



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-07713 4  
EHS:cjs:rs

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RMR

**2015 BILL**

In 2/11/15

Wanted 2/13/15

SAV

Gen Cat

1 **AN ACT** to renumber and amend 938.355 (4) (b); to amend 48.02 (1d), 48.02  
2 (2), subchapter IX (title) of chapter 48 [precedes 48.44], 48.44, 48.45 (1) (a),  
3 48.45 (1) (am), 48.45 (3), 118.163 (4), 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3)  
4 (bt), 165.83 (1) (c) 1., 165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a), 302.31 (7),  
5 938.02 (1), 938.02 (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.),  
6 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4m) (a), 938.39,  
7 subchapter IX (title) of chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a),  
8 938.45 (3), 938.48 (4m) (title), 938.48 (4m) (a), 938.48 (4m) (b), 938.48 (14),  
9 938.57 (3) (title), 938.57 (3) (a) (intro.), 938.57 (3) (a) 1., 938.57 (3) (a) 3., 938.57  
10 (3) (b), 939.632 (1) (e) 1., 939.632 (1) (e) 3., 946.50 (intro.), 948.01 (1), 948.11 (2)  
11 (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), 961.455 (1),  
12 961.455 (2), 961.46, 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2), 961.575  
13 (3), 990.01 (3) and 990.01 (20); and to create 938.355 (4) (b) 2. of the statutes;  
14 **relating to:** the age at which a person who is alleged to have violated a criminal

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1 law, a civil law, or a municipal ordinance and who has not been charged with  
2 certain violent offenses or has not previously been convicted of a crime or  
3 adjudicated delinquent is subject to juvenile court jurisdiction.

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***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, if the person has not been charged with committing certain violent offenses and has not previously been convicted of a crime or adjudicated delinquent. The bill, however, does not affect the age at which a person who has been charged with committing certain violent offenses or who has previously been convicted of a crime or adjudicated delinquent is subject to those procedures and that sentencing.

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, if the person has not previously been convicted of a crime or adjudicated delinquent. The bill, however, does not affect the age at which a person who has previously been convicted of a crime or adjudicated delinquent is subject to that jurisdiction and those procedures.

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

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

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

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1           48.02 (1d) "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 includes a person who has attained 17 years of age who has previously been  
5 convicted of a crime or adjudicated delinquent or who, in a criminal complaint issued  
6 under s. 968.02, is alleged to have committed any violent crime specified in s. 939.632  
7 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime is a felony,  
8 or s. 941.20 (1) (b), (bm), (c), or (d) or 941.24.

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

10           48.02 (2) "Child", when used without further qualification, means a person  
11 who is less than 18 years of age, except that for purposes of investigating or  
12 prosecuting a person who is alleged to have violated a state or federal criminal law  
13 or any civil law or municipal ordinance, "child" does not include a person who has  
14 attained 17 years of age who has previously been convicted of a crime or adjudicated  
15 delinquent or who, in a criminal complaint issued under s. 968.02, is alleged to have  
16 committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor  
17 under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or  
18 (d) or 941.24.

19           **SECTION 3.** 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****OR OLDER ADULTS**

25           **SECTION 4.** 48.44 of the statutes is amended to read:

**BILL****SECTION 4**

1           **48.44 Jurisdiction over persons ~~17 or older~~ adults.** The court has  
2 jurisdiction over ~~persons 17 years of age or older~~ adults as provided under ss. 48.133,  
3 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in  
4 this chapter.

5           **SECTION 5.** 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 ~~17 years of age or older~~ adult has been  
8 guilty of contributing to, encouraging, or tending to cause by any act or omission,  
9 ~~such that~~ that condition of the child, the judge may make orders with respect to the  
10 conduct of ~~such that~~ 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 from where funds for the maintenance or care  
13 shall be paid.

14           **SECTION 6.** 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 years of age or over~~ adult has been guilty of contributing to,  
18 encouraging, or tending to cause by any act or omission, ~~such that~~ that condition of the  
19 unborn child and expectant mother, the judge may make orders with respect to the  
20 conduct of ~~such that~~ that person in his or her relationship to the unborn child and  
21 expectant mother.

22           **SECTION 7.** 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 years of age or older~~  
24 adult 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.

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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 8.** 118.163 (4) of the statutes is amended to read:

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

6 **SECTION 9.** 125.07 (4) (d) of the statutes is amended to read:

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

11 **SECTION 10.** 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~~ an adult under 21 years of age.

14 **SECTION 11.** 125.085 (3) (bt) of the statutes is amended to read:

15 125.085 (3) (bt) A person who is ~~under 17 years of age~~ a minor 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).

19 **SECTION 12.** 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~~ an adult and that is a felony or a misdemeanor.

22 **SECTION 13.** 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 minor who has attained  
24 the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or  
25 misdemeanor if committed by an adult.

**BILL****SECTION 14**

1           **SECTION 14.** 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 15.** 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, residential care centers for children and youth, 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 (4m) or by other 3rd-party  
13 benefits, subject to rules that include formulas governing ability to pay promulgated  
14 by the department under s. 301.03 (18). Any liability of the resident not payable by  
15 any other person terminates when the resident reaches age ~~17~~ 18, unless the liable  
16 person has prevented payment by any act or omission.

17           **SECTION 16.** 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~~ years of age minors, and persons who have  
20 attained the age of ~~17~~ years but have not attained adults under the age of 25 years  
21 who are under the supervision of the department under s. 938.355 (4) and who have  
22 been taken into custody pending revocation of aftercare supervision under s. 938.357  
23 (5) (e).

24           **SECTION 17.** 938.02 (1) of the statutes is amended to read:

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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 includes a person who has attained 17 years of age who has previously been  
5 convicted of a crime or adjudicated delinquent or who, in a criminal complaint issued  
6 under s. 968.02, is alleged to have committed any violent crime specified in s. 939.632  
7 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime is a felony,  
8 or s. 941.20 (1) (b), (bm), (c), or (d) or 941.24.

9           **SECTION 18.** 938.02 (10m) of the statutes is amended to read:

10           938.02 (10m) "Juvenile", when used without further qualification, means a  
11 person who is less than 18 years of age, except that for purposes of investigating or  
12 prosecuting a person who is alleged to have violated a state or federal criminal law  
13 or any civil law or municipal ordinance, "juvenile" does not include a person who has  
14 attained 17 years of age who has previously been convicted of a crime or adjudicated  
15 delinquent or who, in a criminal complaint issued under s. 968.02, is alleged to have  
16 committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor  
17 under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c) or (d)  
18 or 941.24.

19           **SECTION 19.** 938.12 (2) of the statutes is amended to read:

20           938.12 (2) ~~SEVENTEEN-YEAR-OLDS JUVENILES WHO BECOME ADULTS.~~ If a petition  
21 alleging that a juvenile is delinquent is filed before the juvenile is 17 years of age  
22 becomes an adult, but the juvenile becomes 17 years of age an adult before admitting  
23 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before  
24 an adjudication, the court retains jurisdiction over the case.

