

Order, (Sebnick Bill) 3873

Insert 75-2

49.345

SECTION 119. 938.30 (6) (b) of the statutes, as affected by 2015 Wisconsin Act

Pg70Ln11 55, is amended to read:

49.345

Pg70Ln12 938.30 (6) (b) If it appears to the court that disposition of the case may include
 Pg70Ln13 placement of the juvenile outside the juvenile's home, the court shall order the
 Pg70Ln14 juvenile's parent to provide a statement of the income, assets, debts, and living
 Pg70Ln15 expenses of the juvenile and the juvenile's parent to the court or the designated
 Pg70Ln16 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
 Pg70Ln17 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
 Pg70Ln18 provide, without charge, to any parent ordered to provide that statement a document
 Pg70Ln19 setting forth the percentage standard established by the department of children and
 Pg70Ln20 families under s. 49.22 (9) and the manner of its application established by the
 Pg70Ln21 department of corrections under s. 301.12 (14) (g) and listing the factors that a court
 Pg70Ln22 may consider under s. 301.12 (14) (c).

Pg70Ln23 SECTION 120. 938.31 (7) (b) of the statutes, as affected by 2015 Wisconsin Act

Pg70Ln24 55, is amended to read:

Pg71Ln1 938.31 (7) (b) If it appears to the court that disposition of the case may include
 Pg71Ln2 placement of the juvenile outside the juvenile's home, the court shall order the
 Pg71Ln3 juvenile's parent to provide a statement of the income, assets, debts, and living
 Pg71Ln4 expenses of the juvenile and the juvenile's parent, to the court or the designated
 Pg71Ln5 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
 Pg71Ln6 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
 Pg71Ln7 provide, without charge, to any parent ordered to provide the statement a document
 Pg71Ln8 setting forth the percentage standard established by the department of children and
 Pg71Ln9 families under s. 49.22 (9) and the manner of its application established by the
 Pg71Ln10 department of corrections under s. 301.12 (14) (g) and listing the factors that a court
 Pg71Ln11 may consider under s. 301.12 (14) (c).

49.345

Insert 75.2

Section #. 938.33 (4m) (intro.) of the statutes is amended to read:

49.345

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

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28, 79, 94, 185, 334; 2011 a. 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334.

(edit)

1 ~~setting forth the percentage standard established by the department under s. 49.22~~
2 ~~(9) and listing the factors that a court may consider under s. 301.12 49.345 (14) (c).~~

INS
75-2

History: 1995 a. 27 s. 9126 (19); 1995 a. 77; 1997 a. 27, 35, 181, 237, 252; 1999 a. 32, 103; 2001 a. 38; 2005 a. 42, 60, 344; 2007 a. 20, 97; 2009 a. 94; 2015 a. 55; s. 35.17
correction in (3) (a) 1.

3 **SECTION 238.** 938.33 (4m) (b) of the statutes is amended to read:
4 938.33 (4m) (b) A written explanation of how the parent may request that the
5 court modify the amount of child support under s. 301.12 49.345 (14) (c).

History: 1995 a. 77, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2001 a. 59, 109; 2005 a. 25, 344; 2009 a. 28, 79, 94, 185, 334; 2011 a. 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334.

6 **SECTION 239.** 938.34 (2) (a) of the statutes, as affected by 2015 Wisconsin Act
7 55, is amended to read:

8 938.34 (2) (a) Place the juvenile under the supervision of an agency, the
9 department of corrections, if that the department approves, or a suitable adult,
10 including a friend of the juvenile, under conditions prescribed by the court, including
11 reasonable rules for the juvenile's conduct, designed for the physical, mental, and
12 moral well-being and behavior of the juvenile.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 362; 2015 a. 55.

13 **SECTION 240.** 938.34 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
14 55, is amended to read:

15 938.34 (2) (b) If the juvenile is placed in the juvenile's home under the
16 supervision of an agency or the department of corrections, order that agency or
17 department to provide specified services to the juvenile and the juvenile's family,
18 including individual, family, or group counseling, homemaker or parent aide
19 services, respite care, housing assistance, child care, or parent skills training.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 362; 2015 a. 55.

20 **SECTION 241.** 938.34 (3) (f) (intro.) of the statutes, as affected by 2015 Wisconsin
21 Act 55, is amended to read:

1 938.34 (3) (f) (intro.) A juvenile detention facility or juvenile portion of a county
2 jail that meets the standards promulgated by the department of corrections by rule,
3 or in a place of nonsecure custody designated by the court, subject to all of the
4 following:

5 History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2014 a. 362; 2015 a. 55.

SECTION 242. 938.34 (4m) (intro.) of the statutes is amended to read:

6 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a juvenile
7 correctional facility or a secured residential care center for children and youth under
8 the supervision of the department of corrections if all of the following apply:

9 History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 362; 2015 a. 55.

SECTION 243. 938.34 (4n) (intro.) of the statutes, as affected by 2015 Wisconsin

10 Act 55, section 4655bm, is amended to read:

11 E: NOTE: Sub. (4n) (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:

938.34 (4n) COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION. In the case of

12 a juvenile who has been placed in a juvenile correctional facility or a secured
13 residential care center for children and youth, designate the department of
14 corrections to provide community supervision for the juvenile following the juvenile's
15 release from that facility or center or, subject to any arrangement between the
16 department of corrections and a county department regarding the provision of
17 aftercare supervision for juveniles who have been released from a juvenile
18 correctional facility or a secured residential care center for children and youth,
19 designate one of the following to provide aftercare supervision for the juvenile
20 following the juvenile's release from that facility or center:

21 History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 362; 2015 a. 55.

SECTION 244. 938.34 (6s) of the statutes, as affected by 2015 Wisconsin Act 55,

22 is amended to read:

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

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 362; 2015 a. 55.

