **SECTION 62.** 938.17 (2) (d) 2. of the statutes is amended to read:

15 938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the
16 court shall immediately take possession of the applicable license and forward it to
17 the department that issued the license, together with the notice of suspension stating
18 that the suspension is for failure to pay a forfeiture or surcharge imposed by the
19 court. If the forfeiture or surcharge is paid during the period of suspension, the court
20 shall immediately notify the department, which shall then return the license to the
21 person.

22 **SECTION 63.** 938.17 (2) (e) of the statutes is amended to read:

23 938.17 (2) (e) *Disposition; alcohol and drug ordinance violations.* If a
24 municipal court finds that a juvenile violated a municipal ordinance that conforms
25 to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2) or 961.575

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SECTION 63

1 ~~(2), the court shall enter a dispositional order under s. 938.344 that is authorized~~
 2 ~~under par. (em) or (er).~~

3 **SECTION 64.** 938.18 (2) of the statutes is amended to read:

4 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the
 5 district attorney or the juvenile or may be initiated by the court and shall contain a
 6 brief statement of the facts supporting the request for waiver. The petition for waiver
 7 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
 8 delinquency and shall be filed prior to the plea hearing, except that if the juvenile
 9 denies the facts of ~~the a~~ petition alleging that the juvenile has committed a violation
 10 that would be punishable as a felony if committed by an adult and becomes 17 years
 11 of age before an adjudication or if the juvenile denies that facts of a petition alleging
 12 that the juvenile has committed a violation that would be punishable as a
 13 misdemeanor if committed by and adult and becomes 18 years of age before an
 14 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
 15 the adjudication. If the court initiates the petition for waiver of jurisdiction, the
 16 judge shall disqualify himself or herself from any future proceedings on the case.

17 **SECTION 65.** 938.18 (2) of the statutes, as affected by 2009 Wisconsin Act
 18 (this act), is repealed and recreated to read:

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

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1 adjudication. If the court initiates the petition for waiver of jurisdiction, the judge
2 shall disqualify himself or herself from any future proceedings on the case.

3 **SECTION 66.** 938.183 (3) of the statutes is amended to read:

4 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. When a juvenile who is subject
5 to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., attains the age
6 of 17 18 years, the department may place the juvenile in a state prison named in s.
7 302.01, ~~except that the department may not place any person under the age of 18~~
8 ~~years in the correctional institution authorized in s. 301.16 (1n).~~ A juvenile who is
9 subject to a criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for
10 an act committed before December 31, 1999, is eligible for parole under s. 304.06.

11 **SECTION 67.** 938.255 (1) (intro.) of the statutes is amended to read:

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

21 **SECTION 68.** 938.255 (1) (intro.) of the statutes, as affected by 2009 Wisconsin
22 Act (this act), is repealed and recreated to read:

23 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
24 under this chapter shall be entitled, "In the interest of (juvenile's name), a person

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1 under the age of 18." A petition initiating proceedings under this chapter shall
2 specify all of the following:

3 ~~SECTION 69. 938.342 (1d) (b) of the statutes is amended to read:~~

4 ~~938.342 (1d) (b) Impose a forfeiture of not more than \$50, plus costs and the~~
5 ~~youth services surcharge, for a first violation, or a forfeiture of not more than \$100,~~
6 ~~plus costs and the youth services surcharge, for any 2nd or subsequent violation~~
7 ~~committed within 12 months of a previous violation, subject to s. 938.37 and subject~~
8 ~~to a maximum cumulative forfeiture amount of not more than \$500 for all violations~~
9 ~~committed during a school semester. All or part of the forfeiture, plus costs and the~~
10 ~~youth services surcharge, may be assessed against the person, the parent or~~
11 ~~guardian of the person, or both.~~

12 ~~SECTION 70. 938.342 (1g) (h) of the statutes is amended to read:~~

13 ~~938.342 (1g) (h) Impose a forfeiture of not more than \$500, plus costs and the~~
14 ~~youth services surcharge, subject to s. 938.37. All or part of the forfeiture, plus costs~~
15 ~~and the youth services surcharge, may be assessed against the person, the parent or~~
16 ~~guardian of the person, or both.~~

17 ~~SECTION 71. 938.342 (1m) (am) of the statutes is amended to read:~~

18 ~~938.342 (1m) (am) If the court finds that the person violated a municipal~~
19 ~~ordinance enacted under s. 118.163 (1m), the court may, as part of the disposition~~
20 ~~under sub. (1d), order the person's parent or guardian to pay all or part of a forfeiture,~~
21 ~~plus costs and the youth services surcharge, assessed under sub. (1d) (b). If the court~~
22 ~~finds that the person violated a municipal ordinance enacted under s. 118.163 (2), the~~
23 ~~court may, as part of the disposition under sub. (1g), order the person's parent or~~
24 ~~guardian to pay all or part of the costs of any program ordered under sub. (1g) (b) or~~

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1 to pay all or part of a forfeiture, plus costs and the youth services surcharge, assessed
2 under sub. (1g) (h).