25           **SECTION 20.** 938.18 (2) of the statutes is amended to read:

**BILL****SECTION 20**

1           938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the  
2 district attorney or the juvenile or may be initiated by the court and shall contain a  
3 brief statement of the facts supporting the request for waiver. The petition for waiver  
4 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging  
5 delinquency and shall be filed prior to the plea hearing, except that if the juvenile  
6 denies the facts of the petition and becomes ~~17 years of age~~ an adult 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.

10           **SECTION 21.** 938.183 (3) of the statutes is amended to read:

11           938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. When a juvenile who is subject  
12 to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., ~~attains the age~~  
13 ~~of 17 years~~ becomes an adult, the department may place the juvenile in a state prison  
14 named in s. 302.01, except that the department may not place any person under the  
15 age of 18 years in the correctional institution authorized in s. 301.16 (1n). A juvenile  
16 who is subject to a criminal penalty under sub. (1m) or under s. 938.183 (2), 2003  
17 stats., for an act committed before December 31, 1999, is eligible for parole under s.  
18 304.06.

19           **SECTION 22.** 938.255 (1) (intro.) of the statutes is amended to read:

20           938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings  
21 under this chapter, other than a petition initiating proceedings under s. 938.12,  
22 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a  
23 person under the age of 18".." A petition initiating proceedings under s. 938.12,  
24 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person



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1 ~~under the age of 17". juvenile."~~ A petition initiating proceedings under this chapter  
2 shall specify all of the following:

3 **SECTION 23.** 938.34 (8) of the statutes is amended to read:

4 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
5 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.

6 The maximum forfeiture that the court may impose under this subsection for a  
7 violation by a juvenile is the maximum amount of the fine that may be imposed on  
8 an adult for committing that violation or, if the violation is applicable only to ~~a person~~  
9 ~~under 18 years of age juveniles~~, \$100. The order shall include a finding that the  
10 juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months  
11 for payment. If the juvenile fails to pay the forfeiture, the court may vacate the  
12 forfeiture and order other alternatives under this section; or the court may suspend  
13 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or  
14 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
15 than 2 years. If the court suspends any license under this subsection, the clerk of the  
16 court shall immediately take possession of the suspended license if issued under ch.  
17 29 or, if the license is issued under ch. 343, the court may take possession of, and if  
18 possession is taken, shall destroy, the license. The court shall forward to the  
19 department ~~which~~ that issued the license a notice of suspension stating that the  
20 suspension is for failure to pay a forfeiture imposed by the court, together with any  
21 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
22 paid during the period of suspension, the suspension shall be reduced to the time  
23 period ~~which~~ that has already elapsed and the court shall immediately notify the  
24 department, which shall then, if the license is issued under ch. 29, return the license

**BILL****SECTION 23**

1 to the juvenile. Any recovery under this subsection shall be reduced by the amount  
2 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

3 **SECTION 24.** 938.343 (2) of the statutes is amended to read:

4 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
5 forfeiture that may be imposed on an adult for committing that violation or, if the  
6 violation is only applicable to ~~a person under 18 years of age~~ juveniles, \$50. The  
7 order shall include a finding that the juvenile alone is financially able to pay and  
8 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,  
9 the court may suspend any license issued under ch. 29 or suspend the juvenile's  
10 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court  
11 shall immediately take possession of the suspended license if issued under ch. 29 or,  
12 if the license is issued under ch. 343, the court may take possession of, and if  
13 possession is taken, shall destroy, the license. The court shall forward to the  
14 department ~~which~~ that issued the license the notice of suspension stating that the  
15 suspension is for failure to pay a forfeiture imposed by the court, together with any  
16 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
17 paid during the period of suspension, the court shall immediately notify the  
18 department, which shall, if the license is issued under ch. 29, return the license to  
19 the person. Any recovery under this subsection shall be reduced by the amount  
20 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

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

22 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have  
23 committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an  
24 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,  
25 at the request of the district attorney or on its own motion, dismiss the citation

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1 without prejudice and refer the matter to the district attorney for prosecution under  
2 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.  
3 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or  
4 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

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

6 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court  
7 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation  
8 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter  
9 in criminal court when the juvenile attains ~~17~~ 17 years of age becomes an adult. This  
10 subsection does not affect proceedings in criminal court that have been transferred  
11 under s. 938.18.

12 **SECTION 27.** 938.355 (4) (b) of the statutes is renumbered 938.355 (4) (b) 1. and  
13 amended to read:

14 938.355 (4) (b) 1. Except as provided in s. 938.368, an order under s. 938.34 (4d)  
15 or (4m) made before the juvenile attains ~~18~~ 17 years of age may apply for up to 2 years  
16 after the date on which the order is granted or until the juvenile's 18th birthday,  
17 whichever is earlier, unless the court specifies a shorter period of time or the court  
18 terminates the order sooner. If the order does not specify a termination date, it shall  
19 apply for one year after the date on which the order is granted or until the juvenile's  
20 18th birthday, whichever is earlier, unless the court terminates the order sooner.

21 3. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before  
22 the juvenile attains 18 years of age shall apply for 5 years after the date on which the  
23 order is granted, if the juvenile is adjudicated delinquent for committing a violation  
24 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C  
25 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the

**BILL****SECTION 27**

1 juvenile is adjudicated delinquent for committing an act that would be punishable  
2 as a Class A felony if committed by an adult.

3 4. Except as provided in s. 938.368, an extension of an order under s. 938.34  
4 (4d), (4h), (4m), or (4n) made before the juvenile attains 17 years of age shall  
5 terminate at the end of one year after the date on which the order is granted unless  
6 the court specifies a shorter period of time or the court terminates the order sooner.  
7 No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d),  
8 (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when  
9 the original dispositional order terminates.

10 **SECTION 28.** 938.355 (4) (b) 2. of the statutes is created to read:

11 938.355 (4) (b) 2. Except as provided in s. 938.368, an order under s. 938.34 (4d)  
12 or (4m) made while the juvenile is 17 years of age may apply for up to 2 years after  
13 the date on which the order is granted or until the juvenile's 19th birthday, whichever  
14 is earlier, unless the court specifies a shorter period of time or the court terminates  
15 the order. If the order does not specify a termination date, it shall apply for one year  
16 after the date on which the order is granted or until the juvenile's 19th birthday,  
17 whichever is earlier, unless the court terminates the order sooner.

18 **SECTION 29.** 938.355 (4m) (a) of the statutes is amended 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 17 years of age~~ becoming an adult, petition  
21 the court to expunge the court's record of the juvenile's adjudication. Subject to par.  
22 (b), the court may expunge the record if the court determines that the juvenile has  
23 satisfactorily complied with the conditions of his or her dispositional order and that  
24 the juvenile will benefit from, and society will not be harmed by, the expungement.