5 **SECTION 245.** 938.34 (8d) (c) of the statutes, as affected by 2015 Wisconsin Act
6 55, is amended to read:

7 **938.34 (8d) (c)** If a juvenile placed in a juvenile correctional facility or a secured
8 residential care center for children and youth fails to pay the surcharge under par.
9 (a), the department of ~~corrections~~ shall assess and collect the amount owed from the
10 juvenile's wages or other moneys. Any amount collected shall be transmitted to the
11 secretary of administration.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 362; 2015 a. 55.

12 **SECTION 246.** 938.355 (6) (d) 1. of the statutes, as affected by 2015 Wisconsin
13 Act 55, is amended to read:

14 **938.355 (6) (d) 1.** Placement of the juvenile in a juvenile detention facility or
15 juvenile portion of a county jail that meets the standards promulgated by the
16 department of ~~corrections~~ by rule or in a place of nonsecure custody, for not more than
17 10 days and the provision of educational services consistent with his or her current
18 course of study during the period of placement. The juvenile shall be given credit
19 against the period of detention or nonsecure custody imposed under this subdivision
20 for all time spent in secure detention in connection with the course of conduct for
21 which the detention or nonsecure custody was imposed. If the court orders
22 placement of the juvenile in a place of nonsecure custody under the supervision of
23 the county department, the court shall order the juvenile into the placement and care

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1 responsibility of the county department as required under 42 USC 672 (a) (2) and
2 shall assign the county department primary responsibility for providing services to
3 the juvenile.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; s. 13.92 (2) (i); s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

4 **SECTION 247. 938.355 (6d) (a) 1.** of the statutes, as affected by 2015 Wisconsin
5 Act 55, is amended to read:

6 938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
7 2g., 2m., and 2r., if a juvenile who has been adjudged delinquent violates a condition
8 specified in sub. (2) (b) 7., the juvenile's caseworker or any other person authorized
9 to provide or providing intake or dispositional services for the court under s. 938.067
10 or 938.069 may, without a hearing, take the juvenile into custody and place the
11 juvenile in a juvenile detention facility or juvenile portion of a county jail that meets
12 the standards promulgated by the department of corrections by rule or in a place of
13 nonsecure custody designated by that person for not more than 72 hours while the
14 alleged violation and the appropriateness of a sanction under sub. (6) are being
15 investigated.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; s. 13.92 (2) (i); s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

16 **SECTION 248. 938.355 (6d) (a) 2.** of the statutes, as affected by 2015 Wisconsin
17 Act 55, is amended to read:

18 938.355 (6d) (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
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

1 the standards promulgated by the department of corrections by rule or in a place of
 2 nonsecure custody designated by that person for not more than 72 hours as a
 3 consequence of that violation. A person who takes a juvenile into custody under this
 4 subdivision shall permit the juvenile to make a written or oral statement concerning
 5 the possible placement of the juvenile and the course of conduct for which the
 6 juvenile was taken into custody. A person designated by the court or county
 7 department who is employed in a supervisory position by a person authorized to
 8 provide or providing intake or dispositional services under s. 938.067 or 938.069
 9 shall review that statement and either approve the placement, modify the terms of
 10 the placement, or order the juvenile to be released from custody.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; s. 13.92 (2) (i); s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

11 **SECTION 249. 938.355 (6d) (b) 1.** of the statutes, as affected by 2015 Wisconsin
 12 Act 55, section 4658bm, is amended to read:

E: NOTE: Par. (b) (title) and 1. are 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:

13 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
 14 2g., 2m., and 2r., if a juvenile who is on aftercare supervision violates a condition of
 15 that supervision, the juvenile's caseworker or any other person authorized to provide
 16 or providing intake or dispositional services for the court under s. 938.067 or 938.069
 17 may, without a hearing, take the juvenile into custody and place the juvenile in a
 18 juvenile detention facility or juvenile portion of a county jail that meets the
 19 standards promulgated by the department of corrections by rule or in a place of
 20 nonsecure custody designated by that person for not more than 72 hours while the
 21 alleged violation and the appropriateness of revoking the juvenile's aftercare status
 22 are being investigated.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; s. 13.92 (2) (i); s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

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1 **SECTION 250.** 938.355 (6d) (b) 2. of the statutes, as affected by 2015 Wisconsin
2 Act 55, section 4659[↓]bm, is 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:

3 938.355 (6d) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
4 2g., 2m., and 2r., if a juvenile who is on aftercare supervision violates a condition of
5 that supervision, the juvenile's caseworker or any other person authorized to provide
6 or providing intake or dispositional services for the court under s. 938.067 or 938.069
7 may, without a hearing, take the juvenile into custody and place the juvenile in a
8 juvenile detention facility or juvenile portion of a county jail that meets the
9 standards promulgated by the department of ~~corrections~~ by rule or in a place of
10 nonsecure custody designated by that person for not more than 72 hours as a
11 consequence of that violation. A person who takes a juvenile into custody under this
12 subdivision shall permit the juvenile to make a written or oral statement concerning
13 the possible placement of the juvenile and the course of conduct for which the
14 juvenile was taken into custody. A person designated by the court or the county
15 department who is employed in a supervisory position by a person authorized to
16 provide or providing intake or dispositional services under s. 938.067 or 938.069
17 shall review that statement and either approve the placement of the juvenile, modify
18 the terms of the placement, or order the juvenile to be released from custody.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. ~~32~~, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. ~~28~~, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; ~~s. 13.92 (2) (i); s. 35.17 corrections in (6d) (a) 2r., (b) 2r.~~