3 **SECTION 72.** 938.342 (3) of the statutes is created to read:

4 **938.342 (3) YOUTH SERVICES SURCHARGE; COLLECTION AND TRANSMISSION.** (a) If
5 the youth services surcharge is imposed under sub. (1d) (b), (1g) (h), or (1m) (am) by
6 the court assigned to exercise jurisdiction under this chapter, after the court
7 determines the amount due, the clerk of the court shall collect and transmit the
8 amount to the county treasurer as provided in s. 59.40 (2) (nm). The county treasurer
9 shall place the amount in the youth services fund as provided in s. 59.25 (3) (gm).

10 (b) If the youth services surcharge is imposed under sub. (1d) (b), (1g) (h), or
11 (1m) (am) by a municipal court, after a determination by the court of the amount due,
12 the court shall collect and transmit the amount to the treasurer of the city, village,
13 or town, and the city, village, or town may use the moneys to provide services for
14 youth.

15 **SECTION 73.** 938.343 (2) of the statutes is renumbered 938.343 (2) (a) and
16 amended to read:

17 **938.343 (2) FORFEITURE AND SURCHARGE.** (a) Impose a forfeiture not to exceed
18 the maximum forfeiture that may be imposed on an adult for committing that
19 violation or, if the violation is only applicable only to a person under 18 years of age,
20 \$50, plus the youth services surcharge, if authorized under s. 938.17 (2) (cr). The
21 order shall include a finding that the juvenile alone is financially able to pay and
22 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture
23 or surcharge, the court may suspend any license issued under ch. 29 or suspend the
24 juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years.
25 The court shall immediately take possession of the suspended license and forward

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1 (it to the department which issued the license, together with the notice of suspension
2 stating that the suspension is for failure to pay a forfeiture or surcharge imposed by
3 the court. If the forfeiture or surcharge is paid during the period of suspension, the
4 court shall immediately notify the department, which shall return the license to the
5 person. Any recovery of a forfeiture under this subsection shall be reduced by the
6 amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

7 **SECTION 74.** 938.343 (2) (b) of the statutes is created to read:

8 938.343 (2) (b) 1. If the youth services surcharge is imposed under par. (a) by
9 the court assigned to exercise jurisdiction under this chapter, after the court
10 determines the amount due, the clerk of the court shall collect and transmit the
11 amount to the county treasurer as provided in s. 59.40 (2) (nm). The county treasurer
12 shall place the amount in the youth services fund as provided in s. 59.25 (3) (gm).

13 2. If the youth services surcharge is imposed under par. (a) by a municipal
14 court, after a determination by the court of the amount due, the court shall collect
15 and transmit the amount to the treasurer of the city, village, or town, and the city,
16 village, or town may use the moneys to provide services for youth.

17 **SECTION 75.** 938.344 (2) (a) of the statutes is amended to read:

18 938.344 (2) (a) For a first violation, a forfeiture of not more than \$50, plus the
19 youth services surcharge, if authorized under s. 938.17 (2) (cr), suspension of the
20 juvenile's operating privilege under s. 343.30 (6) (b) 1., or participation in a
21 supervised work program or other community service work under s. 938.34 (5g).

22 **SECTION 76.** 938.344 (2) (b) of the statutes is amended to read:

23 938.344 (2) (b) For a violation committed within 12 months of one previous
24 violation, a forfeiture of not more than \$100, plus the youth services surcharge, if
25 authorized under s. 938.17 (2) (cr), or participation in a supervised work program or

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1 other community service work under s. 938.34 (5g). In addition, the juvenile's
2 operating privilege may be suspended under s. 343.30 (6) (b) 2., except that if the
3 violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's operating privilege
4 shall be suspended under s. 343.30 (6) (b) 2.

5 **SECTION 77.** 938.344 (2) (c) of the statutes is amended to read:

6 938.344 (2) (c) For a violation committed within 12 months of 2 or more
7 previous violations, a forfeiture of not more than \$500, plus the youth services
8 surcharge, if authorized under s. 938.17 (2) (cr), or participation in a supervised work
9 program or other community service work under s. 938.34 (5g). In addition, the
10 juvenile's operating privilege may be suspended under s. 343.30 (6) (b) 3., except that
11 if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's operating
12 privilege shall be suspended under s. 343.30 (6) (b) 3.

