

SECTION 121

1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2013 a. 260 s. 81; 2013 a. 20, 92; 2013 a. 116 ss. 2, 3, 29, 30; 2013 a. 117 ss. 2, 4; 2013 a. 130; 2013 a. 165 s. 114; 2013 a. 226; 2015 a. 55, 152.

1 **SECTION 122.** 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).

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2013 a. 260 s. 81; 2013 a. 20, 92; 2013 a. 116 ss. 2, 3, 29, 30; 2013 a. 117 ss. 2, 4; 2013 a. 130; 2013 a. 165 s. 114; 2013 a. 226; 2015 a. 55, 152.

10 **SECTION 123.** 49.855 (2p) of the statutes is repealed.

11 **SECTION 124.** 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

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

History: 1981 c. 20, 391; 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49.855; 1997 a. 3, 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 61, 105; 2005 a. 22, 25, 304; 2005 a. 443 s. 265; 2007 a. 20 ss. 1711 to 1718, 9121 (6) (a); 2007 a. 96; 2009 a. 113, 180.

14 **SECTION 125.** 49.855 (4m) (b) of the statutes is amended to read:

15 49.855 (4m) (b) The department of revenue may provide a certification that it
16 receives under sub. (1), (2m), (2p), or (2r) to the department of administration. Upon
17 receipt of the certification, the department of administration shall determine
18 whether the obligor is a vendor or is receiving any other payments from this state,
19 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
20 45.40 (1m), this chapter, or ch. 46, 108, or 301. If the department of administration
21 determines that the obligor is a vendor or is receiving payments from this state,
22 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
23 45.40 (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
24 certified from those payments and shall notify the obligor that the state intends to

1 reduce any payments due the obligor by the amount the obligor is delinquent under
2 the support, maintenance, or receiving and disbursing fee order or obligation, by the
3 outstanding amount for past support, medical expenses, or birth expenses under the
4 court order, or by the amount due under s. 46.10 (4), or 49.345 (4), ~~or~~ 301.12 (4). The
5 notice shall provide that within 20 days after receipt of the notice the obligor may
6 request a hearing before the circuit court rendering the order under which the
7 obligation arose. An obligor may, within 20 days after receiving notice, request a
8 hearing under this paragraph. Within 10 days after receiving a request for hearing
9 under this paragraph, the court shall set the matter for hearing. A circuit court
10 commissioner may conduct the hearing. Pending further order by the court or circuit
11 court commissioner, the department of children and families or its designee,
12 whichever is appropriate, may not disburse the payments withheld from the obligor.
13 The sole issues at the hearing are whether the obligor owes the amount certified and,
14 if not and it is a support or maintenance order, whether the money withheld shall be
15 paid to the obligor or held for future support or maintenance, except that the obligor's
16 ability to pay is also an issue at the hearing if the obligation relates to an order under
17 s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
18 the obligor's income was at or below the poverty line established under 42 USC 9902
19 (2).

History: 1981 c. 20, 391; 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49.855; 1997 a. 3, 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 61, 105; 2005 a. 22, 25, 304; 2005 a. 443 s. 265; 2007 a. 20 ss. 1711 to 1718, 9121 (6) (a); 2007 a. 96; 2009 a. 113, 180.

20 **SECTION 126. 59.24** of the statutes is amended to read:

21 **59.24 Clerks of counties containing state institutions to make claims**
22 **in certain cases.** The clerk of any county that is entitled to reimbursement under
23 s. 16.51 (7) shall make a certified claim against the state, without direction from the
24 board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms

1 prescribed by the department of administration. The forms shall contain
 2 information required by the clerk and shall be filed annually with the department
 3 of corrections on or before June 1. If Claims for reimbursement of expenses involving
 4 a prisoner in a state prison named in s. 302.01 shall be filed with the department of
 5 corrections and, if the claims are approved by the department of corrections, they
 6 shall be certified to the department of administration and paid from the
 7 appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of expenses
 8 involving a prisoner in a state prison named in s. 302.01, or. Claims for
 9 reimbursement of expenses involving a juvenile in a juvenile correctional facility, as
 10 defined in s. 938.02 (10p), shall be filed with the department of children and families
 11 and, if the claims are approved by the department of children and families, they shall
 12 be certified to the department of administration and paid from the appropriation
 13 under s. 20.410 (3) 20.437 (4) (c), if the claim is for reimbursement of expenses
 14 involving a juvenile in a juvenile correctional facility, as defined in s. 938.02 (10p).

History: 1989 a. 31, 359; 1995 a. 27, 77; 1995 a. 201 s. 265; Stats. 1995 s. 59.24; 1997 a. 35; 2005 a. 344.

15 **SECTION 127.** 102.27 (2) (a) of the statutes is amended to read:

16 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
 17 49.345 (14) (e), ~~301.12 (14) (e)~~, 767.225 (1) (L), 767.513 (3), or 767.75 (1) or (2m).

History: 1981 c. 20, 391; 1983 a. 27, 192; 1985 a. 83; 1989 a. 64; 1993 a. 481; 1997 a. 191, 237; 1999 a. 9; 2005 a. 443 s. 265; 2007 a. 20; 2015 a. 55.

18 **SECTION 128.** 230.08 (2) (e) 2m. of the statutes, as affected by 2015 Wisconsin
 19 Act 55, is amended to read:

20 230.08 (2) (e) 2m. Children and families — ~~9~~ 10.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 394; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to 2407b, 9160; 2003 a. 91, 326; 2005 a. 22, 25; 2007 a. 1; 2007 a. 20 ss. 3006 to 3014, 9121 (6) (a); 2009 a. 28; 2011 a. 10, 32, 38, 155; 2013 a. 20 ss. 2000 to 2010, 2365m, 9448; 2013 a. 166; 2015 a. 55, 118, 150.

21 **SECTION 129.** 230.08 (2) (e) 3e. of the statutes is amended to read:

22 230.08 (2) (e) 3e. Corrections — ~~7~~ 6.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107,

119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to 2407b, 9160; 2003 a. 91, 326; 2005 a. 22, 25; 2007 a. 1; 2007 a. 20 ss. 3006 to 3014, 9121 (6) (a); 2009 a. 28; 2011 a. 10, 32, 38, 155; 2013 a. 20 ss. 2000 to 2010, 2365m, 9448; 2013 a. 166; 2015 a. 55, 118, 150.

1 SECTION 130. 301.001 of the statutes is amended to read:

2 301.001 Purposes of chapters. The purposes of this chapter and chs. 302 to
3 304 are to prevent delinquency and crime by an attack on their its causes; to provide
4 a just, humane, and efficient program of rehabilitation of offenders; and to coordinate
5 and integrate corrections programs with other social services. In creating the
6 department of corrections, chs. 301 to 304, the legislature intends that the state
7 continue to avoid sole reliance on incarceration of offenders and continue to develop,
8 support and maintain professional community programs and placements.

History: 1989 a. 31, 107; 1995 a. 27.

9 SECTION 131. 301.01 (1n) of the statutes, as created by 2015 Wisconsin Act 55,
10 is repealed.

11 SECTION 132. 301.01 (4) of the statutes is amended to read:

12 301.01 (4) "State correctional institution" means a state prison under s. 302.01
13 or a juvenile correctional facility operated by the department.

History: 1989 a. 31, 107; 1991 a. 39; 1993 a. 479; 1995 a. 27, 77; 1997 a. 27, 292; 1999 a. 9; 2005 a. 264, 344; 2015 a. 55.

14 SECTION 133. 301.025 of the statutes, as affected by 2015 Wisconsin Act 55,
15 section 4224, is renumbered 938.524 and amended to read:

E: NOTE: This section is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:E:

16 **938.524 Division of juvenile corrections.** The division of juvenile corrections
17 shall exercise the powers and perform the duties of the department that relate to
18 juvenile correctional services and institutions, juvenile offender review, community
19 supervision under s. 938.533, and the serious juvenile offender program under s.
20 938.538, and youth aids under s. 938.526.