19 **SECTION 251.** 938.355 (6m) (a) 1g. of the statutes, as affected by 2015 Wisconsin
20 Act 55, is amended to read:

21 938.355 (6m) (a) 1g. Placement of the juvenile in a juvenile detention facility
22 or juvenile portion of a county jail that meets the standards promulgated by the
23 department of ~~corrections~~ by rule or in a place of nonsecure custody, for not more than

1 10 days and the provision of educational services consistent with his or her current
2 course of study during the period of placement. The juvenile shall be given credit
3 against the period of detention or nonsecure custody imposed under this subdivision
4 for all time spent in secure detention in connection with the course of conduct for
5 which the detention or nonsecure custody was imposed. The use of placement in a
6 juvenile detention facility or in a juvenile portion of a county jail as a sanction under
7 this subdivision is subject to the adoption of a resolution by the county board of
8 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.
9 If the court orders placement of the juvenile in a place of nonsecure custody under
10 the supervision of the county department, the court shall order the juvenile into the
11 placement and care responsibility of the county department as required under 42
12 USC 672 (a) (2) and shall assign the county department primary responsibility for
13 providing services to the juvenile.

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; 2013 a. 165, 334, 362; 2015 a. 55, 80; s. 13.92 (2) (i); s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

14 **SECTION 252.** 938.357 (4) (a) of the statutes, as affected by 2015 Wisconsin Act

15 55, section 4662bm, is amended to read:

E: NOTE: Par. (a) 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:

16 938.357 (4) (a) When the juvenile is placed with the department of corrections,
17 ~~that, the~~ department may, after an examination under s. 938.50, place the juvenile
18 in a juvenile correctional facility or a secured residential care center for children and
19 youth or on community supervision or aftercare supervision, either immediately or
20 after a period of placement in a juvenile correctional facility or a secured residential
21 care center for children and youth. The department of corrections shall send written
22 notice of the change in placement to the parent, guardian, legal custodian, county
23 department designated under s. 938.34 (4n), if any, and committing court. If the

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1 department of ~~corrections~~ places a juvenile in a Type 2 juvenile correctional facility
2 operated by a child welfare agency, ~~that~~ the department shall reimburse the child
3 welfare agency at the rate established under s. 49.343 that is applicable to the type
4 of placement that the child welfare agency is providing for the juvenile. A juvenile
5 who is placed in a Type 2 juvenile correctional facility or a secured residential care
6 center for children and youth remains under the supervision of the department of
7 ~~corrections~~, remains subject to the rules and discipline of ~~that~~ the department, and
8 is considered to be in custody, as defined in s. 946.42 (1) (a).

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94;
2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

9 **SECTION 253.** 938.357 (4) (b) 1. of the statutes, as affected by 2015 Wisconsin
10 Act 55, is amended to read:

11 938.357 (4) (b) 1. If a juvenile whom the department of ~~corrections~~ has placed
12 in a Type 2 juvenile correctional facility operated by a child welfare agency violates
13 a condition of his or her placement in the Type 2 juvenile correctional facility, the
14 child welfare agency operating the Type 2 juvenile correctional facility shall notify
15 the department of ~~corrections~~ and ~~that~~ the department, after consulting with the
16 child welfare agency, may place the juvenile in a Type 1 juvenile correctional facility
17 under the supervision of the department, without a hearing under sub. (1) (am) 2.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94;
2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

18 **SECTION 254.** 938.357 (4) (b) 2. of the statutes, as affected by 2015 Wisconsin
19 Act 55, is amended to read:

20 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential
21 care center for children and youth under s. 938.34 (4d) violates a condition of his or
22 her placement in the Type 2 residential care center for children and youth, the child
23 welfare agency operating the Type 2 residential care center for children and youth

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94;
 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

14 **SECTION 255.** 938.357 (4) (b) 4. of the statutes, as affected by 2015 Wisconsin
 15 Act 55, is amended to read:

16 938.357 (4) (b) 4. A juvenile may seek review of a decision of the department
 17 of ~~corrections~~ under subd. 1. or 2. only by the common law writ of certiorari.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94;
 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

18 **SECTION 256.** 938.357 (4) (c) 1. of the statutes, as affected by 2015 Wisconsin
 19 Act 55, is amended to read:

20 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility
 21 operated by a child welfare agency under par. (a) and it appears that a less restrictive
 22 placement would be appropriate for the juvenile, the department of ~~corrections~~, after
 23 consulting with the child welfare agency that is operating the Type 2 juvenile

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

6 **SECTION 257.** 938.357 (4) (c) 2. of the statutes, as affected by 2015 Wisconsin
 7 Act 55, is amended to read:

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

21 **SECTION 258.** 938.357 (4) (c) 4. of the statutes, as affected by 2015 Wisconsin
 22 Act 55, is amended to read:

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

4 **SECTION 259.** 938.357 (4g) (a) of the statutes, as affected by 2015 Wisconsin Act
5 55, section 4664bm, is amended to read:

E: NOTE: Sub. (4g) (title) and (a) are 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:

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

16 **SECTION 260.** 938.357 (4g) (b) of the statutes, as affected by 2015 Wisconsin Act
17 55, section 4665bm, is amended to read:

E: NOTE: Par. (b) 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:

18 938.357 (4g) (b) The department of ~~corrections~~ may waive the period within
19 which a community supervision plan or aftercare plan must be prepared and
20 submitted under par. (a) if ~~that~~ the department anticipates that the juvenile will
21 remain in the juvenile correctional facility or secured residential care center for
22 children and youth for a period exceeding 8 months or if the juvenile is subject to s.