13 **SECTION 78.** 938.344 (2b) (a) of the statutes is amended to read:

14 938.344 (2b) (a) For a first violation, a forfeiture of not less than \$250 nor more
15 than \$500, plus the youth services surcharge, if authorized under s. 938.17 (2) (cr),
16 suspension of the juvenile's operating privilege under s. 343.30 (6) (b) 1., or
17 participation in a supervised work program or other community service work under
18 s. 938.34 (5g).

19 **SECTION 79.** 938.344 (2b) (b) of the statutes is amended to read:

20 938.344 (2b) (b) For a violation committed within 12 months of one previous
21 violation, a forfeiture of not less than \$300 nor more than \$500, plus the youth
22 services surcharge, if authorized under s. 938.17 (2) (cr), or participation in a
23 supervised work program or other community service work under s. 938.34 (5g). In
24 addition, the juvenile's operating privilege may be suspended under s. 343.30 (6) (b)

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1 ~~2.~~ except that if the violation involved a motor vehicle the juvenile's operating
2 privilege shall be suspended under s. 343.30 (6) (b) 2.

3 **SECTION 80.** 938.344 (2b) (c) of the statutes is amended to read:

4 938.344 (2b) (c) For a violation committed within 12 months of 2 or more
5 previous violations, a forfeiture of \$500, plus the youth services surcharge, if
6 authorized under s. 938.17 (2) (cr), or participation in a supervised work program or
7 other community service work under s. 938.34 (5g). In addition, the juvenile's
8 operating privilege may be suspended under s. 343.30 (6) (b) 3., except that if the
9 violation involved a motor vehicle the juvenile's operating privilege shall be
10 suspended under s. 343.30 (6) (b) 3.

11 **SECTION 81.** 938.344 (2d) (a) of the statutes is amended to read:

12 938.344 (2d) (a) For a first violation, a forfeiture of not less than \$100 nor more
13 than \$500, plus the youth services surcharge, if authorized under s. 938.17 (2) (cr),
14 suspension of the juvenile's operating privilege under s. 343.30 (6) (b) 1., or
15 participation in a supervised work program or other community service work under
16 s. 938.34 (5g).

17 **SECTION 82.** 938.344 (2d) (b) of the statutes is amended to read:

18 938.344 (2d) (b) For a violation committed within 12 months of a previous
19 violation, a forfeiture of not less than \$300 nor more than \$500, plus the youth
20 services surcharge, if authorized under s. 938.17 (2) (cr), suspension of the juvenile's
21 operating privilege under s. 343.30 (6) (b) 2., or participation in a supervised work
22 program or other community service work under s. 938.34 (5g).

23 **SECTION 83.** 938.344 (2d) (c) of the statutes is amended to read:

24 938.344 (2d) (c) For a violation committed within 12 months of 2 or more
25 previous violations, a forfeiture of \$500, plus the youth services surcharge, if

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1 ~~authorized under s. 938.17 (2) (cr), suspension of the juvenile's operating privilege~~
2 ~~under s. 343.30 (6) (b) 3., or participation in a supervised work program or other~~
3 ~~community service work under s. 938.34 (5g).~~

4 **SECTION 84.** 938.344 (2e) (a) 1. of the statutes is amended to read:

5 938.344 (2e) (a) 1. For a first violation, a forfeiture of not more than \$50, plus
6 the youth services surcharge, if authorized under s. 938.17 (2) (cr), or participation
7 in a supervised work program or other community service work under s. 938.34 (5g)
8 or both.

9 **SECTION 85.** 938.344 (2e) (a) 2. of the statutes is amended to read:

10 938.344 (2e) (a) 2. For a violation committed within 12 months of a previous
11 violation, a forfeiture of not more than \$100, plus the youth services surcharge, if
12 authorized under s. 938.17 (2) (cr), or participation in a supervised work program or
13 other community service work under s. 938.34 (5g) or both.

14 **SECTION 86.** 938.344 (2e) (a) 3. of the statutes is amended to read:

15 938.344 (2e) (a) 3. For a violation committed within 12 months of 2 or more
16 previous violations, a forfeiture of not more than \$500, plus the youth services
17 surcharge, if authorized under s. 938.17 (2) (cr), or participation in a supervised work
18 program or other community service work under s. 938.34 (5g) or both.

19 **SECTION 87.** 938.344 (2f) of the statutes is created to read:

20 938.344 (2f) YOUTH SERVICES SURCHARGE; COLLECTION AND TRANSMISSION. (a) If
21 the youth services surcharge is imposed under sub. (2), (2b), (2d), or (2e) by the court
22 assigned to exercise jurisdiction under this chapter, after the court determines the
23 amount due, the clerk of the court shall collect and transmit the amount to the county
24 treasurer as provided in s. 59.40 (2) (nm). The county treasurer shall place the
25 amount in the youth services fund as provided in s. 59.25 (3) (gm).