History: 1995 a. 27, 77; 2003 a. 33; 2015 a. 55.

21 SECTION 134. 301.03 (9) of the statutes, as affected by 2015 Wisconsin Act 55,
22 section 4227b, is amended to read:

E: E: NOTE: Sub. (9) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:

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

History: 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; 1999 a. 9, 32; 2001 a. 16, 109; 2003 a. 321; 2005 a. 344, 431, 434, 457; 2007 a. 1; 2007 a. 20 ss. 3100g, 9121 (6) (a); 2007 a. 96, 97; 2009 a. 28, 100; 2011 a. 32, 38; 2013 a. 196, 334; 2015 a. 55, 118.

11 SECTION 135. 301.03 (10) (a) of the statutes, as affected by 2015 Wisconsin Act
12 55, is renumbered 938.485 (10) (a). ✓

13 SECTION 136. 301.03 (10) (b) of the statutes, as affected by 2015 Wisconsin Act
14 55, is renumbered 938.485 (10) (b). ✓

15 SECTION 137. 301.03 (10) (c) of the statutes, as affected by 2015 Wisconsin Act
16 55, is renumbered 938.485 (10) (c) and amended to read:

17 938.485 (10) (c) Promote the enforcement of laws for the protection of
18 delinquent juveniles under its jurisdiction. To this end, the department shall
19 cooperate with the courts assigned to exercise jurisdiction under chs. 48 and 938, the
20 department of children and families, ^{plain} county departments under ss. ~~46.215, 46.22,~~
21 ~~and 46.23,~~ licensed child welfare agencies, and institutions in providing
22 community-based programming, including in-home programming and intensive
23 supervision, for delinquent juveniles under its jurisdiction. The department shall
24 also establish and enforce standards for the development and delivery of services
25 provided by the department under ~~ch. 938~~ this chapter in regard to juveniles who

1 have been adjudicated delinquent and placed under the jurisdiction of the
2 department.

History: 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; 1999 a. 9, 32; 2001 a. 16, 109; 2003 a. 321; 2005 a. 344, 431, 434, 451; 2007 a. 1; 2007 a. 20 ss. 3100g, 9121 (6) (a); 2007 a. 96, 97; 2009 a. 28, 100; 2011 a. 32, 38; 2013 a. 196, 334; 2015 a. 55, 118.

3 **SECTION 138.** 301.03 (10) (d) of the statutes, as affected by 2015 Wisconsin Act
4 55, is renumbered 938.485 (10) (d).

5 **SECTION 139.** 301.03 (10) (e) of the statutes is renumbered 938.485 (10) (e).

6 **SECTION 140.** 301.03 (10) (f) of the statutes is renumbered 938.485 (10) (f).

7 **SECTION 141.** 301.03 (10) (g) of the statutes is renumbered 938.485 (10) (g) and
8 amended to read:

9 938.485 (10) (g) Keep statistics, by race, age, and gender, of the number of
10 juveniles over whom the court assigned to exercise jurisdiction under chs. 48 and 938
11 waives its jurisdiction under s. 938.18 as well as the nature of the waiver that was
12 ordered and annually report those statistics to the governor, and to the appropriate
13 standing committees under s. 13.172 (3).

History: 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; 1999 a. 9, 32; 2001 a. 16, 109; 2003 a. 321; 2005 a. 344, 431, 434, 451; 2007 a. 1; 2007 a. 20 ss. 3100g, 9121 (6) (a); 2007 a. 96, 97; 2009 a. 28, 100; 2011 a. 32, 38; 2013 a. 196, 334; 2015 a. 55, 118.

14 **SECTION 142.** 301.03 (18) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is repealed. X ✓

16 **SECTION 143.** 301.031 of the statutes, as affected by 2015 Wisconsin Act 55, is
17 repealed. X ✓

18 **SECTION 144.** 301.032 of the statutes, as affected by 2015 Wisconsin Act 55, is
19 repealed. X ✓

20 **SECTION 145.** 301.035 (2) of the statutes is amended to read:

1 301.035 (2) Assign hearing examiners from the division to preside over
 2 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
 3 (2) and ch. 304.

History: 1989 a. 31, 107; 1995 a. 77; 2001 a. 109.

4 **SECTION 146.** 301.035 (4) of the statutes is amended to read:

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

History: 1989 a. 31, 107; 1995 a. 77; 2001 a. 109.

9 **SECTION 147.** 301.06 of the statutes is repealed.

10 **SECTION 148.** 301.07 of the statutes, as affected by 2015 Wisconsin Act 55, is
 11 amended to read:

12 **301.07 Cooperation and contracts with federal government.** The
 13 department may cooperate with the federal government in carrying out federal acts
 14 concerning adult corrections and juvenile correctional services and may enter into
 15 contracts with the federal government under 18 USC 5003.

History: 1989 a. 31, 107; 1995 a. 27; 1997 a. 27; 2015 a. 55.

16 **SECTION 149.** 301.08 (1) (b) 3. of the statutes is renumbered 938.485 (18) (b) and
 17 amended to read:

18 938.485 (18) (b) Contract with public, private, or voluntary agencies for the
 19 supervision, maintenance, and operation of juvenile correctional facilities,
 20 residential care centers for children and youth, as defined in s. 938.02 (15d), and
 21 secured residential care centers for children and youth for the placement of juveniles
 22 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
 23 or 938.34 (4d), (4h), or (4m). The department may designate juvenile correctional
 24 facility, residential care center for children and youth, or a secured residential care

1 center for children and youth contracted for under this ~~subdivision~~ paragraph as a
2 Type 2 juvenile correctional facility, ~~as defined in s. 938.02 (20)~~, and may designate
3 a residential care center for children and youth or secured residential care center for
4 children and youth contracted for under this subdivision as a Type 2 residential care
5 center for children and youth, ~~as defined in s. 938.02 (19r)~~.

6 History: 1989 a. 31, 107; 1995 a. 27, 352; 1997 a. 27, 205, 237, 275, 283; 1999 a. 9, 185; 2001 a. 59; 2005 a. 344; 2013 a. 20; 2015 a. 55.

SECTION 150. 301.08 (2) (a) of the statutes, as affected by 2015 Wisconsin Act
7 55, is amended to read:

8 301.08 (2) (a) All care and services purchased by the department ~~and all~~
9 ~~juvenile correctional services purchased by a county department under s. 46.215,~~
10 ~~46.22, or 46.23~~ shall be authorized and contracted for under the standards
11 established under this subsection. For purchases of \$10,000 or less the requirement
12 for a written contract may be waived by the department. ~~No contract is required for~~
13 ~~care provided by foster homes required to be licensed under s. 48.62.~~ If the
14 department directly contracts for services, it shall follow the procedures in this
15 subsection in addition to meeting purchasing requirements established in s. 16.75.

16 History: 1989 a. 31, 107; 1995 a. 27, 352; 1997 a. 27, 205, 237, 275, 283; 1999 a. 9, 185; 2001 a. 59; 2005 a. 344; 2013 a. 20; 2015 a. 55.

SECTION 151. 301.08 (2) (d) 5. of the statutes is repealed.

17 History: 2005 a. 201; 2007 a. 97; 2011 a. 32.

SECTION 152. 301.085 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
18 is repealed.

19 **SECTION 153.** 301.085 (4) of the statutes is repealed.

20 **SECTION 154.** 301.12 of the statutes, as affected by 2015 Wisconsin Act ⁵55, is
21 repealed.

22 **SECTION 155.** 301.20 of the statutes is renumbered 938.522.

23 **SECTION 156.** 301.205 of the statutes is renumbered 938.485 (19) and amended
24 to read:

and.... (Senate Bill 387)

1 938.485 (19) REIMBURSEMENT TO VISITING FAMILIES. ~~The department may~~
2 ~~reimburse~~ Reimburse families visiting girls at a juvenile correctional facility. If the
3 department decides to provide the reimbursement, the department shall establish
4 criteria for the level of reimbursement, which shall include family income and size
5 and other relevant factors.