25 **SECTION 30.** 938.39 of the statutes is amended to read:

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1           **938.39 Disposition by court bars criminal proceeding.** Disposition by the  
2 court of any violation of state law within its jurisdiction under s. 938.12 bars any  
3 future criminal proceeding on the same matter in circuit court when the juvenile  
4 reaches ~~the age of 17~~ becomes an adult. This section does not affect criminal  
5 proceedings in circuit court that were transferred under s. 938.18.

6           **SECTION 31.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the  
7 statutes is amended to read:

**CHAPTER 938****SUBCHAPTER IX****JURISDICTION OVER PERSONS 17****OR OLDER ADULTS**

12           **SECTION 32.** 938.44 of the statutes is amended to read:

13           **938.44 Jurisdiction over persons 17 or older adults.** The court has  
14 jurisdiction over ~~persons 17 years of age or older~~ adults as provided under ss. 938.355  
15 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

16           **SECTION 33.** 938.45 (1) (a) of the statutes is amended to read:

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

25           **SECTION 34.** 938.45 (3) of the statutes is amended to read:

**BILL****SECTION 34**

1           938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.  
2           If it appears at a court hearing that any person ~~17 years of age or older~~ adult has  
3           violated s. 948.40, the court shall refer the record to the district attorney. This  
4           subsection does not prohibit prosecution of violations of s. 948.40 without the prior  
5           reference by the court to the district attorney.

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

7           938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO  
8           BECOME ADULTS.

9           **SECTION 36.** 938.48 (4m) (a) of the statutes is amended to read:

10          938.48 (4m) (a) Is ~~at least 17 years of age~~ an adult.

11          **SECTION 37.** 938.48 (4m) (b) of the statutes is amended to read:

12          938.48 (4m) (b) Was under the supervision of the department under s. 938.183,  
13          938.34 (4h), (4m), or (4n), or 938.357 (4) when the person ~~reached 17 years of age~~  
14          became an adult.

15          **SECTION 38.** 938.48 (14) of the statutes is amended to read:

16          938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME  
17          ADULTS. Pay maintenance, tuition, and related expenses from the appropriation  
18          under s. 20.410 (3) (ho) for persons who, when they ~~attained 17 years of age~~ became  
19          adults, were students regularly attending a school, college, or university or regularly  
20          attending a course of vocational or technical training designed to prepare them for  
21          gainful employment, and who upon ~~attaining that age~~ becoming adults were under  
22          the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or  
23          938.357 (4) as a result of a judicial decision.

24          **SECTION 39.** 938.57 (3) (title) of the statutes is amended to read:

**BILL**

1           938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME  
2           ADULTS.

3           **SECTION 40.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

4           938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),  
5           counties may provide funding for the maintenance of any juvenile person who meets  
6           all of the following qualifications:

7           **SECTION 41.** 938.57 (3) (a) 1. of the statutes is amended to read:

8           938.57 (3) (a) 1. ~~Is 17 years of age or older~~ an adult.

9           **SECTION 42.** 938.57 (3) (a) 3. of the statutes is amended to read:

10          938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to  
11          ~~his or her 17th birthday~~ becoming an adult.

12          **SECTION 43.** 938.57 (3) (b) of the statutes is amended to read:

13          938.57 (3) (b) The funding provided for the maintenance of a juvenile person  
14          under par. (a) shall be in an amount equal to that to which the juvenile person would  
15          receive under s. 48.569 (1) (d) if the person were a juvenile ~~were 16 years of age.~~

16          **SECTION 44.** 939.632 (1) (e) 1. of the statutes is amended to read:

17          939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
18          (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,  
19          940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)  
20          or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085,  
21          or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

22          **SECTION 45.** 939.632 (1) (e) 3. of the statutes is amended to read:

23          939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), ~~940.32~~  
24          ~~(2)~~, 940.42, 940.44, 941.20 (1), 941.23, 941.235, 941.24 or 941.38 (3).

25          **SECTION 46.** 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 becoming an adult~~ is guilty of the following:

6           **SECTION 47.** 948.01 (1) of the statutes is amended to read:

7           948.01 (1) "Child" means a person who has not attained the age of 18 years,  
8 except that for purposes of prosecuting a person who is alleged to have violated a  
9 state or federal criminal law, "child" does not include a person ~~who has attained the~~  
10 age of 17 years of age who has previously been convicted of a crime or adjudicated  
11 delinquent or who, in a criminal complaint issued under s. 968.02, is alleged to have  
12 committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor  
13 under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or  
14 (d) or 941.24.

15           **SECTION 48.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

16           948.11 (2) (am) (intro.) Any ~~person who has attained the age of 17 and adult~~  
17 who, with knowledge of the character and content of the description or narrative  
18 account, verbally communicates, by any means, a harmful description or narrative  
19 account to a child, with or without monetary consideration, is guilty of a Class I  
20 felony if any of the following applies:

21           **SECTION 49.** 948.45 (1) of the statutes is amended to read:

22           948.45 (1) Except as provided in sub. (2), any ~~person 17 years of age or older~~  
23 adult who, by any act or omission, knowingly encourages or contributes to the  
24 truancy, as defined under s. 118.16 (1) (c), of a ~~person 17 years of age or under~~ child  
25 is guilty of a Class C misdemeanor.



**BILL**

1           **SECTION 50.** 948.60 (2) (d) of the statutes is amended to read:

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

6           **SECTION 51.** 948.61 (4) of the statutes is amended to read:

7           948.61 (4) A ~~person under 17 years of age~~ child who has violated this section  
8 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18  
9 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.  
10 938.183.

11           **SECTION 52.** 961.455 (title) of the statutes is amended to read:

12           **961.455 (title) Using a ~~child~~ minor for illegal drug distribution or**  
13 **manufacturing purposes.**

14           **SECTION 53.** 961.455 (1) of the statutes is amended to read:

15           961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who  
16 knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of~~  
17 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

18           **SECTION 54.** 961.455 (2) of the statutes is amended to read:

19           961.455 (2) The knowledge requirement under sub. (1) does not require proof  
20 of knowledge of the age of the ~~child~~ minor. It is not a defense to a prosecution under  
21 this section that the actor mistakenly believed that the person solicited, hired,  
22 directed, employed, or used under sub. (1) had attained the age of 18 years, even if  
23 the mistaken belief was reasonable.

24           **SECTION 55.** 961.46 of the statutes is amended to read:

**BILL****SECTION 55**

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

7           **SECTION 56.** 961.573 (2) of the statutes is amended to read:

8           961.573 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~  
9 is subject to a disposition under s. 938.344 (2e).

10          **SECTION 57.** 961.574 (2) of the statutes is amended to read:

11          961.574 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~  
12 is subject to a disposition under s. 938.344 (2e).