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1 (b) If the youth services surcharge is imposed under sub. (2), (2b), (2d), or (2e)
2 by a municipal court, after a determination by the court of the amount due, the court
3 shall collect and transmit the amount to the treasurer of the city, village, or town, and
4 ~~the city, village, or town may use the moneys to provide services for youth.~~

5 **SECTION 88.** 938.344 (3) of the statutes is amended to read:

6 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have
7 committed the violation is within 3 months of his or her ~~17th~~ 18th birthday, the court
8 assigned to exercise jurisdiction under this chapter and ch. 48 may, at the request
9 of the district attorney or on its own motion, dismiss the citation without prejudice
10 and refer the matter to the district attorney for prosecution under s. 125.07 (4). The
11 juvenile is entitled to a hearing only on the issue of his or her age. This subsection
12 does not apply to violations under s. 961.573 (2), 961.574 (2), or 961.575 (2) or a local
13 ordinance that strictly conforms to one of those statutes.

14 **SECTION 89.** 938.35 (1m) of the statutes is amended to read:

15 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
16 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
17 under s. 938.12 or 938.13 (12) that the juvenile has committed a violation that would
18 be punishable as a felony if committed by an adult shall bar any future proceeding
19 on the same matter in criminal court when the juvenile attains 17 years of age.
20 Disposition by the court assigned to exercise jurisdiction under this chapter and ch.
21 48 of any allegation under s. 938.12 or 938.13 (12) that the juvenile has committed
22 a violation that would be punishable as a misdemeanor if committed by an adult shall
23 bar any future proceeding on the same matter in criminal court when the juvenile
24 attains 18 years of age. This paragraph subsection does not affect proceedings in
25 criminal court that have been transferred under s. 938.18.

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1 **SECTION 90.** 938.35 (1m) of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 **938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED.** Disposition by the court
4 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
5 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter
6 in criminal court when the juvenile attains 18 years of age. This subsection does not
7 affect proceedings in criminal court that have been transferred under s. 938.18.

8 **SECTION 91.** 938.355 (4) (b) of the statutes is amended to read:

9 **938.355 (4) (b)** Except as provided in s. 938.368, an order under s. 938.34 (4d)
10 or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years
11 after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday,
12 whichever is earlier, unless the court specifies a shorter period of time or the court
13 terminates the order sooner. If the order does not specify a termination date, it shall
14 apply for one year after the date on which the order is granted or until the juvenile's
15 18th birthday, whichever is earlier, unless the court terminates the order sooner.
16 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
17 juvenile attains 18 years of age shall apply for 5 years after the date on which the
18 order is granted, if the juvenile is adjudicated delinquent for committing a violation
19 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
20 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
21 juvenile is adjudicated delinquent for committing an act that would be punishable
22 as a Class A felony if committed by an adult. Except as provided in s. 938.368, an
23 extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile
24 attains ~~17~~ 18 years of age shall terminate at the end of one year after the date on
25 which the order is granted unless the court specifies a shorter period of time or the

BILL**SECTION 91**

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.

5 **SECTION 92.** 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 for committing a violation that would be punishable as a
8 felony if committed by an adult may, on attaining 17 years of age, petition the court
9 to expunge the court's record of the juvenile's adjudication. A juvenile who has been
10 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 for committing a
11 violation that would be punishable as a misdemeanor if committed by an adult may,
12 on attaining 18 years of age, petition the court to expunge the court's record of the
13 juvenile's adjudication. Subject to par. (b), the court may expunge the record if the
14 court determines that the juvenile has satisfactorily complied with the conditions of
15 his or her dispositional order and that the juvenile will benefit from, and society will
16 not be harmed by, the expungement.

17 **SECTION 93.** 938.355 (4m) (a) of the statutes, as affected by 2009 Wisconsin Act
18 (this act), is repealed and recreated to read:

19 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
20 1993 stats., or s. 938.12 may, on attaining 18 years of age, petition the court to
21 expunge the court's record of the juvenile's adjudication. Subject to par. (b), the court
22 may expunge the record if the court determines that the juvenile has satisfactorily
23 complied with the conditions of his or her dispositional order and that the juvenile
24 will benefit from, and society will not be harmed by, the expungement.

25 **SECTION 94.** 938.39 of the statutes is amended to read:

BILL**SECTION 98**

1 **SECTION 98.** 938.45 (1) (a) of the statutes is amended to read:

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

13 **SECTION 99.** 938.45 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
14 (this act), is repealed and recreated to read:

15 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
16 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
17 person 18 years of age or older has been guilty of contributing to, encouraging, or
18 tending to cause, by any act or omission, that condition of the juvenile, the court may
19 make orders with respect to the conduct of that person in his or her relationship to
20 the juvenile, including orders relating to determining the ability of the person to
21 provide for the maintenance or care of the juvenile and directing when, how, and
22 where funds for the maintenance or care shall be paid.