History: 1995 a. 27, 77; 1999 a. 9; 2005 a. 344.

6 **SECTION 157.** 301.26 (title) of the statutes, as affected by 2015 Wisconsin Act
7 55, is repealed.

8 **SECTION 158.** 301.26 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
9 is repealed.

10 **SECTION 159.** 301.26 (4) (title) of the statutes is renumbered 938.526 (4) (title).

11 **SECTION 160.** 301.26 (4) (a) of the statutes, as affected by 2015 Wisconsin Act
12 55, is renumbered 938.526 (4) (a) and amended to read:

13 938.526 (4) (a) Except as provided in pars. (c) and (cm), the department of
14 ~~corrections~~ shall bill counties, or ~~the department of children and families~~ shall
15 deduct from the allocations under s. 20.437 (1) (4) (cj), for the costs of care, services,
16 and supplies purchased or provided by the department of ~~corrections~~ of children and
17 families for each person receiving services under s. 938.183 or 938.34 or the
18 department of health services for each person receiving services under s. 46.057 or
19 51.35 (3). The department of ~~corrections~~ may not bill a county, and the department
20 of ~~children and families~~ may not or deduct from a county's allocation, for the cost of
21 care, services, and supplies provided to a person subject to an order under s. 938.183
22 after the person reaches 18 years of age. Payment shall be due within 60 days after
23 the billing date. If any payment has not been received within those 60 days, the

1 department of children and families may withhold aid payments in the amount due
2 from the appropriation under s. 20.437 (1) (4) (cj).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

3 SECTION 161. 301.26 (4) (b) of the statutes, as affected by 2015 Wisconsin Act
4 55, is renumbered 938.526 (4) (b) and amended to read:

5 938.526 (4) (b) Assessment of costs under par. (a) shall be made periodically on
6 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
7 Except as provided in pars. (bm), (c), and (cm), liability shall apply to the county
8 departments under s. 46.215, 46.22, or 46.23 department in the county of the court
9 exercising jurisdiction under ch. 938 for each person receiving services from the
10 department of corrections children and families, s. 938.183 or 938.34 or the
11 department of health services under s. 46.057 or 51.35 (3). Except as provided in
12 pars. (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency
13 within the jurisdiction shall be liable for costs under this subsection. Assessment of
14 costs under par. (a) shall also be made according to the general placement type or
15 level of care provided, as defined by the department, and prorated according to the
16 ratio of the amount designated under s. 48.526 sub. (3) (c) to the total applicable
17 estimated costs of care, services, and supplies provided by the department of
18 corrections children and families under ss. 938.183 and 938.34 and the department
19 of health services under s. 46.057 or 51.35 (3).

as affected by 2015 Wisconsin Act 55

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

20 SECTION 162. 301.26 (4) (bm) of the statutes is renumbered 938.526 (4) (bm)
21 and amended to read:

22 938.526 (4) (bm) Notwithstanding par. (b), the county department under s.
23 46.215, 46.22, or 46.23 of the county of residency of a juvenile who has been

1 adjudicated delinquent by a court of another county or by a court of another
2 multicounty jurisdiction may voluntarily assume liability for the costs payable
3 under par. (a). A county department may assume liability under this paragraph by
4 a written agreement signed by the director of the county department that assumes
5 liability under this paragraph and the director of the county department that is
6 otherwise liable under par. (b).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20
ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

7 **SECTION 163.** 301.26 (4) (c) of the statutes is renumbered 938.526 (4) (c) and
8 amended to read:

9 938.526 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
10 corrections shall pay, from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (hm), (ho).
11 or (hr), the costs of care, services, and supplies provided for each person receiving
12 services under s. 46.057, 51.35 (3), 938.183, or 938.34 who was under the
13 guardianship of the department of children and families pursuant to an order under
14 ch. 48 at the time that the person was adjudicated delinquent.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20
ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

15 **SECTION 164.** 301.26 (4) (cm) 1. of the statutes, as affected by 2015 Wisconsin
16 Act 55, is renumbered 938.526 (4) (cm) 1. and amended to read:

E: NOTE: Subd. 1. is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:E:

17 938.526 (4) (cm) 1. Notwithstanding pars. (a), (b), and (bm), the department
18 shall transfer funds from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (cg) to the
19 appropriations under s. ~~20.410 (3)~~ 20.437 (4) (hm), (ho), and (hr) for the purpose of
20 reimbursing juvenile correctional facilities, secured residential care centers for
21 children and youth, alternate care providers, and community supervision providers
22 for costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of
23 age or over who has been placed in a juvenile correctional facility based on a

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

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

9 **SECTION 165.** 301.26 (4) (cm) ~~2.~~ of the statutes is renumbered 938.526 (4) (cm)

10 **SECTION 166.** 301.26 (4) (ct) of the statutes is renumbered 938.526 (4) (ct) and
 11 amended to read:
 12

13 938.526 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52,
 14 20.002 (11), and 20.903, if there is a deficit in the appropriation account under s.
 15 ~~20.410 (3)~~ 20.437 (4) (hm) at the close of a fiscal year, any unencumbered balance in
 16 the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (ho) at the close of that fiscal
 17 year, less the amounts required by s. ~~20.410 (3)~~ 20.437 (4) (ho) to be remitted to
 18 counties or transferred to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4)
 19 (kx), and any unencumbered balance in the appropriation account under s. ~~20.410~~
 20 ~~(3)~~ 20.437 (4) (hr) at the close of that fiscal year, shall be transferred to the
 21 appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm), up to the amount that
 22 when added to other amounts credited to that appropriation account in that fiscal
 23 year equals the amount shown in the schedule under s. 20.005 (3) for that
 24 appropriation account for that fiscal year.

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

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

8 **SECTION 167.** 301.26 (4) (cx) of the statutes, as affected by 2015 Wisconsin Act
 9 55, is renumbered 938.526 (4) (cx) and amended to read:

10 938.526 (4) (cx) If, notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903,
 11 there is a deficit in the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm) at the close
 12 of a fiscal biennium, the governor shall, to address that deficit, increase each of the
 13 rates specified under s. 301.26 (4) (d) 2. and 3. for care in a Type 1 juvenile
 14 correctional facility and for care for juveniles transferred from a correctional
 15 institution by \$6, in addition to any increase due to actual costs, in the executive
 16 budget bill for each fiscal biennium, until the deficit under s. ~~20.410 (3)~~ 20.437 (4)
 17 (hm) is eliminated.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

18 **SECTION 168.** 301.26 (4) (d) 1. of the statutes is renumbered 938.526 (4) (d) 1.
 19 and amended to read:

20 938.526 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s.
 21 938.34, all payments and deductions made under this subsection and uniform fee

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

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

3 **SECTION 169.** 301.26 (4) (d) 1m. of the statutes is renumbered 938.526 (4) (d)

4 1m. and amended to read:

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

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

9 **SECTION 170.** 301.26 (4) (d) 2. of the statutes, as affected by 2015 Wisconsin Act

10 55, section 4270, is renumbered 938.526 (4) (d) 2. and amended to read:

E: NOTE: Subd. 2. is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:E:

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

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

15 **SECTION 171.** 301.26 (4) (d) 3. of the statutes, as affected by 2015 Wisconsin Act

16 55, section 4272, is renumbered 938.526 (4) (d) 3. and amended to read:

E: NOTE: Subd. 3. is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:E:

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

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

1 **SECTION 172.** 301.26 (4) (d) 4. of the statutes is renumbered 938.526 (4) (d) 4.
2 and amended to read:

3 938.526 (4) (d) 4. The per person daily cost assessment to counties for care in
4 a foster home, group home, or residential care center for children and youth shall be
5 an amount equal to the amount the provider charges the department for that care
6 as authorized by the department of children and families.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

7 **SECTION 173.** 301.26 (4) (d) 5. of the statutes, as created by 2015 Wisconsin Act
8 55, is renumbered 938.526 (4) (d) 5.