13          **SECTION 58.** 961.575 (1) of the statutes is amended to read:

14          961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)  
15 by delivering drug paraphernalia to a ~~person 17 years of age or under~~ minor who is  
16 at least 3 years younger than the violator may be fined not more than \$10,000 or  
17 imprisoned for not more than 9 months or both.

18          **SECTION 59.** 961.575 (2) of the statutes is amended to read:

19          961.575 (2) Any person minor who violates this section ~~who is under 17 years~~  
20 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

21          **SECTION 60.** 961.575 (3) of the statutes is amended to read:

22          961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)  
23 by delivering drug paraphernalia to a ~~person 17 years of age or under~~ minor is guilty  
24 of a Class G felony.

25          **SECTION 61.** 990.01 (3) of the statutes is amended to read:



## Shea, Elisabeth

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**From:** Ruhland, Lane  
**Sent:** Wednesday, February 18, 2015 9:11 AM  
**To:** Shea, Elisabeth  
**Cc:** Pratt, Phillip  
**Subject:** RE: LRB 0771/4

You've got it exactly right. It is just plainly a confusing deal. Thank you so much!

Lane

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**From:** Shea, Elisabeth  
**Sent:** Wednesday, February 18, 2015 9:09 AM  
**To:** Ruhland, Lane  
**Cc:** Pratt, Phillip  
**Subject:** RE: LRB 0771/4

Hi Lane,

Thanks for the clarification. Just to make sure I've got it, here's how different 17 year olds would be treated:

1. A 17yo with no previous conviction or delinquency adjudication is treated as a juvenile until charging. Treated as an adult after being charged only if charged with certain violent crimes, otherwise treated as juvenile.
2. A 17yo with a previous conviction or delinquency adjudication is treated as a juvenile until charging. Treated as an adult after being charged, regardless of the crime.

Is this correct?

Sorry for the confusion.

Lis

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**From:** Ruhland, Lane  
**Sent:** Tuesday, February 17, 2015 4:59 PM  
**To:** Shea, Elisabeth  
**Cc:** Pratt, Phillip  
**Subject:** LRB 0771/4

Lis,

I was just looking over the /4 and wanted to make sure that 17 year olds are only treated as juveniles as follows:

- (1) Between arrest and charging
- (2) If they are charged with a nonviolent crime (as defined by our bill) and have not been previously adjudicated delinquent.

Someone brought this section in the analysis to my attention:

“The bill, however, does not affect the age at which a person who has been charged with committing certain violent offenses is subject to those procedures and that sentencing.” There is not a mention of the treatment of juveniles, once charged, who have previously been adjudicated delinquent.

We only want 17 year olds who have not been adjudicated delinquent or convicted to be treated as a juvenile *after charging*. It looked, based on the analysis, as though this “previously adjudicated delinquent” was totally removed. We only want it removed from the time of arrest to the time of charging.

All 17 year olds are treated as juveniles until charging. If they are charged with a nonviolent crime *and* have never been convicted or previously adjudicated delinquent, they are in the juvenile system.

This may be complex drafting as I think procedures between arrest and charging will have to be separated from procedures after charging.

Please feel free to give me a call if that is easier.

Thank you!

Lane

---

**From:** Shea, Elisabeth  
**Sent:** Wednesday, February 11, 2015 11:49 AM  
**To:** Ruhland, Lane  
**Subject:** RE: LRB 0771/p2

Hi Lane –

Also (just FYI) the companion draft in the Assembly does not automatically change each time we make changes to this version. If the Rep. Hutton wants similar changes to the ones made to this one since January I’ll need to get a request from that office.

Lis

---

**From:** Shea, Elisabeth  
**Sent:** Wednesday, February 11, 2015 11:22 AM  
**To:** Ruhland, Lane  
**Subject:** RE: LRB 0771/p2

Lane,  
The exception is actually for someone previously adjudicated delinquent or previously convicted of a crime. It sounds like you want all 17 yr olds treated as children/minors/juveniles prior to charging so I will take those both out.

Lis

---

**From:** Shea, Elisabeth  
**Sent:** Wednesday, February 11, 2015 11:11 AM  
**To:** Ruhland, Lane  
**Subject:** RE: LRB 0771/p2

Hi Lane –

This draft does address treatment of a 17-yr-old prior to being charged, but it currently has an exception for someone previously adjudicated delinquent. So that will need to be removed. I’ll go ahead and take that out and send it back.

Lis

---

**From:** Ruhland, Lane  
**Sent:** Wednesday, February 11, 2015 10:40 AM  
**To:** Shea, Elisabeth  
**Subject:** LRB 0771/p2

Lis,

Thank you for the quick turn around on the draft. Does this draft address how a 17 year old should be treated on arrest?

I believe I had incorrectly instructed that we would like only those who had NOT been previously adjudicated delinquent to be treated as a juvenile between arrest and charging. However, we would like all 17 year olds to be treated like juveniles until charging, including recording of interrogation, etc. I am not sure if that is possible to draft or if it is a policy adopted by law enforcement.

Thank you, let me know your thoughts!

Lane

6-2502

Good Cause  
 Employee wellness units, activities, or programs

alleged in a complaint <sup>filed</sup> ~~heard~~ under s. 23.65, s. or 778.02  
 or in a citation filed under s. 23.62, ~~s.~~ 778.25, or 778.26

See 938.237(2)

↑ from GMM

66.0113 not included because covered under muni. ordinances - 800.01



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-0771/4 <sup>5</sup>  
EHS:cjs:rs

Stays

RMR

2015 BILL

In 2/18/15

DUE 2/23

Gen Cat

SN

1 AN ACT *to renumber and amend* 938.355 (4) (b); *to amend* 48.02 (1d), 48.02  
2 (2), subchapter IX (title) of chapter 48 [precedes 48.44], 48.44, 48.45 (1) (a),  
3 48.45 (1) (am), 48.45 (3), 118.163 (4), 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3)  
4 (bt), 165.83 (1) (c) 1., 165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a), 302.31 (7),  
5 938.02 (1), 938.02 (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.),  
6 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4m) (a), 938.39,  
7 subchapter IX (title) of chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a),  
8 938.45 (3), 938.48 (4m) (title), 938.48 (4m) (a), 938.48 (4m) (b), 938.48 (14),  
9 938.57 (3) (title), 938.57 (3) (a) (intro.), 938.57 (3) (a) 1., 938.57 (3) (a) 3., 938.57  
10 (3) (b), 939.632 (1) (e) 1., 939.632 (1) (e) 3., 946.50 (intro.), 948.01 (1), 948.11 (2)  
11 (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), 961.455 (1),  
12 961.455 (2), 961.46, 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2), 961.575  
13 (3), 990.01 (3) and 990.01 (20); and *to create* 938.355 (4) (b) 2. of the statutes;  
14 **relating to:** the age at which a person who is alleged to have violated a criminal



**BILL**

1 law, a civil law, or a municipal ordinance and who has not been charged with  
2 certain violent offenses is subject to juvenile court jurisdiction. *INSERT RC*

***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, if the person has not been charged with committing certain violent offenses. The bill, however, does not affect the age at which a person who has been charged with committing certain violent offenses is subject to those procedures and that sentencing.