23 ~~**SECTION 100.** 938.45 (1r) (b) of the statutes is amended to read:~~

24 ~~938.45 (1r) (b) In a proceeding in which the court has determined under s.~~
25 ~~938.34 (8) or 938.343 (2) (a) that the imposition of a forfeiture would be in the best~~

BILL

1 interest of the juvenile and in aid of rehabilitation, the court may order a parent who
2 has custody, as defined in s. 895.035 (1), of the juvenile to pay the forfeiture. The
3 amount of any forfeiture ordered may not exceed \$5,000. The order shall include a
4 finding that the parent is financially able to pay the amount ordered and shall allow
5 up to 12 months after the date of the order for the payment. Any recovery under this
6 paragraph shall be reduced by the amount recovered as a forfeiture for the same act
7 under s. 938.34 (8) or 938.343 (2) (a).

8 **SECTION 101.** 938.45 (3) of the statutes is amended to read:

9 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.

10 If it appears at a court hearing that any person 17 years of age or older has violated
11 s. 948.40 and that the violation is punishable as a felony or that any person 18 years
12 of age or older has violated s. 948.40 and that the violation is punishable as a
13 misdemeanor, the court shall refer the record to the district attorney. This subsection
14 does not prohibit prosecution of violations of s. 948.40 without the prior reference by
15 the court to the district attorney.

16 **SECTION 102.** 938.45 (3) of the statutes, as affected by 2009 Wisconsin Act
17 (this act), is repealed and recreated to read:

18 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.

19 If it appears at a court hearing that any person 18 years of age or older has violated
20 s. 948.40, the court shall refer the record to the district attorney. This subsection does
21 not prohibit prosecution of violations of s. 948.40 without the prior reference by the
22 court to the district attorney.

23 **SECTION 103.** 938.48 (4m) (title) of the statutes is amended to read:

24 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES OVER 17 18.

25 **SECTION 104.** 938.48 (4m) (a) of the statutes is amended to read:

BILL

1 938.48 (~~4m~~) (a) Is at least ~~17~~ 18 years of age.

2 **SECTION 105.** 938.48 (~~4m~~) (b) of the statutes is amended to read:

3 938.48 (~~4m~~) (b) Was under the supervision of the department under s. 938.183,
4 938.34 (4h), (~~4m~~), or (4n) or 938.357 (4) when the person reached ~~17~~ 18 years of age.

5 **SECTION 106.** 938.48 (14) of the statutes is amended to read:

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

14 **SECTION 107.** 938.57 (3) (title) of the statutes is amended to read:

15 938.57 (**3**) (title) CONTINUING MAINTENANCE FOR JUVENILES OVER ~~17~~ 18.

16 **SECTION 108.** 938.57 (3) (a) 1. of the statutes is amended to read:

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

18 **SECTION 109.** 938.57 (3) (a) 3. of the statutes is amended to read:

19 938.57 (**3**) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to
20 his or her ~~17th~~ 18th birthday.

21 **SECTION 110.** 938.57 (3) (b) of the statutes is amended to read:

22 938.57 (**3**) (b) The funding provided for the maintenance of a juvenile under par.
23 (a) shall be in an amount equal to that to which the juvenile would receive under s.
24 48.569 (1) (d) if the juvenile were ~~16~~ 17 years of age.

25 **SECTION 111.** 946.50 (intro.) of the statutes is amended to read:

BILL

1 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
2 who intentionally fails to appear before the court assigned to exercise jurisdiction
3 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
4 does not return to that court for a dispositional hearing before attaining the age of
5 17 years, if adjudicated delinquent for committing a violation that would be a felony
6 if committed by an adult, or 18 years, if adjudicated delinquent for committing a
7 violation that would be a misdemeanor if committed by an adult, is guilty of the
8 following:

9 **SECTION 112.** 946.50 (intro.) of the statutes, as affected by 2009 Wisconsin Act
10 (this act), is repealed and recreated to read:

11 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
12 who intentionally fails to appear before the court assigned to exercise jurisdiction
13 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
14 does not return to that court for a dispositional hearing before attaining the age of
15 18 years is guilty of the following:

16 **SECTION 113.** 948.01 (1) of the statutes is amended to read:

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

21 **SECTION 114.** 948.01 (1) of the statutes, as affected by 2009 Wisconsin Act
22 (this act), is repealed and recreated to read:

23 948.01 (1) "Child" means a person who has not attained the age of 18 years.

