



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4788/1
GMM:emw

2015 SENATE BILL 804

April 7, 2016 – Introduced by Senator L. TAYLOR. Referred to Committee on
Judiciary and Public Safety.

1 **AN ACT to repeal** 20.410 (3) (gg), 46.011 (1c), 46.011 (1p), 46.215 (2) (a) 3., 46.215
2 (2) (c) 3., 46.22 (1) (b) 5m. d., 46.22 (1) (e) 3. c., 46.22 (2g) (d) 4., 46.23 (5) (a) 3.,
3 46.23 (5) (c) 3., 46.23 (5) (n) 3., 49.11 (1c), 49.855 (2p), 301.01 (1n), 301.03 (18),
4 301.031, 301.032, 301.06, 301.08 (2) (d) 5., 301.085 (2), 301.085 (4), 301.12,
5 301.26 (title), 301.26 (1), 301.35 (2) (e), 302.386 (5) (c), 302.386 (5) (d), 938.48
6 (intro.), 938.48 (1) and 938.48 (16); **to renumber** 20.410 (3) (title), 20.410 (3)
7 (a), 20.410 (3) (ba), 20.410 (3) (c), 20.410 (3) (dm), 20.410 (3) (e), 20.410 (3) (i),
8 20.410 (3) (jr), 20.410 (3) (jv), 20.410 (3) (kx), 20.410 (3) (ky), 20.410 (3) (kz),
9 20.410 (3) (m), 20.410 (3) (n), 20.410 (3) (q), 20.437 (1) (kp), 20.437 (3), 48.526
10 (title), 48.526 (2) (title), 48.526 (2) (a), 48.526 (2) (b), 48.526 (2m), 48.526 (3)
11 (title), 48.526 (3) (a), 48.526 (6) (title), 48.526 (6) (b), 48.526 (7) (a) to (h), 48.526
12 (8), 48.528 (title), 48.528 (2), 48.528 (3), 301.03 (10) (a), 301.03 (10) (b), 301.03
13 (10) (d), 301.03 (10) (e), 301.03 (10) (f), 301.20, 301.26 (4) (title), 301.26 (4) (cm)
14 3., 301.26 (4) (d) 5., 301.26 (4) (f), 301.37 (5), 938.48 (3), 938.48 (4), 938.48 (4m),

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1 938.48 (5), 938.48 (6) and 938.48 (13); **to renumber and amend** 20.410 (3) (cg),
2 20.410 (3) (g), 20.410 (3) (hm), 20.410 (3) (ho), 20.410 (3) (hr), 20.437 (1) (cj),
3 20.437 (1) (cm), 48.526 (1), 48.526 (2) (c), 48.526 (3) (c), 48.526 (3) (dm), 48.526
4 (3) (e), 48.526 (3) (em), 48.526 (6) (a), 48.526 (7) (intro.), 48.528 (1), 301.025,
5 301.03 (10) (c), 301.03 (10) (g), 301.08 (1) (b) 3., 301.205, 301.26 (4) (a), 301.26
6 (4) (b), 301.26 (4) (bm), 301.26 (4) (c), 301.26 (4) (cm) 1., 301.26 (4) (ct), 301.26
7 (4) (cx), 301.26 (4) (d) 1., 301.26 (4) (d) 1m., 301.26 (4) (d) 2., 301.26 (4) (d) 3.,
8 301.26 (4) (d) 4., 301.26 (4) (dt), 301.26 (4) (e), 301.26 (4) (ed), 301.26 (4) (eg),
9 301.26 (4) (g), 301.335, 938.48 (14) and 938.54; **to amend** 14.92, 16.51 (7), 16.54
10 (12) (b), 16.54 (12) (d), 20.437 (1) (kz), 20.437 (1) (o), 20.505 (8) (hm) 21d., 20.866
11 (1) (u), 20.921 (2) (a), 46.03 (18) (a), 46.057 (1), 46.057 (2), 46.20 (3), 46.206 (1)
12 (a), 46.21 (2) (j), 46.21 (5) (b), 46.215 (1) (d), 46.215 (2) (a) 1., 46.215 (2) (a) 2.,
13 46.215 (2) (c) 1., 46.215 (2) (c) 2., 46.215 (3), 46.22 (1) (b) 1. b., 46.22 (1) (b) 2. a.,
14 46.22 (1) (b) 2. c., 46.22 (1) (b) 5m. a., 46.22 (1) (e) 3. a., 46.22 (1) (e) 3. b., 46.22
15 (2g) (d) 2., 46.22 (2g) (d) 3., 46.23 (5) (a) 1., 46.23 (5) (a) 2., 46.23 (5) (c) 1., 46.23
16 (5) (c) 2., 46.23 (5) (n) 1., 46.23 (5) (n) 2., 46.23 (5m) (c), 46.23 (6) (a) (intro.), 48.02
17 (10r), 49.175 (1) (intro.), 49.175 (3), 49.275, 49.32 (1) (a), 49.32 (2) (b), 49.32 (2)
18 (d), 49.325 (1) (a), 49.325 (2), 49.325 (2g) (a), 49.325 (2g) (b), 49.325 (2g) (c),
19 49.325 (2r) (a) 1., 49.325 (2r) (a) 2., 49.34 (1), 49.34 (2), 49.35 (1) (a), 49.35 (1)
20 (b), 49.35 (2), 49.45 (6m) (br) 1., 49.45 (25) (bj), 49.855 (3), 49.855 (4m) (b), 59.24,
21 102.27 (2) (a), 230.08 (2) (e) 2m., 230.08 (2) (e) 3e., 301.001, 301.01 (4), 301.03
22 (9), 301.035 (2), 301.035 (4), 301.07, 301.08 (2) (a), 301.27 (1), 301.36 (1), 301.37
23 (1), 302.31 (7), 302.386 (1), 302.386 (2) (intro.), 302.386 (3) (a), 303.01 (2) (em),
24 303.01 (11) (a) 1., 701.0503 (2) (intro.), 767.59 (1f) (b) 4., 767.59 (2) (c), 767.59
25 (2s), 859.07 (2) (a) 2., 859.07 (2) (a) 2., 859.15, 938.02 (4), 938.02 (10r), 938.02

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1 (12r), 938.02 (19r), 938.06 (4), 938.069 (1) (intro.), 938.069 (2), 938.08 (3) (a)
2 (intro.), 938.205 (1) (c), 938.208 (1) (intro.), 938.209 (1) (a) (intro.), 938.209 (1)
3 (a) 1., 938.209 (2m) (b), 938.22 (1) (a), 938.22 (2) (a), 938.22 (2) (b), 938.222 (2)
4 (a) 1., 938.222 (2) (b) 3., 938.222 (2) (b) 4., 938.223 (2) (a) 1., 938.223 (2) (b) 3.,
5 938.223 (2) (b) 4., 938.224 (1), 938.224 (2) (a) 1., 938.224 (2) (a) 2., 938.224 (2)
6 (b), 938.224 (3) (a), 938.224 (3) (b), 938.224 (4), 938.225, 938.23 (1m) (a), 938.295
7 (2) (c), 938.296 (6), 938.30 (6) (b), 938.31 (7) (b), 938.33 (4m) (intro.), 938.33 (4m)
8 (b), 938.34 (2) (a), 938.34 (2) (b), 938.34 (3) (f) (intro.), 938.34 (4m) (intro.),
9 938.34 (4n) (intro.), 938.34 (6s), 938.34 (8d) (c), 938.355 (6) (d) 1., 938.355 (6d)
10 (a) 1., 938.355 (6d) (a) 2., 938.355 (6d) (b) 1., 938.355 (6d) (b) 2., 938.355 (6m)
11 (a) 1g., 938.357 (4) (a), 938.357 (4) (b) 1., 938.357 (4) (b) 2., 938.357 (4) (b) 4.,
12 938.357 (4) (c) 1., 938.357 (4) (c) 2., 938.357 (4) (c) 4., 938.357 (4g) (a), 938.357
13 (4g) (b), 938.357 (4m), 938.357 (5) (a), 938.357 (5) (g), 938.357 (5m) (a), 938.36
14 (1) (a), 938.36 (2), 938.363 (1) (c), 938.363 (2), 938.38 (1) (a), 938.396 (2g) (b) 1.,
15 938.485 (1), 938.485 (4), 938.485 (5), 938.49 (title), 938.49 (1), 938.49 (2) (intro.),
16 938.49 (2) (a), 938.50, 938.505 (1), 938.505 (2) (a) (intro.), 938.505 (2) (b), 938.51
17 (1) (intro.), 938.51 (1d) (intro.), 938.51 (1m), 938.51 (2), 938.51 (3), 938.51 (4)
18 (intro.), 938.52 (title), 938.52 (1) (intro.), 938.52 (1) (f), 938.52 (2), 938.52 (4),
19 938.53, 938.533 (2) (intro.), 938.533 (3), 938.533 (4), 938.534 (1) (b) 1., 938.534
20 (1) (b) 2., 938.534 (2), 938.535, 938.538 (2) (intro.), 938.538 (3) (a) (intro.),
21 938.538 (3) (a) 9., 938.538 (4), 938.538 (5) (a), 938.538 (5) (b), 938.538 (6),
22 938.538 (7), 938.539 (2), 938.539 (6), 938.549 (1) (intro.), 938.57 (1) (g), 938.57
23 (4), 938.78 (1) and 938.78 (3); and **to create** 20.437 (4) (o), 938.226, 938.227,
24 938.485 (10) (title) and 938.485 (18) of the statutes; **relating to:** the transfer

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1 of juvenile correctional services from the Department of Corrections to the
2 Department of Children and Families and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill transfers from the Department of Corrections to the Department of Children and Families the administration of all juvenile correctional services currently administered by DOC. Under current law, DCF administers community-based juvenile delinquency-related services, which are defined as juvenile delinquency-related services provided under the Juvenile Justice Code, other than juvenile correctional services that are provided for a juvenile who is being held in a juvenile detention facility or who has been adjudged delinquent, placed under the supervision of DOC, and placed in a juvenile correctional facility, in the Serious Juvenile Offender Program, or on aftercare supervision administered by DOC. This bill transfers the administration of those juvenile correctional services from DOC to DCF.

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:

3 **SECTION 1.** 14.92 of the statutes is amended to read:

4 **14.92 Interstate Commission for Juveniles.** There is created an Interstate
5 Commission for Juveniles as specified in s. 938.999 (3). The member of the
6 commission representing this state shall be the compact administrator, as defined
7 in s. 938.999 (2) (c), the deputy compact administrator, as defined in s. 938.999 (2)
8 (f), or a designee, as specified in s. 938.999 (3) (b). The commission member shall
9 serve without compensation but shall be reimbursed from the appropriation account
10 under s. ~~20.410 (3)~~ 20.437 (4) (a) for actual and necessary expenses incurred in the
11 performance of the commission member's duties. The commission shall have the
12 powers, duties, and responsibilities set forth in s. 938.999.

13 **SECTION 2.** 16.51 (7) of the statutes is amended to read:

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1 16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
2 JUVENILES IN JUVENILE CORRECTIONAL FACILITIES. Receive, examine, determine, and
3 audit claims, duly certified and approved by the department of corrections or the
4 department of children and families, from the county clerk of any county in behalf
5 of the county, which are presented for payment to reimburse the county for certain
6 expenses incurred or paid by it in reference to all matters growing out of actions and
7 proceedings involving prisoners in state prisons, as defined in s. 302.01, or juveniles
8 in juvenile correctional facilities, as defined in s. 938.02 (10p), including prisoners
9 or juveniles transferred to a mental health institute for observation or treatment,
10 when the proceedings are commenced in counties in which the prisons or juvenile
11 correctional facilities are located by a district attorney or by the prisoner or juvenile
12 as a postconviction remedy or a matter involving the prisoner's status as a prisoner
13 or the juvenile's status as a resident of a juvenile correctional facility and for certain
14 expenses incurred or paid by it in reference to holding those juveniles in secure
15 custody while those actions or proceedings are pending. Expenses shall only include
16 the amounts that were necessarily incurred and actually paid and shall be no more
17 than the legitimate cost would be to any other county had the offense or crime
18 occurred therein.

19 **SECTION 3.** 16.54 (12) (b) of the statutes is amended to read:

20 16.54 (12) (b) The department of children and families may not expend or
21 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)
22 or ~~(3)~~ (5) (mm) unless the department of children and families submits a plan for the
23 expenditure of the moneys to the department of administration and the department
24 of administration approves the plan.

25 **SECTION 4.** 16.54 (12) (d) of the statutes is amended to read:

SENATE BILL 804**SECTION 4**

1 16.54 (12) (d) At the end of each fiscal year, the department of administration
2 shall determine the amount of moneys that remain in the appropriation accounts
3 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and ~~(3)~~ (5) (mm) that have not been
4 approved for encumbrance or expenditure by the department pursuant to a plan
5 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the
6 general fund. The department shall notify the cochairpersons of the joint committee
7 on finance, in writing, of the department's action under this paragraph.

8 **SECTION 5.** 20.410 (3) (title) of the statutes is renumbered 20.437 (4) (title).

9 **SECTION 6.** 20.410 (3) (a) of the statutes is renumbered 20.437 (4) (a).

10 **SECTION 7.** 20.410 (3) (ba) of the statutes is renumbered 20.437 (4) (ba).

11 **SECTION 8.** 20.410 (3) (c) of the statutes is renumbered 20.437 (4) (c).

12 **SECTION 9.** 20.410 (3) (cg) of the statutes, as affected by 2015 Wisconsin Act 55,
13 is renumbered 20.437 (4) (cg) and amended to read:

14 20.437 (4) (cg) *Serious juvenile offenders.* Biennially, the amounts in the
15 schedule for juvenile correctional institution, alternate care, community
16 supervision, and other juvenile program services specified in s. 938.538 (3) provided
17 for the persons specified in s. ~~301.26~~ 938.526 (4) (cm) and for juvenile correctional
18 institution services for persons placed in juvenile correctional institutions under s.
19 973.013 (3m).

20 **SECTION 10.** 20.410 (3) (dm) of the statutes is renumbered 20.437 (4) (dm).

21 **SECTION 11.** 20.410 (3) (e) of the statutes is renumbered 20.437 (4) (e).

22 **SECTION 12.** 20.410 (3) (g) of the statutes is renumbered 20.437 (1) (g) and
23 amended to read:

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1 20.437 (1) (g) *Legal services collections*. All moneys received as reimbursement
2 for costs of legal actions authorized under ss. ~~301.03 (18)~~ and ~~301.12 49.32 and 49.345~~
3 to be used to pay costs associated with such legal actions.

4 **SECTION 13.** 20.410 (3) (gg) of the statutes is repealed.

5 **SECTION 14.** 20.410 (3) (hm) of the statutes is renumbered 20.437 (4) (hm) and
6 amended to read:

7 20.437 (4) (hm) *Juvenile correctional services*. The amounts in the schedule for
8 juvenile correctional services specified in ss. 49.45 (25) (bj) and ~~301.26 938.526~~ (4)
9 (c) and (d). All moneys received from the sale of surplus property, including vehicles,
10 from juvenile correctional institutions operated by the department, all moneys
11 received as payments in restitution of property damaged at juvenile correctional
12 institutions operated by the department, all moneys received from miscellaneous
13 services provided at a juvenile correctional institution operated by the department,
14 all moneys transferred under s. ~~301.26 938.526~~ (4) (cm), all moneys transferred
15 under s. ~~301.26 938.526~~ (4) (ct), and, except as otherwise provided in pars. (ho) and
16 (hr), all moneys received in payment for juvenile correctional services as specified in
17 s. ~~301.26 938.526~~ (4) (d), (dt), and (g) shall be credited to this appropriation account.
18 If moneys generated by the daily rate under s. ~~301.26 938.526~~ (4) (d) exceed actual
19 fiscal year institutional costs by more than ~~2%~~ 2 percent, all moneys in excess of ~~2%~~
20 2 percent shall be remitted to the counties during the subsequent calendar year or
21 transferred to the appropriation account under par. (kx) during the subsequent fiscal
22 year. Each county and the department shall receive a proportionate share of the
23 remittance and transfer depending on the total number of days of placement at
24 juvenile correctional institutions including the Mendota Juvenile Treatment Center.
25 Counties shall use the funds for purposes specified in s. ~~301.26 938.526~~. The

SENATE BILL 804**SECTION 14**

1 department shall deposit in the general fund the amounts transferred under this
2 paragraph to the appropriation account under par. (kx).

3 **SECTION 15.** 20.410 (3) (ho) of the statutes is renumbered 20.437 (4) (ho) and
4 amended to read:

5 20.437 (4) (ho) *Juvenile alternate care services.* The amounts in the schedule
6 for providing alternate care services for delinquent juveniles under ss. 49.19 (10) (d),
7 49.45 (25) (bj), ~~301.26 938.526~~ (4) (c), ~~938.48 (4) 938.485~~ (8) and (14), and 938.52. All
8 moneys transferred under s. ~~301.26 938.526~~ (4) (cm) and all moneys received in
9 payment for providing alternate care services for delinquent juveniles under ss.
10 49.19 (10) (d), ~~938.48 (4) 938.485~~ (8) and (14), and 938.52 as specified in s. ~~301.26~~
11 938.526 (4) (d), (e), and (ed) shall be credited to this appropriation account. If moneys
12 generated by the daily rate under s. ~~301.26 938.526~~ (4) (d) exceed actual fiscal year
13 alternate care costs, that excess shall be transferred to the appropriation account
14 under par. (hm) as provided in s. ~~301.26 938.526~~ (4) (ct), except that, if those moneys
15 generated exceed those costs by more than 2 percent, all moneys in excess of that 2
16 percent shall be remitted to the counties during the subsequent calendar year or
17 transferred to the appropriation account under par. (kx) during the subsequent fiscal
18 year. Each county and the department shall receive a proportionate share of the
19 remittance and transfer depending on the total number of days of placement in
20 alternate care. Counties shall use the funds for purposes specified in s. ~~301.26~~
21 938.526. The department shall deposit in the general fund the amounts transferred
22 under this paragraph to the appropriation account under par. (kx).

23 **SECTION 16.** 20.410 (3) (hr) of the statutes, as affected by 2015 Wisconsin Act
24 55, is renumbered 20.437 (4) (hr) and amended to read:

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1 20.437 (4) (hr) *Juvenile community supervision services*. The amounts in the
2 schedule for the community supervision services specified in ss. 49.45 (25) (bj) and
3 ~~301.26 938.526~~ (4) (c) and (eg). All moneys received in payment for those services as
4 specified in s. ~~301.26 938.526~~ (4) (d) and (eg), and all moneys transferred under s.
5 ~~301.26 938.526~~ (4) (cm), shall be credited to this appropriation account. If moneys
6 generated by the daily rate under s. ~~301.26 938.526~~ (4) (d) exceed actual fiscal year
7 community supervision services costs, that excess shall be transferred to the
8 appropriation account under par. (hm) as provided in s. ~~301.26 938.526~~ (4) (ct).

9 **SECTION 17.** 20.410 (3) (i) of the statutes is renumbered 20.437 (4) (i).

10 **SECTION 18.** 20.410 (3) (jr) of the statutes is renumbered 20.437 (4) (jr).

11 **SECTION 19.** 20.410 (3) (jv) of the statutes is renumbered 20.437 (4) (jv).

12 **SECTION 20.** 20.410 (3) (kx) of the statutes is renumbered 20.437 (4) (kx).

13 **SECTION 21.** 20.410 (3) (ky) of the statutes is renumbered 20.437 (4) (ky).

14 **SECTION 22.** 20.410 (3) (kz) of the statutes is renumbered 20.437 (4) (kz).

15 **SECTION 23.** 20.410 (3) (m) of the statutes is renumbered 20.437 (4) (m).

16 **SECTION 24.** 20.410 (3) (n) of the statutes is renumbered 20.437 (4) (n).

17 **SECTION 25.** 20.410 (3) (q) of the statutes is renumbered 20.437 (4) (q).

18 **SECTION 26.** 20.437 (1) (cj) of the statutes, as affected by 2015 Wisconsin Act
19 55, is renumbered 20.437 (4) (cj) and amended to read:

20 20.437 (4) (cj) *Community youth and family aids*. The amounts in the schedule
21 for the improvement and provision of ~~community-based juvenile~~
22 ~~delinquency-related services under s. 48.526 and juvenile correctional services~~
23 ~~under s. 301.26 938.526~~ and for reimbursement to counties having a population of
24 less than 750,000 for the cost of court attached intake services as provided in s.
25 938.06 (4). Disbursements may be made from this appropriation account under s.

SENATE BILL 804**SECTION 26**

1 49.32 (2). Refunds received relating to payments made under s. 49.32 (2) shall be
2 returned to this appropriation account. Notwithstanding ss. 20.001 (3) (a) and
3 20.002 (1), the department of children and families may transfer moneys under this
4 paragraph between fiscal years. Except for moneys authorized for transfer under s.
5 ~~48.526~~ 938.526 (3), all moneys from this paragraph allocated under s. ~~48.526~~ 938.526
6 (3) and not spent or encumbered by counties by December 31 of each year shall lapse
7 into the general fund on the succeeding January 1. The joint committee on finance
8 may transfer additional moneys to the next calendar year.

9 **SECTION 27.** 20.437 (1) (cm) of the statutes, as affected by 2015 Wisconsin Act
10 55, is renumbered 20.437 (4) (cm) and amended to read:

11 20.437 (4) (cm) *Community intervention program.* The amounts in the
12 schedule for the community intervention program under s. ~~48.528~~ 938.528.

13 **SECTION 28.** 20.437 (1) (kp) of the statutes, as affected by 2015 Wisconsin Act
14 55, is renumbered 20.437 (4) (kp).

15 **SECTION 29.** 20.437 (1) (kz) of the statutes, as affected by 2015 Wisconsin Act
16 55, is amended to read:

17 20.437 (1) (kz) *Interagency and intra-agency aids; tribal placements and*
18 *guardianships.* The amounts in the schedule to be used for unexpected or unusually
19 high-cost out-of-home care placements of Indian children by tribal courts, other
20 than placements to which ~~par. sub. (4)~~ (kp) applies, and for subsidized guardianship
21 payments under s. 48.623 (1) or (6) for guardianships of Indian children ordered by
22 tribal courts. All moneys transferred from the appropriation account under s. 20.505
23 (8) (hm) shall be credited to this appropriation account. Notwithstanding s.
24 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
25 appropriation account under section 20.505 (8) (hm).