9 **SECTION 174.** 301.26 (4) (dt) of the statutes is renumbered 938.526 (4) (dt) and
10 amended to read:

11 938.526 (4) (dt) Except as provided in pars. (e) to (g), for serious juvenile
12 offender services, all uniform fee collections under s. ~~301.03 (18)~~ 49.32 (1) shall be
13 credited to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

14 **SECTION 175.** 301.26 (4) (e) of the statutes is renumbered 938.526 (4) (e) and
15 amended to read:

16 938.526 (4) (e) For alternate care services for delinquent juveniles under ss.
17 49.19 (10) (d), ~~938.48 (4)~~ 938.485 (8) and (14), and 938.52 all payments and
18 deductions made under this subsection and uniform fee collections under s. ~~301.03~~
19 ~~(18)~~ 49.32 (1) shall be credited to the appropriation account under s. ~~20.410 (3)~~ 20.437
20 (4) (ho).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

21 **SECTION 176.** 301.26 (4) (ed) of the statutes is renumbered 938.526 (4) (ed) and
22 amended to read:

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

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20
 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

5 **SECTION 177.** 301.26 (4) (eg) of the statutes, as affected by 2015 Wisconsin Act
 6 55, is renumbered 938.526 (4) (eg) and amended to read:

E: NOTE: Par. (eg) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:

7 938.526 (4) (eg) For community supervision services under s. 938.533 (2), all
 8 payments and deductions made under this subsection and uniform fee collections
 9 under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation account under
 10 s. ~~20.410 (3)~~ 20.437 (4) (hr).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20
 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

11 **SECTION 178.** 301.26 (4) (f) of the statutes is renumbered 938.526 (4) (f).

12 **SECTION 179.** 301.26 (4) (g) of the statutes, as affected by 2015 Wisconsin Act
 13 55, is renumbered 938.526 (4) (g) and amended to read:

E: NOTE: Par. (g) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:

14 938.526 (4) (g) For juvenile institutional services under ch. 938 and for the
 15 office of juvenile offender review, all payments and deductions made under this
 16 subsection and uniform fee collections under s. ~~301.03 (18)~~ 49.32 (1) shall be credited
 17 to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20
 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334; 2015 a. 55.

18 **SECTION 180.** 301.27 (1) of the statutes is amended to read:

19 301.27 (1) CHARGES. In compliance with the compensation plan established
 20 under s. 230.12 (3), the department may make and determine charges for meals,
 21 living quarters, laundry, and other services furnished to employees of the state
 22 correctional institutions and members of the employee's family maintained as such.

1 All moneys received from each person on account of these services shall be used for
 2 operation of the institutions under s. 20.410 (1) (a) and (3) (a) and (h). If a chaplain
 3 employed in any institution administered by the department is not furnished a
 4 residence by the state, \$1,800 or ~~20%~~ ^{20 percent} of the chaplain's salary, whichever is greater,
 5 is designated as his or her housing allowance.

6 History: 1989 a. 31; 1991 a. 39; 1995 a. 27; 1999 a. 9; 2003 a. 20.

7 **SECTION 181.** 301.335 of the statutes is renumbered 938.54 (2) and amended
 8 to read:

9 938.54 (2) TREATMENT RECORDS. Section 51.30 applies to treatment records, as
 10 defined in s. 51.30 (1) (b), maintained by the department of corrections in regard to
 11 children juveniles who have been adjudged delinquent. The department has the
 12 same authority, including rule-making authority, with regard to treatment records
 13 maintained by the department that is granted to the department of health services
 14 under s. 51.30.

14 History: 1989 a. 31; 1995 a. 27 s. 9126 (19); 2007 a. 20 s. 9121 (6)(a).

15 **SECTION 182.** 301.35 (2) (e) of the statutes is repealed.

16 **SECTION 183.** 301.36 (1) of the statutes is amended to read:

17 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
 18 supervise all of the state prisons under s. 302.01, ~~all juvenile correctional facilities,~~
 19 ~~all secured residential care centers for children and youth, and all juvenile detention~~
 20 ~~facilities~~ and familiarize itself with all of the circumstances affecting their
 21 management and usefulness.

21 History: 1989 a. 31, 107; 1995 a. 27, 77; 1999 a. 9; 2005 a. 344.

22 **SECTION 184.** 301.37 (1) of the statutes is amended to read:

23 301.37 (1) The department shall fix reasonable standards and regulations for
 24 the design, construction, repair, and maintenance of all houses of correction,
 reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30,

1 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
 2 lockup facilities, as defined in s. 302.30, work camps under s. 303.10, and Huber
 3 facilities under s. 303.09, ~~and, after consulting with the department of children and~~
 4 ~~families, all juvenile detention facilities,~~ with respect to their adequacy and fitness
 5 for the needs which they are to serve.

History: 1989 a. 31, 107; 1993 a. 48; 1995 a. 27 s. 9126 (19); 1995 a. 201, 281; 1997 a. 27, 35; 1999 a. 9; 2005 a. 344; 2007 a. 20.

6 **SECTION 185.** 301.37 (5) of the statutes is renumbered 938.227 (4).

7 **SECTION 186.** 302.31 (7) of the statutes, as affected by 2015 Wisconsin Act 55,
 8 is amended to read:

E: NOTE: Sub. (7) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:E:

9 **302.31 (7)** The temporary placement of persons in the custody of the
 10 department, other than persons under 17 years of age, and persons who have
 11 attained the age of 17 years but have not attained the age of 25 years who are under
 12 the supervision of the department of children and families under s. 938.355 (4) and
 13 who have been taken into custody pending revocation of community supervision or
 14 aftercare supervision under s. 938.357 (5) (e).

History: 1981 c. 20; 1989 a. 31 s. 1646; Stats. 1989 s. 302.31; 1989 a. 336; 1991 a. 39; 1993 a. 16, 89, 385, 490; 1995 a. 27, 77; 2003 a. 81, 226, 326; 2007 a. 200; 2013 a. 334; 2015 a. 55.

15 **SECTION 187.** 302.386 (1) of the statutes is amended to read:

16 302.386 (1) Except as provided in sub. (5), liability for medical and dental
 17 services furnished to residents housed in prisons identified in s. 302.01, ~~in a juvenile~~
 18 ~~correctional facility, or in a secured residential care center for children and youth,~~ or
 19 to forensic patients in state institutions for those services that are not provided by
 20 employees of the department shall be limited to the amounts payable under ss. 49.43
 21 to 49.471, excluding ss. 49.468 and 49.471 (11), for similar services. The department
 22 may waive any such limit if it determines that needed services cannot be obtained

1 for the applicable amount. No provider of services may bill the resident or patient
2 for the cost of services exceeding the amount of the liability under this subsection.

3 **History:** 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77; 2001 a. 16; 2005 a. 105, 344; 2007 a. 20; 2015 a. 55.

3 **SECTION 188.** 302.386 (2) (intro.) of the statutes is amended to read:

4 302.386 (2) (intro.) The liability of the state for medical and dental services
5 under sub. (1) does not extend to that part of the medical or dental services of a
6 resident housed in a prison identified in s. 302.01, ~~a juvenile correctional facility, or~~
7 ~~a secured residential care center for children and youth,~~ for which any of the
8 following applies:

9 **History:** 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77; 2001 a. 16; 2005 a. 105, 344; 2007 a. 20; 2015 a. 55.

9 **SECTION 189.** 302.386 (3) (a) of the statutes is amended to read:

10 302.386 (3) (a) Except as provided in par. (b), the department may require a
11 resident housed in a prison identified in s. 302.01 ~~or in a juvenile correctional facility~~
12 who receives medical or dental services to pay a deductible, coinsurance, copayment,
13 or similar charge upon the medical or dental service that he or she receives. The
14 department shall collect the allowable deductible, coinsurance, copayment, or
15 similar charge.