*INSERT  
A1  
INSERT  
A2*

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.

*INSERT  
A3*

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:***

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

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

**BILL**

1 complaint issued under s. 968.02, is alleged to have committed any violent crime  
 2 specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the  
 3 underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d) or 941.24.

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

5 48.02 (2) "Child", when used without further qualification, means a person  
 6 who is less than 18 years of age, except that for purposes of investigating or  
 7 prosecuting a person who is alleged to have violated a state or federal criminal law  
 8 or any civil law or municipal ordinance, "child" does not include a person who has  
 9 attained 17 years of age who, in a criminal complaint issued under s. 968.02, is  
 10 alleged to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
 11 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
 12 (b), (bm), (c), or (d) or 941.24.

INSERT  
3-13 → 13 **SECTION 3.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes  
 14 is amended to read:

**CHAPTER 48****SUBCHAPTER IX****JURISDICTION OVER PERSON 17****OR OLDER ADULTS**

19 **SECTION 4.** 48.44 of the statutes is amended to read:

20 **48.44 Jurisdiction over persons 17 or older adults.** The court has  
 21 jurisdiction over persons 17 years of age or older adults as provided under ss. 48.133,  
 22 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in  
 23 this chapter.

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

**BILL**

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

9           **SECTION 6.** 48.45 (1) (am) of the statutes is amended to read:

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

17           **SECTION 7.** 48.45 (3) of the statutes is amended to read:

18           48.45 (3) If it appears at a court hearing that any person ~~17 years of age or older~~  
19 adult has violated s. 948.40, the judge shall refer the record to the district attorney  
20 for criminal proceedings as may be warranted in the district attorney's judgment.  
21 This subsection does not prevent prosecution of violations of s. 948.40 without the  
22 prior reference by the judge to the district attorney, as in other criminal cases.

23           **SECTION 8.** 118.163 (4) of the statutes is amended to read:

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

**BILL**

1           **SECTION 9.** 125.07 (4) (d) of the statutes is amended to read:

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

6           **SECTION 10.** 125.07 (4) (e) 1. of the statutes is amended to read:

7           125.07 (4) (e) 1. In this paragraph, “defendant” means a person found guilty  
8           of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

9           **SECTION 11.** 125.085 (3) (bt) of the statutes is amended to read:

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

14          **SECTION 12.** 165.83 (1) (c) 1. of the statutes is amended to read:

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

17          **SECTION 13.** 165.83 (1) (c) 2. of the statutes is amended to read:

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

21          **SECTION 14.** 301.12 (2m) of the statutes is amended to read:

22          301.12 (2m) The liability specified in sub. (2) shall not apply to persons ~~17~~ 18  
23          and older receiving care, maintenance, services, and supplies provided by prisons  
24          named in s. 302.01.

25          **SECTION 15.** 301.12 (14) (a) of the statutes is amended to read:

**BILL****SECTION 15**

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 17  
3 18 years of age in residential, nonmedical facilities such as group homes, foster  
4 homes, residential care centers for children and youth, and juvenile correctional  
5 institutions is determined in accordance with the cost-based fee established under  
6 s. 301.03 (18). The department shall bill the liable person up to any amount of  
7 liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party  
8 benefits, subject to rules that include formulas governing ability to pay promulgated  
9 by the department under s. 301.03 (18). Any liability of the resident not payable by  
10 any other person terminates when the resident reaches age ~~17~~ 18, unless the liable  
11 person has prevented payment by any act or omission.

12           **SECTION 16.** 302.31 (7) of the statutes is amended to read:

13           302.31 (7) The temporary placement of persons in the custody of the  
14 department, other than persons under 17 years of age minors, and persons who have  
15 ~~attained the age of 17 years but have not attained~~ adults under the age of 25 years  
16 who are under the supervision of the department under s. 938.355 (4) and who have  
17 been taken into custody pending revocation of aftercare supervision under s. 938.357  
18 (5) (e).

19           **SECTION 17.** 938.02 (1) of the statutes is amended to read:

20           938.02 (1) “Adult” means a person who is 18 years of age or older, except that  
21 for purposes of investigating or prosecuting a person who is alleged to have violated  
22 any state or federal criminal law or any civil law or municipal ordinance, “adult”  
23 means includes a person who ~~has attained~~ 17 years of age who, in a criminal  
24 complaint issued under s. 968.02, is alleged to have committed any violent crime

## BILL

1 specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the  
2 underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d) or 941.24.

3 SECTION 18. 938.02 (10m) of the statutes is amended to read:

4 938.02 (10m) "Juvenile", when used without further qualification, means a  
5 person who is less than 18 years of age, except that for purposes of investigating or  
6 prosecuting a person who is alleged to have violated a state or federal criminal law  
7 or any civil law or municipal ordinance, "juvenile" does not include a person who has  
8 attained 17 years of age who, in a criminal complaint issued under s. 968.02, is  
9 alleged to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
10 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
11 (b), (bm), (c) or (d) or 941.24.

12 INSERT 7-12 → SECTION 19. 938.12 (2) of the statutes is amended to read:

13 938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition  
14 alleging that a juvenile is delinquent is filed before the juvenile is 17 years of age  
15 becomes an adult, but the juvenile becomes 17 years of age an adult before admitting  
16 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before  
17 an adjudication, the court retains jurisdiction over the case.

18 SECTION 20. 938.18 (2) of the statutes is amended 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 17 years of age an adult before an  
25 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to

**BILL****SECTION 20**

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

3 **SECTION 21.** 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 years~~ becomes an adult, the department may place the juvenile in a state prison  
7 named in s. 302.01, except that the department may not place any person under the  
8 age of 18 years in the correctional institution authorized in s. 301.16 (1n). A juvenile  
9 who is subject to a criminal penalty under sub. (1m) or under s. 938.183 (2), 2003  
10 stats., for an act committed before December 31, 1999, is eligible for parole under s.  
11 304.06.