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1 **SECTION 30.** 20.437 (1) (o) of the statutes, as affected by 2015 Wisconsin Act 55,
2 section 723, is amended to read:

3 20.437 (1) (o) *Federal aid; children, youth, and family aids.* All federal moneys
4 received in amounts pursuant to allocation plans developed by the department for
5 the provision or purchase of services authorized under ~~pars.~~ par. (b) ~~and (ej)~~ and all
6 federal moneys received as child welfare funds under 42 USC 620 to 626 for the
7 provision or purchase of child welfare projects and services. Disbursements from
8 this appropriation may be made directly to counties for services to children and
9 families under s. 49.32 (2) (b) or 49.325 or directly to counties in accordance with
10 federal requirements for the disbursement of federal funds.

11 **SECTION 31.** 20.437 (3) of the statutes, as affected by 2015 Wisconsin Act 172,
12 is renumbered 20.437 (5).

13 **SECTION 32.** 20.437 (4) (o) of the statutes is created to read:

14 20.437 (4) (o) *Federal aid; community youth and family aids.* All federal
15 moneys received in amounts pursuant to allocation plans developed by the
16 department for the provision or purchase of services authorized under par. (c).
17 Disbursements from this appropriation may be made directly to counties for services
18 to children and families under s. 49.32 (2) (b) or 49.325 or directly to counties in
19 accordance with federal requirements for the disbursement of federal funds.

20 **SECTION 33.** 20.505 (8) (hm) 21d. of the statutes, as affected by 2015 Wisconsin
21 Act 55, is amended to read:

22 20.505 (8) (hm) 21d. The amount transferred to s. 20.437 (~~1~~) (4) (kp) shall be
23 the amount in the schedule under s. 20.437 (~~1~~) (4) (kp).

24 **SECTION 34.** 20.866 (1) (u) of the statutes, as affected by 2015 Wisconsin Act
25 55, is amended to read:

SENATE BILL 804**SECTION 34**

1 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
2 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (s), 20.190 (1)
3 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),
4 20.255 (1) (d), 20.285 (1) (d), (je), and (gj), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7)
5 (aa), (ac), (ad), (ag), (aq), (ar), (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs),
6 (ct), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko)
7 ~~and (3) (e)~~, 20.435 (2) (ee), 20.437 (4) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t)
8 and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and (5) (c), (g), and (kc), 20.855 (8) (a),
9 and 20.867 (1) (a) and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bj), (bL),
10 (bm), (bn), (bq), (br), (bt), (bu), (bv), (bw), (bx), (cb), (cd), (cf), (ch), (cj), (g), (h), (i), (kd),
11 and (q) for the payment of principal, interest, premium due, if any, and payment due,
12 if any, under an agreement or ancillary arrangement entered into under s. 18.06 (8)
13 (a) relating to any public debt contracted under subchs. I and IV of ch. 18.

14 **SECTION 35.** 20.921 (2) (a) of the statutes is amended to read:

15 20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or
16 state law or court-ordered assignment of income under s. 46.10 (14) (e), 49.345 (14)
17 (e), ~~301.12 (14) (e)~~, 767.225 (1) (L), 767.513 (3), or 767.75 to make deductions from
18 the salaries of state officers or employees or employees of the University of Wisconsin
19 Hospitals and Clinics Authority, the state agency or authority by which the officers
20 or employees are employed is responsible for making those deductions and paying
21 over the total of those deductions for the purposes provided by the laws or orders
22 under which they were made.

23 **SECTION 36.** 46.011 (1c) of the statutes, as created by 2015 Wisconsin Act 55,
24 is repealed.

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1 **SECTION 37.** 46.011 (1p) of the statutes, as created by 2015 Wisconsin Act 55,
2 is repealed.

3 **SECTION 38.** 46.03 (18) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is amended to read:

5 46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department
6 shall establish a uniform system of fees for services provided or purchased by the
7 department, or a county department under s. 46.215, 46.22, 51.42, or 51.437, except
8 for services provided under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49;
9 ~~community-based juvenile delinquency-related services; juvenile correctional~~
10 ~~services; services provided to courts; and outreach, information, and referral~~
11 ~~services; or when, as determined by the department, a fee is administratively~~
12 ~~unfeasible or would significantly prevent accomplishing the purpose of the service.~~
13 A county department under s. 46.215, 46.22, 51.42, or 51.437 shall apply the fees that
14 it collects under this program to cover the cost of those services.

15 **SECTION 39.** 46.057 (1) of the statutes is amended to read:

16 46.057 (1) The department shall establish, maintain, and operate the Mendota
17 juvenile treatment center on the grounds of the Mendota Mental Health Institute.
18 The department may designate staff at the Mendota Mental Health Institute as
19 responsible for administering, and providing services at, the center.
20 Notwithstanding ~~ss. 301.02, 301.03, and 301.36 (1)~~ 938.226 (1) and 938.485, the
21 department shall operate the Mendota juvenile treatment center as a juvenile
22 correctional facility, as defined in s. 938.02 (10p). The center shall not be considered
23 a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10),
24 a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined
25 in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations

SENATE BILL 804**SECTION 39**

1 and treatment for juveniles whose behavior presents a serious problem to
2 themselves or others in other juvenile correctional facilities and whose mental
3 health needs can be met at the center. With the approval of the department of health
4 services, the department of ~~corrections~~ children and families may transfer to the
5 center any juvenile who has been placed in a juvenile correctional facility under the
6 supervision of the department of ~~corrections~~ children and families under s. 938.183,
7 938.34 (4h) or (4m), or 938.357 (4) or (5) (e) in the same manner that the department
8 of ~~corrections~~ children and families transfers juveniles between other juvenile
9 correctional facilities.

10 **SECTION 40.** 46.057 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
11 is amended to read:

12 46.057 (2) From the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (ba),
13 the department of ~~corrections~~ children and families shall transfer to the
14 appropriation account under s. 20.435 (2) (kx) \$1,365,500 in each fiscal year and,
15 from the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm), the department
16 of ~~corrections~~ children and families shall transfer to the appropriation account under
17 s. 20.435 (2) (kx) \$2,929,200 in fiscal year 2015–16 and \$2,997,600 in fiscal year
18 2016–17, for services for juveniles placed at the Mendota juvenile treatment center.
19 The department of health services may charge the department of ~~corrections~~
20 children and families not more than the actual cost of providing those services.

21 **SECTION 41.** 46.20 (3) of the statutes is amended to read:

22 46.20 (3) Upon approval of the site, plans and specifications, as provided in ss.
23 46.17 ~~and~~, 301.37, ~~and~~ 938.227 as to other institutions, the joint committee shall
24 report to the several county boards the estimated cost of the site and buildings, and
25 the amount thereof chargeable to each county on the basis set forth in sub. (6) (a),

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1 appending to each report a copy of the plans and specifications and all matter
2 relating to the site and buildings. If the report is approved by each county board, the
3 joint committee shall purchase the site and cause the buildings to be erected in
4 accordance with the plans and specifications.

5 **SECTION 42.** 46.206 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 46.206 (1) (a) The department shall supervise the administration of social
8 services, except for social services provided under ~~ch. chs. 48 and 938~~ and subch. III
9 of ch. 49, ~~community-based juvenile delinquency-related services, and juvenile~~
10 ~~correctional services.~~ The department shall submit to the federal authorities state
11 plans for the administration of social services, except for social services provided
12 under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49, ~~community-based juvenile~~
13 ~~delinquency-related services, and juvenile correctional services,~~ in such form and
14 containing such information as the federal authorities require, and shall comply
15 with all requirements prescribed to ensure their correctness.

16 **SECTION 43.** 46.21 (2) (j) of the statutes is amended to read:

17 46.21 (2) (j) May exercise approval or disapproval power over contracts and
18 purchases of the director that are for \$50,000 or more, except that the county board
19 of supervisors may not exercise approval or disapproval power over any personal
20 service contract or over any contract or purchase of the director that relates to
21 community living arrangements, adult family homes, or foster homes and that was
22 entered into pursuant to a contract under s. 46.031 (2g) or ~~301.031~~ 49.325 (2g),
23 regardless of whether the contract mentions the provider, except as provided in par.
24 (m). The county board of supervisors may not exercise approval or disapproval power
25 over any contract relating to mental health or mental health institutions, programs,

SENATE BILL 804**SECTION 43**

1 or services. This paragraph does not preclude the county board of supervisors from
2 creating a central purchasing department for all county purchases that are not
3 related to mental health.

4 **SECTION 44.** 46.21 (5) (b) of the statutes is amended to read:

5 46.21 (5) (b) Sections 46.10, 49.08, 49.345, and 49.90, ~~and 301.12~~ govern the
6 support and maintenance of persons in any of the institutions specified in sub. (2) (a).

7 **SECTION 45.** 46.215 (1) (d) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is amended to read:

9 46.215 (1) (d) To make investigations that relate to services under subchs. IV
10 and V of ch. 49 upon request by the department of health services and to make
11 investigations that relate to programs under ~~ch.~~ chs. 48 and 938 and subch. III of ch.
12 49 ~~or to community-based juvenile delinquency-related services~~ upon request by the
13 department of children and families.

14 **SECTION 46.** 46.215 (2) (a) 1. of the statutes, as affected by 2015 Wisconsin Act
15 55, is amended to read:

16 46.215 (2) (a) 1. In order to ensure the availability of a full range of care and
17 services, the county department of social services may contract, either directly or
18 through the department of health services, with public or voluntary agencies or
19 others to purchase, in full or in part, care and services, except as provided under
20 subch. III of ch. 49 ~~and s. 301.08 (2) and except for community-based juvenile~~
21 ~~delinquency-related services~~, that the county department of social services is
22 authorized by any statute to furnish in any manner. That care and those services
23 may be purchased from the department of health services if the department of health
24 services has staff to furnish that care and those services. If the county department

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1 of social services has adequate staff, it may sell that care and those services directly
2 to another county or state agency.

3 **SECTION 47.** 46.215 (2) (a) 2. of the statutes, as affected by 2015 Wisconsin Act
4 55, is amended to read:

5 46.215 (2) (a) 2. In order to ensure the availability of a full range of care and
6 services, the county department of social services may contract, either directly or
7 through the department of children and families, with public or voluntary agencies,
8 or others to purchase, in full or in part, care and services under ~~ch. 48 and 938~~
9 and subch. III of ch. 49 ~~and community-based juvenile delinquency-related services~~
10 that the county department of social services is authorized to furnish. That care and
11 those services may be purchased from the department of children and families if the
12 department of children and families has staff to furnish that care and those services.
13 If the county department of social services has adequate staff, it may sell that care
14 and those services directly to another county or state agency.

15 **SECTION 48.** 46.215 (2) (a) 3. of the statutes is repealed.

16 **SECTION 49.** 46.215 (2) (c) 1. of the statutes, as affected by 2015 Wisconsin Act
17 55, is amended to read:

18 46.215 (2) (c) 1. A county department of social services shall develop, under the
19 requirements of s. 46.036, plans and contracts for the purchase of care and services,
20 except for care and services under subch. III of ch. 49 ~~or s. 301.08 (2) and~~
21 ~~community-based juvenile delinquency-related services~~. The department of health
22 services may review the contracts and approve them if they are consistent with s.
23 46.036 and if state or federal funds are available for those purposes. The joint
24 committee on finance may require the department of health services to submit the
25 contracts to the committee for review and approval. The department of health

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1 services may not make any payments to a county for programs included in a contract
2 under review by the committee. The department of health services shall reimburse
3 each county for the contracts from the appropriations under s. 20.435 (7) (b) and (o),
4 as appropriate, under s. 46.495.

5 **SECTION 50.** 46.215 (2) (c) 2. of the statutes, as affected by 2015 Wisconsin Act
6 55, is amended to read:

7 46.215 (2) (c) 2. A county department of social services shall develop, under the
8 requirements of s. 49.34, plans and contracts for the purchase of care and services
9 under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49 ~~and of community-based juvenile~~
10 ~~delinquency-related services~~. The department of children and families may review
11 the contracts and approve them if they are consistent with s. 49.34 and if state or
12 federal funds are available for those purposes. The joint committee on finance may
13 require the department of children and families to submit the contracts to the
14 committee for review and approval. The department of children and families may
15 not make any payments to a county for programs included in a contract under review
16 by the committee.

17 **SECTION 51.** 46.215 (2) (c) 3. of the statutes, as affected by 2015 Wisconsin Act
18 55, is repealed.

19 **SECTION 52.** 46.215 (3) of the statutes is amended to read:

20 46.215 (3) PROGRAM BUDGETS. The county department of social services shall
21 submit a final budget to the department of health services under s. 46.031 (1), ~~to the~~
22 ~~department of corrections under s. 301.031 (1)~~, and to the department of children and
23 families under s. 49.325 (1), for authorized services.

24 **SECTION 53.** 46.22 (1) (b) 1. b. of the statutes, as affected by 2015 Wisconsin Act
25 55, is amended to read:

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1 46.22 (1) (b) 1. b. To make investigations that relate to welfare services, except
2 for welfare services provided under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49,
3 ~~community-based juvenile delinquency-related services, and juvenile correctional~~
4 ~~services,~~ upon request by the department of health services.

5 **SECTION 54.** 46.22 (1) (b) 2. a. of the statutes, as created by 2015 Wisconsin Act
6 55, is amended to read:

7 46.22 (1) (b) 2. a. To administer ~~community-based juvenile~~
8 ~~delinquency-related services~~ under s. ~~48.526~~ 938.526.

9 **SECTION 55.** 46.22 (1) (b) 2. c. of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 46.22 (1) (b) 2. c. To make investigations as provided under ~~ch. chs. 48 and 938~~
12 ~~and subch. III of ch. 49 and investigations relating to community-based juvenile~~
13 ~~delinquency-related services~~ upon request by the department of children and
14 families.

15 **SECTION 56.** 46.22 (1) (b) 5m. a. of the statutes, as affected by 2015 Wisconsin
16 Act 55, is amended to read:

17 46.22 (1) (b) 5m. a. To purchase juvenile ~~correctional~~ delinquency-related
18 ~~services~~ under s. ~~301.26~~ 938.526.

19 **SECTION 57.** 46.22 (1) (b) 5m. d. of the statutes is repealed.

20 **SECTION 58.** 46.22 (1) (e) 3. a. of the statutes, as affected by 2015 Wisconsin Act
21 55, is amended to read:

22 46.22 (1) (e) 3. a. A county department of social services shall develop, under
23 the requirements of s. 46.036, plans and contracts for the purchase of care and
24 services, except for care and services provided under ~~ch. chs. 48, and 938 and~~ subch.
25 III of ch. 49, ~~and s. 301.08 (2) and community-based juvenile delinquency-related~~

SENATE BILL 804**SECTION 58**

1 services. The department of health services may review the contracts and approve
2 them if they are consistent with s. 46.036 and to the extent that state or federal funds
3 are available for those purposes. The joint committee on finance may require the
4 department of health services to submit the contracts to the committee for review
5 and approval. The department of health services may not make any payments to a
6 county for programs included in the contract that is under review by the committee.
7 The department of health services shall reimburse each county for the contracts from
8 the appropriations under s. 20.435 (7) (b) and (o) according to s. 46.495.

9 **SECTION 59.** 46.22 (1) (e) 3. b. of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 46.22 (1) (e) 3. b. A county department of social services shall develop, under
12 the requirements of s. 49.34, plans and contracts for the purchase of care and services
13 under ~~ch. 48 and 938~~ and subch. III of ch. 49 ~~and of community-based juvenile~~
14 ~~delinquency-related services~~. The department of children and families may review
15 the contracts and approve them if they are consistent with s. 49.34 and to the extent
16 that state or federal funds are available for such purposes. The joint committee on
17 finance may require the department of children and families to submit the contracts
18 to the committee for review and approval. The department of children and families
19 may not make any payments to a county for programs included in the contract that
20 is under review by the committee.

21 **SECTION 60.** 46.22 (1) (e) 3. c. of the statutes, as affected by 2015 Wisconsin Act
22 55, is repealed.

23 **SECTION 61.** 46.22 (2g) (d) 2. of the statutes, as affected by 2015 Wisconsin Act
24 55, is amended to read:

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1 46.22 (2g) (d) 2. A final budget for submission to the department of health
2 services in accordance with s. 46.031 (1) for authorized services, except services
3 under ~~ch. chs. 48, and 938 and~~ subch. III of ch. 49, ~~or s. 301.08 (2) and~~ authorized
4 ~~community-based juvenile delinquency-related services.~~

5 **SECTION 62.** 46.22 (2g) (d) 3. of the statutes, as affected by 2015 Wisconsin Act
6 55, is amended to read:

7 46.22 (2g) (d) 3. A final budget for submission to the department of children
8 and families in accordance with s. 49.325 for authorized services under ~~ch. chs. 48~~
9 ~~and 938~~ and subch. III of ch. 49 ~~and authorized community-based juvenile~~
10 ~~delinquency-related services.~~

11 **SECTION 63.** 46.22 (2g) (d) 4. of the statutes, as affected by 2015 Wisconsin Act
12 55, is repealed.

13 **SECTION 64.** 46.23 (5) (a) 1. of the statutes, as affected by 2015 Wisconsin Act
14 55, is amended to read:

15 46.23 (5) (a) 1. Shall determine administrative and program policies, except as
16 provided under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49 ~~and except for policies~~
17 ~~relating to community-based juvenile delinquency-related services or to the~~
18 ~~purchase of juvenile correctional services, within limits established by the~~
19 ~~department of health services. Policy decisions, except as provided under ch. chs. 48~~
20 ~~and 938~~ and subch. III of ch. 49 ~~and except for policy decisions relating to~~
21 ~~community-based juvenile delinquency-related services or to the purchase of~~
22 ~~juvenile correctional services, that are not reserved by statute for the department of~~
23 ~~health services may be delegated by the secretary to the county human services~~
24 board.

SENATE BILL 804**SECTION 65**

1 **SECTION 65.** 46.23 (5) (a) 2. of the statutes, as affected by 2015 Wisconsin Act
2 55, is amended to read:

3 46.23 (5) (a) 2. Shall determine administrative and program policies under ~~ch.~~
4 chs. 48 and 938 and subch. III of ch. 49 and ~~administrative and program policies~~
5 ~~relating to community-based juvenile delinquency-related services~~ within limits
6 established by the department of children and families. Policy decisions under ~~ch.~~
7 chs. 48 and 938 and subch. III of ch. 49 and ~~policy decisions relating to~~
8 ~~community-based juvenile delinquency-related services~~ that are not reserved by
9 statute for the department of children and families may be delegated by the secretary
10 of children and families to the county human services board.

11 **SECTION 66.** 46.23 (5) (a) 3. of the statutes, as affected by 2015 Wisconsin Act
12 55, is repealed.

13 **SECTION 67.** 46.23 (5) (c) 1. of the statutes, as affected by 2015 Wisconsin Act
14 55, is amended to read:

15 46.23 (5) (c) 1. Shall determine whether state mandated services, except for
16 services under ~~ch.~~ chs. 48 and 938 and subch. III of ch. 49, ~~community-based juvenile~~
17 ~~delinquency-related services, and juvenile correctional services,~~ are provided by,
18 purchased from, or contracted for with local providers, and monitor the performance
19 of those contracts. Purchase of services contracts shall be subject to the conditions
20 specified in s. 46.036.

21 **SECTION 68.** 46.23 (5) (c) 2. of the statutes, as affected by 2015 Wisconsin Act
22 55, is amended to read:

23 46.23 (5) (c) 2. Shall determine whether state mandated services under ~~ch.~~ chs.
24 48 and 938 and subch. III of ch. 49 and ~~state-mandated community-based juvenile~~
25 ~~delinquency-related services~~ are provided by, purchased from, or contracted for with

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1 local providers, and monitor the performance of those contracts. Purchase of services
2 contracts shall be subject to the conditions specified in s. 49.34.

3 **SECTION 69.** 46.23 (5) (c) 3. of the statutes, as affected by 2015 Wisconsin Act
4 55, is repealed.

5 **SECTION 70.** 46.23 (5) (n) 1. of the statutes, as affected by 2015 Wisconsin Act
6 55, is amended to read:

7 46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for
8 authorized services, except for services under ~~ch. 48 and 938~~ and subch. III of
9 ch. 49, ~~community-based juvenile delinquency-related services, and juvenile~~
10 ~~correctional services.~~ Notwithstanding the categorization of or limits specified for
11 funds allocated under s. 46.495 or 51.423 (2), with the approval of the department
12 of health services the county human services board may expend those funds
13 consistent with any service provided under s. 46.495 or 51.42.

14 **SECTION 71.** 46.23 (5) (n) 2. of the statutes, as affected by 2015 Wisconsin Act
15 55, is amended to read:

16 46.23 (5) (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for
17 authorized services under ~~ch. 48 and 938~~ and subch. III of ch. 49 ~~and for~~
18 ~~authorized community-based juvenile delinquency-related services.~~
19 Notwithstanding the categorization of or limits specified for funds allocated under
20 s. 48.569, with the approval of the department of children and families the county
21 human services board may expend those funds consistent with any service provided
22 under s. 48.569.

23 **SECTION 72.** 46.23 (5) (n) 3. of the statutes, as affected by 2015 Wisconsin Act
24 55, is repealed.