SECTION 260

1 938.183. If the department of ~~corrections~~ waives that period, the designated
2 community supervision or aftercare provider shall prepare the community
3 supervision or aftercare plan within 30 days after the date on which the department
4 of ~~corrections~~ requests the community supervision or aftercare plan.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

5 **SECTION 261.** 938.357 (4m) of the statutes, as affected by 2015 Wisconsin Act
6 55, section 4671[↓]bm, is amended to read:

E: NOTE: Sub. (4m) 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:

7 938.357 (4m) RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

11 **SECTION 262.** 938.357 (5) (a) of the statutes, as affected by 2015 Wisconsin Act
12 55, section 4673[↓]bm, is amended to read:

E: NOTE: Sub. (5) (title) and (a) are 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:

13 938.357 (5) (a) If a juvenile has been placed on community supervision, the
14 department of ~~corrections~~ may revoke the community supervision status of that
15 juvenile as provided in this subsection. If a juvenile has been placed on aftercare
16 supervision, the county department that has been designated as a juvenile's
17 aftercare provider may revoke the aftercare status of that juvenile as provided in this
18 subsection. Prior notice of a change in placement under sub. (1) (am) 1. is not
19 required.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

20 **SECTION 263.** 938.357 (5) (g) of the statutes, as affected by 2015 Wisconsin Act
21 55, section 4677[↓]bm, is 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:

1 938.357 (5) (g) The department of corrections shall promulgate rules setting
2 standards to be used by a hearing examiner to determine whether to revoke a
3 juvenile's community supervision or aftercare status. The standards shall specify
4 that the burden is on the department of corrections or county department seeking
5 revocation to show by a preponderance of the evidence that the juvenile violated a
6 condition of community supervision or aftercare supervision.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

7 **SECTION 264.** 938.357 (5m) (a) of the statutes, as affected by 2015 Wisconsin
8 Act 55, and... (Senate Bill 387) is amended to read:

49,345

8

9 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
10 placement from a placement in the juvenile's home to a placement outside the
11 juvenile's home, the court shall order the juvenile's parent to provide a statement of
12 the income, assets, debts, and living expenses of the juvenile and the juvenile's
13 parent to the court or the person or agency primarily responsible for implementing
14 the dispositional order by a date specified by the court. The clerk of court shall
15 provide, without charge, to any parent ordered to provide that statement a document
16 setting forth the percentage standard established by the department under s. 49.22
17 (9) and listing the factors under s. 301.12 (14) (c). If the juvenile is placed outside the
18 juvenile's home, the court shall determine the liability of the parent in the manner
19 provided in s. 301.12 49.345 (14).

Insert
87-49

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258; 2013 a. 334; 2015 a. 55.

20 **SECTION 265.** 938.36 (1) (a) of the statutes is amended to read:

21 938.36 (1) (a) If legal custody is transferred from the parent or guardian or the
22 court otherwise designates an alternative placement for the juvenile by a disposition
23 made under s. 938.183, 938.34, or 938.345, or by a change in placement under s.

2 consent decree under s. 938.32,

and in Senate Bill 387

Insert 87-19

SECTION 155. 938.357 (5m) (a) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

Pg91Ln3 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
Pg91Ln4 placement from a placement in the juvenile's home to a placement outside the
Pg91Ln5 juvenile's home, the court shall order the juvenile's parent to provide a statement of
Pg91Ln6 the income, assets, debts, and living expenses of the juvenile and the juvenile's
Pg91Ln7 parent to the court or the person or agency primarily responsible for implementing
Pg91Ln8 the dispositional order by a date specified by the court. The clerk of court shall
Pg91Ln9 provide, without charge, to any parent ordered to provide that statement a document
Pg91Ln10 setting forth the percentage standard established by the department of children and
Pg91Ln11 families under s. 49.22 (9) and the manner of its application established by the
Pg91Ln12 department of corrections under s. ~~301.12~~ (14) (g) and listing the factors under s.
Pg91Ln13 ~~301.12~~ (14) (c). If the juvenile is placed outside the juvenile's home, the court shall
Pg91Ln14 determine the liability of the parent in the manner provided in s. ~~301.12~~ (14).

49.345

(edA-A)

1 938.357, the duty of the parent or guardian to provide support shall continue even
2 though the legal custodian or the placement designee may provide the support. A
3 copy of the order transferring custody or designating alternative placement for the
4 juvenile shall be submitted to the agency or person receiving custody or placement
5 and the agency or person may apply to the court for an order to compel the parent
6 or guardian to provide the support. Support payments for residential services, when
7 purchased or otherwise funded or provided by the department of corrections, or a
8 county department under s. 46.215, 46.22 or 46.23, shall be determined under s.
9 ~~301.12~~ 49.345 (14). Support payments for residential services, when purchased or
10 otherwise funded by the department of health services, or a county department
11 under s. 51.42 or 51.437, shall be determined under s. 46.10 (14).

12 History: 1995 a. 27 s. 9126 (19); 1995 a. 77; 1997 a. 27, 35, 237, 252; 2005 a. 344; 2007 a. 20 s. 3823, 9121 (6) (a); 2015 a. 55.