12 **SECTION 22.** 938.255 (1) (intro.) of the statutes is amended to read:

13 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings  
14 under this chapter, other than a petition initiating proceedings under s. 938.12,  
15 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a  
16 person under the age of 18~~2~~." A petition initiating proceedings under s. 938.12,  
17 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a ~~person~~  
18 ~~under the age of 17~~ juvenile." A petition initiating proceedings under this chapter  
19 shall specify all of the following:

20 **SECTION 23.** 938.34 (8) of the statutes is amended to read:

21 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
22 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.  
23 The maximum forfeiture that the court may impose under this subsection for a  
24 violation by a juvenile is the maximum amount of the fine that may be imposed on  
25 an adult for committing that violation or, if the violation is applicable only to ~~a person~~

**BILL**

1 ~~under 18 years of age juveniles~~, \$100. The order shall include a finding that the  
2 juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months  
3 for payment. If the juvenile fails to pay the forfeiture, the court may vacate the  
4 forfeiture and order other alternatives under this section; or the court may suspend  
5 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or  
6 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
7 than 2 years. If the court suspends any license under this subsection, the clerk of the  
8 court shall immediately take possession of the suspended license if issued under ch.  
9 29 or, if the license is issued under ch. 343, the court may take possession of, and if  
10 possession is taken, shall destroy, the license. The court shall forward to the  
11 department ~~which~~ that issued the license a notice of suspension stating that the  
12 suspension is for failure to pay a forfeiture imposed by the court, together with any  
13 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
14 paid during the period of suspension, the suspension shall be reduced to the time  
15 period ~~which~~ that has already elapsed and the court shall immediately notify the  
16 department, which shall then, if the license is issued under ch. 29, return the license  
17 to the juvenile. Any recovery under this subsection shall be reduced by the amount  
18 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

19 **SECTION 24.** 938.343 (2) of the statutes is amended to read:

20 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
21 forfeiture that may be imposed on an adult for committing that violation or, if the  
22 violation is only applicable to ~~a person under 18 years of age juveniles~~, \$50. The  
23 order shall include a finding that the juvenile alone is financially able to pay and  
24 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,  
25 the court may suspend any license issued under ch. 29 or suspend the juvenile's



**BILL**

1 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court  
2 shall immediately take possession of the suspended license if issued under ch. 29 or,  
3 if the license is issued under ch. 343, the court may take possession of, and if  
4 possession is taken, shall destroy, the license. The court shall forward to the  
5 department ~~which~~ that issued the license the notice of suspension stating that the  
6 suspension is for failure to pay a forfeiture imposed by the court, together with any  
7 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
8 paid during the period of suspension, the court shall immediately notify the  
9 department, which shall, if the license is issued under ch. 29, return the license to  
10 the person. Any recovery under this subsection shall be reduced by the amount  
11 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

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

13 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have  
14 committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an  
15 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,  
16 at the request of the district attorney or on its own motion, dismiss the citation  
17 without prejudice and refer the matter to the district attorney for prosecution under  
18 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.  
19 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or  
20 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

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

22 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court  
23 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation  
24 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter  
25 in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This

**BILL**

1 subsection does not affect proceedings in criminal court that have been transferred  
2 under s. 938.18.

3 **SECTION 27.** 938.355 (4) (b) of the statutes is renumbered 938.355 (4) (b) 1. and  
4 amended to read:

5 938.355 (4) (b) 1. Except as provided in s. 938.368, an order under s. 938.34 (4d)  
6 or (4m) made before the juvenile attains ~~18~~ 17 years of age may apply for up to 2 years  
7 after the date on which the order is granted or until the juvenile's 18th birthday,  
8 whichever is earlier, unless the court specifies a shorter period of time or the court  
9 terminates the order sooner. If the order does not specify a termination date, it shall  
10 apply for one year after the date on which the order is granted or until the juvenile's  
11 18th birthday, whichever is earlier, unless the court terminates the order sooner.

12 3. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before  
13 the juvenile attains 18 years of age shall apply for 5 years after the date on which the  
14 order is granted, if the juvenile is adjudicated delinquent for committing a violation  
15 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C  
16 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the  
17 juvenile is adjudicated delinquent for committing an act that would be punishable  
18 as a Class A felony if committed by an adult.

19 4. Except as provided in s. 938.368, an extension of an order under s. 938.34  
20 (4d), (4h), (4m), or (4n) made before the juvenile attains 17 years of age shall  
21 terminate at the end of one year after the date on which the order is granted unless  
22 the court specifies a shorter period of time or the court terminates the order sooner.  
23 No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d),  
24 (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when  
25 the original dispositional order terminates.

**BILL**

1           **SECTION 28.** 938.355 (4) (b) 2. of the statutes is created to read:

2           938.355 (4) (b) 2. Except as provided in s. 938.368, an order under s. 938.34 (4d)  
3           or (4m) made while the juvenile is 17 years of age may apply for up to 2 years after  
4           the date on which the order is granted or until the juvenile's 19th birthday, whichever  
5           is earlier, unless the court specifies a shorter period of time or the court terminates  
6           the order. If the order does not specify a termination date, it shall apply for one year  
7           after the date on which the order is granted or until te juvenile's 19th birthday,  
8           whichever is earlier, unless the court terminates the order sooner.

9           **SECTION 29.** 938.355 (4m) (a) of the statutes is amended to read:

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

16          **SECTION 30.** 938.39 of the statutes is amended to read:

17          **938.39 Disposition by court bars criminal proceeding.** Disposition by the  
18          court of any violation of state law within its jurisdiction under s. 938.12 bars any  
19          future criminal proceeding on the same matter in circuit court when the juvenile  
20          ~~reaches the age of 17~~ becomes an adult. This section does not affect criminal  
21          proceedings in circuit court that were transferred under s. 938.18.

22          **SECTION 31.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the  
23          statutes is amended to read:

24

**CHAPTER 938**

**BILL**

## SUBCHAPTER IX

JURISDICTION OVER PERSONS ~~17~~OR OLDER ADULTS

**SECTION 32.** 938.44 of the statutes is amended to read:

**938.44 Jurisdiction over persons ~~17 or older~~ adults.** The court has jurisdiction over ~~persons 17 years of age or older~~ adults as provided under ss. 938.355 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

**SECTION 33.** 938.45 (1) (a) of the statutes is amended to read:

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

**SECTION 34.** 938.45 (3) of the statutes is amended to read:

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

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

938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO BECOME ADULTS.

**BILL****SECTION 36**

1           **SECTION 36.** 938.48 (4m) (a) of the statutes is amended to read:

2           938.48 (4m) (a) Is at least 17 years of age an adult.

3           **SECTION 37.** 938.48 (4m) (b) of the statutes is amended to read:

4           938.48 (4m) (b) Was under the supervision of the department under s. 938.183,  
5           938.34 (4h), (4m), or (4n), or 938.357 (4) when the person reached 17 years of age  
6           became an adult.

7           **SECTION 38.** 938.48 (14) of the statutes is amended to read:

8           938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME  
9           ADULTS. Pay maintenance, tuition, and related expenses from the appropriation  
10          under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age became  
11          adults, were students regularly attending a school, college, or university or regularly  
12          attending a course of vocational or technical training designed to prepare them for  
13          gainful employment, and who upon ~~attaining that age~~ becoming adults were under  
14          the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or  
15          938.357 (4) as a result of a judicial decision.

16          **SECTION 39.** 938.57 (3) (title) of the statutes is amended to read:

17          938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME  
18          ADULTS.