SENATE BILL 804**SECTION 73**

1 **SECTION 73.** 46.23 (5m) (c) of the statutes, as affected by 2015 Wisconsin Act
2 55, is amended to read:

3 46.23 **(5m)** (c) Prepare, with the assistance of the county human services
4 director under sub. (6m) (e), a proposed budget for submission to the county executive
5 or county administrator; a final budget for submission to the department of health
6 services in accordance with s. 46.031 (1) for authorized services, except services
7 under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49, ~~community-based juvenile~~
8 ~~delinquency-related services, and juvenile correctional services; and~~ a final budget
9 for submission to the department of children and families in accordance with s.
10 49.325 for authorized services under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49 ~~and~~
11 ~~for authorized community-based juvenile delinquency-related services; and a final~~
12 ~~budget for submission to the department of corrections in accordance with s. 301.031~~
13 ~~for the purchase of authorized juvenile correctional services.~~

14 **SECTION 74.** 46.23 (6) (a) (intro.) of the statutes, as affected by 2015 Wisconsin
15 Act 55, is amended to read:

16 46.23 **(6)** (a) (intro.) A county human services director appointed under sub. (5)
17 (f) shall have all of the administrative and executive powers and duties of managing,
18 operating, maintaining, and improving the services and programs of the county
19 department of human services. Those powers and duties are subject to the rules
20 promulgated by the department of health services for programs, except that, with
21 respect to services or programs under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49 ~~and~~
22 ~~community-based juvenile delinquency-related services or programs, those powers~~
23 ~~and duties are subject to the rules promulgated by the department of children and~~
24 ~~families and, with respect to the purchase of juvenile correctional services or~~
25 ~~programs, those powers and duties are subject to the rules promulgated by the~~

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1 department of corrections. In consultation with the county human services board
2 under sub. (5) and subject to its approval, the county human services director shall
3 prepare all of the following:

4 **SECTION 75.** 48.02 (10r) of the statutes is amended to read:

5 48.02 (10r) “Juvenile detention facility” means a locked facility approved by
6 the department of corrections under s. ~~301.36~~ 938.226 for the secure, temporary
7 holding in custody of children.

8 **SECTION 76.** 48.526 (title) of the statutes, as created by 2015 Wisconsin Act 55,
9 is renumbered 938.526 (title).

10 **SECTION 77.** 48.526 (1) of the statutes, as created by 2015 Wisconsin Act 55, is
11 renumbered 938.526 (1) and amended to read:

12 938.526 (1) PROCEDURES. The department shall develop procedures for the
13 implementation of this section and standards for the development and delivery of
14 ~~community-based juvenile delinquency-related services, as defined in s. 46.011 (1c),~~
15 under this chapter and shall provide consultation and technical assistance to aid
16 counties in the implementation and delivery of those services. The department shall
17 establish information systems and monitoring and evaluation procedures to report
18 periodically to the governor and legislature on the statewide impact of this section.

19 **SECTION 78.** 48.526 (2) (title) of the statutes, as affected by 2015 Wisconsin Act
20 55, is renumbered 938.526 (2) (title).

21 **SECTION 79.** 48.526 (2) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
22 is renumbered 938.526 (2) (a).

23 **SECTION 80.** 48.526 (2) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
24 is renumbered 938.526 (2) (b).

SENATE BILL 804**SECTION 81**

1 **SECTION 81.** 48.526 (2) (c) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is renumbered 938.526 (2) (c) and amended to read:

3 938.526 (2) (c) All funds to counties under this section shall be used to purchase
4 or provide ~~community-based juvenile delinquency-related services, as defined in s.~~
5 ~~46.011 (1c), and to purchase juvenile correctional services, as defined in s. 46.011 (1p)~~
6 under this chapter, except that no funds to counties under this section may be used
7 for purposes of land purchase, building construction, or maintenance of buildings
8 under s. 46.17, 46.175, or ~~301.37~~ 938.227, for reimbursement of costs under s.
9 938.209, for city lockups, or for reimbursement of care costs in temporary shelter care
10 under s. 938.22. Funds to counties under this section may be used for reimbursement
11 of costs of program services, other than basic care and supervision costs, in juvenile
12 detention facilities.

13 **SECTION 82.** 48.526 (2m) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is renumbered 938.526 (2m).

15 **SECTION 83.** 48.526 (3) (title) of the statutes, as affected by 2015 Wisconsin Act
16 55, is renumbered 938.526 (3) (title).

17 **SECTION 84.** 48.526 (3) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
18 is renumbered 938.526 (3) (a).

19 **SECTION 85.** 48.526 (3) (c) of the statutes, as affected by 2015 Wisconsin Act 55,
20 is renumbered 938.526 (3) (c) and amended to read:

21 938.526 (3) (c) Within the limits of the appropriations under s. 20.437 (1) (4)
22 (cj) and (o), the department shall allocate funds to each county for services under this
23 section.

24 **SECTION 86.** 48.526 (3) (dm) of the statutes, as affected by 2015 Wisconsin Act
25 55, is renumbered 938.526 (3) (dm) and amended to read:

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1 938.526 (3) (dm) The department may carry forward for a county from one
2 calendar year to another funds allocated under this subsection that are not spent or
3 encumbered. The amount that the department may carry forward for a county under
4 this paragraph may not exceed ~~5%~~ 5 percent of the amount allocated to the county
5 for the 12-month period ending December 31. The funds carried forward under this
6 paragraph do not affect a county's base allocation.

7 **SECTION 87.** 48.526 (3) (e) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is renumbered 938.526 (3) (e) and amended to read:

9 938.526 (3) (e) The department may carry forward \$500,000 or ~~10%~~ 10 percent
10 of its funds allocated under this subsection and not encumbered or carried forward
11 under par. (dm) by counties by December 31, whichever is greater, to the next 2
12 calendar years. The department may transfer moneys from or within s. 20.437 (~~1~~)
13 (4) (cj) to accomplish this purpose. The department may allocate these transferred
14 moneys to counties with persistently high rates of juvenile arrests for serious
15 offenses during the next 2 calendar years to improve community-based juvenile
16 delinquency-related services, ~~as defined in s. 46.011 (1e)~~. The allocation does not
17 affect a county's base allocation.

18 **SECTION 88.** 48.526 (3) (em) of the statutes, as affected by 2015 Wisconsin Act
19 55, is renumbered 938.526 (3) (em) and amended to read:

20 938.526 (3) (em) The department may carry forward any emergency funds
21 allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm)
22 by December 31 to the next 2 calendar years. The department may transfer moneys
23 from or within s. 20.437 (~~1~~) (4) (cj) to accomplish this purpose. The department may
24 allocate these transferred moneys to counties that are eligible for emergency
25 payments under sub. (7) (e). The allocation does not affect a county's base allocation.

SENATE BILL 804**SECTION 89**

1 **SECTION 89.** 48.526 (6) (title) of the statutes, as affected by 2015 Wisconsin Act
2 55, is renumbered 938.526 (6) (title).

3 **SECTION 90.** 48.526 (6) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is renumbered 938.526 (6) (a) and amended to read:

5 938.526 (6) (a) The department shall develop criteria as provided in par. (b) to
6 assist the legislature in allocating funding, excluding funding for base allocations,
7 from the appropriations under s. 20.437 ~~(1)~~ (4) (cj) and (o) for purposes described in
8 this section.

9 **SECTION 91.** 48.526 (6) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
10 is renumbered 938.526 (6) (b).

11 **SECTION 92.** 48.526 (7) (intro.) of the statutes, as affected by 2015 Wisconsin
12 Act 55, section 4280, is renumbered 938.526 (7) (intro.) and amended to read:

13 938.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
14 of the appropriations under s. 20.437 ~~(1)~~ (4) (cj) and (o), the department shall allocate
15 funds for community youth and family aids for the period beginning on July 1, 2015,
16 and ending on June 30, 2017, as provided in this subsection to county departments
17 ~~under ss. 46.215, 46.22, and 46.23~~ as follows:

18 **SECTION 93.** 48.526 (7) (a) to (h) of the statutes, as affected by 2015 Wisconsin
19 Act 55, are renumbered 938.526 (7) (a) to (h).

20 **SECTION 94.** 48.526 (8) of the statutes, as affected by 2015 Wisconsin Act 55,
21 is renumbered 938.526 (8).

22 **SECTION 95.** 48.528 (title) of the statutes, as affected by 2015 Wisconsin Act 55,
23 is renumbered 938.528 (title).

24 **SECTION 96.** 48.528 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
25 is renumbered 938.528 (1) and amended to read:

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1 938.528 (1) In each fiscal year, the department shall distribute the amount
2 appropriated under s. 20.437 (1) ~~(4)~~ (cm) to counties for early intervention services
3 for first offenders and for intensive community-based intervention services for
4 seriously chronic offenders.

5 **SECTION 97.** 48.528 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is renumbered 938.528 (2).

7 **SECTION 98.** 48.528 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is renumbered 938.528 (3).

9 **SECTION 99.** 49.11 (1c) of the statutes, as created by 2015 Wisconsin Act 55, is
10 repealed.

11 **SECTION 100.** 49.175 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
12 Act 55, is amended to read:

13 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in subs. (2) and
14 (3), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (k), (kx),
15 (L), (mc), (md), (me), and (s) and ~~(3)~~ (5) (kp), the department shall allocate the
16 following amounts for the following purposes:

17 **SECTION 101.** 49.175 (3) of the statutes, as created by 2015 Wisconsin Act 55,
18 is amended to read:

19 49.175 (3) LIMIT ON CERTAIN FUNDS. Moneys from the appropriation account
20 under s. 20.437 ~~(3)~~ (5) (kp) for the allocations specified in sub. (1) shall be limited to
21 \$4,730,300 and may be expended only for obligations incurred between October 1,
22 2015, and September 30, 2016.

23 **SECTION 102.** 49.275 of the statutes, as affected by 2015 Wisconsin Act 55, is
24 amended to read:

SENATE BILL 804**SECTION 102**

1 **49.275 Cooperation with federal government.** The department may
2 cooperate with the federal government in carrying out federal acts concerning public
3 assistance under this subchapter, child welfare under ch. 48, and ~~community-based~~
4 juvenile delinquency-related services under ch. 938 and in other matters of mutual
5 concern pertaining to public welfare, child welfare, and juvenile delinquency under
6 this subchapter and chs. 48 and 938.

7 **SECTION 103.** 49.32 (1) (a) of the statutes, as affected by 2015 Wisconsin Acts
8 55 and (Assembly Bill 42), is amended to read:

9 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department
10 shall establish a uniform system of fees for services under this subchapter and ~~ch.~~
11 ~~chs. 48, and community-based juvenile delinquency-related services under ch. 938,~~
12 ~~and 938~~ purchased or provided by the department or by a county department under
13 s. 46.215, 46.22, or 46.23, except as provided in s. 49.22 (6) and except when, as
14 determined by the department, a fee is administratively unfeasible or would
15 significantly prevent accomplishing the purpose of the service. A county department
16 under s. 46.215, 46.22, or 46.23 shall apply the fees that it collects under this program
17 to cover the cost of those services.

18 **SECTION 104.** 49.32 (2) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
19 is amended to read:

20 49.32 (2) (b) The department may make social services payments and
21 ~~payments for community-based juvenile delinquency-related services~~ directly to
22 recipients, vendors, or providers in accordance with law and rules of the department
23 on behalf of the counties that have contracts to have those payments made on their
24 behalf.

25 **SECTION 105.** 49.32 (2) (d) of the statutes is amended to read:

SENATE BILL 804**SECTION 105**

1 49.32 (2) (d) The department shall disburse from state or federal funds or both
2 the entire amount and charge the county for its share under s. 48.569 or 938.526.

3 **SECTION 106.** 49.325 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
4 55, is amended to read:

5 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
6 submit its final budget for services purchased or directly provided under this
7 subchapter or ch. 48 ~~and for community-based juvenile delinquency-related~~
8 ~~services purchased or directly provided under ch. or 938~~ to the department by
9 December 31 annually.

10 **SECTION 107.** 49.325 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
11 is amended to read:

12 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
13 budget for services purchased or directly provided under this subchapter or ch. 48
14 ~~and for community-based juvenile delinquency-related services purchased or~~
15 ~~directly provided under ch. or 938~~ to the county executive or county administrator
16 or the county board, the county departments listed in sub. (1) shall assess needs and
17 inventory resources and services, using an open public participation process.

18 **SECTION 108.** 49.325 (2g) (a) of the statutes, as affected by 2015 Wisconsin Act
19 55, is amended to read:

20 49.325 (2g) (a) The department shall annually submit to the county board of
21 supervisors in a county with a single-county department or the county boards of
22 supervisors in counties with a multicounty department a proposed written contract
23 containing the allocation of funds for services purchased or directly provided under
24 this subchapter or ch. 48, ~~for community-based juvenile delinquency-related~~
25 ~~services purchased or directly provided under ch. 938, or 938~~ and for such

SENATE BILL 804**SECTION 108**

1 administrative requirements as necessary. The contract as approved may contain
2 conditions of participation consistent with federal and state law. The contract may
3 also include provisions necessary to ensure uniform cost accounting of services. Any
4 changes to the proposed contract shall be mutually agreed upon. The county board
5 of supervisors in a county with a single-county department or the county boards of
6 supervisors in counties with a multicounty department shall approve the contract
7 before January 1 of the year in which it takes effect unless the department grants
8 an extension. The county board of supervisors in a county with a single-county
9 department or the county boards of supervisors in counties with a multicounty
10 department may designate an agent to approve addenda to any contract after the
11 contract has been approved.

12 **SECTION 109.** 49.325 (2g) (b) of the statutes, as affected by 2015 Wisconsin Act
13 55, is amended to read:

14 49.325 (2g) (b) The department may not approve contracts for amounts in
15 excess of available revenues. The county board of supervisors in a county with a
16 single-county department or the county boards of supervisors in counties with a
17 multicounty department may appropriate funds for ~~community-based~~ juvenile
18 delinquency-related services under ch. 938. Actual expenditure of county funds
19 shall be reported in compliance with procedures developed by the department.

20 **SECTION 110.** 49.325 (2g) (c) of the statutes, as affected by 2015 Wisconsin Act
21 55, is amended to read:

22 49.325 (2g) (c) The joint committee on finance may require the department to
23 submit contracts between county departments under ss. 46.215, 46.22, and 46.23
24 and providers of services under this subchapter or ch. 48 or ~~of community-based~~

SENATE BILL 804**SECTION 110**

1 ~~juvenile delinquency-related services under ch. 938~~ to the committee for review and
2 approval.

3 **SECTION 111.** 49.325 (2r) (a) 1. of the statutes, as affected by 2015 Wisconsin
4 Act 55, is amended to read:

5 49.325 (2r) (a) 1. For services under this subchapter or ch. 48 or
6 ~~community-based juvenile delinquency-related services under ch. 938~~ that
7 duplicate or are inconsistent with services being purchased or provided by the
8 department or other county departments receiving grants-in-aid or reimbursement
9 from the department.

10 **SECTION 112.** 49.325 (2r) (a) 2. of the statutes, as affected by 2015 Wisconsin
11 Act 55, is amended to read:

12 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
13 regulations, in which case the department may also arrange for the provision of
14 services under this subchapter or ch. 48 or ~~community-based juvenile~~
15 ~~delinquency-related services under ch. 938~~ by an alternate agency. The department
16 may not arrange for the provision of those services by an alternate agency unless the
17 joint committee on finance or a review body designated by the committee reviews and
18 approves the department's determination.

19 **SECTION 113.** 49.34 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
20 is amended to read:

21 49.34 (1) All services under this subchapter and ~~ch. chs.~~ 48 and all
22 ~~community-based juvenile delinquency-related services under ch. 938~~ purchased
23 by the department or by a county department under s. 46.215, 46.22, or 46.23 shall
24 be authorized and contracted for under the standards established under this section.
25 The department may require the county departments to submit the contracts to the

SENATE BILL 804**SECTION 113**

1 department for review and approval. For purchases of \$10,000 or less the
2 requirement for a written contract may be waived by the department. No contract
3 is required for care provided by foster homes that are required to be licensed under
4 s. 48.62. When the department directly contracts for services, the department shall
5 follow the procedures in this section in addition to meeting purchasing requirements
6 established in s. 16.75.

7 **SECTION 114.** 49.34 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is amended to read:

9 49.34 (2) All services purchased under this subchapter and ~~ch. chs.~~ 48 and all
10 ~~community-based juvenile delinquency-related services purchased under ch. 938~~
11 shall meet standards established by the department and other requirements
12 specified by the purchaser in the contract. Based on these standards the department
13 shall establish standards for cost accounting and management information systems
14 that shall monitor the utilization of the services, and document the specific services
15 in meeting the service plan for the client and the objective of the service.

16 **SECTION 115.** 49.35 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
17 is amended to read:

18 49.35 (1) (a) The department shall supervise the administration of programs
19 under this subchapter and ~~ch. chs.~~ 48 and ~~of community-based juvenile~~
20 ~~delinquency-related programs under ch. 938.~~ The department shall submit to the
21 federal authorities state plans for the administration of programs under this
22 subchapter and ~~ch. chs.~~ 48 and ~~of community-based juvenile delinquency-related~~
23 ~~programs under ch. 938~~ in such form and containing such information as the federal
24 authorities require, and shall comply with all requirements prescribed to ensure
25 their correctness.

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1 **SECTION 116.** 49.35 (1) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 49.35 (1) (b) All records of the department and all county records relating to
4 programs under this subchapter and ~~ch. chs. 48, community-based juvenile~~
5 ~~delinquency-related programs under ch. and 938~~, and aid under s. 49.18, 1971 stats.,
6 s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,
7 shall be open to inspection at all reasonable hours by authorized representatives of
8 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county
9 records relating to the administration of the services and public assistance specified
10 in this paragraph shall be open to inspection at all reasonable hours by authorized
11 representatives of the department.

12 **SECTION 117.** 49.35 (2) of the statutes is amended to read:

13 49.35 (2) The county administration of all laws relating to programs under this
14 subchapter and ~~ch. chs. 48 and to community-based juvenile delinquency-related~~
15 ~~programs under ch. 938~~ shall be vested in the officers and agencies designated in the
16 statutes.

17 **SECTION 118.** 49.45 (6m) (br) 1. of the statutes, as affected by 2015 Wisconsin
18 Act 55, is amended to read:

19 49.45 (6m) (br) 1. Notwithstanding s. 20.435 (7) (b) or 20.437 (1) ~~(ej) or (2) (dz)~~
20 ~~or (4) (cj)~~, the department shall reduce allocations of funds to counties in the amount
21 of the disallowance from the appropriation account under s. 20.435 (7) (b), or the
22 department shall direct the department of children and families to reduce allocations
23 of funds to counties or Wisconsin Works agencies in the amount of the disallowance
24 from the appropriation account under s. 20.437 (1) ~~(ej) or (2) (dz) or (4) (cj)~~, in
25 accordance with s. 16.544 to the extent applicable.

SENATE BILL 804**SECTION 119**

1 **SECTION 119.** 49.45 (25) (bj) of the statutes is amended to read:

2 49.45 **(25)** (bj) The department of ~~corrections~~ children and families may elect
3 to provide case management services under this subsection to persons who are under
4 the supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or
5 938.357 (4), who are Medical Assistance beneficiaries, and who meet one or more of
6 the conditions specified in par. (am). The amount of the allowable charges for those
7 services under the Medical Assistance program that is not provided by the federal
8 government shall be paid from the appropriation account under s. ~~20.410 (3)~~ 20.437
9 (4) (hm), (ho), or (hr).

10 **SECTION 120.** 49.855 (2p) of the statutes is repealed.

11 **SECTION 121.** 49.855 (3) of the statutes is amended to read:

12 49.855 **(3)** Receipt of a certification by the department of revenue shall
13 constitute a lien, equal to the amount certified, on any state tax refunds or credits
14 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
15 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
16 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
17 obligor that the state intends to reduce any state tax refund or credit due the obligor
18 by the amount the obligor is delinquent under the support, maintenance, or receiving
19 and disbursing fee order or obligation, by the outstanding amount for past support,
20 medical expenses, or birth expenses under the court order, or by the amount due
21 under s. 46.10 (4), or 49.345 (4), ~~or~~ 301.12 (4). The notice shall provide that within
22 20 days the obligor may request a hearing before the circuit court rendering the order
23 under which the obligation arose. Within 10 days after receiving a request for
24 hearing under this subsection, the court shall set the matter for hearing. Pending
25 further order by the court or a circuit court commissioner, the department of children

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1 and families or its designee, whichever is appropriate, is prohibited from disbursing
2 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
3 hearing. The sole issues at that hearing shall be whether the obligor owes the
4 amount certified and, if not and it is a support or maintenance order, whether the
5 money withheld from a tax refund or credit shall be paid to the obligor or held for
6 future support or maintenance, except that the obligor's ability to pay shall also be
7 an issue at the hearing if the obligation relates to an order under s. 767.805 (4) (d)
8 1. or 767.89 (3) (e) 1. and the order specifies that the court found that the obligor's
9 income was at or below the poverty line established under 42 USC 9902 (2).

10 **SECTION 122.** 49.855 (4m) (b) of the statutes is amended to read:

11 49.855 (4m) (b) The department of revenue may provide a certification that it
12 receives under sub. (1), (2m), ~~(2p)~~, or (2r) to the department of administration. Upon
13 receipt of the certification, the department of administration shall determine
14 whether the obligor is a vendor or is receiving any other payments from this state,
15 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
16 45.40 (1m), this chapter, or ch. 46, 108, or 301. If the department of administration
17 determines that the obligor is a vendor or is receiving payments from this state,
18 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
19 45.40 (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
20 certified from those payments and shall notify the obligor that the state intends to
21 reduce any payments due the obligor by the amount the obligor is delinquent under
22 the support, maintenance, or receiving and disbursing fee order or obligation, by the
23 outstanding amount for past support, medical expenses, or birth expenses under the
24 court order, or by the amount due under s. 46.10 (4), or 49.345 (4), ~~or 301.12 (4)~~. The
25 notice shall provide that within 20 days after receipt of the notice the obligor may

SENATE BILL 804**SECTION 122**

1 request a hearing before the circuit court rendering the order under which the
2 obligation arose. An obligor may, within 20 days after receiving notice, request a
3 hearing under this paragraph. Within 10 days after receiving a request for hearing
4 under this paragraph, the court shall set the matter for hearing. A circuit court
5 commissioner may conduct the hearing. Pending further order by the court or circuit
6 court commissioner, the department of children and families or its designee,
7 whichever is appropriate, may not disburse the payments withheld from the obligor.
8 The sole issues at the hearing are whether the obligor owes the amount certified and,
9 if not and it is a support or maintenance order, whether the money withheld shall be
10 paid to the obligor or held for future support or maintenance, except that the obligor's
11 ability to pay is also an issue at the hearing if the obligation relates to an order under
12 s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
13 the obligor's income was at or below the poverty line established under 42 USC 9902
14 (2).