SECTION 266. 938.36 (1) (a) of the statutes is amended to read:

13 938.36 (1) (a) If legal custody is transferred from the parent or guardian or the
14 court otherwise designates an alternative placement for the juvenile by a disposition
15 made under s. 938.183, 938.34 or 938.345 or by a change in placement under s.
16 938.357, the duty of the parent or guardian to provide support shall continue even
17 though the legal custodian or the placement designee may provide the support. A
18 copy of the order transferring custody or designating alternative placement for the
19 juvenile shall be submitted to the agency or person receiving custody or placement
20 and the agency or person may apply to the court for an order to compel the parent
21 or guardian to provide the support. Support payments for residential services, when
22 purchased or otherwise funded or provided by the department of corrections, or a
23 county department under s. 46.215, 46.22 or 46.23, shall be determined under s.
24 ~~301.12~~ 49.345 (14). Support payments for residential services, when purchased or

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

3 History: 1995 a. 27 s. 9126 (19); 1995 a. 77; 1997 a. 27, 35, 237, 252; 2005 a. 344; 2007 a. 20 s. 3823, 9121 (6) (a); 2015 a. 55.

3 SECTION 267. 938.36 (2) of the statutes is amended to read:

4 938.36 (2) SERVICES OR TREATMENT; COUNTY PAYMENT; PARENTAL CONTRIBUTION. If
5 a juvenile whose legal custody has not been taken from a parent or guardian is given
6 educational and social services, or medical, psychological, or psychiatric treatment
7 by order of the court, the court may order the county to pay for those services or
8 treatment. This section does not prevent recovery of reasonable contribution toward
9 the costs from the parent or guardian of the juvenile as the court may order based
10 on the ability of the parent or guardian to pay. This subsection is subject to s. 301.03
11 (18) 49.32 (1).

12 History: 1995 a. 27 s. 9126 (19); 1995 a. 77; 1997 a. 27, 35, 237, 252; 2005 a. 344; 2007 a. 20 s. 3823, 9121 (6) (a); 2015 a. 55.

12 SECTION 268. 938.363 (1) (c) of the statutes, as affected by 2015 Wisconsin Act

13 and.... (Senate Bill 381)

13 is amended to read:

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

23 History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275; 1997 a. 35, 80, 237, 252; 1999 a. 103; 2001 a. 38, 109; 2005 a. 344; 2007 a. 20; 2009 a. 28, 79, 94; 2011 a. 32, 181; 2013 a. 20; 2015 a. 55.

23 SECTION 269. 938.363 (2) of the statutes is amended to read:

Insert
89-22

and in (Senate Bill 387)

Insert 89-22

SECTION 161. 938.363 (1) (c) of the statutes, as affected by 2015 Wisconsin Act

55, is amended to read:

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

plain

49.345

(edit)

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).

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275; 1997 a. 35, ~~80~~ 237, 252; 1999 a. 103; 2001 a. 38, 109; 2005 a. 344; 2007 a. 20; 2009 a. 28, 79, 94; 2011 a. 32, 181; 2013 a. 20; 2015 a. 55.

6 **SECTION 270.** 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.

as affected by 2015 Wisconsin Act 55,

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2013 a. 260 s. 80; 2015 a. 163, 334, 335; 2015 a. 55, 128.

10 **SECTION 271.** 938.396 (2g) (b) 1. of the statutes is amended to read:

11 938.396 (2g) (b) 1. Upon request of the department ~~of corrections~~, ~~the~~
12 ~~department of children and families~~, or a federal agency to review court records for
13 the purpose of monitoring and conducting periodic evaluations of activities as
14 required by and implemented under 45 CFR 1355, 1356, and 1357, the court shall
15 open those records for inspection and copying by authorized representatives of the
16 requester. Those representatives shall keep those records confidential and may use
17 and further disclose those records only for the purpose for which those records were
18 requested.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 80, 95, 181, 205, 252, 258, 281; 1999 a. 9, 32, 89; 2001 a. 95; 2003 a. 82, 292; 2005 a. 344, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 3826 to 3827, 9121 (6) (a); 2007 a. 77; 2009 a. 302, 309, 338; 2011 a. 35, 165, 260, 270; 2013 a. 168 s. 21; 2013 a. 252; 2015 a. 55; Sup. Ct. Order No. 14-04 2015 WI 89, filed 8-27-15, eff. 7-1-16; 2015 a. 144.

19 **SECTION 272.** 938.48 (intro.) of the statutes, as affected by 2015 Wisconsin Act
20 55, is repealed.

21 **SECTION 273.** 938.48 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
22 is repealed.

23 **SECTION 274.** 938.48 (3) of the statutes is renumbered 938.485 (7).

1 **SECTION 275.** 938.48 (4) of the statutes is renumbered 938.485 (8).

2 **SECTION 276.** 938.48 (4m) of the statutes is renumbered 938.485 (9).

3 **SECTION 277.** 938.48 (5) of the statutes is renumbered 938.485 (11).

4 **SECTION 278.** 938.48 (6) of the statutes is renumbered 938.485 (12).

5 **SECTION 279.** 938.48 (13) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is renumbered 938.485 (13).

7 **SECTION 280.** 938.48 (14) of the statutes is renumbered 938.485 (14) and
8 amended to read:

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

17 History: 1995 a. 77; 1997 a. 27; 2001 a. 38; 2005 a. 344; 2009 a. 28, 233; 2011 a. 258; 2013 a. 20; 2015 a. 55.

17 **SECTION 281.** 938.48 (16) of the statutes, as affected by 2015 Wisconsin Act 55,
18 is repealed.