19          **SECTION 40.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

20          938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),  
21          counties may provide funding for the maintenance of any juvenile person who meets  
22          all of the following qualifications:

23          **SECTION 41.** 938.57 (3) (a) 1. of the statutes is amended to read:

24          938.57 (3) (a) 1. Is 17 years of age or older an adult.

25          **SECTION 42.** 938.57 (3) (a) 3. of the statutes is amended to read:

**BILL**

1           938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to  
2           ~~his or her 17th birthday becoming an adult.~~

3           **SECTION 43.** 938.57 (3) (b) of the statutes is amended to read:

4           938.57 (3) (b) The funding provided for the maintenance of a juvenile person  
5           under par. (a) shall be in an amount equal to that to which the juvenile person would  
6           receive under s. 48.569 (1) (d) if the person were a juvenile were 16 years of age.

7           **SECTION 44.** 939.632 (1) (e) 1. of the statutes is amended to read:

8           939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
9           (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,  
10          940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)  
11          or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085,  
12          or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

13          **SECTION 45.** 939.632 (1) (e) 3. of the statutes is amended to read:

14          939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), ~~940.32~~  
15          ~~(2)~~, 940.42, 940.44, 941.20 (1), 941.23, 941.235, 941.24 or 941.38 (3).

16          **SECTION 46.** 946.50 (intro.) of the statutes is amended to read:

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

22          **SECTION 47.** 948.01 (1) of the statutes is amended to read:

23          948.01 (1) “Child” means a person who has not attained the age of 18 years,  
24          except that for purposes of prosecuting a person who is alleged to have violated a  
25          state or federal criminal law, “child” does not include a person ~~who has attained the~~

## BILL

1 age of 17 years of age who, in a criminal complaint issued under s. 968.02, is alleged  
2 to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any  
3 misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b),  
4 (bm), (c), or (d) or 941.24.

5 **SECTION 48.** 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 and~~ adult  
7 who, with knowledge of the character and content of the description or narrative  
8 account, verbally communicates, by any means, a harmful description or narrative  
9 account to a child, with or without monetary consideration, is guilty of a Class I  
10 felony if any of the following applies:

11 **SECTION 49.** 948.45 (1) of the statutes is amended to read:

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

16 **SECTION 50.** 948.60 (2) (d) of the statutes is amended to read:

17 948.60 (2) (d) A ~~person under 17 years of age~~ child 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.

21 **SECTION 51.** 948.61 (4) of the statutes is amended to read:

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

INSERT  
16-5 →

**BILL**

1           **SECTION 52.** 961.455 (title) of the statutes is amended to read:

2           **961.455 (title) Using a child minor for illegal drug distribution or**  
3           **manufacturing purposes.**

4           **SECTION 53.** 961.455 (1) of the statutes is amended to read:

5           **961.455 (1)** ~~Any person who has attained the age of 17 years adult who~~  
6           ~~knowingly solicits, hires, directs, employs, or uses a person who is under the age of~~  
7           ~~17 years minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.~~

8           **SECTION 54.** 961.455 (2) of the statutes is amended to read:

9           **961.455 (2)** The knowledge requirement under sub. (1) does not require proof  
10           of knowledge of the age of the child minor. It is not a defense to a prosecution under  
11           this section that the actor mistakenly believed that the person solicited, hired,  
12           directed, employed, or used under sub. (1) had attained the age of 18 years, even if  
13           the mistaken belief was reasonable.

14           **SECTION 55.** 961.46 of the statutes is amended to read:

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

21           **SECTION 56.** 961.573 (2) of the statutes is amended to read:

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

24           **SECTION 57.** 961.574 (2) of the statutes is amended to read:



**BILL**

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

3           **SECTION 58.** 961.575 (1) of the statutes is amended to read:

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

8           **SECTION 59.** 961.575 (2) of the statutes is amended to read:

9           961.575 (2) Any person minor who violates this section ~~who is under 17 years~~  
10 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

11           **SECTION 60.** 961.575 (3) of the statutes is amended to read:

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

15           **SECTION 61.** 990.01 (3) of the statutes is amended to read:

16           990.01 (3) ADULT. “Adult” means a person who has attained the age of 18 years,  
17 except that for purposes of investigating or prosecuting a person who is alleged to  
18 have violated any state or federal criminal law or any civil law or municipal  
19 ordinance, “adult” means includes a person ~~who has attained the age of 17 years of~~  
20 age who, in a criminal complaint issued under s. 968.02, is alleged to have committed  
21 any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s.  
22 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d) or 941.24.

23           **SECTION 62.** 990.01 (20) of the statutes is amended to read:

24           990.01 (20) MINOR. “Minor” means a person who has not attained the age of  
25 18 years, except that for purposes of investigating or prosecuting a person who is

**BILL**

1 alleged to have violated a state or federal criminal law or any civil law or municipal  
 2 ordinance, “minor” does not include a person who has attained the age of 17 years  
 3 of age who, in a criminal complaint issued under s. 968.02, is alleged to have  
 4 committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor  
 5 under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or  
 6 (d) or 941.24.

INSERT  
19-7

7 **SECTION 63. Initial applicability.**

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

11 **SECTION 64. Effective date.**

12 (1) This act takes effect on January 1, 2017.

13 (END)

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, or who has not, after previously being convicted of a crime or adjudicated delinquent, been charged with a crime or alleged in a complaint or citation to have violated a civil law or municipal ordinance,

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, if the person has not been alleged, in a complaint or citation filed with the court, to have violated a civil law or municipal ordinance after previously being convicted of a crime or adjudicated delinquent. The bill, however, does not affect the age at which a person who has been alleged, in a complaint or citation filed with the court, to have violated a civil law or municipal ordinance, after previously being convicted of a crime or adjudicated delinquent, is subject to that jurisdiction and those procedures

INSERT 3-13  
SECTION 1. 48.02 (1d) of the statutes is renumbered 48.02 (1d) (intro.) and amended to read:

48.02 (1d) (intro.) "Adult" means a person who is 18 years of age or older, except that, for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means includes a person who has attained 17 years of age. for whom any of the following apply:

1           **SECTION 2.** 48.02 (1d) (a) of the statutes is created to read:

2           48.02 (1d) (a) The person is alleged, in a criminal complaint filed under s.  
3           968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
4           any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
5           (b), (bm), (c), or (d) or 941.24.

6           **SECTION 3.** 48.02 (1d) (b) of the statutes is created to read:

7           48.02 (1d) (b) The person has previously been convicted of a crime or  
8           adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
9           or under federal law to have committed a crime, alleged in a complaint filed under  
10          s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have  
11          violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
12          filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
13          ordinance.

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; 2009 a. 28; 2009 a. 94 ss. 2 to 9, 231; 2009 a. 185 s. 86; 2009 a. 302, 334; 2013 a. 362.