16 **History:** 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77; 2001 a. 16; 2005 a. 105, 344; 2007 a. 20; 2015 a. 55.

16 **SECTION 190.** 302.386 (5) (c) of the statutes, as affected by 2015 Wisconsin Act

17 55, is repealed.

18 **SECTION 191.** 302.386 (5) (d) of the statutes is repealed.

19 **SECTION 192.** 303.01 (2) (em) of the statutes is amended to read:

20 303.01 (2) (em) Lease space, with or without equipment, within the precincts
21 of state prisons, as specified in s. 302.02, ~~or within the confines of correctional~~
22 ~~institutions operated by the department for holding in secure custody persons~~
23 ~~adjudged delinquent,~~ to not more than 2 private businesses to employ prison inmates
24 ~~and institution residents~~ to manufacture products or components or to provide

1 services for sale on the open market. The department shall comply with s. 16.75 in
2 selecting businesses under this paragraph. The department may enter into a
3 contract under this paragraph only with the approval of the joint committee on
4 finance. The department may not enter into or amend a contract under this
5 paragraph unless the contract or amendment specifies each state prison ~~or juvenile~~
6 ~~correctional institution~~ at which the private business will employ inmates ~~or~~
7 ~~institution residents~~. The department shall consult with appropriate trade
8 organizations and labor unions prior to issuing requests for proposals and prior to
9 selecting proposals under this paragraph. Each such private business may conduct
10 its operations as a private business, subject to the wage standards under sub. (4), the
11 disposition of earnings under sub. (8), the provisions regarding displacement in sub.
12 (11), the requirements for notification and hearing under sub. (1) (c), the requirement
13 for prison industries board approval under s. 303.015 (1) (b) and the authority of the
14 department to maintain security and control in its institutions. The private business
15 and its operations are not a prison industry. Inmates employed by the private
16 business are not subject to the requirements of inmates participating in prison
17 industries, except as provided in this paragraph;

History: 1975 c. 41 s. 52; 1975 c. 224, 396; 1977 c. 26 ss. 42, 75; 1983 a. 27; 1983 a. 189 s. 329 (28); 1983 a. 524; 1987 a. 27; 1989 a. 31 s. 1673c; Stats. 1989 s. 303.01; 1989 a. 283; 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 27, 36; 1999 a. 9, 38; 2001 a. 16; 2005 a. 25, 433.

18 **SECTION 193.** 303.01 (11) (a) 1. of the statutes is amended to read:

19 303.01 (11) (a) 1. “Displace an employee” means to lay off an employee in this
20 state as a direct result of work being performed in a state prison ~~or juvenile~~
21 ~~correctional institution~~ under a prison contract or to permanently transfer an
22 employee in this state to another job that reduces the employee’s base pay, excluding
23 overtime, differentials, and bonuses, by more than ~~25%~~ 25 percent as a direct result

1 of work being performed in a state prison or juvenile correctional institution under
2 a prison contract.

History: 1975 c. 41 s. 52; 1975 c. 224, 396; 1977 c. 26 ss. 42, 75; 1983 a. 27; 1983 a. 189 s. 329 (28); 1983 a. 524; 1987 a. 27; 1989 a. 31 s. 1673c; Stats. 1989 s. 303.01; 1989 a. 283; 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 27, 36; 1999 a. 9, 32; 2001 a. 16; 2005 a. 25, 433.

3 **SECTION 194.** 701.0503 (2) (intro.) of the statutes is amended to read:

4 701.0503 (2) CLAIMS FOR PUBLIC SUPPORT. (intro.) Notwithstanding s. 701.0502
5 and except as provided in sub. (3), if the settlor is legally obligated to pay for the
6 public support of a beneficiary under s. 46.10, or 49.345, or 301.12 or the beneficiary
7 is legally obligated to pay for the beneficiary's public support or for support furnished
8 to the beneficiary's spouse or minor child under s. 46.10, or 49.345, or 301.12, upon
9 application by the appropriate state department or county official, the court may do
10 any of the following:

History: 2013 a. 92 ss. 97, 103 to 107, 111, 112; Stats. 2013 s. 701.0503.

11 **SECTION 195.** 767.59 (1f) (b) 4. of the statutes is amended to read:

12 767.59 (1f) (b) 4. A difference between the amount of child support ordered by
13 the court to be paid by the payer and the amount that the payer would have been
14 required to pay based on the percentage standard established by the department
15 under s. 49.22 (9) if the court did not use the percentage standard in determining the
16 child support payments and did not provide the information required under s. 46.10
17 (14) (d), 49.345 (14) (d), 301.12 (14) (d), or 767.511 (1n), whichever is appropriate.

History: 1971 c. 220; 1977 c. 105 ss. 38, 48, 49; 1977 c. 418; 1979 c. 32 ss. 50, 92 (4); Stats. 1979 s. 767.32; 1981 c. 20 s. 2202 (20) (m); 1981 c. 314 s. 146; 1983 a. 27; 1985 a. 176; 1987 a. 27, 355, 413; 1989 a. 212; 1991 a. 39; 1993 a. 16, 481, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 201, 225, 279, 289, 404, 417; 1997 a. 27, 35, 105, 191, 237, 273; 1999 a. 9, 103; 2001 a. 16, 61, 105; 2005 a. 443 ss. 147 to 159, 227, 228; Stats. 2005 s. 767.59; 2007 a. 20; 2013 a. 209.

18 **SECTION 196.** 767.59 (2) (c) of the statutes is amended to read:

as affected by 2015 Wisconsin Act ... (Senate Bill 387)

19 767.59 (2) (c) If the court revises a judgment or order providing for child support
20 that was entered under s. 48.355 (2) (b) 4, 48.357 (5m) (a), 48.363 (2), 938.183 (4),
21 938.355 (2) (b) 4, 938.357 (5m) (a) or 938.363 (2), the court shall determine child

or (4g) (a) or (4g) (a)

1 support in the manner provided in s. 49.345 (14) [✓] or ~~301.12 (14)~~, whichever is
2 applicable.

History: 1971 c. 220; 1977 c. 105 ss. 38, 48, 49; 1977 c. 418; 1979 c. 32 ss. 50, 92 (4); Stats. 1979 s. 767.32; 1981 c. 20 s. 2202 (20) (m); 1981 c. 314 s. 146; 1983 a. 27; 1985 a. 176; 1987 a. 27, 355, 413; 1989 a. 212; 1991 a. 39; 1993 a. 16, 481, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 201, 225, 279, 289, 404, 417; 1997 a. 27, 35, 105, 191, 237, 273; 1999 a. 9, 103; 2001 a. 16, 61, 105; 2005 a. 443 ss. 147 to 159, 227, 228; Stats. 2005 s. 767.59; 2007 a. 20; 2013 a. 209.

3 **SECTION 197. 767.59 (2s)** of the statutes is amended to read:

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

History: 1971 c. 220; 1977 c. 105 ss. 38, 48, 49; 1977 c. 418; 1979 c. 32 ss. 50, 92 (4); Stats. 1979 s. 767.32; 1981 c. 20 s. 2202 (20) (m); 1981 c. 314 s. 146; 1983 a. 27; 1985 a. 176; 1987 a. 27, 355, 413; 1989 a. 212; 1991 a. 39; 1993 a. 16, 481, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 201, 225, 279, 289, 404, 417; 1997 a. 27, 35, 105, 191, 237, 273; 1999 a. 9, 103; 2001 a. 16, 61, 105; 2005 a. 443 ss. 147 to 159, 227, 228; Stats. 2005 s. 767.59; 2007 a. 20; 2013 a. 209.

10 **SECTION 198. 859.07 (2) (a) 2.** of the statutes is amended to read:

11 859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the
12 state or a county under s. 46.03 (18), 46.10, 48.36, 49.32 (1), 49.345, ~~301.03 (18)~~,
13 [✓] ~~301.12~~, or 938.36.