19 **SECTION 282.** 938.485 (1) of the statutes, as created by 2015 Wisconsin Act 55,
20 is amended to read:

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

SECTION 282

1 cooperation with the courts, ~~the department of corrections,~~ county departments,
2 licensed child welfare agencies, parents, and other individuals interested in the
3 welfare of juveniles.

History: 2015 a. 55 ss. 4700e, 4701b, 4702h.

4 **SECTION 283.** 938.485 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
5 is amended to read:

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

History: 2015 a. 55 ss. 4700e, 4701b, 4702h.

14 **SECTION 284.** 938.485 (5) of the statutes, as created by 2015 Wisconsin Act 55,
15 is amended to read:

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

History: 2015 a. 55 ss. 4700e, 4701b, 4702h.

19 **SECTION 285.** 938.485 (10) (title) of the statutes is created to read:

20 **938.485 (10) (title) JUVENILES UNDER DEPARTMENT JURISDICTION.**

21 **SECTION 286.** 938.485 (18) of the statutes is created to read:

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

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

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

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

10 **SECTION 287.** 938.49 (title) of the statutes, as affected by 2015 Wisconsin Act
11 55, is amended to read:

12 **938.49 (title) Notification by court of placement with department of**
13 **corrections; transfer of reports and records.**

History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2011 a. 32; 2015 a. 55.

14 **SECTION 288.** 938.49 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is amended to read:

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

History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2011 a. 32; 2015 a. 55.

23 **SECTION 289.** 938.49 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
24 Act 55, is amended to read:

1 938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court
2 places a juvenile in a juvenile correctional facility or a secured residential care center
3 for children and youth under the supervision of the department of corrections, the
4 court and all other public agencies shall immediately do all of the following:

History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2011 a. 32; 2015 a. 55. X

5 SECTION 290. 938.49 (2) (a) of the statutes, as affected by 2015 Wisconsin Act
6 55, is amended to read:

7 938.49 (2) (a) Transfer to the department of corrections a copy of the report
8 submitted to the court under s. 938.33 or, if the report was presented orally, a
9 transcript of the report and all other pertinent data in their possession.

History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2011 a. 32; 2015 a. 55. X

10 SECTION 291. 938.50 of the statutes, as affected by 2015 Wisconsin Act 55,
11 section 4703bm, is 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, section 4703bm, to read as follows. The language in brackets was added by 2015 Wis. Act 55, section 4703b, effective 1-1-16, but not included in section 4703bm, although the treatment in section 4703bm was stated to be as "affected by" section 4703b. Corrective legislation is pending. E:

fix
12
13

938.50 Examination of juveniles under supervision of department [of

corrections]. The department of corrections shall examine every juvenile who is
14 placed under its supervision to determine the type of placement best suited to the
15 juvenile and to the protection of the public. The examination shall include an
16 investigation of the personal and family history of the juvenile and his or her
17 environment, any physical or mental examinations necessary to determine the type
18 of placement appropriate for the juvenile, and an evaluation under s. 938.533 (3) (a)
19 to determine the appropriate level of supervision and services based on the juvenile's
20 risks and needs. The department of corrections shall screen a juvenile who is
21 examined under this section to determine whether the juvenile is in need of special
22 treatment or care because of alcohol or other drug abuse, mental illness, or severe
23 emotional disturbance. In making the examination the department of corrections

1 may use any facilities, public or private, that offer assistance in determining the
2 correct placement for the juvenile.

3 History: 1995 a. 77; 2005 a. 344; 2015 a. 55. X ✓

3 **SECTION 292.** 938.505 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is amended to read:

5 938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY
6 DEPARTMENT. When a juvenile is placed under the supervision of the department of
7 corrections under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4) or (5) (e) or under
8 the supervision of a county department under s. 938.34 (4n), the department of
9 corrections or county department, whichever has supervision over the juvenile, shall
10 have the right and duty to protect, train, discipline, treat, and confine the juvenile
11 and to provide food, shelter, legal services, education, and ordinary medical and
12 dental care for the juvenile, subject to the rights, duties, and responsibilities of the
13 guardian of the juvenile and subject to any residual parental rights and
14 responsibilities and the provisions of any court order.

15 History: 1995 a. 77; 2005 a. 344; 2015 a. 55. X

15 **SECTION 293.** 938.505 (2) (a) (intro.) of the statutes, as affected by 2015
16 Wisconsin Act 55, is amended to read:

17 938.505 (2) (a) (intro.) If a juvenile 14 years of age or older is under the
18 supervision of the department of corrections or a county department as described in
19 sub. (1), is not residing in his or her home, and wishes to be administered
20 psychotropic medication but a parent with legal custody or the guardian refuses to
21 consent to the administration of psychotropic medication or cannot be found, or if
22 there is no parent with legal custody, the department of corrections or county
23 department acting on the juvenile's behalf may petition the court assigned to
24 exercise jurisdiction under this chapter and ch. 48 in the county in which the juvenile

SECTION 293

1 is located for permission to administer psychotropic medication to the juvenile. A
2 copy of the petition and a notice of hearing shall be served upon the parent or
3 guardian at his or her last-known address. If, after hearing, the court determines
4 that all of the following apply, the court shall grant permission for the department
5 ~~of corrections~~ or county department to administer psychotropic medication to the
6 juvenile without the parent's or guardian's consent:

7 History: 1995 a. 77; 2005 a. 344; 2015 a. 55.

SECTION 294. 938.505 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

9 938.505 (2) (b) The court may, at the request of the department ~~of corrections~~
10 or county department, temporarily approve the administration of psychotropic
11 medication, for not more than 10 days after the date of the request, pending the
12 hearing on the petition. The hearing shall be held within that 10-day period.