14          **SECTION 4.** 48.02 (2) of the statutes is renumbered 48.02 (2) (intro.) and  
15          amended to read:

16          48.02 (2) (intro.) “Child”<sub>,”</sub> when used without further qualification, means a  
17          person who is less than 18 years of age, except that, for purposes of investigating or  
18          prosecuting a person who is alleged to have violated a state or federal criminal law  
19          or any civil law or municipal ordinance, “child” does not include a person who has  
20          attained 17 years of age. for whom any of the following apply:

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; 2009 a. 28; 2009 a. 94 ss. 2 to 9, 231; 2009 a. 185 s. 86; 2009 a. 302, 334; 2013 a. 362.

21          **SECTION 5.** 48.02 (2) (a) of the statutes is created to read:

1           48.02 (2) (a) The person is alleged, in a criminal complaint filed under s. 968.02,  
 2           to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any  
 3           misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b),  
 4           (bm), (c), or (d) or 941.24.

5           **SECTION 6.** 48.02 (2) (b) of the statutes is created to read:

6           48.02 (2) (b) The person has previously been convicted of a crime or adjudicated  
 7           delinquent and is alleged in a criminal complaint filed under s. 968.02 or under  
 8           federal law to have committed a crime, alleged in a complaint filed under s. 23.65 or  
 9           778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have violated a civil  
 10          law punishable by a forfeiture, or alleged in a complaint or citation filed with or  
 11          transmitted to the court under s. 800.01 (1) to have violated a municipal ordinance.



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 13          INSERT 7-12

14          **SECTION 7.** 938.02 (1) of the statutes is renumbered 938.02 (1) (intro.) and  
 15          amended to read:

16          938.02 (1) (intro.) “Adult” means a person who is 18 years of age or older, except  
 17          that, for purposes of investigating or prosecuting a person who is alleged to have  
 18          violated any state or federal criminal law or any civil law or municipal ordinance,  
 19          “adult” means includes a person who ~~has attained~~ 17 years of age. for whom any of  
 20          the following apply:

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); 2009 a. 28, 94, 302, 334; 2011 a. 32, 258; 2011 a. 260 s. 80; 2013 a. 237.

21          **SECTION 8.** 938.02 (1) (a) of the statutes is created to read:

22          938.02 (1) (a) The person is alleged, in a criminal complaint filed under s.  
 23          968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or

1 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
2 (b), (bm), (c), or (d) or 941.24.

3 **SECTION 9.** 938.02 (1) (b) of the statutes is created to read:

4 938.02 (1) (b) The person has previously been convicted of a crime or  
5 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
6 or under federal law to have committed a crime, alleged in a complaint filed under  
7 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have  
8 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
9 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
10 ordinance.

11 **SECTION 10.** 938.02 (10m) of the statutes is renumbered 938.02 (10m) (intro.)  
12 and amended to read:

13 938.02 (10m) (intro.) “Juvenile<sup>2,3</sup>” when used without further qualification,  
14 means a person who is less than 18 years of age, except that, for purposes of  
15 investigating or prosecuting a person who is alleged to have violated a state or federal  
16 criminal law or any civil law or municipal ordinance, “juvenile” does not include a  
17 person who has attained 17 years of age. for whom any of the following apply:

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); 2009 a. 28, 94, 302, 334; 2011 a. 32, 258; 2011 a. 260 s. 80; 2013 a. 237.

18 **SECTION 11.** 938.02 (10m) (a) of the statutes is created to read:

19 938.02 (10m) (a) The person is alleged, in a criminal complaint filed under s.  
20 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
21 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
22 (b), (bm), (c), or (d) or 941.24.

23 **SECTION 12.** 938.02 (10m) (b) of the statutes is created to read:

1           938.02 (10m) (b) The person has previously been convicted of a crime or  
2 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
3 or under federal law to have committed a crime, alleged in a complaint filed under  
4 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have  
5 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
6 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
7 ordinance.

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9           ✓  
          INSERT 16-5

10          **SECTION 13.** 948.01 (1) of the statutes is renumbered 948.01 (1) (intro.) and  
11 amended to read:

12           948.01 (1) (intro.) “Child” means a person who has not attained the age of 18  
13 years, except that, for purposes of prosecuting a person who is alleged to have  
14 violated a state or federal criminal law, “child” does not include a person who has  
15 ~~attained the age of 17 years.~~ of age for whom any of the following apply:

16 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; 2009 a. 28.

16          **SECTION 14.** 948.01 (1) (a) of the statutes is created to read:

17           948.01 (1) (a) The person is alleged, in a criminal complaint filed under s.  
18 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
19 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
20 (b), (bm), (c), or (d) or 941.24.

21          **SECTION 15.** 948.01 (1) (b) of the statutes is created to read:

22           948.01 (1) (b) The person has previously been convicted of a crime or  
23 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
24 or under federal law to have committed a crime.

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INSERT 19-7

**SECTION 16.** 990.01 (3) of the statutes is renumbered 990.01 (3) (intro.) and amended to read:

990.01 (3) (intro.) **ADULT.** "Adult" means a person who has attained the age of 18 years, except that, for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means includes a person who has attained the age of 17 years. of age for whom any of the following apply:

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); 2011 a. 32.

**SECTION 17.** 990.01 (3) (a) of the statutes is created to read:

990.01 (3) (a) The person is alleged, in a criminal complaint filed under s. 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d) or 941.24.

**SECTION 18.** 990.01 (3) (b) of the statutes is created to read:

990.01 (3) (b) The person has previously been convicted of a crime or adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02 or under federal law to have committed a crime, alleged in a complaint filed under s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have violated a civil law punishable by a forfeiture, or alleged in a complaint or citation filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal ordinance.

**SECTION 19.** 990.01 (20) of the statutes is renumbered 990.01 (20) (intro.) and amended to read:



1            990.01 (20) (intro.) MINOR. "Minor" means a person who has not attained the  
 2 age of 18 years, except that, for purposes of investigating or prosecuting a person who  
 3 is alleged to have violated a state or federal criminal law or any civil law or municipal  
 4 ordinance, "minor" does not include a person who has attained the age of 17 years.  
 5 of age for whom any of the following apply:

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); 2011 a. 32.

6            **SECTION 20.** 990.01 (20) (a) of the statutes is created to read:

7            990.01 (20) (a) The person is alleged, in a criminal complaint filed under s.  
 8 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
 9 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
 10 (b), (bm), (c), or (d) or 941.24.

11            **SECTION 21.** 990.01 (20) (b) of the statutes is created to read:

12            990.01 (20) (b) The person has previously been convicted of a crime or  
 13 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
 14 or under federal law to have committed a crime, alleged in a complaint filed under  
 15 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have  
 16 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
 17 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
 18 ordinance.

**Barman, Mike**

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**From:** Fiocchi, Tim  
**Sent:** Wednesday, September 09, 2015 10:28 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0771/5 Topic: Age of adult criminal jurisdiction

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Please Jacket LRB -0771/5 for the SENATE.