History: 1977 c. 73; 1985 a. 29; 1989 a. 31, 96, 359; 1991 a. 39; ^X 1995 a. 27 ss. 7191b to 7191c, 9126 (19); 1995 a. 77; 1997 a. 237; 1999 a. 9; 2001 a. 107; 2007 a. 20 ss. 3768 to 3769, 9121 (6) (a); 2013 a. 20; 2015 a. 55.

14 **SECTION 199. 859.07 (2) (a) 2.** of the statutes is amended to read:

15 859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the
16 state or a county under s. 46.03 (18), 46.10, 48.36, 49.32 (1), 49.345, ~~301.03 (18)~~,
17 ~~301.12~~, or 938.36.

History: 1977 c. 73; 1985 a. 29; 1989 a. 31, 96, 359; ^X 1991 a. 39; 1995 a. 27 ss. 7191b to 7191c, 9126 (19); 1995 a. 77; 1997 a. 237; 1999 a. 9; 2001 a. 107; 2007 a. 20 ss. 3768 to 3769, 9121 (6) (a); 2013 a. 20; 2015 a. 55.

18 **SECTION 200. 859.15** of the statutes is amended to read:

19 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),
20 49.08, 49.195 (1), and 49.345 (11), [✓] ~~and 301.12 (11)~~, a claim shall not be allowed that
21 was barred by any statute of limitations at the time of the decedent's death. A claim
22 shall not be barred by statutes of limitation that was not barred at the time of the

1 decedent's death if the claim is filed against the decedent's estate in the court on or
2 before the deadline for filing a claim under s. 859.01.

3 History: 1977 c. 449; 1985 a. 29; 1989 a. 96; 2007 a. 20.

3 **SECTION 201.** 938.02 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
4 section 4646b, is amended to read:

E: NOTE: Sub. (4) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:E:

5 938.02 (4) "Department" means the department of children and families,
6 except that with respect to a juvenile who is under the supervision of the department
7 of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (4),
8 "department" means the department of corrections.

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 245; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a); 2009 a. 28, 94, 302, 334; 2011 a. 32, 258; 2011 a. 260 s. 80; 2013 a. 237; 2015 a. 55, 101, 128.

9 **SECTION 202.** 938.02 (10r) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 938.02 (10r) "Juvenile detention facility" means a locked facility approved by
12 the department of corrections under s. 301.36 938.226 for the secure, temporary
13 holding in custody of juveniles.

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 265; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a); 2009 a. 28, 94, 302, 334; 2011 a. 32, 258; 2011 a. 260 s. 80; 2013 a. 237; 2015 a. 55, 101, 128.

14 **SECTION 203.** 938.02 (12r) of the statutes, as created by 2015 Wisconsin Act
15 128, is amended to read:

16 938.02 (12r) "Out-of-home care provider" means a foster parent, guardian,
17 relative other than a parent, or nonrelative in whose home a juvenile is placed, or the
18 operator of a group home, residential care center for children and youth, or shelter
19 care facility in which a juvenile is placed, under the placement and care
20 responsibility of the department of children and families, the department of
21 corrections, or a county department. "Out-of-home care provider" also includes, in
22 the case of a juvenile placed in a group home, residential care center for children and
23 youth, or shelter care facility, a staff member employed on the site of that home,

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.

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 265; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a); 2009 a. 28, 94, 302, 334; 2011 a. 32, 258; 2011 a. 260 s. 80; 2013 a. 237; 2015 a. 55, 101, 128.

4 **SECTION 204.** 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).

History: 1995 a. 77, 216, 352, 448; 1997 a. 27, 35, 181, 191; 1999 a. 9, 162; 2001 a. 16, 59; 2003 a. 33, 284; 2005 a. 232, 344, 387; 2005 a. 443 s. 265; 2007 a. 20 ss. 3780 to 3782, 9121 (6) (a); 2009 a. 28, 94, 302, 334; 2011 a. 32, 258; 2011 a. 260 s. 80; 2013 a. 237; 2015 a. 55, 101, 128.

11 **SECTION 205.** 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.

History: 1995 a. 77; 1997 a. 27, 205, 239; 2001 a. 61; 2005 a. 344; 2007 a. 20; 2013 a. 20; 2015 a. 55.

22 **SECTION 206.** 938.069 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
23 Act 55, section 4648bm, is amended to read:

plain space

(intro.)

1 E: E: NOTE: Sub. (1) (intro.) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:E:

2 938.069 (1) DUTIES. The staff of the department of corrections shall provide
3
4 community supervision services for juveniles as provided in s. 938.533. Subject to
5 sub. (2), the staff of the department of corrections, the court, a county department,
6 or a licensed child welfare agency designated by the court to carry out the objectives
7 of this chapter shall:

8 History: 1995 a. 77; 1997 a. 205; 1999 a. 9; 2005 a. 344; 2015 a. 55.
9 SECTION 207. 938.069 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
10 is amended to read:

11 938.069 (2) AGENCY APPROVAL NEEDED. Licensed child welfare agencies and the
12 department of corrections shall provide services under this section only upon the
13 approval of the agency from whom services are requested.

was affected by 2015 Wisconsin Act 55

14 History: 1995 a. 77; 1997 a. 205; 1999 a. 9; 2005 a. 344; 2015 a. 55.
15 SECTION 208. 938.08 (3) (a) (intro.) of the statutes is amended to read:

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

22 History: 1995 a. 77; 352; 1997 a. 205; 1999 a. 9; 2001 a. 59; 2005 a. 344; 2007 a. 97; 2015 a. 55.
23 SECTION 209. 938.205 (1) (c) of the statutes, as affected by 2015 Wisconsin Act
24 55, section 4653bm, is amended to read:

25 E: NOTE: Par. (c) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:E:
26 938.205 (1) (c) That the juvenile will run away or be taken away so as to be
27 unavailable for proceedings of the court or its officers, proceedings of the division of
28 hearings and appeals in the department of administration for revocation of
29 community supervision or aftercare supervision, or action by the department of

1 ~~corrections~~ or county department relating to a violation of a condition of the juvenile's
2 placement in a Type 2 juvenile correctional facility or a Type 2 residential care center
3 for children and youth or a condition of the juvenile's participation in the intensive
4 supervision program under s. 938.534.

History: 1995 a. 77, 275; 1997 a. 35, 296; 1999 a. 32; 2001 a. 16; 2005 a. 344; 2015 a. 55.

5 **SECTION 210.** 938.208 (1) (intro.) of the statutes, as affected by 2015 Wisconsin

6 Act 55, ^{Section 4054bm,} is amended to read:

E: NOTE: Sub. (1) (intro.) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55
to read:E:

7 **938.208 (1) DELINQUENT ACT AND RISK OF HARM OR RUNNING AWAY.** ^(intro.) Probable cause

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

History: 1995 a. 77, 352; 1999 a. 9; 2001 a. 16, 61, 109; 2005 a. 277, 344; 2007 a. 97; 2015 a. 55.

20 **SECTION 211.** 938.209 (1) (a) (intro.) of the statutes, as affected by 2015

21 Wisconsin Act 55, is amended to read:

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

4 History: 1995 a. 77, 352; 1997 a. 35, 296; 2005 a. 344; 2007 a. 97; 2015 a. 55.

4 **SECTION 212.** 938.209 (1) (a) 1. of the statutes, as affected by 2015 Wisconsin
5 Act 55, is amended to read:

6 938.209 (1) (a) 1. The jail meets the standards for juvenile detention facilities
7 established by the department of ~~corrections~~.

8 History: 1995 a. 77, 352; 1997 a. 35, 296; 2005 a. 344; 2007 a. 97; 2015 a. 55.

8 **SECTION 213.** 938.209 (2m) (b) of the statutes, as affected by 2015 Wisconsin
9 Act 55, is amended to read:

10 938.209 (2m) (b) The department of ~~corrections~~ shall promulgate rules
11 establishing minimum requirements for the approval of a municipal lockup facility
12 as a suitable place for holding juveniles in custody and for the operation of such a
13 facility. The rules shall be designed to protect the health, safety, and welfare of the
14 juveniles held in those facilities.