13 History: 1995 a. 77; 2005 a. 344; 2015 a. 55.

SECTION 295. 938.51 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
14 Act 55, is amended to read:

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

23 History: 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186; 2001 a. 59; 2005 a. 277, 344; 2015 a. 55.

SECTION 296. 938.51 (1d) (intro.) of the statutes, as affected by 2015 Wisconsin

24 Act 55, is amended to read:

1 **938.51 (1d) RELEASE FROM NONSECURED RESIDENTIAL CARE CENTER.** (intro.) At
2 least 15 days prior to the release from a nonsecured residential care center for
3 children and youth of a juvenile who has either been adjudicated delinquent under
4 s. 48.12, 1993 stats., or s. 938.12 or been found to be in need of protection or services
5 under s. 48.13 (12), 1993 stats., or s. 938.13 (12) and who has been found to have
6 committed a violation of ch. 940 or of s. 948.02, 948.025, 948.03, or 948.085 (2), and
7 at least 15 days prior to the release from a nonsecured residential care center for
8 children and youth of a juvenile who has been found to be in need of protection or
9 services under s. 48.13 (14), 1993 stats., or s. 938.13 (14), the department of
10 ~~corrections~~ or county department, whichever has supervision over the juvenile, shall
11 notify all of the following persons of the juvenile's release:

12 ~~History:~~ 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186; 2001 a. 59; 2005 a. 277, 344; 2015 a. 55.

12 **SECTION 297.** 938.51 (1m) of the statutes, as affected by 2015 Wisconsin Act 55,
13 section 4704bm, is amended to read:

E: NOTE: Sub. (1m) 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:

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

History: 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186; 2001 a. 59; 2005 a. 277, 344; 2015 a. 55.

SECTION 298

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1 **SECTION 298.** 938.51 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 **938.51 (2) NOTIFICATION REQUEST CARDS.** The department of ~~corrections~~ shall
4 design and prepare cards for any person specified in sub. (1) (b), (c), (cm), or (d) to
5 send to the department of ~~corrections~~ or county department, whichever has
6 supervision over a juvenile described in sub. (1), (1d), or (1g). The cards shall have
7 space for the person's name, telephone number and mailing address, the name of the
8 applicable juvenile, and any other information that the department of ~~corrections~~
9 determines is necessary. The cards shall advise a victim who is under 18 years of age
10 that he or she may complete a card requesting notification under sub. (1) (b), (1d),
11 or (1g) if the notification occurs after the victim attains 18 years of age and advising
12 the parent or guardian of a victim who is under 18 years of age that the parent or
13 guardian may authorize on the card direct notification of the victim under sub. (1)
14 (b), (1d), or (1g) if the notification occurs after the victim attains 18 years of age. The
15 department of ~~corrections~~ shall provide the cards, without charge, to district
16 attorneys. District attorneys shall provide the cards, without charge, to persons
17 specified in sub. (1) (b) to (d). These persons may send completed cards to the
18 department of ~~corrections~~ or county department, whichever has supervision over the
19 juvenile. Department of ~~corrections~~ and county department records or portions of
20 records that relate to telephone numbers and mailing addresses of these persons are
21 not subject to inspection or copying under s. 19.35 (1).

History: 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186; 2001 a. 59; 2005 a. 277, 344; 2015 a. 55.

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22 **SECTION 299.** 938.51 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
23 is amended to read:

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

History: 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186; 2001 a. 59; 2005 a. 277, 344; 2015 a. 55.

6 **SECTION 300. 938.51 (4) (intro.)** of the statutes, as affected by 2015 Wisconsin
7 Act 55, is amended to read:

8 **938.51 (4) NOTIFICATION IF ESCAPE OR ABSENCE. (intro.)** If a juvenile described
9 in sub. (1), (1d), or (1g) escapes from a juvenile correctional facility, residential care
10 center for children and youth, inpatient facility, juvenile detention facility, or
11 juvenile portion of a county jail, or from the custody of a peace officer or a guard of
12 such a facility, center, home, or jail, or has been allowed to leave a juvenile
13 correctional facility, residential care center for children and youth, inpatient facility,
14 juvenile detention facility, or juvenile portion of a county jail for a specified period
15 of time and is absent from the facility, center, home, or jail for more than 12 hours
16 after the expiration of the specified period, as soon as possible after the department
17 of ~~corrections~~ or county department, whichever has supervision over the juvenile,
18 discovers the escape or absence, the department of ~~corrections~~ or county department
19 shall make a reasonable attempt to notify by telephone all of the following persons:

History: 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186; 2001 a. 59; 2005 a. 277, 344; 2015 a. 55.

20 **SECTION 301. 938.52 (title)** of the statutes, as affected by 2015 Wisconsin Act
21 55, is amended to read:

22 **938.52 (title) Facilities for care of juveniles in care of department of**
23 **corrections.**

History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2015 a. 55.

SECTION 302

1 **SECTION 302.** 938.52 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
2 Act 55, is amended to read:

3 938.52 (1) FACILITIES MAINTAINED OR USED FOR JUVENILES. (intro.) The
4 department of ~~corrections~~ may maintain or use the following facilities for juveniles
5 in its care:

6 History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2015 a. 55.
7 **SECTION 303.** 938.52 (1) (f) of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

9 938.52 (1) (f) Other facilities that the department of ~~corrections~~ considers to
10 be appropriate for the juvenile, except that no state funds may be used for the
11 maintenance of a juvenile in the home of a parent or relative who would be eligible
12 for aid under s. 49.19, but for s. 49.19 (20), if such funds would reduce federal funds
13 to this state.