24 **SECTION 115.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

BILL

1 948.11 (2) (am) (intro.) Any person who has attained the age of ~~17~~ 18 and who,
2 with knowledge of the character and content of the description or narrative account,
3 verbally communicates, by any means, a harmful description or narrative account
4 to a child, with or without monetary consideration, is guilty of a Class I felony if any
5 of the following applies:

6 **SECTION 116.** 948.45 (1) of the statutes is amended to read:

7 948.45 (1) Except as provided in sub. (2), any person ~~17~~ 18 years of age or older
8 who, by any act or omission, knowingly encourages or contributes to the truancy, as
9 defined under s. 118.16 (1) (c), of a person ~~17~~ 18 years of age or under is guilty of a
10 Class C misdemeanor.

11 **SECTION 117.** 948.60 (2) (d) of the statutes is amended to read:

12 948.60 (2) (d) A person under 17 years of age who has violated ~~this subsection~~
13 par. (b) or (c) is subject to ~~the provisions of ch. 938 unless jurisdiction is waived under~~
14 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
15 under s. 938.183. A person under 18 years of age who has violated par. (a) is subject
16 to ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the
17 jurisdiction of a court of criminal jurisdiction under s. 938.183.

18 **SECTION 118.** 948.60 (2) (d) of the statutes, as affected by 2009 Wisconsin Act
19 (this act), is repealed and recreated to read:

20 948.60 (2) (d) A person under 18 years of age who has violated this subsection
21 is subject to ch. 938 unless jurisdiction is waived under s. 938.18 or the person is
22 subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

23 **SECTION 119.** 948.61 (4) of the statutes is amended to read:

24 948.61 (4) A person under 17 years of age who has violated ~~this section~~ sub. (2)
25 (b) is subject to ~~the provisions of ch. 938, unless jurisdiction is waived under s. 938.18~~

BILL

1 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
2 938.183. A person under 18 years of age who has violated sub. (2) (a) is subject to ch.
3 938, unless jurisdiction is waived under s. 938.18 or the person is subject to the
4 jurisdiction of a court of criminal jurisdiction under s. 938.183.

5 **SECTION 120.** 948.61 (4) of the statutes, as affected by 2009 Wisconsin Act ...
6 (this act), is repealed and recreated to read:

7 948.61 (4) A person under 18 years of age who has violated this section is
8 subject to ch. 938, unless jurisdiction is waived under s. 938.18 or the person is
9 subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

10 **SECTION 121.** 961.455 (1) of the statutes is amended to read:

11 961.455 (1) Any person who has attained the age of ~~17~~ 18 years who knowingly
12 solicits, hires, directs, employs, or uses a person who is under the age of ~~17~~ 18 years
13 for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

14 **SECTION 122.** 961.46 of the statutes is amended to read:

15 **961.46 Distribution to persons under age 18.** If a person ~~17~~ 18 years of age
16 or over violates s. 961.41 (1) by distributing or delivering a controlled substance or
17 a controlled substance analog to a person 17 years of age or under who is at least 3
18 years his or her junior, the applicable maximum term of imprisonment prescribed
19 under s. 961.41 (1) for the offense may be increased by not more than 5 years.

20 **SECTION 123.** 961.573 (2) of the statutes is amended to read:

21 961.573 (2) Any person ~~who violates sub. (1) who is under 17~~ 18 years of age
22 who violates sub. (1) is subject to a disposition under s. 938.344 (2e).

23 **SECTION 124.** 961.574 (2) of the statutes is amended to read:

24 961.574 (2) Any person ~~who violates sub. (1) who is under 17~~ 18 years of age
25 who violates sub. (1) is subject to a disposition under s. 938.344 (2e).

BILL

1 **SECTION 125.** 961.575 (1) of the statutes is amended to read:

2 961.575 (1) Any person ~~17~~ 18 years of age or over who violates s. 961.574 (1)
3 by delivering drug paraphernalia to a person 17 years of age or under who is at least
4 3 years younger than the violator may be fined not more than \$10,000 or imprisoned
5 for not more than 9 months or both.

6 **SECTION 126.** 961.575 (2) of the statutes is amended to read:

7 961.575 (2) Any person ~~who violates this section who is under 17~~ under 18 years
8 of age ~~who violates s. 961.574 (3)~~ is subject to a disposition under s. 938.344 (2e).

9 **SECTION 127.** 961.575 (3) of the statutes is amended to read:

10 961.575 (3) Any person ~~17~~ 18 years of age or over who violates s. 961.574 (3)
11 by delivering drug paraphernalia to a person 17 years of age or under is guilty of a
12 Class G felony.