15 **SECTION 123.** 59.24 of the statutes is amended to read:

16 **59.24 Clerks of counties containing state institutions to make claims**
17 **in certain cases.** The clerk of any county that is entitled to reimbursement under
18 s. 16.51 (7) shall make a certified claim against the state, without direction from the
19 board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms
20 prescribed by the department of administration. The forms shall contain
21 information required by the clerk and shall be filed annually with the department
22 of corrections on or before June 1. If Claims for reimbursement of expenses involving
23 a prisoner in a state prison named in s. 302.01 shall be filed with the department of
24 corrections and, if the claims are approved by the department of corrections, they
25 shall be certified to the department of administration and paid from the

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1 appropriation made by s. 20.410 (1) (c), ~~if the claim is for reimbursement of expenses~~
2 ~~involving a prisoner in a state prison named in s. 302.01, or. Claims for~~
3 ~~reimbursement of expenses involving a juvenile in a juvenile correctional facility, as~~
4 ~~defined in s. 938.02 (10p), shall be filed with the department of children and families~~
5 ~~and, if the claims are approved by the department of children and families, they shall~~
6 ~~be certified to the department of administration and paid from the appropriation~~
7 ~~under s. 20.410 (3) 20.437 (4) (c), if the claim is for reimbursement of expenses~~
8 ~~involving a juvenile in a juvenile correctional facility, as defined in s. 938.02 (10p).~~

9 **SECTION 124.** 102.27 (2) (a) of the statutes is amended to read:

10 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
11 49.345 (14) (e), ~~301.12 (14) (e),~~ 767.225 (1) (L), 767.513 (3), or 767.75 (1) or (2m).

12 **SECTION 125.** 230.08 (2) (e) 2m. of the statutes, as affected by 2015 Wisconsin
13 Act 55, is amended to read:

14 230.08 (2) (e) 2m. Children and families — ~~9~~ 10.

15 **SECTION 126.** 230.08 (2) (e) 3e. of the statutes is amended to read:

16 230.08 (2) (e) 3e. Corrections — ~~7~~ 6.

17 **SECTION 127.** 301.001 of the statutes is amended to read:

18 **301.001 Purposes of chapters.** The purposes of this chapter and chs. 302 to
19 304 are to prevent delinquency and crime by an attack on ~~their~~ its causes; to provide
20 a just, humane, and efficient program of rehabilitation of offenders; and to coordinate
21 and integrate corrections programs with other social services. In creating the
22 department of corrections, chs. 301 to 304, the legislature intends that the state
23 continue to avoid sole reliance on incarceration of offenders and continue to develop,
24 support and maintain professional community programs and placements.

SENATE BILL 804**SECTION 128**

1 **SECTION 128.** 301.01 (1n) of the statutes, as created by 2015 Wisconsin Act 55,
2 is repealed.

3 **SECTION 129.** 301.01 (4) of the statutes is amended to read:

4 301.01 (4) “State correctional institution” means a state prison under s. 302.01
5 or a juvenile correctional facility operated by the department.

6 **SECTION 130.** 301.025 of the statutes, as affected by 2015 Wisconsin Act 55,
7 section 4224, is renumbered 938.524 and amended to read:

8 **938.524 Division of juvenile corrections.** The division of juvenile
9 corrections shall exercise the powers and perform the duties of the department that
10 relate to juvenile correctional services and institutions, juvenile offender review,
11 community supervision under s. 938.533, and the serious juvenile offender program
12 under s. 938.538, and youth aids under s. 938.526.

13 **SECTION 131.** 301.03 (9) of the statutes, as affected by 2015 Wisconsin Act 55,
14 section 4227b, is amended to read:

15 301.03 (9) Supervise all persons placed in a state prison under s. 938.183, all
16 ~~persons placed under court-ordered departmental supervision under s. 938.34 (2),~~
17 ~~all persons placed in the serious juvenile offender program under s. 938.34 (4h), all~~
18 ~~persons placed in a juvenile correctional facility or a secured residential treatment~~
19 ~~center for children and youth under s. 938.34 (4m) or 938.357 (4), all persons placed~~
20 ~~under community supervision under s. 938.34 (4n) or 938.357 (4), and all persons~~
21 ~~placed in an experiential education program under the supervision of the~~
22 ~~department under s. 938.34 (7g).~~

23 **SECTION 132.** 301.03 (10) (a) of the statutes, as affected by 2015 Wisconsin Act
24 55, is renumbered 938.485 (10) (a).

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1 **SECTION 133.** 301.03 (10) (b) of the statutes, as affected by 2015 Wisconsin Act
2 55, is renumbered 938.485 (10) (b).

3 **SECTION 134.** 301.03 (10) (c) of the statutes, as affected by 2015 Wisconsin Act
4 55, is renumbered 938.485 (10) (c) and amended to read:

5 938.485 (10) (c) Promote the enforcement of laws for the protection of
6 delinquent juveniles under its jurisdiction. To this end, the department shall
7 cooperate with the courts assigned to exercise jurisdiction under chs. 48 and 938, the
8 department of children and families, county departments under ss. 46.215, 46.22,
9 and 46.23, licensed child welfare agencies, and institutions in providing
10 community-based programming, including in-home programming and intensive
11 supervision, for delinquent juveniles under its jurisdiction. The department shall
12 also establish and enforce standards for the development and delivery of services
13 provided by the department under ~~ch. 938~~ this chapter in regard to juveniles who
14 have been adjudicated delinquent and placed under the jurisdiction of the
15 department.

16 **SECTION 135.** 301.03 (10) (d) of the statutes, as affected by 2015 Wisconsin Act
17 55, is renumbered 938.485 (10) (d).

18 **SECTION 136.** 301.03 (10) (e) of the statutes is renumbered 938.485 (10) (e).

19 **SECTION 137.** 301.03 (10) (f) of the statutes is renumbered 938.485 (10) (f).

20 **SECTION 138.** 301.03 (10) (g) of the statutes is renumbered 938.485 (10) (g) and
21 amended to read:

22 938.485 (10) (g) Keep statistics, by race, age, and gender, of the number of
23 juveniles over whom the court ~~assigned to exercise jurisdiction under chs. 48 and 938~~
24 waives its jurisdiction under s. 938.18 as well as the nature of the waiver that was

SENATE BILL 804**SECTION 138**

1 ordered and annually report those statistics to the governor, and to the appropriate
2 standing committees under s. 13.172 (3).

3 **SECTION 139.** 301.03 (18) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is repealed.

5 **SECTION 140.** 301.031 of the statutes, as affected by 2015 Wisconsin Act 55, is
6 repealed.

7 **SECTION 141.** 301.032 of the statutes, as affected by 2015 Wisconsin Act 55, is
8 repealed.

9 **SECTION 142.** 301.035 (2) of the statutes is amended to read:

10 301.035 (2) Assign hearing examiners from the division to preside over
11 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), ~~938.357 (5)~~, 973.10, and 975.10
12 (2) and ch. 304.

13 **SECTION 143.** 301.035 (4) of the statutes is amended to read:

14 301.035 (4) Supervise employees in the conduct of the activities of the division
15 and be the administrative reviewing authority for decisions of the division under ss.
16 302.11 (7), 302.113 (9), 302.114 (9), ~~938.357 (5)~~, 973.10, 973.155 (2), and 975.10 (2)
17 and ch. 304.

18 **SECTION 144.** 301.06 of the statutes is repealed.

19 **SECTION 145.** 301.07 of the statutes, as affected by 2015 Wisconsin Act 55, is
20 amended to read:

21 **301.07 Cooperation and contracts with federal government.** The
22 department may cooperate with the federal government in carrying out federal acts
23 concerning adult corrections and ~~juvenile correctional services~~ and may enter into
24 contracts with the federal government under 18 USC 5003.

SENATE BILL 804**SECTION 146**

1 **SECTION 146.** 301.08 (1) (b) 3. of the statutes is renumbered 938.485 (18) (b) and
2 amended to read:

3 938.485 (18) (b) Contract with public, private, or voluntary agencies for the
4 supervision, maintenance, and operation of juvenile correctional facilities,
5 residential care centers for children and youth, ~~as defined in s. 938.02 (15d)~~, and
6 secured residential care centers for children and youth for the placement of juveniles
7 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
8 or 938.34 (4d), (4h), or (4m). The department may designate juvenile correctional
9 facility, residential care center for children and youth, or a secured residential care
10 center for children and youth contracted for under this ~~subdivision~~ paragraph as a
11 Type 2 juvenile correctional facility, ~~as defined in s. 938.02 (20)~~, and may designate
12 a residential care center for children and youth or secured residential care center for
13 children and youth contracted for under this subdivision as a Type 2 residential care
14 center for children and youth, ~~as defined in s. 938.02 (19r)~~.

15 **SECTION 147.** 301.08 (2) (a) of the statutes, as affected by 2015 Wisconsin Act
16 55, is amended to read:

17 301.08 (2) (a) All care and services purchased by the department ~~and all~~
18 ~~juvenile correctional services purchased by a county department under s. 46.215,~~
19 ~~46.22, or 46.23~~ shall be authorized and contracted for under the standards
20 established under this subsection. For purchases of \$10,000 or less the requirement
21 for a written contract may be waived by the department. ~~No contract is required for~~
22 ~~care provided by foster homes required to be licensed under s. 48.62.~~ If the
23 department directly contracts for services, it shall follow the procedures in this
24 subsection in addition to meeting purchasing requirements established in s. 16.75.

25 **SECTION 148.** 301.08 (2) (d) 5. of the statutes is repealed.

SENATE BILL 804**SECTION 149**

1 **SECTION 149.** 301.085 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is repealed.

3 **SECTION 150.** 301.085 (4) of the statutes is repealed.

4 **SECTION 151.** 301.12 of the statutes, as affected by 2015 Wisconsin Acts 55 and
5 (Senate Bill 387), is repealed.

6 **SECTION 152.** 301.20 of the statutes is renumbered 938.522.

7 **SECTION 153.** 301.205 of the statutes is renumbered 938.485 (19) and amended
8 to read:

9 938.485 (19) REIMBURSEMENT TO VISITING FAMILIES. ~~The department may~~
10 ~~reimburse~~ Reimburse families visiting girls at a juvenile correctional facility. If the
11 department decides to provide the reimbursement, the department shall establish
12 criteria for the level of reimbursement, which shall include family income and size
13 and other relevant factors.

14 **SECTION 154.** 301.26 (title) of the statutes, as affected by 2015 Wisconsin Act
15 55, is repealed.

16 **SECTION 155.** 301.26 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
17 is repealed.

18 **SECTION 156.** 301.26 (4) (title) of the statutes is renumbered 938.526 (4) (title).

19 **SECTION 157.** 301.26 (4) (a) of the statutes, as affected by 2015 Wisconsin Act
20 55, is renumbered 938.526 (4) (a) and amended to read:

21 938.526 (4) (a) Except as provided in pars. (c) and (cm), the department of
22 ~~corrections~~ shall bill counties, or ~~the department of children and families~~ shall
23 deduct from the allocations under s. 20.437 ~~(1)~~ (4) (cj), for the costs of care, services,
24 and supplies purchased or provided by the department of ~~corrections~~ of children and
25 families for each person receiving services under s. 938.183 or 938.34 or the

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1 department of health services for each person receiving services under s. 46.057 or
2 51.35 (3). The department of ~~corrections~~ may not bill a county, and the department
3 of ~~children and families~~ may not or deduct from a county's allocation, for the cost of
4 care, services, and supplies provided to a person subject to an order under s. 938.183
5 after the person reaches 18 years of age. Payment shall be due within 60 days after
6 the billing date. If any payment has not been received within those 60 days, the
7 department of ~~children and families~~ may withhold aid payments in the amount due
8 from the appropriation under s. 20.437 (1) ~~(4)~~ (cj).

9 **SECTION 158.** 301.26 (4) (b) of the statutes, as affected by 2015 Wisconsin Act
10 55, is renumbered 938.526 (4) (b) and amended to read:

11 938.526 (4) (b) Assessment of costs under par. (a) shall be made periodically on
12 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
13 Except as provided in pars. (bm), (c), and (cm), liability shall apply to the county
14 ~~departments under s. 46.215, 46.22, or 46.23~~ department in the county of the court
15 exercising jurisdiction under ch. 938 for each person receiving services from the
16 department of ~~corrections~~ children and families under s. 938.183 or 938.34 or the
17 department of health services under s. 46.057 or 51.35 (3). Except as provided in
18 pars. (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency
19 within the jurisdiction shall be liable for costs under this subsection. Assessment of
20 costs under par. (a) shall also be made according to the general placement type or
21 level of care provided, as defined by the department, and prorated according to the
22 ratio of the amount designated under s. ~~48.526~~ sub. (3) (c) to the total applicable
23 estimated costs of care, services, and supplies provided by the department of
24 ~~corrections~~ children and families under ss. 938.183 and 938.34 and the department
25 of health services under s. 46.057 or 51.35 (3).

SENATE BILL 804**SECTION 159**

1 **SECTION 159.** 301.26 (4) (bm) of the statutes, as affected by 2015 Wisconsin Act
2 55, is renumbered 938.526 (4) (bm) and amended to read:

3 938.526 (4) (bm) Notwithstanding par. (b), the county department ~~under s.~~
4 ~~46.215, 46.22, or 46.23~~ of the county of residency of a juvenile who has been
5 adjudicated delinquent by a court of another county or by a court of another
6 multicounty jurisdiction may voluntarily assume liability for the costs payable
7 under par. (a). A county department may assume liability under this paragraph by
8 a written agreement signed by the director of the county department that assumes
9 liability under this paragraph and the director of the county department that is
10 otherwise liable under par. (b).

11 **SECTION 160.** 301.26 (4) (c) of the statutes is renumbered 938.526 (4) (c) and
12 amended to read:

13 938.526 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
14 ~~corrections~~ shall pay, from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (hm), (ho).
15 or (hr), the costs of care, services, and supplies provided for each person receiving
16 services under s. 46.057, 51.35 (3), 938.183, or 938.34 who was under the
17 guardianship of the department of ~~children and families~~ pursuant to an order under
18 ch. 48 at the time that the person was adjudicated delinquent.

19 **SECTION 161.** 301.26 (4) (cm) 1. of the statutes, as affected by 2015 Wisconsin
20 Act 55, is renumbered 938.526 (4) (cm) 1. and amended to read:

21 938.526 (4) (cm) 1. Notwithstanding pars. (a), (b), and (bm), the department
22 shall transfer funds from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (cg) to the
23 appropriations under s. ~~20.410 (3)~~ 20.437 (4) (hm), (ho), and (hr) for the purpose of
24 reimbursing juvenile correctional facilities, secured residential care centers for
25 children and youth, alternate care providers, and community supervision providers

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1 for costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of
2 age or over who has been placed in a juvenile correctional facility based on a
3 delinquent act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999
4 stats., or s. 948.36, 1999 stats., or s. 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225
5 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2),
6 948.02 (1), 948.025 (1), or 948.30 (2), that is a conspiracy to commit any of those
7 violations, or that is an attempted violation of s. 943.32 (2) and for the care of any
8 juvenile 10 years of age or over who has been placed in a juvenile correctional facility
9 or secured residential care center for children and youth for attempting or
10 committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

11 **SECTION 162.** 301.26 (4) (cm) 3. of the statutes is renumbered 938.526 (4) (cm)
12 3.

13 **SECTION 163.** 301.26 (4) (ct) of the statutes is renumbered 938.526 (4) (ct) and
14 amended to read:

15 938.526 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52,
16 20.002 (11), and 20.903, if there is a deficit in the appropriation account under s.
17 ~~20.410 (3)~~ 20.437 (4) (hm) at the close of a fiscal year, any unencumbered balance in
18 the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (ho) at the close of that fiscal
19 year, less the amounts required by s. ~~20.410 (3)~~ 20.437 (4) (ho) to be remitted to
20 counties or transferred to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4)
21 (kx), and any unencumbered balance in the appropriation account under s. ~~20.410~~
22 ~~(3)~~ 20.437 (4) (hr) at the close of that fiscal year, shall be transferred to the
23 appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm), up to the amount that
24 when added to other amounts credited to that appropriation account in that fiscal

SENATE BILL 804**SECTION 163**

1 year equals the amount shown in the schedule under s. 20.005 (3) for that
2 appropriation account for that fiscal year.

3 2. The total amount transferred at the end of a fiscal year under subd. 1. may
4 not exceed the amount of the deficit in the appropriation account under s. ~~20.410 (3)~~
5 20.437 (4) (hm) for that fiscal year, and if that deficit is less than the total amount
6 of the unencumbered balances available for transfer under subd. 1., the amount
7 transferred from the appropriation accounts under s. ~~20.410 (3)~~ 20.437 (4) (ho) and
8 (hr) shall be in proportion to the respective unencumbered balance available for
9 transfer from each of those appropriation accounts.

10 **SECTION 164.** 301.26 (4) (cx) of the statutes, as affected by 2015 Wisconsin Act
11 55, is renumbered 938.526 (4) (cx) and amended to read:

12 938.526 (4) (cx) If, notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903,
13 there is a deficit in the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm) at
14 the close of a fiscal biennium, the governor shall, to address that deficit, increase
15 each of the rates specified under s. 301.26 (4) (d) 2. and 3. for care in a Type 1 juvenile
16 correctional facility and for care for juveniles transferred from a correctional
17 institution by \$6, in addition to any increase due to actual costs, in the executive
18 budget bill for each fiscal biennium, until the deficit under s. ~~20.410 (3)~~ 20.437 (4)
19 (hm) is eliminated.

20 **SECTION 165.** 301.26 (4) (d) 1. of the statutes is renumbered 938.526 (4) (d) 1.
21 and amended to read:

22 938.526 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s.
23 938.34, all payments and deductions made under this subsection and uniform fee
24 collections made under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation
25 account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

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1 **SECTION 166.** 301.26 (4) (d) 1m. of the statutes is renumbered 938.526 (4) (d)
2 1m. and amended to read:

3 938.526 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under s.
4 938.183, all payments and deductions made under this subsection and uniform fee
5 collections made under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation
6 account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

7 **SECTION 167.** 301.26 (4) (d) 2. of the statutes, as affected by 2015 Wisconsin Act
8 55, section 4270, is renumbered 938.526 (4) (d) 2. and amended to read:

9 938.526 (4) (d) 2. Beginning on July 1, 2017, and ending on June 30, 2018, the
10 per person daily cost assessment to counties shall be \$284 for care in a Type 1
11 juvenile correctional facility, ~~as defined in s. 938.02 (19)~~, and \$284 for care for
12 juveniles transferred from a juvenile correctional institution under s. 51.35 (3).

13 **SECTION 168.** 301.26 (4) (d) 3. of the statutes, as affected by 2015 Wisconsin Act
14 55, section 4272, is renumbered 938.526 (4) (d) 3. and amended to read:

15 938.526 (4) (d) 3. Beginning on July 1, 2018, and ending on June 30, 2019, the
16 per person daily cost assessment to counties shall be \$292 for care in a Type 1
17 juvenile correctional facility, ~~as defined in s. 938.02 (19)~~, and \$292 for care for
18 juveniles transferred from a juvenile correctional institution under s. 51.35 (3).

19 **SECTION 169.** 301.26 (4) (d) 4. of the statutes is renumbered 938.526 (4) (d) 4.
20 and amended to read:

21 938.526 (4) (d) 4. The per person daily cost assessment to counties for care in
22 a foster home, group home, or residential care center for children and youth shall be
23 an amount equal to the amount the provider charges the department for that care
24 as authorized by the department of ~~children and families~~.

SENATE BILL 804**SECTION 170**

1 **SECTION 170.** 301.26 (4) (d) 5. of the statutes, as created by 2015 Wisconsin Act
2 55, is renumbered 938.526 (4) (d) 5.

3 **SECTION 171.** 301.26 (4) (dt) of the statutes is renumbered 938.526 (4) (dt) and
4 amended to read:

5 938.526 (4) (dt) Except as provided in pars. (e) to (g), for serious juvenile
6 offender services, all uniform fee collections under s. ~~301.03 (18)~~ 49.32 (1) shall be
7 credited to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

8 **SECTION 172.** 301.26 (4) (e) of the statutes is renumbered 938.526 (4) (e) and
9 amended to read:

10 938.526 (4) (e) For alternate care services for delinquent juveniles under ss.
11 49.19 (10) (d), ~~938.48 (4)~~ 938.485 (8) and (14), and 938.52 all payments and
12 deductions made under this subsection and uniform fee collections under s. ~~301.03~~
13 ~~(18)~~ 49.32 (1) shall be credited to the appropriation account under s. ~~20.410 (3)~~ 20.437
14 (4) (ho).

15 **SECTION 173.** 301.26 (4) (ed) of the statutes is renumbered 938.526 (4) (ed) and
16 amended to read:

17 938.526 (4) (ed) For alternate care services for serious juvenile offenders under
18 ss. 49.19 (10) (d), ~~938.48 (4)~~ 938.485 (8) and (14), and 938.52 all uniform fee
19 collections under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation
20 account under s. ~~20.410 (3)~~ 20.437 (4) (ho).

21 **SECTION 174.** 301.26 (4) (eg) of the statutes, as affected by 2015 Wisconsin Act
22 55, is renumbered 938.526 (4) (eg) and amended to read:

23 938.526 (4) (eg) For community supervision services under s. 938.533 (2), all
24 payments and deductions made under this subsection and uniform fee collections

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1 under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation account under
2 s. ~~20.410 (3)~~ 20.437 (4) (hr).

3 **SECTION 175.** 301.26 (4) (f) of the statutes is renumbered 938.526 (4) (f).

