LRB-4102/1 GMM:bjk:jf

2009 SENATE BILL 475

January 22, 2010 – Introduced by Senator Holperin. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

AN ACT *to amend* 20.410 (3) (kp) and 938.48 (8p) of the statutes; **relating to:**reimbursement of counties and Indian tribes for unexpected or unusually
high-cost out-of-home care placements of Indian juveniles who have been
adjudicated delinquent by tribal courts and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, \$75,000 in Indian gaming receipts is appropriated to the Department of Corrections in each of fiscal years 2009–10 and 2010–11 to reimburse tribes and county departments of human services or social services (county departments) for unexpected or unusually high–cost out–of–home care placements of Indian juveniles who have been adjudicated delinquent. Currently, an Indian juvenile may be adjudicated delinquent by either a tribal court or by a court assigned to exercise jurisdiction under the Juvenile Justice Code (commonly referred to as a "juvenile court"). This bill limits the use of those moneys to reimbursement of tribes and county departments for unexpected or unusually high–cost out–of–home care placements of Indian juveniles who have been adjudicated delinquent by tribal courts.

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:

SENATE BILL 475

SECTION 1.	20.410 (3) (kp) of the	e statutes, as	created by 2009	Wisconsin Act 28,
is amended to re	ad:			

20.410 (3) (kp) *Indian juvenile placements*. The amounts in the schedule to be used for unexpected or unusually high-cost out-of-home care placements of Indian juveniles who have been adjudicated delinquent by tribal courts. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 2. 938.48 (8p) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

938.48 **(8p)** Indian Juvenile Placements. Reimburse <u>Indian</u> tribes and county departments, from the appropriation under s. 20.410 (1) (kp), for unexpected or unusually high—cost out—of—home care placements of Indian juveniles who have been adjudicated delinquent <u>by tribal courts</u>. In this subsection, "unusually high—cost out—of—home care placements" means the amount by which the cost to <u>a an Indian</u> tribe or to a county department of out—of—home care placements of Indian juveniles who have been adjudicated delinquent <u>by tribal courts</u> exceeds \$50,000 in a fiscal year.

20 (END)