13 **SECTION 128.** 990.01 (3) of the statutes is amended to read:

14 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,
15 except that for purposes of investigating or prosecuting a person who is alleged to
16 have ~~violated~~ committed a violation of any state or federal criminal law ~~or any civil~~
17 ~~law or municipal ordinance that is punishable as a felony,~~ "adult" means a person
18 who has attained the age of 17 years.

19 **SECTION 129.** 990.01 (3) of the statutes, as affected by 2009 Wisconsin Act ...
20 (this act), is repealed and recreated to read:

21 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years.

22 **SECTION 130.** 990.01 (20) of the statutes is amended to read:

23 990.01 (20) MINOR. "Minor" means a person who has not attained the age of
24 18 years, except that for purposes of investigating or prosecuting a person who is
25 alleged to have ~~violated~~ committed a violation of a state or federal criminal law ~~or~~

BILL

1 ~~any civil law or municipal ordinance that is punishable as a felony~~, "minor" does not
2 include a person who has attained the age of 17 years.

3 **SECTION 131.** 990.01 (20) of the statutes, as affected by 2009 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 990.01 (20) MINOR. "Minor" means a person who has not attained the age of
6 18 years.

SECTION 132. Nonstatutory provisions.

7
8 (2) (1) YOUTH AIDS DAILY RATES. Notwithstanding section 301.26 (4) (d) 3. of the
9 statutes, as affected by this act, the per person daily cost assessments to counties for
10 care in a Type 1 juvenile correctional facility, as defined in section 938.02 (19) of the
11 statutes, and for care for juveniles transferred from a juvenile correctional
12 institution under section 51.35 (3) of the statutes specified in section 301.26 (4) (d)
13 3. of the statutes, as affected by this act, on the day before the effective date of this
14 subsection remain in effect until the publication in the Wisconsin Administrative
15 Register of the assessments specified in section 301.26 (4) (dm) of the statutes, as
16 created by this act.

17 **SECTION 133. Effective dates.** This act takes effect on July 1, 2010, except as
18 follows:

19 (1) FELONIES. The treatment of sections 48.366 (8), 48.44 (title) and (1), 301.12
20 (2m), 302.31 (7), 938.183 (3), 938.355 (4) (b), 938.44, 938.48 (4m) (title), (a), and (b)
21 and (14), 938.57 (3) (title), (a) 1. and 3., and (b), 948.11 (2) (am) (intro.), 961.455 (1),
22 961.46, and 961.575 (3) of the statutes and subchapter IX (title) of chapter 48 and
23 subchapter IX (title) of chapter 938 of the statutes, the amendment of section 301.12
24 (14) (a) of the statutes, and the repeal and recreation of sections 48.02 (1d) and (2),
25 48.45 (1) (a) and (am) and (3), 165.83 (1) (c) 1. and 2., 938.02 (1) and (10m), 938.12

Insert
39-7

Insert
39-16

BILL**SECTION 133**

1 (2), 938.18 (2), 938.255 (1) (intro.), 938.35 (1m), 938.355 (4m) (a), 938.45 (1) (a) and
2 (3), 946.50 (intro.), 948.01 (1), 948.60 (2) (d), and 948.61 (4) of the statutes take effect
3 on July 1, 2011.

4 (2) TREATMENT FOSTER HOMES. The repeal and recreation of sections 301.12 (14)
5 (a) and 301.26 (4) (d) 3. of the statutes takes effect on the date stated in the notice
6 provided by the secretary of children and families and published in the Wisconsin
7 Administrative Register under section 48.62 (9) of the statutes.

8 (END)

1 committing that violation. If the person is charged with a felony, from that point the
 2 person is subject to the ~~provisions~~ ^{procedures} specified in chapter ^s 967 to 979 of the statutes. If
 3 the person is charged with a misdemeanor, the person remains subject to the
 4 procedures specified in subchapters IV to VI of chapter 938 of the statutes, as affected
 5 by this act.

(END OF INSERT)

(INSERT 39-16)

NONSTAT

6 (3) RESERVE JUDGE POSITIONS. The authorized FTE positions for the circuit
 7 courts are increased by 2.0 GPR reserve judge positions, to be funded from the
 8 appropriation account under section 20.625 (1) of the statutes, to provide 2 additional
 9 reserve judges for proceedings under chapter 938 of the statutes, as affected by this
 10 act.

(END OF INSERT)

INSERT A-1)

NOT

The bill also provides that if between July 1, 2010, and June 30, 2011, a person
 17 years of age is alleged to have committed a violation of a criminal law, the person
 is subject to the procedures specified in the Juvenile Justice Code until such time as
 the person is charged with a felony for committing that violation. If the person is
 charged with a felony, from that point the person is subject to the procedures
 specified in the Criminal Procedure Code and, on conviction, is subject to sentencing
 under the Criminal Code. If the person is charged with a misdemeanor, the person
 remains subject to the procedures specified in the Juvenile Justice Code and, on
 being adjudicated delinquent, to a disposition under that code.