4 **SECTION 176.** 301.26 (4) (g) of the statutes, as affected by 2015 Wisconsin Act
5 55, is renumbered 938.526 (4) (g) and amended to read:

6 938.526 (4) (g) For juvenile institutional services under ch. 938 and for the
7 office of juvenile offender review, all payments and deductions made under this
8 subsection and uniform fee collections under s. ~~301.03 (18)~~ 49.32 (1) shall be credited
9 to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

10 **SECTION 177.** 301.27 (1) of the statutes is amended to read:

11 301.27 (1) CHARGES. In compliance with the compensation plan established
12 under s. 230.12 (3), the department may make and determine charges for meals,
13 living quarters, laundry, and other services furnished to employees of the state
14 correctional institutions and members of the employee's family maintained as such.
15 All moneys received from each person on account of these services shall be used for
16 operation of the institutions under s. 20.410 (1) (a) ~~and (3) (a) and (hm)~~. If a chaplain
17 employed in any institution administered by the department is not furnished a
18 residence by the state, \$1,800 or ~~20%~~ 20 percent of the chaplain's salary, whichever
19 is greater, is designated as his or her housing allowance.

20 **SECTION 178.** 301.335 of the statutes is renumbered 938.54 (2) and amended
21 to read:

22 938.54 (2) TREATMENT RECORDS. Section 51.30 applies to treatment records, as
23 defined in s. 51.30 (1) (b), maintained by the department of corrections in regard to
24 children juveniles who have been adjudged delinquent. The department has the
25 same authority, including rule-making authority, with regard to treatment records

SENATE BILL 804**SECTION 178**

1 maintained by the department that is granted to the department of health services
2 under s. 51.30.

3 **SECTION 179.** 301.35 (2) (e) of the statutes is repealed.

4 **SECTION 180.** 301.36 (1) of the statutes is amended to read:

5 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
6 supervise all of the state prisons under s. 302.01, ~~all juvenile correctional facilities,~~
7 ~~all secured residential care centers for children and youth, and all juvenile detention~~
8 ~~facilities~~ and familiarize itself with all of the circumstances affecting their
9 management and usefulness.

10 **SECTION 181.** 301.37 (1) of the statutes is amended to read:

11 301.37 (1) The department shall fix reasonable standards and regulations for
12 the design, construction, repair, and maintenance of all houses of correction,
13 reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30,
14 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
15 lockup facilities, as defined in s. 302.30, work camps under s. 303.10, and Huber
16 facilities under s. 303.09, ~~and, after consulting with the department of children and~~
17 ~~families, all juvenile detention facilities,~~ with respect to their adequacy and fitness
18 for the needs which they are to serve.

19 **SECTION 182.** 301.37 (5) of the statutes is renumbered 938.227 (4).

20 **SECTION 183.** 302.31 (7) of the statutes, as affected by 2015 Wisconsin Act 55,
21 is amended to read:

22 302.31 (7) The temporary placement of persons in the custody of the
23 department, other than persons under 17 years of age, and persons who have
24 attained the age of 17 years but have not attained the age of 25 years who are under
25 the supervision of the department of children and families under s. 938.355 (4) and

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1 who have been taken into custody pending revocation of community supervision or
2 aftercare supervision under s. 938.357 (5) (e).

3 **SECTION 184.** 302.386 (1) of the statutes is amended to read:

4 302.386 (1) Except as provided in sub. (5), liability for medical and dental
5 services furnished to residents housed in prisons identified in s. 302.01, ~~in a juvenile~~
6 ~~correctional facility, or in a secured residential care center for children and youth, or~~
7 to forensic patients in state institutions for those services that are not provided by
8 employees of the department shall be limited to the amounts payable under ss. 49.43
9 to 49.471, excluding ss. 49.468 and 49.471 (11), for similar services. The department
10 may waive any such limit if it determines that needed services cannot be obtained
11 for the applicable amount. No provider of services may bill the resident or patient
12 for the cost of services exceeding the amount of the liability under this subsection.

13 **SECTION 185.** 302.386 (2) (intro.) of the statutes is amended to read:

14 302.386 (2) (intro.) The liability of the state for medical and dental services
15 under sub. (1) does not extend to that part of the medical or dental services of a
16 resident housed in a prison identified in s. 302.01, ~~a juvenile correctional facility, or~~
17 ~~a secured residential care center for children and youth, for which any of the~~
18 following applies:

19 **SECTION 186.** 302.386 (3) (a) of the statutes is amended to read:

20 302.386 (3) (a) Except as provided in par. (b), the department may require a
21 resident housed in a prison identified in s. 302.01 ~~or in a juvenile correctional facility~~
22 who receives medical or dental services to pay a deductible, coinsurance, copayment,
23 or similar charge upon the medical or dental service that he or she receives. The
24 department shall collect the allowable deductible, coinsurance, copayment, or
25 similar charge.

SENATE BILL 804**SECTION 187**

1 **SECTION 187.** 302.386 (5) (c) of the statutes, as affected by 2015 Wisconsin Act
2 55, is repealed.

3 **SECTION 188.** 302.386 (5) (d) of the statutes is repealed.

4 **SECTION 189.** 303.01 (2) (em) of the statutes is amended to read:

5 303.01 (2) (em) Lease space, with or without equipment, within the precincts
6 of state prisons, as specified in s. 302.02, ~~or within the confines of correctional~~
7 ~~institutions operated by the department for holding in secure custody persons~~
8 ~~adjudged delinquent~~, to not more than 2 private businesses to employ prison inmates
9 and ~~institution residents~~ to manufacture products or components or to provide
10 services for sale on the open market. The department shall comply with s. 16.75 in
11 selecting businesses under this paragraph. The department may enter into a
12 contract under this paragraph only with the approval of the joint committee on
13 finance. The department may not enter into or amend a contract under this
14 paragraph unless the contract or amendment specifies each state prison ~~or juvenile~~
15 ~~correctional institution~~ at which the private business will employ inmates ~~or~~
16 ~~institution residents~~. The department shall consult with appropriate trade
17 organizations and labor unions prior to issuing requests for proposals and prior to
18 selecting proposals under this paragraph. Each such private business may conduct
19 its operations as a private business, subject to the wage standards under sub. (4), the
20 disposition of earnings under sub. (8), the provisions regarding displacement in sub.
21 (11), the requirements for notification and hearing under sub. (1) (c), the requirement
22 for prison industries board approval under s. 303.015 (1) (b) and the authority of the
23 department to maintain security and control in its institutions. The private business
24 and its operations are not a prison industry. Inmates employed by the private

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1 business are not subject to the requirements of inmates participating in prison
2 industries, except as provided in this paragraph;

3 **SECTION 190.** 303.01 (11) (a) 1. of the statutes is amended to read:

4 303.01 (11) (a) 1. “Displace an employee” means to lay off an employee in this
5 state as a direct result of work being performed in a state prison ~~or juvenile~~
6 ~~correctional institution~~ under a prison contract or to permanently transfer an
7 employee in this state to another job that reduces the employee’s base pay, excluding
8 overtime, differentials, and bonuses, by more than ~~25%~~ 25 percent as a direct result
9 of work being performed in a state prison ~~or juvenile correctional institution~~ under
10 a prison contract.

11 **SECTION 191.** 701.0503 (2) (intro.) of the statutes is amended to read:

12 701.0503 (2) CLAIMS FOR PUBLIC SUPPORT. (intro.) Notwithstanding s. 701.0502
13 and except as provided in sub. (3), if the settlor is legally obligated to pay for the
14 public support of a beneficiary under s. 46.10, or 49.345, ~~or 301.12~~ or the beneficiary
15 is legally obligated to pay for the beneficiary’s public support or for support furnished
16 to the beneficiary’s spouse or minor child under s. 46.10, or 49.345, ~~or 301.12~~, upon
17 application by the appropriate state department or county official, the court may do
18 any of the following:

19 **SECTION 192.** 767.59 (1f) (b) 4. of the statutes is amended to read:

20 767.59 (1f) (b) 4. A difference between the amount of child support ordered by
21 the court to be paid by the payer and the amount that the payer would have been
22 required to pay based on the percentage standard established by the department
23 under s. 49.22 (9) if the court did not use the percentage standard in determining the
24 child support payments and did not provide the information required under s. 46.10
25 (14) (d), 49.345 (14) (d), ~~301.12 (14) (d)~~, or 767.511 (1n), whichever is appropriate.

SENATE BILL 804**SECTION 193**

1 **SECTION 193.** 767.59 (2) (c) of the statutes, as affected by 2015 Wisconsin Act
2 (Senate Bill 387), is amended to read:

3 767.59 (2) (c) If the court revises a judgment or order providing for child support
4 that was entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2),
5 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a) or 938.363 (2), the court
6 shall determine child support in the manner provided in s. 49.345 (14) ~~or 301.12 (14),~~
7 ~~whichever is applicable.~~

8 **SECTION 194.** 767.59 (2s) of the statutes is amended to read:

9 767.59 (2s) STIPULATION FOR REVISION OF SUPPORT. In an action under sub. (1c),
10 the court may not approve a stipulation for the revision of a judgment or order with
11 respect to an amount of child support or family support unless the stipulation
12 provides for payment of an amount of child support or family support that is
13 determined in the manner required under s. 46.10 (14), 49.345 (14), ~~301.12 (14),~~
14 767.511, 767.805 (4), or 767.89, whichever is appropriate.

15 **SECTION 195.** 859.07 (2) (a) 2. of the statutes is amended to read:

16 859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the
17 state or a county under s. 46.03 (18), 46.10, 48.36, 49.32 (1), 49.345, ~~301.03 (18),~~
18 ~~301.12,~~ or 938.36.

19 **SECTION 196.** 859.07 (2) (a) 2. of the statutes is amended to read:

20 859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the
21 state or a county under s. 46.03 (18), 46.10, 48.36, 49.32 (1), 49.345, ~~301.03 (18),~~
22 ~~301.12,~~ or 938.36.

23 **SECTION 197.** 859.15 of the statutes is amended to read:

24 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),
25 49.08, 49.195 (1), and 49.345 (11), ~~and 301.12 (11),~~ a claim shall not be allowed that

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1 was barred by any statute of limitations at the time of the decedent's death. A claim
2 shall not be barred by statutes of limitation that was not barred at the time of the
3 decedent's death if the claim is filed against the decedent's estate in the court on or
4 before the deadline for filing a claim under s. 859.01.

5 **SECTION 198.** 938.02 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
6 section 4646b, is amended to read:

7 938.02 (4) "Department" means the department of children and families;
8 ~~except that with respect to a juvenile who is under the supervision of the department~~
9 ~~of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (4),~~
10 ~~"department" means the department of corrections.~~

11 **SECTION 199.** 938.02 (10r) of the statutes, as affected by 2015 Wisconsin Act
12 55, is amended to read:

13 938.02 (10r) "Juvenile detention facility" means a locked facility approved by
14 the department ~~of corrections~~ under s. ~~301.36~~ 938.226 for the secure, temporary
15 holding in custody of juveniles.

16 **SECTION 200.** 938.02 (12r) of the statutes, as created by 2015 Wisconsin Act
17 128, is amended to read:

18 938.02 (12r) "Out-of-home care provider" means a foster parent, guardian,
19 relative other than a parent, or nonrelative in whose home a juvenile is placed, or the
20 operator of a group home, residential care center for children and youth, or shelter
21 care facility in which a juvenile is placed, under the placement and care
22 responsibility of the department of children and families, ~~the department of~~
23 ~~corrections~~, or a county department. "Out-of-home care provider" also includes, in
24 the case of a juvenile placed in a group home, residential care center for children and
25 youth, or shelter care facility, a staff member employed on the site of that home,

SENATE BILL 804**SECTION 200**

1 center, or facility who has been designated by the operator of that home, center, or
2 facility as an out-of-home care provider for purposes of making decisions concerning
3 the juvenile's participation in age or developmentally appropriate activities.

4 **SECTION 201.** 938.02 (19r) of the statutes, as affected by 2015 Wisconsin Act
5 55, is amended to read:

6 938.02 (19r) "Type 2 residential care center for children and youth" means a
7 residential care center for children and youth that is designated by the department
8 of corrections to provide care and maintenance for juveniles who have been placed
9 in the residential care center for children and youth under the supervision of a county
10 department under s. 938.34 (4d).

11 **SECTION 202.** 938.06 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is amended to read:

13 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related
14 court services under this section shall be at the same net effective rate that each
15 county is reimbursed for county administration under s. 48.569, except as provided
16 in s. ~~48.526~~ 938.526. Counties having a population of less than 750,000 may use
17 funds received under ss. 48.569 (1) (d) and ~~48.526~~ 938.526, including county or
18 federal revenue sharing funds allocated to match funds received under s. 48.569 (1)
19 (d), for the cost of providing court attached intake services in amounts not to exceed
20 50 percent of the cost of providing court attached intake services or \$30,000 per
21 county per calendar year, whichever is less.

22 **SECTION 203.** 938.069 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
23 Act 55, section 4648bm, is amended to read:

24 938.069 (1) DUTIES. (intro.) The staff of the department of corrections shall
25 provide community supervision services for juveniles as provided in s. 938.533.

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1 Subject to sub. (2), the staff of the department of ~~corrections~~, the court, a county
2 department, or a licensed child welfare agency designated by the court to carry out
3 the objectives of this chapter shall:

4 **SECTION 204.** 938.069 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
5 is amended to read:

6 938.069 (2) AGENCY APPROVAL NEEDED. Licensed child welfare agencies and the
7 department of ~~corrections~~ shall provide services under this section only upon the
8 approval of the agency from whom services are requested.

9 **SECTION 205.** 938.08 (3) (a) (intro.) of the statutes, as affected by 2015
10 Wisconsin Act 55, is amended to read:

11 938.08 (3) (a) (intro.) In addition to the law enforcement authority under sub.
12 (2), personnel of the department of ~~corrections~~ designated by ~~that~~ the department
13 and personnel of an agency contracted with under s. 301.08 (1) (b) 3. and designated
14 by agreement between the agency and the department of ~~corrections~~ have the power
15 of law enforcement authorities to take a juvenile into physical custody under the
16 following conditions:

17 **SECTION 206.** 938.205 (1) (c) of the statutes, as affected by 2015 Wisconsin Act
18 55, section 4653bm, is amended to read:

19 938.205 (1) (c) That the juvenile will run away or be taken away so as to be
20 unavailable for proceedings of the court or its officers, proceedings of the division of
21 hearings and appeals in the department of administration for revocation of
22 community supervision or aftercare supervision, or action by the department of ~~of~~
23 ~~corrections~~ or county department relating to a violation of a condition of the juvenile's
24 placement in a Type 2 juvenile correctional facility or a Type 2 residential care center

SENATE BILL 804**SECTION 206**

1 for children and youth or a condition of the juvenile's participation in the intensive
2 supervision program under s. 938.534.

3 **SECTION 207.** 938.208 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
4 Act 55, section 4654bm, is amended to read:

5 938.208 (1) DELINQUENT ACT AND RISK OF HARM OR RUNNING AWAY. (intro.)
6 Probable cause exists to believe that the juvenile has committed a delinquent act and
7 either presents a substantial risk of physical harm to another person or a substantial
8 risk of running away so as to be unavailable for a court hearing, a revocation of
9 community supervision or aftercare supervision hearing, or action by the
10 department of ~~corrections~~ or county department relating to a violation of a condition
11 of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2
12 residential care center for children and youth or a condition of the juvenile's
13 participation in the intensive supervision program under s. 938.534. For juveniles
14 who have been adjudged delinquent, the delinquent act referred to in this section
15 may be the act for which the juvenile was adjudged delinquent. If the intake worker
16 determines that any of the following conditions applies, the juvenile is considered to
17 present a substantial risk of physical harm to another person:

18 **SECTION 208.** 938.209 (1) (a) (intro.) of the statutes, as affected by 2015
19 Wisconsin Act 55, is amended to read:

20 938.209 (1) (a) (intro.) No other juvenile detention facility approved by the
21 department of ~~corrections~~ or a county is available and all of the following conditions
22 are met:

23 **SECTION 209.** 938.209 (1) (a) 1. of the statutes, as affected by 2015 Wisconsin
24 Act 55, is amended to read:

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1 938.209 (1) (a) 1. The jail meets the standards for juvenile detention facilities
2 established by the department of corrections.

3 **SECTION 210.** 938.209 (2m) (b) of the statutes, as affected by 2015 Wisconsin
4 Act 55, is amended to read:

5 938.209 (2m) (b) The department of corrections shall promulgate rules
6 establishing minimum requirements for the approval of a municipal lockup facility
7 as a suitable place for holding juveniles in custody and for the operation of such a
8 facility. The rules shall be designed to protect the health, safety, and welfare of the
9 juveniles held in those facilities.

10 **SECTION 211.** 938.22 (1) (a) of the statutes is amended to read:

11 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of a
12 county may establish a juvenile detention facility in accordance with ss. ~~301.36 and~~
13 ~~301.37~~ 938.226 and 938.227 or the county boards of supervisors for 2 or more counties
14 may jointly establish a juvenile detention facility in accordance with ss. 46.20,
15 ~~301.36, and 301.37~~ 938.226, and 938.227. The county board of supervisors of a county
16 may establish a shelter care facility in accordance with ss. 48.576 and 48.578 or the
17 county boards of supervisors for 2 or more counties may jointly establish a shelter
18 care facility in accordance with ss. 46.20, 48.576, and 48.578. A private entity may
19 establish a juvenile detention facility in accordance with ss. ~~301.36 and 301.37~~
20 938.226 and 938.227 and contract with one or more county boards of supervisors
21 under s. 938.222 to hold juveniles in the private juvenile detention facility.

22 **SECTION 212.** 938.22 (2) (a) of the statutes is amended to read:

23 938.22 (2) (a) Counties shall submit plans for a shelter care facility, juvenile
24 detention facility, or juvenile portion of the county jail to the department of
25 ~~corrections and submit plans for a shelter care facility to the department of children~~

SENATE BILL 804**SECTION 212**

1 and families. A private entity that proposes to establish a juvenile detention facility
2 shall submit plans for the facility to the department of corrections. The applicable
3 department shall review the submitted plans. A county or a private entity may not
4 implement a plan unless the applicable department has approved the plan. The
5 department of corrections shall promulgate rules establishing minimum
6 requirements for the approval and operation of juvenile detention facilities and the
7 juvenile portion of county jails. The plans and rules shall be designed to protect the
8 health, safety, and welfare of the juveniles placed in those facilities.

9 **SECTION 213.** 938.22 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 938.22 (2) (b) If the department of corrections approves, a juvenile detention
12 facility or a holdover room may be located in a public building in which there is a jail
13 or other facility for the detention of adults if the juvenile detention facility or
14 holdover room is physically segregated from the jail or other facility so that juveniles
15 may enter the juvenile detention facility or holdover room without passing through
16 areas where adults are confined and juveniles detained in the juvenile detention
17 facility or holdover room cannot communicate with or view adults confined in the jail
18 or other facility.

19 **SECTION 214.** 938.222 (2) (a) 1. of the statutes, as affected by 2015 Wisconsin
20 Act 55, is amended to read:

21 938.222 (2) (a) 1. That the private juvenile detention facility meet or exceed the
22 minimum requirements for the approval and operation of a juvenile detention
23 facility established by the department of corrections by rule under s. 938.22 (2) (a)
24 and that the private juvenile detention facility be approved by the department under
25 s. ~~301.36~~ 938.226.

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1 **SECTION 215.** 938.222 (2) (b) 3. of the statutes, as affected by 2015 Wisconsin
2 Act 55, is amended to read:

3 938.222 (2) (b) 3. An agreement that the private juvenile detention facility is
4 subject to investigation and inspection by the department of ~~corrections~~ under s.
5 ~~301.36~~ 938.226.

6 **SECTION 216.** 938.222 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin
7 Act 55, is amended to read:

8 938.222 (2) (b) 4. Any other matters that are necessary and appropriate
9 concerning the obligations, responsibilities, and rights of the contracting counties
10 and the department of ~~corrections~~.

11 **SECTION 217.** 938.223 (2) (a) 1. of the statutes, as affected by 2015 Wisconsin
12 Act 55, is amended to read:

13 938.223 (2) (a) 1. That the Minnesota juvenile detention facility meet or exceed
14 the minimum requirements for the approval and operation of a Wisconsin juvenile
15 detention facility established by the department of ~~corrections~~ by rule under s.
16 938.22 (2) (a) and that the Minnesota juvenile detention facility be approved by the
17 department under s. ~~301.36~~ 938.226.

18 **SECTION 218.** 938.223 (2) (b) 3. of the statutes, as affected by 2015 Wisconsin
19 Act 55, is amended to read:

20 938.223 (2) (b) 3. An agreement that the Minnesota juvenile detention facility
21 is subject to investigation and inspection by the department of ~~corrections~~ under s.
22 ~~301.36~~ 938.226.

23 **SECTION 219.** 938.223 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin
24 Act 55, is amended to read:

SENATE BILL 804**SECTION 219**

1 938.223 (2) (b) 4. Any other matters that are necessary and appropriate
2 concerning the obligations, responsibilities, and rights of the contracting counties
3 and the department of ~~corrections~~.

4 **SECTION 220.** 938.224 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
5 is amended to read:

6 938.224 (1) USES OF FACILITIES. The county board of supervisors of a county may
7 contract with the department of ~~corrections~~ for the use of a juvenile correctional
8 facility operated by ~~that~~ the department for the holding of juveniles who meet the
9 criteria under s. 48.208, 938.17 (1), 938.183 (1m) (a), or 938.208 or who are subject
10 to a disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355
11 (6) (d) 1., or short-term detention under s. 938.355 (6d) or 938.534 (1).

12 **SECTION 221.** 938.224 (2) (a) 1. of the statutes, as affected by 2015 Wisconsin
13 Act 55, is amended to read:

14 938.224 (2) (a) 1. There is no county-operated juvenile detention facility
15 approved by the department of ~~corrections~~ within 40 miles of the county seat of the
16 county.

17 **SECTION 222.** 938.224 (2) (a) 2. of the statutes, as affected by 2015 Wisconsin
18 Act 55, is amended to read:

19 938.224 (2) (a) 2. There is no bed space available in a county-operated juvenile
20 detention facility approved by the department of ~~corrections~~ within 40 miles of the
21 county seat of the county.

22 **SECTION 223.** 938.224 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
23 55, is amended to read:

24 938.224 (2) (b) That the county may use a juvenile correctional facility for
25 holding a juvenile under sub. (1) only if the department of ~~corrections~~ approves that

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1 use based on the availability of beds in the juvenile correctional facility and on the
2 programming needs of the juvenile.