15 History: 1995 a. 77, 352; 1997 a. 35, 296; 2005 a. 344; 2007 a. 97; 2015 a. 55.

15 **SECTION 214.** 938.22 (1) (a) of the statutes is amended to read:

16 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of a
17 county may establish a juvenile detention facility in accordance with ss. ~~301.36 and~~
18 ~~301.37~~ 938.226 and 938.227 or the county boards of supervisors for 2 or more counties
19 may jointly establish a juvenile detention facility in accordance with ss. 46.20,
20 ~~301.36, and 301.37~~ 938.226, and 938.227. The county board of supervisors of a county
21 may establish a shelter care facility in accordance with ss. 48.576 and 48.578 or the
22 county boards of supervisors for 2 or more counties may jointly establish a shelter
23 care facility in accordance with ss. 46.20, 48.576, and 48.578. A private entity may
24 establish a juvenile detention facility in accordance with ss. ~~301.36 and 301.37~~

1 938.226 and 938.227 and contract with one or more county boards of supervisors
2 under s. 938.222 to hold juveniles in the private juvenile detention facility.

3 History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 352; 1997 a. 27, 35, 252; 1999 a. 9; 2005 a. 344; 2007 a. 20, 97; 2011 a. 209; 2013 a. 335; 2015 a. 55.

SECTION 215. 938.22 (2) (a) of the statutes is amended to read:

4 938.22 (2) (a) Counties shall submit plans for a shelter care facility, juvenile
5 detention facility, or juvenile portion of the county jail to the department of
6 ~~corrections and submit plans for a shelter care facility to the department of children~~
7 ~~and families~~. A private entity that proposes to establish a juvenile detention facility
8 shall submit plans for the facility to the department of ~~corrections~~. The applicable
9 department shall review the submitted plans. A county or a private entity may not
10 implement a plan unless the applicable department has approved the plan. The
11 department of ~~corrections~~ shall promulgate rules establishing minimum
12 requirements for the approval and operation of juvenile detention facilities and the
13 juvenile portion of county jails. The plans and rules shall be designed to protect the
14 health, safety, and welfare of the juveniles placed in those facilities.

15 History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 352; 1997 a. 27, 35, 252; 1999 a. 9; 2005 a. 344; 2007 a. 20, 97; 2011 a. 209; 2013 a. 335; 2015 a. 55.

SECTION 216. 938.22 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
16 55, is amended to read:

17 938.22 (2) (b) If the department of ~~corrections~~ approves, a juvenile detention
18 facility or a holdover room may be located in a public building in which there is a jail
19 or other facility for the detention of adults if the juvenile detention facility or
20 holdover room is physically segregated from the jail or other facility so that juveniles
21 may enter the juvenile detention facility or holdover room without passing through
22 areas where adults are confined and juveniles detained in the juvenile detention

1 facility or holdover room cannot communicate with or view adults confined in the jail
2 or other facility.

3 **History:** 1995 a. 27 s. 9126 (19); 1995 a. 77, 352; 1997 a. 27, 33, 252; 1999 a. 9; 2005 a. 344; 2007 a. 20, 97; 2011 a. 209; 2013 a. 335; 2015 a. 55.

3 **SECTION 217.** 938.222 (2) (a) 1. of the statutes, as affected by 2015 Wisconsin
4 Act 55, is amended to read:

5 938.222 (2) (a) 1. That the private juvenile detention facility meet or exceed the
6 minimum requirements for the approval and operation of a juvenile detention
7 facility established by the department of ~~corrections~~ by rule under s. 938.22 (2) (a)
8 and that the private juvenile detention facility be approved by the department under
9 s. ~~301.36~~ 938.226.

10 **History:** 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55.

10 **SECTION 218.** 938.222 (2) (b) 3. of the statutes, as affected by 2015 Wisconsin
11 Act 55, is amended to read:

12 938.222 (2) (b) 3. An agreement that the private juvenile detention facility is
13 subject to investigation and inspection by the department of ~~corrections~~ under s.
14 ~~301.36~~ 938.226.

15 **History:** 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55.

15 **SECTION 219.** 938.222 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin
16 Act 55, is amended to read:

17 938.222 (2) (b) 4. Any other matters that are necessary and appropriate
18 concerning the obligations, responsibilities, and rights of the contracting counties
19 and the department of ~~corrections~~.

20 **History:** 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55.

20 **SECTION 220.** 938.223 (2) (a) 1. of the statutes, as affected by 2015 Wisconsin
21 Act 55, is amended to read:

22 938.223 (2) (a) 1. That the Minnesota juvenile detention facility meet or exceed
23 the minimum requirements for the approval and operation of a Wisconsin juvenile

1 detention facility established by the department of ~~corrections~~ by rule under s.
 2 938.22 (2) (a) and that the Minnesota juvenile detention facility be approved by the
 3 department under s. ~~301.36~~ 938.226.

4 History: 1995 a. 352; 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55.

5 **SECTION 221.** 938.223 (2) (b) 3. of the statutes, as affected by 2015 Wisconsin
 Act 55, is amended to read:

6 938.223 (2) (b) 3. An agreement that the Minnesota juvenile detention facility
 7 is subject to investigation and inspection by the department of ~~corrections~~ under s.
 8 ~~301.36~~ 938.226.

9 History: 1995 a. 352; 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55.

10 **SECTION 222.** 938.223 (2) (b) 4. of the statutes, as affected by 2015 Wisconsin
 Act 55, is amended to read:

11 938.223 (2) (b) 4. Any other matters that are necessary and appropriate
 12 concerning the obligations, responsibilities, and rights of the contracting counties
 13 and the department of ~~corrections~~.

14 History: 1995 a. 352; 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55.

15 **SECTION 223.** 938.224 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
 is amended to read:

16 938.224 (1) USES OF FACILITIES. The county board of supervisors of a county may
 17 contract with the department of ~~corrections~~ for the use of a juvenile correctional
 18 facility operated by ~~that~~ the department for the holding of juveniles who meet the
 19 criteria under s. 48.208, 938.17 (1), 938.183 (1m) (a), or 938.208 or who are subject
 20 to a disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355
 21 (6) (d) 1., or short-term detention under s. 938.355 (6d) or 938.534 (1).

22 History: 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55.

23 **SECTION 224.** 938.224 (2) (a) 1. of the statutes, as affected by 2015 Wisconsin
 Act 55, is amended to read:

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

4 **History:** 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55. X J

4 **SECTION 225.** 938.224 (2) (a) 2. of the statutes, as affected by 2015 Wisconsin
5 Act 55, is amended to read:

6 938.224 (2) (a) 2. There is no bed space available in a county-operated juvenile
7 detention facility approved by the department of ~~corrections~~ within 40 miles of the
8 county seat of the county.

9 **History:** 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55. X J

9 **SECTION 226.** 938.224 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 938.224 (2) (b) That the county may use a juvenile correctional facility for
12 holding a juvenile under sub. (1) only if the department of ~~corrections~~ approves that
13 use based on the availability of beds in the juvenile correctional facility and on the
14 programming needs of the juvenile.

15 **History:** 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55. X J

15 **SECTION 227.** 938.224 (3) (a) of the statutes, as affected by 2015 Wisconsin Act
16 55, is amended to read:

17 938.224 (3) (a) The per person daily rate to be paid by the county for holding
18 a juvenile under sub. (1) and the charges to be paid by the county for any
19 extraordinary medical and dental expenses and any programming provided for the
20 juvenile by the department of ~~corrections~~.

21 **History:** 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55. X J

21 **SECTION 228.** 938.224 (3) (b) of the statutes, as affected by 2015 Wisconsin Act
22 55, is amended to read:

1 938.224 (3) (b) Any other matters that are necessary and appropriate
2 concerning the obligations, responsibilities, and rights of the contracting county and
3 the department of corrections.