(END OF INSERT)

INSERT A-2)

NOT

The bill requires DOC to submit a plan for the implementation of a proposed
 assessment to the cochairpersons of the joint committee on finance (JCF). If the
 proposed assessment involves an increase in the current assessment, DOC may also

*

1 implemented and the supplement may occur only as approved, or modified and
2 approved, by the committee.

3 3. The department shall publish any assessment set or adjusted under subd.
4 1. in the Wisconsin Administrative Register and is not required to promulgate that
5 assessment as a rule under ch. 227.

(END OF INSERT)

(INSERT 14-17)

6 SECTION ~~301.26~~ (7) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
7 is amended to read:

8 301.26 (7) (a) For community youth and family aids under this section,
9 amounts not to exceed \$50,395,100 for the last 6 months of 2009, \$100,790,200 for
10 2010, and \$50,395,100 for the first 6 months of 2011. In addition to those amounts
11 for 2010 and the first 6 months of 2011, for 2010 the department shall allocate for that
12 purpose all moneys credited to the appropriation account under s. 20.410 (3) (gr)
13 during that year and for the first 6 months of 2011 the department shall allocate for
14 that purpose all moneys credited to that appropriation account during that period.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20
ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28.

(END OF INSERT)

(INSERT 39-7)

15 **NonSTAR** (1) TRANSITIONAL PROVISION. Notwithstanding chapters 967 to 979 of the
16 statutes, if beginning on July 1, 2010, and ending on June 30, 2011, a person 17 years
17 of age is alleged to have committed a violation of a criminal law, the person is subject
18 to the procedures specified in subchapters IV to VI of chapter 938 of the statutes, as
19 affected by this act, until such time as the person is charged with a felony for

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3048/3ins
GMM.....

(INSERT 14-5)

1 2. a. Before the department may set or adjust[↓] an assessment under subd. 1.,[↓]
2 the department shall submit a plan for the implementation of the proposed
3 assessment to the cochairpersons of the joint committee on finance. If the proposed
4 assessment involves an increase in the current assessment, the department may also
5 submit with the plan a request for supplemental funds from the appropriation
6 account under s. 20.865 (4) (a) ~~to~~[↓] be credited to the appropriation account under s.
7 20.410 (3) (cd) ~~to~~[↓] provide funding to counties under sub. (3) (c) ~~to~~[↓] cover any increased
8 charges to counties expected under the proposed assessment. The joint committee
9 on finance may, from the appropriation account under s. 20.865 (4) (a),[↓] supplement
10 the appropriation account under s. 20.410 (3) (cd) ~~in~~[↓] an amount equal to those
11 increased charges expected. If the joint committee on finance approves an increased
12 assessment and request for supplemental funds, the department shall increase the
13 funds allocated to counties under sub. (3) (c) ~~in~~[↓] proportion to each county's
14 proportional use of the services specified in subd. 1.[↓]

15 b. If the cochairperson^s_Λ of the joint committee on finance do not notify the
16 department that the committee has scheduled a meeting for the purpose of reviewing
17 the plan and request for supplemental funds within 14 working days after the date
18 on which the department submits that plan and request, the plan and supplement
19 are approved. If, within 14 working days after the date on which the department
20 submits the plan and request for supplemental funds, the cochairpersons of the joint
21 committee on finance notify the department that the committee has scheduled a
22 meeting for the purpose of reviewing that plan and request, the plan may be

submit with the plan a request for supplemental funds to provide increased youth aids funding to counties to cover any increased charges expected under the proposed assessment. If the cochairperson of ~~the~~ JCF do not notify DOC that JCF has scheduled a meeting for the purpose of reviewing the plan and request for supplemental funds within 14 working days after submission of that plan and request to JCF, the plan and supplement are approved. If, within 14 working days after submission of the plan and request, the cochairpersons of JCF notify DOC that JCF has scheduled a meeting for the purpose of reviewing that plan and request, the plan may be implemented and the supplement may occur only as approved, or modified and approved, by JCF. The bill requires DOC to publish the assessment in the Wisconsin Administrative Register and exempts DOC from having to publish the assessment as a rule.

(END OF INSERT)

INSERT A-3)

Finally, the bill increases the authorized full-time equivalent positions for the circuit courts by two reserve judge positions, to be funded from general purpose revenues, to provide two additional reserve judges for proceedings under the Juvenile Justice Code.

(END OF INSERT)

Basford, Sarah

From: Hinkel, Andy
Sent: Tuesday, January 19, 2010 10:48 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-3048/3 Topic: Age of adult criminal jurisdiction

Please Jacket LRB 09-3048/3 for the ASSEMBLY.