3 **SECTION 224.** 938.224 (3) (a) of the statutes, as affected by 2015 Wisconsin Act
4 55, is amended to read:

5 938.224 (3) (a) The per person daily rate to be paid by the county for holding
6 a juvenile under sub. (1) and the charges to be paid by the county for any
7 extraordinary medical and dental expenses and any programming provided for the
8 juvenile by the department of corrections.

9 **SECTION 225.** 938.224 (3) (b) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 938.224 (3) (b) Any other matters that are necessary and appropriate
12 concerning the obligations, responsibilities, and rights of the contracting county and
13 the department of corrections.

14 **SECTION 226.** 938.224 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is amended to read:

16 938.224 (4) SUPERVISION AND CONTROL OF JUVENILES. A juvenile held in custody
17 under sub. (1) is under the supervision and control of the department of corrections
18 and is subject to the rules and discipline of that the department.

19 **SECTION 227.** 938.225 of the statutes, as affected by 2015 Wisconsin Act 55, is
20 amended to read:

21 **938.225 Statewide plan for juvenile detention facilities.** The department
22 of corrections shall assist counties in establishing juvenile detention facilities under
23 s. 938.22 by developing and promulgating a statewide plan for the establishment and
24 maintenance of suitable juvenile detention facilities reasonably accessible to each
25 court.

SENATE BILL 804**SECTION 228**

1 **SECTION 228.** 938.226 of the statutes is created to read:

2 **938.226 Secure juvenile facilities; general supervision and inspection**

3 **by department. (1) GENERALLY.** The department shall investigate and supervise
4 all juvenile correctional facilities, all secured residential care centers for children
5 and youth, and all juvenile detention facilities and familiarize itself with all the
6 circumstances affecting their management and usefulness.

7 **(2) INSPECTIONS.** The department shall inquire into the methods of treatment,
8 instruction, government, and management of children placed in the facilities
9 specified in sub. (1); the conduct of the trustees, managers, directors,
10 superintendents, and other officers and employees of those facilities; the condition
11 of the buildings, grounds, and all other property pertaining to those facilities; and
12 all other matters pertaining to the usefulness and management of those facilities;
13 and recommend to the officers in charge such changes and additional provisions as
14 the department considers proper.

15 **(3) FREQUENCY OF INSPECTIONS.** The department shall inspect and investigate
16 each facility specified in sub. (1) at least annually and, when directed by the governor,
17 the department shall conduct a special investigation into such a facility's
18 management, or anything connected with its management, and report to the
19 governor the testimony taken, the facts found, and the conclusions drawn.

20 **(4) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS.** Upon request
21 of the department, the attorney general or the district attorney of the proper county
22 shall aid in any investigation, inspection, hearing, or trial held under the provisions
23 of this chapter relating to powers of the department, and shall institute and
24 prosecute all necessary actions or proceedings for the enforcement of those
25 provisions and for the punishment of violations of those provisions. The attorney

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1 general or district attorney so requested shall report or confer with the department
2 regarding the request, within 30 days after the receipt of the request.

3 (5) OPPORTUNITY TO INSPECT. All trustees, managers, directors,
4 superintendents, and other officers or employees of a facility specified in sub. (1)
5 shall at all times afford to every member of the department and its agents
6 unrestrained facility access for inspection of and free access to all parts of the
7 buildings and grounds and to all books and papers of the facility, and shall give,
8 either verbally or in writing, such information as the department requires. Any
9 person who violates this subsection shall forfeit not less than \$10 nor more than
10 \$100.

11 (6) TESTIMONIAL POWER; EXPENSES. The department or any person delegated by
12 the department may administer oaths, take testimony, and cause depositions to be
13 taken. All expenses of the investigations, including fees of officers and witnesses,
14 shall be charged to the appropriation for the department.

15 (7) STATISTICS TO BE FURNISHED. Whenever the department is required to collect
16 statistics relating to a facility specified in sub. (1), the facility shall furnish the
17 required statistics on request.

18 **SECTION 229.** 938.227 of the statutes is created to read:

19 **938.227 Juvenile detention facilities; establishment, approval,**
20 **inspection.** (1) The department shall fix reasonable standards and regulations for
21 the design, construction, repair, and maintenance of juvenile detention facilities,
22 with respect to their adequacy and fitness for the needs that they are to serve.

23 (2) The selection and purchase of the site, and the plans, specifications, and
24 erection of buildings for juvenile detention facilities shall be subject to the review and

SENATE BILL 804**SECTION 229**

1 approval of the department. Department review shall include review of the proposed
2 program to be carried out by the juvenile detention facility.

3 (3) Before any juvenile detention facility is occupied, and at least annually
4 thereafter, the department shall inspect the juvenile detention facility, with respect
5 to safety, sanitation, adequacy, and fitness, report to the authorities managing the
6 juvenile detention facility any deficiency found, and order the necessary work to
7 correct that deficiency. If within 6 months after the inspection the work is not
8 commenced, or not completed within a reasonable period after commencement of the
9 work, to the satisfaction of the department, the department shall suspend the
10 allowance of state aid for, and prohibit the use of, the juvenile detention facility until
11 the order is complied with.

12 **SECTION 230.** 938.23 (1m) (a) of the statutes, as affected by 2015 Wisconsin Act
13 55, is amended to read:

14 938.23 (1m) (a) A juvenile alleged to be delinquent under s. 938.12 or held in
15 a juvenile detention facility shall be represented by counsel at all stages of the
16 proceedings. A juvenile 15 years of age or older may waive counsel if the court is
17 satisfied that the waiver is knowingly and voluntarily made and the court accepts
18 the waiver. If the waiver is accepted, the court may not place the juvenile in a juvenile
19 correctional facility or a secured residential care center for children and youth,
20 transfer supervision of the juvenile to the department of corrections for participation
21 in the serious juvenile offender program, or transfer jurisdiction over the juvenile to
22 adult court.

23 **SECTION 231.** 938.295 (2) (c) of the statutes is amended to read:

24 938.295 (2) (c) A county that pays the cost of an examination under par. (a) may
25 recover a reasonable contribution toward that cost from the juvenile's parent or

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1 guardian, based on the ability of the parent or guardian to pay. If the examination
2 is provided or otherwise funded by the county department under s. 46.215, 46.22, or
3 46.23, the county department shall collect the contribution of the parent or guardian
4 as provided in s. ~~301.03 (18)~~ 49.32 (1). If the examination is provided or otherwise
5 funded by the county department under s. 51.42 or 51.437, the county department
6 shall collect the contribution of the parent or guardian as provided in s. 46.03 (18).

7 **SECTION 232.** 938.296 (6) of the statutes is amended to read:

8 938.296 (6) PAYMENT FOR TEST COSTS. The court may order the county to pay for
9 the cost of a test or series of tests ordered under sub. (4) or (5). This subsection does
10 not prevent recovery of reasonable contribution toward the cost of that test or series
11 of tests from the parent or guardian of the juvenile as the court may order based on
12 the ability of the parent or guardian to pay. This subsection is subject to s. ~~301.03~~
13 ~~(18)~~ 49.32 (1).

14 **SECTION 233.** 938.30 (6) (b) of the statutes, as affected by 2015 Wisconsin Acts
15 55 and (Senate Bill 387), is amended to read:

16 938.30 (6) (b) If it appears to the court that disposition of the case may include
17 placement of the juvenile outside the juvenile's home, the court shall order the
18 juvenile's parent to provide a statement of the income, assets, debts, and living
19 expenses of the juvenile and the juvenile's parent to the court or the designated
20 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
21 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
22 provide, without charge, to any parent ordered to provide that statement a document
23 setting forth the percentage standard established by the department of children and
24 families under s. 49.22 (9) and the manner of its application established by the

SENATE BILL 804**SECTION 233**

1 department of corrections under s. ~~301.12~~ 49.345 (14) (g) and listing the factors under
2 s. ~~301.12~~ 49.345 (14) (c).

3 **SECTION 234.** 938.31 (7) (b) of the statutes, as affected by 2015 Wisconsin Acts
4 55 and (Senate Bill 387), is amended to read:

5 938.31 (7) (b) If it appears to the court that disposition of the case may include
6 placement of the juvenile outside the juvenile's home, the court shall order the
7 juvenile's parent to provide a statement of the income, assets, debts, and living
8 expenses of the juvenile and the juvenile's parent, to the court or the designated
9 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
10 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
11 provide, without charge, to any parent ordered to provide the statement a document
12 setting forth the percentage standard established by the department of children and
13 families under s. 49.22 (9) and the manner of its application established by the
14 department of corrections under s. ~~301.12~~ 49.345 (14) (g) and listing the factors under
15 s. ~~301.12~~ 49.345 (14) (c).

16 **SECTION 235.** 938.33 (4m) (intro.) of the statutes is amended to read:

17 938.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In
18 making a recommendation for an amount of child support under sub. (3) or (4), the
19 agency shall consider the factors under s. ~~301.12~~ 49.345 (14) (c). At or before the
20 dispositional hearing under s. 938.335, the agency shall provide the juvenile's parent
21 with all of the following:

22 **SECTION 236.** 938.33 (4m) (b) of the statutes is amended to read:

23 938.33 (4m) (b) A written explanation of how the parent may request that the
24 court modify the amount of child support under s. ~~301.12~~ 49.345 (14) (c).

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1 **SECTION 237.** 938.34 (2) (a) of the statutes, as affected by 2015 Wisconsin Act
2 55, is amended to read:

3 938.34 (2) (a) Place the juvenile under the supervision of an agency, the
4 department of ~~corrections~~, if ~~that~~ the department approves, or a suitable adult,
5 including a friend of the juvenile, under conditions prescribed by the court, including
6 reasonable rules for the juvenile's conduct, designed for the physical, mental, and
7 moral well-being and behavior of the juvenile.

8 **SECTION 238.** 938.34 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
9 55, is amended to read:

10 938.34 (2) (b) If the juvenile is placed in the juvenile's home under the
11 supervision of an agency or the department of ~~corrections~~, order that agency or
12 department to provide specified services to the juvenile and the juvenile's family,
13 including individual, family, or group counseling, homemaker or parent aide
14 services, respite care, housing assistance, child care, or parent skills training.

15 **SECTION 239.** 938.34 (3) (f) (intro.) of the statutes, as affected by 2015 Wisconsin
16 Act 55, is amended to read:

17 938.34 (3) (f) (intro.) A juvenile detention facility or juvenile portion of a county
18 jail that meets the standards promulgated by the department of ~~corrections~~ by rule,
19 or in a place of nonsecure custody designated by the court, subject to all of the
20 following:

21 **SECTION 240.** 938.34 (4m) (intro.) of the statutes, as affected by 2015 Wisconsin
22 Act 55, is amended to read:

23 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a juvenile
24 correctional facility or a secured residential care center for children and youth under
25 the supervision of the department of ~~corrections~~ if all of the following apply:

SENATE BILL 804**SECTION 241**

1 **SECTION 241.** 938.34 (4n) (intro.) of the statutes, as affected by 2015 Wisconsin
2 Act 55, section 4655bm, is amended to read:

3 **938.34 (4n) COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.** (intro.) In the
4 case of a juvenile who has been placed in a juvenile correctional facility or a secured
5 residential care center for children and youth, designate the department of
6 ~~corrections~~ to provide community supervision for the juvenile following the juvenile's
7 release from that facility or center or, subject to any arrangement between the
8 department of ~~corrections~~ and a county department regarding the provision of
9 aftercare supervision for juveniles who have been released from a juvenile
10 correctional facility or a secured residential care center for children and youth,
11 designate one of the following to provide aftercare supervision for the juvenile
12 following the juvenile's release from that facility or center:

13 **SECTION 242.** 938.34 (6s) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is amended to read:

15 **938.34 (6s) DRUG TESTING.** If the report under s. 938.33 (1) indicates that the
16 juvenile is in need of treatment for the use or abuse of controlled substances or
17 controlled substance analogs, order the juvenile to submit to drug testing under a
18 drug testing program that the department of ~~corrections~~ shall promulgate by rule.

19 **SECTION 243.** 938.34 (8d) (c) of the statutes, as affected by 2015 Wisconsin Act
20 55, is amended to read:

21 **938.34 (8d) (c)** If a juvenile placed in a juvenile correctional facility or a secured
22 residential care center for children and youth fails to pay the surcharge under par.
23 (a), the department of ~~corrections~~ shall assess and collect the amount owed from the
24 juvenile's wages or other moneys. Any amount collected shall be transmitted to the
25 secretary of administration.

SENATE BILL 804**SECTION 244**

1 **SECTION 244.** 938.355 (6) (d) 1. of the statutes, as affected by 2015 Wisconsin
2 Act 55, is amended to read:

3 938.355 **(6)** (d) 1. Placement of the juvenile in a juvenile detention facility or
4 juvenile portion of a county jail that meets the standards promulgated by the
5 department of ~~corrections~~ by rule or in a place of nonsecure custody, for not more than
6 10 days and the provision of educational services consistent with his or her current
7 course of study during the period of placement. The juvenile shall be given credit
8 against the period of detention or nonsecure custody imposed under this subdivision
9 for all time spent in secure detention in connection with the course of conduct for
10 which the detention or nonsecure custody was imposed. If the court orders
11 placement of the juvenile in a place of nonsecure custody under the supervision of
12 the county department, the court shall order the juvenile into the placement and care
13 responsibility of the county department as required under 42 USC 672 (a) (2) and
14 shall assign the county department primary responsibility for providing services to
15 the juvenile.

16 **SECTION 245.** 938.355 (6d) (a) 1. of the statutes, as affected by 2015 Wisconsin
17 Act 55, is amended to read:

18 938.355 **(6d)** (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to subs.
19 2g., 2m., and 2r., if a juvenile who has been adjudged delinquent violates a condition
20 specified in sub. (2) (b) 7., the juvenile's caseworker or any other person authorized
21 to provide or providing intake or dispositional services for the court under s. 938.067
22 or 938.069 may, without a hearing, take the juvenile into custody and place the
23 juvenile in a juvenile detention facility or juvenile portion of a county jail that meets
24 the standards promulgated by the department of ~~corrections~~ by rule or in a place of
25 nonsecure custody designated by that person for not more than 72 hours while the

SENATE BILL 804**SECTION 245**

1 alleged violation and the appropriateness of a sanction under sub. (6) are being
2 investigated.

3 **SECTION 246.** 938.355 (6d) (a) 2. of the statutes, as affected by 2015 Wisconsin
4 Act 55, is amended to read:

5 938.355 (6d) (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
6 2g., 2m., and 2r., if a juvenile who has been adjudged delinquent violates a condition
7 specified in sub. (2) (b) 7., the juvenile's caseworker or any other person authorized
8 to provide or providing intake or dispositional services for the court under s. 938.067
9 or 938.069 may, without a hearing, take the juvenile into custody and place the
10 juvenile in a juvenile detention facility or juvenile portion of a county jail that meets
11 the standards promulgated by the department of ~~corrections~~ by rule or in a place of
12 nonsecure custody designated by that person for not more than 72 hours as a
13 consequence of that violation. A person who takes a juvenile into custody under this
14 subdivision shall permit the juvenile to make a written or oral statement concerning
15 the possible placement of the juvenile and the course of conduct for which the
16 juvenile was taken into custody. A person designated by the court or county
17 department who is employed in a supervisory position by a person authorized to
18 provide or providing intake or dispositional services under s. 938.067 or 938.069
19 shall review that statement and either approve the placement, modify the terms of
20 the placement, or order the juvenile to be released from custody.

21 **SECTION 247.** 938.355 (6d) (b) 1. of the statutes, as affected by 2015 Wisconsin
22 Act 55, section 4658bm, is amended to read:

23 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
24 2g., 2m., and 2r., if a juvenile who is on aftercare supervision violates a condition of
25 that supervision, the juvenile's caseworker or any other person authorized to provide

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1 or providing intake or dispositional services for the court under s. 938.067 or 938.069
2 may, without a hearing, take the juvenile into custody and place the juvenile in a
3 juvenile detention facility or juvenile portion of a county jail that meets the
4 standards promulgated by the department of ~~corrections~~ by rule or in a place of
5 nonsecure custody designated by that person for not more than 72 hours while the
6 alleged violation and the appropriateness of revoking the juvenile's aftercare status
7 are being investigated.

8 **SECTION 248.** 938.355 (6d) (b) 2. of the statutes, as affected by 2015 Wisconsin
9 Act 55, section 4659bm, is amended to read:

10 938.355 (6d) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
11 2g., 2m., and 2r., if a juvenile who is on aftercare supervision violates a condition of
12 that supervision, the juvenile's caseworker or any other person authorized to provide
13 or providing intake or dispositional services for the court under s. 938.067 or 938.069
14 may, without a hearing, take the juvenile into custody and place the juvenile in a
15 juvenile detention facility or juvenile portion of a county jail that meets the
16 standards promulgated by the department of ~~corrections~~ by rule or in a place of
17 nonsecure custody designated by that person for not more than 72 hours as a
18 consequence of that violation. A person who takes a juvenile into custody under this
19 subdivision shall permit the juvenile to make a written or oral statement concerning
20 the possible placement of the juvenile and the course of conduct for which the
21 juvenile was taken into custody. A person designated by the court or the county
22 department who is employed in a supervisory position by a person authorized to
23 provide or providing intake or dispositional services under s. 938.067 or 938.069
24 shall review that statement and either approve the placement of the juvenile, modify
25 the terms of the placement, or order the juvenile to be released from custody.

SENATE BILL 804**SECTION 249**

1 **SECTION 249.** 938.355 (6m) (a) 1g. of the statutes, as affected by 2015 Wisconsin
2 Act 55, is amended to read:

3 938.355 **(6m)** (a) 1g. Placement of the juvenile in a juvenile detention facility
4 or juvenile portion of a county jail that meets the standards promulgated by the
5 department of ~~corrections~~ by rule or in a place of nonsecure custody, for not more than
6 10 days and the provision of educational services consistent with his or her current
7 course of study during the period of placement. The juvenile shall be given credit
8 against the period of detention or nonsecure custody imposed under this subdivision
9 for all time spent in secure detention in connection with the course of conduct for
10 which the detention or nonsecure custody was imposed. The use of placement in a
11 juvenile detention facility or in a juvenile portion of a county jail as a sanction under
12 this subdivision is subject to the adoption of a resolution by the county board of
13 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.
14 If the court orders placement of the juvenile in a place of nonsecure custody under
15 the supervision of the county department, the court shall order the juvenile into the
16 placement and care responsibility of the county department as required under 42
17 USC 672 (a) (2) and shall assign the county department primary responsibility for
18 providing services to the juvenile.

19 **SECTION 250.** 938.357 (4) (a) of the statutes, as affected by 2015 Wisconsin Act
20 55, section 4662bm, is amended to read:

21 938.357 **(4)** (a) When the juvenile is placed with the department of ~~corrections~~,
22 ~~that, the~~ department may, after an examination under s. 938.50, place the juvenile
23 in a juvenile correctional facility or a secured residential care center for children and
24 youth or on community supervision or aftercare supervision, either immediately or
25 after a period of placement in a juvenile correctional facility or a secured residential

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1 care center for children and youth. The department of ~~corrections~~ shall send written
2 notice of the change in placement to the parent, guardian, legal custodian, county
3 department designated under s. 938.34 (4n), if any, and committing court. If the
4 department of ~~corrections~~ places a juvenile in a Type 2 juvenile correctional facility
5 operated by a child welfare agency, ~~that~~ the department shall reimburse the child
6 welfare agency at the rate established under s. 49.343 that is applicable to the type
7 of placement that the child welfare agency is providing for the juvenile. A juvenile
8 who is placed in a Type 2 juvenile correctional facility or a secured residential care
9 center for children and youth remains under the supervision of the department of
10 ~~corrections~~, remains subject to the rules and discipline of ~~that~~ the department, and
11 is considered to be in custody, as defined in s. 946.42 (1) (a).

12 **SECTION 251.** 938.357 (4) (b) 1. of the statutes, as affected by 2015 Wisconsin
13 Act 55, is amended to read:

14 938.357 (4) (b) 1. If a juvenile whom the department of ~~corrections~~ has placed
15 in a Type 2 juvenile correctional facility operated by a child welfare agency violates
16 a condition of his or her placement in the Type 2 juvenile correctional facility, the
17 child welfare agency operating the Type 2 juvenile correctional facility shall notify
18 the department of ~~corrections~~ and ~~that~~ the department, after consulting with the
19 child welfare agency, may place the juvenile in a Type 1 juvenile correctional facility
20 under the supervision of the department, without a hearing under sub. (1) (am) 2.

21 **SECTION 252.** 938.357 (4) (b) 2. of the statutes, as affected by 2015 Wisconsin
22 Act 55, is amended to read:

23 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential
24 care center for children and youth under s. 938.34 (4d) violates a condition of his or
25 her placement in the Type 2 residential care center for children and youth, the child

SENATE BILL 804**SECTION 252**

1 welfare agency operating the Type 2 residential care center for children and youth
2 shall notify the county department that has supervision over the juvenile and, if the
3 county department agrees to a change in placement under this subdivision, the child
4 welfare agency shall notify the department of ~~corrections~~, and that the department,
5 after consulting with the child welfare agency, may place the juvenile in a Type 1
6 juvenile correctional facility under the supervision of the department of ~~corrections~~,
7 without a hearing under sub. (1) (am) 2., for not more than 10 days. If a juvenile is
8 placed in a Type 1 juvenile correctional facility under this subdivision, the county
9 department that has supervision over the juvenile shall reimburse the child welfare
10 agency operating the Type 2 residential care center for children and youth in which
11 the juvenile was placed at the rate established under s. 49.343, and that child welfare
12 agency shall reimburse the department of ~~corrections~~ at the rate specified in s.
13 ~~301.26~~ 938.526 (4) (d) 2. or 3., whichever is applicable, for the cost of the juvenile's
14 care while placed in a Type 1 juvenile correctional facility.

15 **SECTION 253.** 938.357 (4) (b) 4. of the statutes, as affected by 2015 Wisconsin
16 Act 55, is amended to read:

17 938.357 (4) (b) 4. A juvenile may seek review of a decision of the department
18 of ~~corrections~~ under subd. 1. or 2. only by the common law writ of certiorari.