4 History: 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 35.

4 **SECTION 229.** 938.224 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
5 is amended to read:

6 938.224 (4) SUPERVISION AND CONTROL OF JUVENILES. A juvenile held in custody
7 under sub. (1) is under the supervision and control of the department of corrections
8 and is subject to the rules and discipline of ~~that~~ the department.

9 History: 1997 a. 27; 2005 a. 344; 2007 a. 97; 2015 a. 55.

9 **SECTION 230.** 938.225 of the statutes, as affected by 2015 Wisconsin Act 55, is
10 amended to read:

11 **938.225 Statewide plan for juvenile detention facilities.** The department
12 ~~of corrections~~ shall assist counties in establishing juvenile detention facilities under
13 s. 938.22 by developing and promulgating a statewide plan for the establishment and
14 maintenance of suitable juvenile detention facilities reasonably accessible to each
15 court.

16 History: 1995 a. 77; 2007 a. 97; 2015 a. 55.

16 **SECTION 231.** 938.226 of the statutes is created to read:

17 **938.226 Secure juvenile facilities; general supervision and inspection**
18 **by department.** (1) **GENERALLY.** The department shall investigate and supervise
19 all juvenile correctional facilities, all secured residential care centers for children
20 and youth, and all juvenile detention facilities and familiarize itself with all the
21 circumstances affecting their management and usefulness.

22 (2) **INSPECTIONS.** The department shall inquire into the methods of treatment,
23 instruction, government, and management of children placed in the facilities
24 specified in sub. (1); the conduct of the trustees, managers, directors,

1 superintendents, and other officers and employees of those facilities; the condition
2 of the buildings, grounds, and all other property pertaining to those facilities; and
3 all other matters pertaining to the usefulness and management of those facilities;
4 and recommend to the officers in charge such changes and additional provisions as
5 the department considers proper.

6 (3) FREQUENCY OF INSPECTIONS. The department shall inspect and investigate
7 each facility specified in sub. (1) at least annually and, when directed by the governor,
8 the department shall conduct a special investigation into such a facility's
9 management, or anything connected with its management, and report to the
10 governor the testimony taken, the facts found, and ^{the} conclusions drawn.

11 (4) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon request
12 of the department, the attorney general or the district attorney of the proper county
13 shall aid in any investigation, inspection, hearing, or trial ^{held} under the provisions
14 of this chapter relating to powers of the department, and shall institute and
15 prosecute all necessary actions or proceedings for the enforcement of those
16 provisions and for the punishment of violations of those provisions. The attorney
17 general or district attorney so requested shall report or confer with the department
18 regarding the request, within 30 days after the receipt of the request.

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

*relating to a facility
specified in sub. (1), the facility*

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

5 **(7) STATISTICS TO BE FURNISHED.** Whenever the department is required to collect
6 statistics, ~~the person or agency~~ shall furnish the required statistics on request.

7 **SECTION 232.** 938.227 of the statutes is created to read:

8 **938.227 Juvenile detention facilities; establishment, approval,**
9 **inspection.** (1) The department shall fix reasonable standards and regulations for
10 the design, construction, repair, and maintenance of juvenile detention facilities,
11 with respect to their adequacy and fitness for the needs that they are to serve.

12 **(2)** The selection and purchase of the site, and the plans, specifications, and
13 erection of buildings for juvenile detention facilities shall be subject to the review and
14 approval of the department. Department review shall include review of the proposed
15 program to be carried out by the juvenile detention facility.

16 **(3)** Before any juvenile detention facility is occupied, and at least annually
17 thereafter, the department shall inspect the juvenile detention facility, with respect
18 to safety, sanitation, adequacy, and fitness, ~~and~~ report to the authorities managing
19 the juvenile detention facility any deficiency found, and order the necessary work to
20 correct that deficiency. If within 6 months after the inspection the work is not
21 commenced, or not completed within a reasonable period after commencement of the
22 work, to the satisfaction of the department, the department shall suspend the
23 allowance of state aid for, and prohibit the use of the juvenile detention facility, until
24 the order is complied with.

X

1 **SECTION 233.** 938.23 (1m) (a) of the statutes, as affected by 2015 Wisconsin Act
2 55, is amended to read:

3 938.23 (1m) (a) A juvenile alleged to be delinquent under s. 938.12 or held in
4 a juvenile detention facility shall be represented by counsel at all stages of the
5 proceedings. A juvenile 15 years of age or older may waive counsel if the court is
6 satisfied that the waiver is knowingly and voluntarily made and the court accepts
7 the waiver. If the waiver is accepted, the court may not place the juvenile in a juvenile
8 correctional facility or a secured residential care center for children and youth,
9 transfer supervision of the juvenile to the department of corrections for participation
10 in the serious juvenile offender program, or transfer jurisdiction over the juvenile to
11 adult court.

X

History: 1995 a. 77; 1999 a. 9; 2001 a. 103; 2005 a. 344; 2009 a. 94; 2015 a. 55.

12 **SECTION 234.** 938.295 (2) (c) of the statutes is amended to read:

13 938.295 (2) (c) A county that pays the cost of an examination under par. (a) may
14 recover a reasonable contribution toward that cost from the juvenile's parent or
15 guardian, based on the ability of the parent or guardian to pay. If the examination
16 is provided or otherwise funded by the county department under s. 46.215, 46.22, or
17 46.23, the county department shall collect the contribution of the parent or guardian
18 as provided in s. ~~301.03 (18)~~ 49.32 (1). If the examination is provided or otherwise
19 funded by the county department under s. 51.42 or 51.437, the county department
20 shall collect the contribution of the parent or guardian as provided in s. 46.03 (18).

X

History: 1995 a. 77, 448; 2001 a. 109; 2005 a. 344; 2011 a. 32.

21 **SECTION 235.** 938.296 (6) of the statutes is amended to read:

22 938.296 (6) PAYMENT FOR TEST COSTS. The court may order the county to pay for
23 the cost of a test or series of tests ordered under sub. (4) or (5). This subsection does
24 not prevent recovery of reasonable contribution toward the cost of that test or series

SECTION 235

1 of tests from the parent or guardian of the juvenile as the court may order based on
2 the ability of the parent or guardian to pay. This subsection is subject to s. 301.03
3 (18) 49.32 (1).

History: 1995 a. 77; 1997 a. 181, 182, 237; 1999 a. 188; 2005 a. 277, 344; 2009 a. 209.

4 **SECTION 236.** 938.30 (6) (b) of the statutes, as affected by 2015 Wisconsin Act
5 55, is amended to read:
and ... (Senate Bill 387)

6 938.30 (6) (b) If it appears to the court that disposition of the case may include
7 placement of the juvenile outside the juvenile's home, the court shall order the
8 juvenile's parent to provide a statement of the income, assets, debts, and living
9 expenses of the juvenile and the juvenile's parent to the court or the designated
10 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
11 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
12 provide, without charge, to any parent ordered to provide that statement a document
13 setting forth the percentage standard established by the department under s. 49.22
14 (9) and listing the factors that a court may consider under s. 301.12 49.345 (14) (c).

History: 1995 a. 27 s. 9126 (19); 1995 a. 77; 1997 a. 27, 35, 181, 237, 252; 1999 a. 32, 103; 2001 a. 38, 61; 2005 a. 344; 2007 a. 20; 2009 a. 94; 2013 a. 20, 214; 2015 a.

15 **SECTION 237.** 938.31 (7) (b) of the statutes, as affected by 2015 Wisconsin Act
16 55, is amended to read:
and ... (Senate Bill 387)

17 938.31 (7) (b) If it appears to the court that disposition of the case may include
18 placement of the juvenile outside the juvenile's home, the court shall order the
19 juvenile's parent to provide a statement of the income, assets, debts, and living
20 expenses of the juvenile and the juvenile's parent, to the court or the designated
21 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
22 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
23 provide, without charge, to any parent ordered to provide the statement a document