19 **SECTION 254.** 938.357 (4) (c) 1. of the statutes, as affected by 2015 Wisconsin
20 Act 55, is amended to read:

21 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility
22 operated by a child welfare agency under par. (a) and it appears that a less restrictive
23 placement would be appropriate for the juvenile, the department of ~~corrections~~, after
24 consulting with the child welfare agency that is operating the Type 2 juvenile
25 correctional facility, may place the juvenile in a less restrictive placement, and may

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1 return the juvenile to the Type 2 juvenile correctional facility without a hearing
2 under sub. (1) (am) 2. The rate for each type of placement shall be established by the
3 department of children and families, ~~in consultation with the department of~~
4 ~~corrections,~~ in the manner provided in s. 49.343.

5 **SECTION 255.** 938.357 (4) (c) 2. of the statutes, as affected by 2015 Wisconsin
6 Act 55, is amended to read:

7 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for
8 children and youth under s. 938.34 (4d) and it appears that a less restrictive
9 placement would be appropriate for the juvenile, the child welfare agency operating
10 the Type 2 residential care center for children and youth shall notify the county
11 department that has supervision over the juvenile and, if the county department
12 agrees to a change in placement under this subdivision, the child welfare agency may
13 place the juvenile in a less restrictive placement. A child welfare agency may also,
14 with the agreement of the county department that has supervision over a juvenile
15 who is placed in a less restrictive placement under this subdivision, return the
16 juvenile to the Type 2 residential care center for children and youth without a
17 hearing under sub. (1) (am) 2. The rate for each type of placement shall be
18 established by the department of children and families, ~~in consultation with the~~
19 ~~department of corrections,~~ in the manner provided in s. 49.343.

20 **SECTION 256.** 938.357 (4) (c) 4. of the statutes, as affected by 2015 Wisconsin
21 Act 55, is amended to read:

22 938.357 (4) (c) 4. A juvenile may seek review of a decision of the department
23 of ~~corrections~~ or county department under subd. 1. or 2. only by the common law writ
24 of certiorari.

SENATE BILL 804**SECTION 257**

1 **SECTION 257.** 938.357 (4g) (a) of the statutes, as affected by 2015 Wisconsin Act
2 55, section 4664bm, is amended to read:

3 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
4 is placed in a juvenile correctional facility or a secured residential care center for
5 children and youth, or within 30 days after the date on which the department of
6 ~~corrections~~ requests the community supervision or aftercare plan, whichever is
7 earlier, the community supervision or aftercare provider designated under s. 938.34
8 (4n) shall prepare a community supervision or aftercare plan for the juvenile. If the
9 juvenile is to be placed on aftercare supervision, the county department designated
10 as the aftercare provider shall submit the aftercare plan to the department of
11 ~~corrections~~ within the applicable period specified in this paragraph, unless the
12 department of ~~corrections~~ waives the period under par. (b).

13 **SECTION 258.** 938.357 (4g) (b) of the statutes, as affected by 2015 Wisconsin Act
14 55, section 4665bm, is amended to read:

15 938.357 (4g) (b) The department of ~~corrections~~ may waive the period within
16 which a community supervision plan or aftercare plan must be prepared and
17 submitted under par. (a) if ~~that~~ the department anticipates that the juvenile will
18 remain in the juvenile correctional facility or secured residential care center for
19 children and youth for a period exceeding 8 months or if the juvenile is subject to s.
20 938.183. If the department of ~~corrections~~ waives that period, the designated
21 community supervision or aftercare provider shall prepare the community
22 supervision or aftercare plan within 30 days after the date on which the department
23 of ~~corrections~~ requests the community supervision or aftercare plan.

24 **SECTION 259.** 938.357 (4m) of the statutes, as affected by 2015 Wisconsin Act
25 55, section 4671bm, is amended to read:

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1 938.357 (4m) RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.

2 The department of ~~corrections~~ shall try to release a juvenile to community
3 supervision or aftercare supervision under sub. (4) within 30 days after the date on
4 which ~~that~~ the department determines the juvenile is eligible for the release.

5 **SECTION 260.** 938.357 (5) (a) of the statutes, as affected by 2015 Wisconsin Act
6 55, section 4673bm, is amended to read:

7 938.357 (5) (a) If a juvenile has been placed on community supervision, the
8 department of ~~corrections~~ may revoke the community supervision status of that
9 juvenile as provided in this subsection. If a juvenile has been placed on aftercare
10 supervision, the county department that has been designated as a juvenile's
11 aftercare provider may revoke the aftercare status of that juvenile as provided in this
12 subsection. Prior notice of a change in placement under sub. (1) (am) 1. is not
13 required.

14 **SECTION 261.** 938.357 (5) (g) of the statutes, as affected by 2015 Wisconsin Act
15 55, section 4677bm, is amended to read:

16 938.357 (5) (g) The department of ~~corrections~~ shall promulgate rules setting
17 standards to be used by a hearing examiner to determine whether to revoke a
18 juvenile's community supervision or aftercare status. The standards shall specify
19 that the burden is on the department of ~~corrections~~ or county department seeking
20 revocation to show by a preponderance of the evidence that the juvenile violated a
21 condition of community supervision or aftercare supervision.

22 **SECTION 262.** 938.357 (5m) (a) of the statutes, as affected by 2015 Wisconsin
23 Acts 55 and (Senate Bill 387), is amended to read:

24 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
25 placement from a placement in the juvenile's home to a placement outside the

SENATE BILL 804**SECTION 262**

1 juvenile's home, the court shall order the juvenile's parent to provide a statement of
2 the income, assets, debts, and living expenses of the juvenile and the juvenile's
3 parent to the court or the person or agency primarily responsible for implementing
4 the dispositional order by a date specified by the court. The clerk of court shall
5 provide, without charge, to any parent ordered to provide that statement a document
6 setting forth the percentage standard established by the department of children and
7 families under s. 49.22 (9) and the manner of its application established by the
8 department of corrections under s. ~~301.12~~ 49.345 (14) (g) and listing the factors under
9 s. ~~301.12~~ 49.345 (14) (c). If the juvenile is placed outside the juvenile's home, the
10 court shall determine the liability of the parent in the manner provided in s. ~~301.12~~
11 49.345 (14).

12 **SECTION 263.** 938.36 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
13 (Senate Bill 387), is amended to read:

14 938.36 (1) (a) If legal custody is transferred from the parent or guardian or the
15 court otherwise designates an alternative placement for the juvenile by a consent
16 decree under s. 938.32, a disposition made under s. 938.183, 938.34, or 938.345, or
17 a change in placement under s. 938.357, the duty of the parent or guardian to provide
18 support shall continue even though the legal custodian or the placement designee
19 may provide the support. A copy of the order transferring custody or designating
20 alternative placement for the juvenile shall be submitted to the agency or person
21 receiving custody or placement and the agency or person may apply to the court for
22 an order to compel the parent or guardian to provide the support. Support payments
23 for residential services, when purchased or otherwise funded or provided by the
24 department of corrections, or a county department under s. 46.215, 46.22 or 46.23,
25 shall be determined under s. ~~301.12~~ 49.345 (14). Support payments for residential

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1 services, when purchased or otherwise funded by the department of health services,
2 or a county department under s. 51.42 or 51.437, shall be determined under s. 46.10
3 (14).

4 **SECTION 264.** 938.36 (2) of the statutes is amended to read:

5 938.36 (2) SERVICES OR TREATMENT; COUNTY PAYMENT; PARENTAL CONTRIBUTION. If
6 a juvenile whose legal custody has not been taken from a parent or guardian is given
7 educational and social services, or medical, psychological, or psychiatric treatment
8 by order of the court, the court may order the county to pay for those services or
9 treatment. This section does not prevent recovery of reasonable contribution toward
10 the costs from the parent or guardian of the juvenile as the court may order based
11 on the ability of the parent or guardian to pay. This subsection is subject to s. ~~301.03~~
12 ~~(18)~~ 49.32 (1).

13 **SECTION 265.** 938.363 (1) (c) of the statutes, as affected by 2015 Wisconsin Acts
14 55 and (Senate Bill 387), is amended to read:

15 938.363 (1) (c) If the proposed revision is for a change in the amount of child
16 support to be paid by a parent, the court shall order the juvenile's parent to provide
17 a statement of the income, assets, debts, and living expenses of the juvenile and the
18 juvenile's parent to the court and the person or agency primarily responsible for
19 implementing the dispositional order by a date specified by the court. The clerk of
20 court shall provide, without charge, to any parent ordered to provide that statement
21 a document setting forth the percentage standard established by the department of
22 ~~children and families~~ under s. 49.22 (9) and the manner of its application established
23 by the department of ~~corrections~~ under s. ~~301.12~~ 49.345 (14) (g) and listing the factors
24 under s. ~~301.12~~ 49.345 (14) (c).

25 **SECTION 266.** 938.363 (2) of the statutes is amended to read:

SENATE BILL 804**SECTION 266**

1 938.363 (2) REVISION OF SUPPORT. If the court revises the amount of child
2 support to be paid by a parent under the dispositional order for the care and
3 maintenance of the parent's juvenile who has been placed by a court order under this
4 chapter in a residential, nonmedical facility, the court shall determine the liability
5 of the parent under s. ~~301.12~~ 49.345 (14).

6 **SECTION 267.** 938.38 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
7 55, is amended to read:

8 938.38 (1) (a) "Agency" means the department of children and families, ~~the~~
9 ~~department of corrections,~~ a county department, or a licensed child welfare agency.

10 **SECTION 268.** 938.396 (2g) (b) 1. of the statutes, as affected by 2015 Wisconsin
11 Act 55, is amended to read:

12 938.396 (2g) (b) 1. Upon request of the department ~~of corrections,~~ ~~the~~
13 ~~department of children and families,~~ or a federal agency to review court records for
14 the purpose of monitoring and conducting periodic evaluations of activities as
15 required by and implemented under 45 CFR 1355, 1356, and 1357, the court shall
16 open those records for inspection and copying by authorized representatives of the
17 requester. Those representatives shall keep those records confidential and may use
18 and further disclose those records only for the purpose for which those records were
19 requested.

20 **SECTION 269.** 938.48 (intro.) of the statutes, as affected by 2015 Wisconsin Act
21 55, is repealed.

22 **SECTION 270.** 938.48 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
23 is repealed.

24 **SECTION 271.** 938.48 (3) of the statutes is renumbered 938.485 (7).

25 **SECTION 272.** 938.48 (4) of the statutes is renumbered 938.485 (8).

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1 **SECTION 273.** 938.48 (4m) of the statutes is renumbered 938.485 (9).

2 **SECTION 274.** 938.48 (5) of the statutes is renumbered 938.485 (11).

3 **SECTION 275.** 938.48 (6) of the statutes is renumbered 938.485 (12).

4 **SECTION 276.** 938.48 (13) of the statutes, as affected by 2015 Wisconsin Act 55,
5 is renumbered 938.485 (13).

6 **SECTION 277.** 938.48 (14) of the statutes is renumbered 938.485 (14) and
7 amended to read:

8 938.485 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay
9 maintenance, tuition, and related expenses from the appropriation under s. 20.410
10 (3) 20.437 (4) (ho) for persons who, when they attained 17 years of age, were students
11 regularly attending a school, college, or university or regularly attending a course of
12 vocational or technical training designed to prepare them for gainful employment,
13 and who upon attaining that age were under the supervision of the department
14 under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of a judicial
15 decision.

16 **SECTION 278.** 938.48 (16) of the statutes, as affected by 2015 Wisconsin Act 55,
17 is repealed.

18 **SECTION 279.** 938.485 (1) of the statutes, as created by 2015 Wisconsin Act 55,
19 is amended to read:

20 938.485 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws
21 relating to delinquent juveniles and juveniles in need of protection or services and
22 take the initiative in all matters involving the interests of those juveniles when
23 adequate provision for those matters is not made. This duty shall be discharged in
24 cooperation with the courts, ~~the department of corrections,~~ county departments,

SENATE BILL 804**SECTION 279**

1 licensed child welfare agencies, parents, and other individuals interested in the
2 welfare of juveniles.

3 **SECTION 280.** 938.485 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is amended to read:

5 938.485 (4) REIMBURSEMENT OF TRIBES AND COUNTIES FOR TRIBAL DELINQUENCY
6 PLACEMENTS. Reimburse Indian tribes and county departments, from the
7 appropriation under s. 20.437 (1) (4) (kp), for unexpected or unusually high-cost
8 out-of-home care placements of Indian juveniles who have been adjudicated
9 delinquent by tribal courts. In this subsection, “unusually high-cost out-of-home
10 care placements” means the amount by which the cost to an Indian tribe or to a
11 county department of out-of-home care placements of Indian juveniles who have
12 been adjudicated delinquent by tribal courts exceeds \$50,000 in a fiscal year.

13 **SECTION 281.** 938.485 (5) of the statutes, as created by 2015 Wisconsin Act 55,
14 is amended to read:

15 938.485 (5) STANDARDS FOR SERVICES. ~~Establish~~ Based on research into effective
16 correctional programs and practices, establish and enforce standards for services
17 under s. 938.183, 938.34, or 938.345, ~~other than juvenile correctional services.~~

18 **SECTION 282.** 938.485 (10) (title) of the statutes is created to read:

19 938.485 (10) (title) JUVENILES UNDER DEPARTMENT JURISDICTION.

20 **SECTION 283.** 938.485 (18) of the statutes is created to read:

21 938.485 (18) PURCHASE OF CARE AND SERVICES. (a) Contract with public or
22 voluntary agencies or others for the following purposes:

23 1. To purchase in full or in part care and services that the department is
24 authorized by any statute to provide as an alternative to providing that care and
25 those services itself.

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1 2. To purchase or provide in full or in part the care and services that county
2 agencies may provide or purchase under any statute and to sell to county agencies
3 such portions of that care and those services as the county agency may desire to
4 purchase.

5 3. To sell services, under contract, that the department is authorized to provide
6 by statute, to any federally recognized tribal governing body.

7 **SECTION 284.** 938.49 (title) of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

9 **938.49 (title) Notification by court of placement with department of**
10 **corrections; transfer of reports and records.**

11 **SECTION 285.** 938.49 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is amended to read:

13 938.49 (1) NOTICE TO DEPARTMENT OF CORRECTIONS OF PLACEMENT. When a court
14 places a juvenile in a juvenile correctional facility or secured residential care center
15 for children and youth under the supervision of the department of corrections, the
16 court shall immediately notify ~~that~~ the department of that action. The court shall,
17 in accordance with procedures established by the department of corrections, provide
18 transportation for the juvenile to a receiving center designated by ~~that~~ the
19 department or deliver the juvenile to personnel of ~~that~~ the department.

20 **SECTION 286.** 938.49 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
21 Act 55, is amended to read:

22 938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court
23 places a juvenile in a juvenile correctional facility or a secured residential care center
24 for children and youth under the supervision of the department of corrections, the
25 court and all other public agencies shall immediately do all of the following:

SENATE BILL 804**SECTION 287**

1 **SECTION 287.** 938.49 (2) (a) of the statutes, as affected by 2015 Wisconsin Act
2 55, is amended to read:

3 938.49 (2) (a) Transfer to the department of ~~corrections~~ a copy of the report
4 submitted to the court under s. 938.33 or, if the report was presented orally, a
5 transcript of the report and all other pertinent data in their possession.

6 **SECTION 288.** 938.50 of the statutes, as affected by 2015 Wisconsin Act 55,
7 section 4703bm, is amended to read:

8 **938.50 Examination of juveniles under supervision of department [~~of~~**
9 **~~corrections~~].** The department of ~~corrections~~ shall examine every juvenile who is
10 placed under its supervision to determine the type of placement best suited to the
11 juvenile and to the protection of the public. The examination shall include an
12 investigation of the personal and family history of the juvenile and his or her
13 environment, any physical or mental examinations necessary to determine the type
14 of placement appropriate for the juvenile, and an evaluation under s. 938.533 (3) (a)
15 to determine the appropriate level of supervision and services based on the juvenile's
16 risks and needs. The department of ~~corrections~~ shall screen a juvenile who is
17 examined under this section to determine whether the juvenile is in need of special
18 treatment or care because of alcohol or other drug abuse, mental illness, or severe
19 emotional disturbance. In making the examination the department of ~~corrections~~
20 may use any facilities, public or private, that offer assistance in determining the
21 correct placement for the juvenile.

22 **SECTION 289.** 938.505 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
23 is amended to read:

24 938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF ~~CORRECTIONS~~ OR COUNTY
25 DEPARTMENT. When a juvenile is placed under the supervision of the department of

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1 ~~corrections~~ under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4) or (5) (e) or under
2 the supervision of a county department under s. 938.34 (4n), the department of
3 ~~corrections~~ or county department, whichever has supervision over the juvenile, shall
4 have the right and duty to protect, train, discipline, treat, and confine the juvenile
5 and to provide food, shelter, legal services, education, and ordinary medical and
6 dental care for the juvenile, subject to the rights, duties, and responsibilities of the
7 guardian of the juvenile and subject to any residual parental rights and
8 responsibilities and the provisions of any court order.

9 **SECTION 290.** 938.505 (2) (a) (intro.) of the statutes, as affected by 2015
10 Wisconsin Act 55, is amended to read:

11 938.505 (2) (a) (intro.) If a juvenile 14 years of age or older is under the
12 supervision of the department of ~~corrections~~ or a county department as described in
13 sub. (1), is not residing in his or her home, and wishes to be administered
14 psychotropic medication but a parent with legal custody or the guardian refuses to
15 consent to the administration of psychotropic medication or cannot be found, or if
16 there is no parent with legal custody, the department of ~~corrections~~ or county
17 department acting on the juvenile's behalf may petition the court assigned to
18 exercise jurisdiction under this chapter and ch. 48 in the county in which the juvenile
19 is located for permission to administer psychotropic medication to the juvenile. A
20 copy of the petition and a notice of hearing shall be served upon the parent or
21 guardian at his or her last-known address. If, after hearing, the court determines
22 that all of the following apply, the court shall grant permission for the department
23 of ~~corrections~~ or county department to administer psychotropic medication to the
24 juvenile without the parent's or guardian's consent:

SENATE BILL 804**SECTION 291**

1 **SECTION 291.** 938.505 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
2 55, is amended to read:

3 938.505 (2) (b) The court may, at the request of the department of ~~corrections~~
4 or county department, temporarily approve the administration of psychotropic
5 medication, for not more than 10 days after the date of the request, pending the
6 hearing on the petition. The hearing shall be held within that 10-day period.

7 **SECTION 292.** 938.51 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
8 Act 55, is amended to read:

9 938.51 (1) **RELEASE FROM SECURED FACILITY OR SUPERVISION.** (intro.) At least 15
10 days prior to the date of release from a juvenile correctional facility or a secured
11 residential care center for children and youth of a juvenile who has been adjudicated
12 delinquent and at least 15 days prior to the release from the supervision of the
13 department of ~~corrections~~ or a county department of a juvenile who has been
14 adjudicated delinquent, the department of ~~corrections~~ or county department,
15 whichever has supervision over the juvenile, shall make a reasonable attempt to do
16 all of the following:

17 **SECTION 293.** 938.51 (1d) (intro.) of the statutes, as affected by 2015 Wisconsin
18 Act 55, is amended to read:

19 938.51 (1d) **RELEASE FROM NONSECURED RESIDENTIAL CARE CENTER.** (intro.) At
20 least 15 days prior to the release from a nonsecured residential care center for
21 children and youth of a juvenile who has either been adjudicated delinquent under
22 s. 48.12, 1993 stats., or s. 938.12 or been found to be in need of protection or services
23 under s. 48.13 (12), 1993 stats., or s. 938.13 (12) and who has been found to have
24 committed a violation of ch. 940 or of s. 948.02, 948.025, 948.03, or 948.085 (2), and
25 at least 15 days prior to the release from a nonsecured residential care center for

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1 children and youth of a juvenile who has been found to be in need of protection or
2 services under s. 48.13 (14), 1993 stats., or s. 938.13 (14), the department of
3 ~~corrections~~ or county department, whichever has supervision over the juvenile, shall
4 notify all of the following persons of the juvenile's release:

5 **SECTION 294.** 938.51 (1m) of the statutes, as affected by 2015 Wisconsin Act 55,
6 section 4704bm, is amended to read:

7 938.51 (1m) NOTIFICATION OF LOCAL AGENCIES. The department of ~~corrections~~
8 or county department, whichever has supervision over a juvenile described in sub.
9 (1), shall determine the local agencies that it will notify under sub. (1) (a) based on
10 the residence of the juvenile's parents or on the juvenile's intended residence
11 specified in the juvenile's community supervision plan or aftercare supervision plan
12 or, if those methods do not indicate the community in which the juvenile will reside
13 following release from a juvenile correctional facility or a secured residential care
14 center for children and youth or from the supervision of the department of ~~corrections~~
15 or county department, the community in which the juvenile states that he or she
16 intends to reside.

17 **SECTION 295.** 938.51 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
18 is amended to read:

19 938.51 (2) NOTIFICATION REQUEST CARDS. The department of ~~corrections~~ shall
20 design and prepare cards for any person specified in sub. (1) (b), (c), (cm), or (d) to
21 send to the department of ~~corrections~~ or county department, whichever has
22 supervision over a juvenile described in sub. (1), (1d), or (1g). The cards shall have
23 space for the person's name, telephone number and mailing address, the name of the
24 applicable juvenile, and any other information that the department of ~~corrections~~
25 determines is necessary. The cards shall advise a victim who is under 18 years of age

SENATE BILL 804**SECTION 295**

1 that he or she may complete a card requesting notification under sub. (1) (b), (1d),
2 or (1g) if the notification occurs after the victim attains 18 years of age and advising
3 the parent or guardian of a victim who is under 18 years of age that the parent or
4 guardian may authorize on the card direct notification of the victim under sub. (1)
5 (b), (1d), or (1g) if the notification occurs after the victim attains 18 years of age. The
6 department of ~~corrections~~ shall provide the cards, without charge, to district
7 attorneys. District attorneys shall provide the cards, without charge, to persons
8 specified in sub. (1) (b) to (d). These persons may send completed cards to the
9 department of ~~corrections~~ or county department, whichever has supervision over the
10 juvenile. Department of ~~corrections~~ and county department records or portions of
11 records that relate to telephone numbers and mailing addresses of these persons are
12 not subject to inspection or copying under s. 19.35 (1).

13 **SECTION 296.** 938.51 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is amended to read:

15 938.51 (3) RELEASE NOT AFFECTED BY FAILURE TO NOTIFY. Timely release of a
16 juvenile specified in sub. (1), (1d), or (1g) shall not be prejudiced by the fact that the
17 department of ~~corrections~~ or county department, whichever has supervision over the
18 juvenile, did not provide notification as required under sub. (1), (1d), or (1g),
19 whichever is applicable.

20 **SECTION 297.** 938.51 (4) (intro.) of the statutes, as affected by 2015 Wisconsin
21 Act 55, is amended to read:

22 938.51 (4) NOTIFICATION IF ESCAPE OR ABSENCE. (intro.) If a juvenile described
23 in sub. (1), (1d), or (1g) escapes from a juvenile correctional facility, residential care
24 center for children and youth, inpatient facility, juvenile detention facility, or
25 juvenile portion of a county jail, or from the custody of a peace officer or a guard of

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1 such a facility, center, home, or jail, or has been allowed to leave a juvenile
2 correctional facility, residential care center for children and youth, inpatient facility,
3 juvenile detention facility, or juvenile portion of a county jail for a specified period
4 of time and is absent from the facility, center, home, or jail for more than 12 hours
5 after the expiration of the specified period, as soon as possible after the department
6 of ~~corrections~~ or county department, whichever has supervision over the juvenile,
7 discovers the escape or absence, the department of ~~corrections~~ or county department
8 shall make a reasonable attempt to notify by telephone all of the following persons:

9 **SECTION 298.** 938.52 (title) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 **938.52 (title) Facilities for care of juveniles in care of department of**
12 **corrections.**

13 **SECTION 299.** 938.52 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
14 Act 55, is amended to read:

15 938.52 (1) FACILITIES MAINTAINED OR USED FOR JUVENILES. (intro.) The
16 department of ~~corrections~~ may maintain or use the following facilities for juveniles
17 in its care:

18 **SECTION 300.** 938.52 (1) (f) of the statutes, as affected by 2015 Wisconsin Act
19 55, is amended to read:

20 938.52 (1) (f) Other facilities that the department of ~~corrections~~ considers to
21 be appropriate for the juvenile, except that no state funds may be used for the
22 maintenance of a juvenile in the home of a parent or relative who would be eligible
23 for aid under s. 49.19, but for s. 49.19 (20), if such funds would reduce federal funds
24 to this state.

SENATE BILL 804**SECTION 301**

1 **SECTION 301.** 938.52 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 **938.52 (2) USE OF OTHER FACILITIES.** (a) In addition to facilities and services
4 under sub. (1), the department of ~~corrections~~ may use other facilities and services
5 under its jurisdiction. The department of ~~corrections~~ may contract for and pay for
6 the use of other public facilities or private facilities for the care and treatment of
7 juveniles in its care. Placement of a juvenile in a private or public facility that is not
8 under the jurisdiction of the department of ~~corrections~~ does not terminate ~~that the~~
9 department's supervision over the juvenile under s. 938.183, 938.34 (4h), (4m), or
10 (4n), or 938.357 (4). Placements in institutions for persons with a mental illness or
11 development disability shall be made in accordance with ss. 48.14 (5), 48.63, and
12 938.34 (6) (am) and ch. 51.

13 (b) Public facilities shall accept and care for persons placed in those facilities
14 by the department of ~~corrections~~ in the same manner as those facilities would be
15 required to do had the legal custody of those persons been transferred by a court of
16 competent jurisdiction. Nothing in this subsection requires any public facility to
17 serve the department of ~~corrections~~ in a manner that is inconsistent with the
18 facility's functions or with the laws and regulations governing its activities or gives
19 the department of ~~corrections~~ the authority to use any private facility without its
20 consent.

21 (c) The department of ~~corrections~~ may inspect any facility it is using and
22 examine and consult with persons under its supervision under s. 938.183, 938.34
23 (4h), (4m), or (4n), or 938.357 (4) who have been placed in the facility.

24 **SECTION 302.** 938.52 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
25 is amended to read:

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1 938.52 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department of
2 corrections may establish and maintain coeducational programs and institutions
3 under this chapter.

4 **SECTION 303.** 938.53 of the statutes, as affected by 2015 Wisconsin Act 55, is
5 amended to read:

6 **938.53 Duration of control of department of ~~corrections~~ over**
7 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent
8 who has been placed under the supervision of the department of ~~corrections~~ under
9 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) shall be discharged as soon as that
10 the department determines that there is a reasonable probability that departmental
11 supervision is no longer necessary for the rehabilitation and treatment of the
12 juvenile or for the protection of the public.

13 **SECTION 304.** 938.533 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
14 Act 55, section 4707bm, is amended to read:

15 938.533 (2) COMMUNITY SUPERVISION SERVICES. (intro.) From the appropriation
16 under s. ~~20.410 (3)~~ 20.437 (4) (hr), the department of ~~corrections~~ shall purchase or
17 provide community supervision services for juveniles who have been placed under
18 the community supervision of the department of ~~corrections~~ under s. 938.34 (4n),
19 938.357 (4), or 938.538 (3) (a) 2. For each juvenile who is placed under community
20 supervision, the department of ~~corrections~~ may purchase or provide any of the
21 following services:

22 **SECTION 305.** 938.533 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
23 section 4709bm, is amended to read:

24 938.533 (3) INSTITUTIONAL STATUS. (a) The office of juvenile offender review in
25 the division of juvenile corrections in the department of ~~corrections~~ shall evaluate

SENATE BILL 804**SECTION 305**

1 each juvenile who is placed under community supervision and may place such a
2 juvenile in Type 2 status. A juvenile who is placed in Type 2 status is under the
3 supervision of the department of ~~corrections~~, is subject to the rules and discipline of
4 ~~that~~ the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
5 Notwithstanding ss. 938.19 to 938.21, if a juvenile who is placed in Type 2 status
6 violates a condition of his or her participation in community supervision, the
7 department of ~~corrections~~ may, without a hearing, take the juvenile into custody and
8 place the juvenile in a juvenile detention facility or return the juvenile to placement
9 in a Type 1 juvenile correctional facility or a secured residential care center for
10 children and youth. This paragraph does not preclude a juvenile who has violated
11 a condition of his or her participation in community supervision from being taken
12 into and held in custody under ss. 938.19 to 938.21.

13 (b) The department of ~~corrections~~ shall operate community supervision for a
14 juvenile who is placed in Type 2 status as a Type 2 juvenile correctional facility. The
15 secretary may allocate and reallocate existing and future facilities as part of the Type
16 2 juvenile correctional facility. The Type 2 juvenile correctional facility is subject to
17 ~~s. 301.02~~ the governance of the department. Construction or establishment of a Type
18 2 juvenile correctional facility shall be in compliance with all state laws except s.
19 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or
20 establishment of a Type 2 juvenile correctional facility is not subject to the
21 ordinances or regulations relating to zoning, including zoning under ch. 91, of the
22 county and city, village, or town in which the construction or establishment takes
23 place and is exempt from the investigations permitted under s. 46.22 (1) (c) 1. b.

24 **SECTION 306.** 938.533 (4) of the statutes is amended to read:

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1 938.533 (4) RULES. The department of ~~corrections~~ shall promulgate rules to
2 implement this section.

3 **SECTION 307.** 938.534 (1) (b) 1. of the statutes, as affected by 2015 Wisconsin
4 Act 55, is amended to read:

5 938.534 (1) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
6 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
7 policies adopted by the county board relating to the taking into custody and
8 placement of a juvenile under this subdivision, if a juvenile violates a condition of his
9 or her participation in the program, the juvenile’s caseworker or any other person
10 authorized to provide or providing intake or dispositional services for the court under
11 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
12 the juvenile in a juvenile detention facility or juvenile portion of a county jail that
13 meets the standards promulgated by the department of ~~corrections~~ by rule or in a
14 place of nonsecure custody designated by that person for not more than 72 hours
15 while the alleged violation and the appropriateness of a sanction under s. 938.355
16 (6) or a change in the conditions of the juvenile’s participation in the program are
17 being investigated. Short-term detention under this subdivision may be imposed
18 only if at the dispositional hearing the court explained those conditions to the
19 juvenile and informed the juvenile of that possible placement or if before the
20 violation the juvenile has acknowledged in writing that he or she has read, or has had
21 read to him or her, those conditions and that possible placement and that he or she
22 understands those conditions and that possible placement.

23 **SECTION 308.** 938.534 (1) (b) 2. of the statutes, as affected by 2015 Wisconsin
24 Act 55, is amended to read:

SENATE BILL 804**SECTION 308**

1 938.534 (1) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
2 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
3 policies adopted by the county board relating to the taking into custody and
4 placement of a juvenile under this subdivision, if a juvenile violates a condition of the
5 juvenile’s participation in the program, the juvenile’s caseworker or any other person
6 authorized to provide or providing intake or dispositional services for the court under
7 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
8 the juvenile in a juvenile detention facility or juvenile portion of a county jail that
9 meets the standards promulgated by the department of ~~corrections~~ by rule or in a
10 place of nonsecure custody designated by that person for not more than 72 hours as
11 a consequence of that violation. Short-term detention under this subdivision may
12 be imposed only if at the dispositional hearing the court explained those conditions
13 to the juvenile and informed the juvenile of that possible placement or if before the
14 violation the juvenile has acknowledged in writing that he or she has read, or has had
15 read to him or her, those conditions and that possible placement and that he or she
16 understands those conditions and that possible placement. A person who takes a
17 juvenile into custody under this subdivision shall permit the juvenile to make a
18 written or oral statement concerning the possible placement of the juvenile and the
19 course of conduct for which the juvenile was taken into custody. A person designated
20 by the court or the county department who is employed in a supervisory position by
21 a person authorized to provide or providing intake or dispositional services under s.
22 938.067 or 938.069 shall review that statement and either approve the placement,
23 modify the terms of the placement, or order the juvenile to be released from custody.

24 **SECTION 309.** 938.534 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
25 is amended to read:

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1 938.534 (2) RULES FOR INTENSIVE SUPERVISION PROGRAM. The department of
2 corrections shall promulgate rules specifying the requirements for an intensive
3 supervision program under this section. The rules shall include provisions
4 governing the use of placement in a juvenile detention facility, juvenile portion of a
5 county jail, or place of nonsecure custody for not more than 72 hours under sub. (1)
6 (b) and the use of placement in a place of nonsecure custody for not more than 30 days
7 under sub. (1) (c).

8 **SECTION 310.** 938.535 of the statutes, as affected by 2015 Wisconsin Act 55, is
9 amended to read:

10 **938.535 Early release and intensive supervision program; limits.** The
11 department of corrections may establish a program for the early release and
12 intensive supervision of juveniles who have been placed in a juvenile correctional
13 facility or a secured residential care center for children and youth under s. 938.183
14 or 938.34 (4m). The program may not include any juveniles who have been placed
15 in a juvenile correctional facility or a secured residential care center for children and
16 youth as a result of a delinquent act involving the commission of a violent crime as
17 defined in s. 969.035, but not including the crime specified in s. 948.02 (1).

18 **SECTION 311.** 938.538 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
19 Act 55, is amended to read:

20 938.538 (2) PROGRAM ADMINISTRATION AND DESIGN. (intro.) The department of
21 corrections shall administer a serious juvenile offender program for juveniles who
22 have been adjudicated delinquent and ordered to participate in the program under
23 s. 938.34 (4h). The department of corrections shall design the program to provide all
24 of the following:

SENATE BILL 804**SECTION 312**

1 **SECTION 312.** 938.538 (3) (a) (intro.) of the statutes, as affected by 2015
2 Wisconsin Act 55, is amended to read:

3 938.538 (3) (a) (intro.) The department of ~~corrections~~ shall provide each
4 participant with one or more of the following sanctions:

5 **SECTION 313.** 938.538 (3) (a) 9. of the statutes, as affected by 2015 Wisconsin
6 Act 55, is amended to read:

7 938.538 (3) (a) 9. Other programs as prescribed by the department of
8 ~~corrections~~.

9 **SECTION 314.** 938.538 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
10 is amended to read:

11 938.538 (4) INSTITUTIONAL STATUS. (a) A participant in the program under this
12 section is under the supervision and control of the department of ~~corrections~~, is
13 subject to the rules and discipline of that the department, and is considered to be in
14 custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a
15 participant violates a condition of his or her participation in the program under sub.
16 (3) (a) 2. to 9. while placed in a Type 2 juvenile correctional facility the department
17 of ~~corrections~~ may, without a hearing, take the participant into custody and return
18 him or her to placement in a Type 1 juvenile correctional facility or a secured
19 residential care center for children and youth. Any intentional failure of a
20 participant to remain within the extended limits of his or her placement while
21 participating in the serious juvenile offender program or to return within the time
22 prescribed by the administrator of the division of intensive sanctions in the
23 department of ~~corrections~~ is considered an escape under s. 946.42 (3) (c). This
24 paragraph does not preclude a juvenile who has violated a condition of the juvenile's

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1 participation in the program under sub. (3) (a) 2. to 9. from being taken into and held
2 in custody under ss. 938.19 to 938.21.

3 (b) The department of ~~corrections~~ shall operate the component phases of the
4 program specified in sub. (3) (a) 2. to 9. as a Type 2 juvenile correctional facility. The
5 secretary of ~~corrections~~ children and families may allocate and reallocate existing
6 and future facilities as part of the Type 2 juvenile correctional facility. The Type 2
7 juvenile correctional facility is subject to s. ~~301.02~~ the governance of the department.
8 Construction or establishment of a Type 2 juvenile correctional facility shall be in
9 compliance with all state laws except s. 32.035 and ch. 91. In addition to the
10 exemptions under s. 13.48 (13), construction or establishment of a Type 2 juvenile
11 correctional facility is not subject to the ordinances or regulations relating to zoning,
12 including zoning under ch. 91, of the county and city, village, or town in which the
13 construction or establishment takes place and is exempt from inspections required
14 under s. ~~301.36~~ 938.226.

15 **SECTION 315.** 938.538 (5) (a) of the statutes, as affected by 2015 Wisconsin Act
16 55, section 4712bm, is amended to read:

17 938.538 (5) (a) The office of juvenile offender review in the division of juvenile
18 corrections in the department of ~~corrections~~ may release a participant to community
19 supervision under s. ~~301.03~~ 938.485 (10) (d) at any time after the participant has
20 completed 2 years of participation in the serious juvenile offender program.
21 Community supervision of the participant shall be provided by the department of
22 ~~corrections~~.

23 **SECTION 316.** 938.538 (5) (b) of the statutes, as affected by 2015 Wisconsin Act
24 55, is amended to read:

SENATE BILL 804**SECTION 316**

1 938.538 (5) (b) The department of corrections may discharge a participant from
2 participation in the serious juvenile offender program and from departmental
3 supervision and control at any time after he or she has completed 3 years in the
4 serious juvenile offender program.

5 **SECTION 317.** 938.538 (6) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract
8 with the department of health services, the department of children and families, a
9 county department, or any public or private agency for the purchase of goods, care,
10 and services for participants in the program under this section. The department of
11 corrections shall reimburse a person from whom it purchases goods, care, or services
12 under this subsection from the appropriation under s. ~~20.410(3)~~ 20.437(4) (cg).

13 **SECTION 318.** 938.538 (7) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is amended to read:

15 938.538 (7) RULES. The department of corrections shall promulgate rules to
16 implement this section.

17 **SECTION 319.** 938.539 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
18 is amended to read:

19 938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT OF CORRECTIONS
20 CONTROL. A juvenile who is placed in a Type 2 juvenile correctional facility under s.
21 938.357 (4) (a) or who, having been so placed, is replaced in a less restrictive
22 placement under s. 938.357 (4) (c) is under the supervision and control of the
23 department of corrections, is subject to the rules and discipline of ~~that~~ the
24 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

SENATE BILL 804**SECTION 320**

1 **SECTION 320.** 938.539 (6) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 938.539 (6) **RULE-MAKING.** The department of ~~corrections~~ shall promulgate
4 rules to implement this section.

5 **SECTION 321.** 938.54 of the statutes, as affected by 2015 Wisconsin Act 55, is
6 renumbered 938.54 (1) and amended to read:

7 938.54 (1) RECORDS GENERALLY. The department of ~~corrections~~ shall keep a
8 complete record on each juvenile under its supervision under s. 938.183, 938.34 (4h),
9 (4m), or (4n) or 938.357 (4). This record shall include the information received from
10 the court, the date of reception, all available data on the personal and family history
11 of the juvenile, the results of all tests and examinations given the juvenile, and a
12 complete history of all placements of the juvenile while under the supervision of the
13 department of ~~corrections~~.

14 **SECTION 322.** 938.549 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
15 Act 55, is amended to read:

16 938.549 (1) **CLASSIFICATION SYSTEM; CONTENT.** (intro.) The department of
17 ~~children and families, in consultation with the department of corrections,~~ shall make
18 available to all counties a juvenile classification system that includes at least all of
19 the following:

20 **SECTION 323.** 938.57 (1) (g) of the statutes, as affected by 2015 Wisconsin Act
21 55, is amended to read:

22 938.57 (1) (g) Upon request of the department of ~~corrections~~, provide service
23 for any juvenile in the care of ~~that~~ the department.

24 **SECTION 324.** 938.57 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
25 section 4714bm, is amended to read:

SENATE BILL 804**SECTION 324**

1 938.57 (4) **AFTERCARE SUPERVISION.** A county department may provide aftercare
2 supervision under s. 938.34 (4n) for juveniles who are released from juvenile
3 correctional facilities or secured residential care centers for children and youth. If
4 a county department intends to change its policy regarding whether the county
5 department will provide aftercare supervision for juveniles released from juvenile
6 correctional facilities or secured residential care centers for children and youth or the
7 department of corrections will provide community supervision for those juveniles,
8 the county executive or county administrator, or, if the county has no county
9 executive or county administrator, the chairperson of the county board of
10 supervisors, or, for multicounty departments, the chairpersons of the county boards
11 of supervisors jointly, shall submit a letter to the department of corrections stating
12 that intent before July 1 of the year preceding the year in which the policy change
13 will take effect.

14 **SECTION 325.** 938.78 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is amended to read:

16 938.78 (1) **DEFINITION.** In this section, unless otherwise qualified, “agency”
17 means the department of children and families, ~~the department of corrections,~~ a
18 county department, or a licensed child welfare agency.

19 **SECTION 326.** 938.78 (3) of the statutes, as affected by 2015 Wisconsin Acts 55
20 and 149, is amended to read:

21 938.78 (3) **RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
22 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
23 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
24 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
25 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26,

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1 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04,
2 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
3 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped
4 from a juvenile correctional facility, residential care center for children and youth,
5 inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile
6 portion of a county jail, or from the custody of a peace officer or a guard of such a
7 facility, center, or jail, or has been allowed to leave a juvenile correctional facility,
8 residential care center for children and youth, inpatient facility, juvenile detention
9 facility, or juvenile portion of a county jail for a specified time period and is absent
10 from the facility, center, home, or jail for more than 12 hours after the expiration of
11 the specified period, the department of ~~corrections~~ or county department, whichever
12 has supervision over the juvenile, may release the juvenile's name and any
13 information about the juvenile that is necessary for the protection of the public or to
14 secure the juvenile's return to the facility, center, home, or jail. The department of
15 ~~corrections~~ shall promulgate rules establishing guidelines for the release of the
16 juvenile's name or information about the juvenile to the public.

17 **SECTION 327. Nonstatutory provisions.**

18 (1) TRANSFER OF JUVENILE CORRECTIONAL SERVICES.

19 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
20 liabilities of the department of corrections that are primarily related to the provision
21 of juvenile correctional services, as determined by the secretary of administration,
22 shall become the assets and liabilities of the department of children and families.

23 (b) *Positions and employees.* On the effective date of this paragraph, all
24 positions and all incumbent employees holding those positions in the department of
25 corrections performing duties that are primarily related to the provision of juvenile

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1 correctional services, as determined by the secretary of administration, are
2 transferred to the department of children and families.

3 (c) *Employee status.* Employees transferred under paragraph (b) have all the
4 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
5 statutes in the department of children and families that they enjoyed in the
6 department of corrections immediately before the transfer. Notwithstanding section
7 230.28 (4) of the statutes, no employee so transferred who has attained permanent
8 status in class is required to serve a probationary period.

9 (d) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of corrections that
11 is primarily related to the provision of juvenile correctional services, as determined
12 by the secretary of administration, is transferred to the department of children and
13 families.

14 (e) *Pending matters.* Any matter pending with the department of corrections
15 on the effective date of this paragraph that is primarily related to the provision of
16 juvenile correctional services, as determined by the secretary of administration, is
17 transferred to the department of children and families. All materials submitted to
18 or actions taken by the department of corrections with respect to the pending matter
19 are considered as having been submitted to or taken by the department of children
20 and families.

21 (f) *Contracts.* All contracts entered into by the department of corrections in
22 effect on the effective date of this paragraph that are primarily related to the
23 provision of juvenile correctional services, as determined by the secretary of
24 administration, remain in effect and are transferred to the department of children
25 and families. The department of children and families shall carry out any obligations

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1 under those contracts unless modified or rescinded by the department of children
2 and families to the extent allowed under the contract.

3 (g) *Rules and orders.* All rules promulgated by the department of corrections
4 in effect on the effective date of this paragraph that are primarily related to the
5 provision of juvenile correctional services, as determined by the secretary of
6 administration, remain in effect until their specified expiration dates or until
7 amended or repealed by the department of children and families. All orders issued
8 by the department of corrections in effect on the effective date of this paragraph that
9 are primarily related to the provision of juvenile correctional services, as determined
10 by the secretary of administration, remain in effect until their specified expiration
11 dates or until modified or rescinded by the department of children and families.

12 **SECTION 328. Effective date.**

13 (1) TRANSFER OF JUVENILE CORRECTIONAL SERVICES. This act takes effect on July
14 1, 2017, or on the 2nd day after publication of the 2017–19 biennial budget act,
15 whichever is later.

16 (END)