14 History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2015 a. 55.
15 **SECTION 304.** 938.52 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 938.52 (2) USE OF OTHER FACILITIES. (a) In addition to facilities and services
18 under sub. (1), the department of ~~corrections~~ may use other facilities and services
19 under its jurisdiction. The department of ~~corrections~~ may contract for and pay for
20 the use of other public facilities or private facilities for the care and treatment of
21 juveniles in its care. Placement of a juvenile in a private or public facility that is not
22 under the jurisdiction of the department of ~~corrections~~ does not terminate ~~that the~~
23 department's supervision over the juvenile under s. 938.183, 938.34 (4h), (4m), or
24 (4n), or 938.357 (4). Placements in institutions for persons with a mental illness or
development disability shall be made in accordance with ss. 48.14 (5), 48.63, and
938.34 (6) (am) and ch. 51.

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

9 (c) The department of ~~corrections~~ may inspect any facility it is using and
10 examine and consult with persons under its supervision under s. 938.183, 938.34
11 (4h), (4m), or (4n), or 938.357 (4) who have been placed in the facility.

12 History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2015 a. 55. X J

SECTION 305. 938.52 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
13 is amended to read:

14 **938.52 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS.** The department of
15 ~~corrections~~ may establish and maintain coeducational programs and institutions
16 under this chapter.

17 History: 1995 a. 77; 2005 a. 344; 2009 a. 28; 2015 a. 55. X J

SECTION 306. 938.53 of the statutes, as affected by 2015 Wisconsin Act 55, is
18 amended to read:

19 **938.53 Duration of control of department of ~~corrections~~ over**
20 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent
21 who has been placed under the supervision of the department of ~~corrections~~ under
22 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) shall be discharged as soon as ~~that~~
23 the department determines that there is a reasonable probability that departmental

1 supervision is no longer necessary for the rehabilitation and treatment of the
2 juvenile or for the protection of the public.

History: 1995 a. 77; 1997 a. 27; 2005 a. 344; 2013 a. 334; 2015 a. 55.

3 **SECTION 307.** 938.533 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
4 Act 55, section 4707^{bm}, is amended to read:

5 938.533 (2) ^B COMMUNITY SUPERVISION SERVICES. (intro.) From the
6 appropriation under s. 20.410 (3) 20.437 (4) (hr), the department of corrections shall
7 purchase or provide community supervision services for juveniles who have been
8 placed under the community supervision of the department of corrections under s.
9 938.34 (4n), 938.357 (4), or 938.538 (3) (a) 2. For each juvenile who is placed under
10 community supervision, the department of corrections may purchase or provide any
11 of the following services:

12 **SECTION 308.** 938.533 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
13 section 4709^{bm}, is amended to read:

14 938.533 (3) INSTITUTIONAL STATUS. (a) The office of juvenile offender
15 review in the division of juvenile corrections in the department of corrections shall
16 evaluate each juvenile who is placed under community supervision and may place
17 such a juvenile in Type 2 status. A juvenile who is placed in Type 2 status is under
18 the supervision of the department of corrections, is subject to the rules and discipline
19 of ~~that~~ the department, and is considered to be in custody, as defined in s. 946.42 (1)
20 (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile who is placed in Type 2 status
21 violates a condition of his or her participation in community supervision, the
22 department of corrections may, without a hearing, take the juvenile into custody and
23 place the juvenile in a juvenile detention facility or return the juvenile to placement
24 in a Type 1 juvenile correctional facility or a secured residential care center for

1 children and youth. This paragraph does not preclude a juvenile who has violated
2 a condition of his or her participation in community supervision from being taken
3 into and held in custody under ss. 938.19 to 938.21.

4

5 (b) The department of ~~corrections~~ shall operate community supervision for a juvenile
6 who is placed in Type 2 status as a Type 2 juvenile correctional facility. The secretary
7 may allocate and reallocate existing and future facilities as part of the Type 2
8 juvenile correctional facility. The Type 2 juvenile correctional facility is subject to s.
9 301.02 the governance of the department. Construction or establishment of a Type
10 2 juvenile correctional facility shall be in compliance with all state laws except s.
11 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or
12 establishment of a Type 2 juvenile correctional facility is not subject to the
13 ordinances or regulations relating to zoning, including zoning under ch. 91, of the
14 county and city, village, or town in which the construction or establishment takes
15 place and is exempt from the investigations permitted under s. 46.22 (1) (c) 1. b.

16

SECTION 309. 938.533 (4) of the statutes, as affected by 2015 Wisconsin Act 55,

17

is amended to read:

18

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

20

SECTION 310. 938.534 (1) (b) 1. of the statutes, as affected by 2015 Wisconsin
21 Act 55, is amended to read:

22

938.534 (1) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
23 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
24 policies adopted by the county board relating to the taking into custody and
25 placement of a juvenile under this subdivision, if a juvenile violates a condition of his

SECTION 310

1 or her participation in the program, the juvenile's caseworker or any other person
2 authorized to provide or providing intake or dispositional services for the court under
3 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
4 the juvenile in a juvenile detention facility or juvenile portion of a county jail that
5 meets the standards promulgated by the department of ~~corrections~~ by rule or in a
6 place of nonsecure custody designated by that person for not more than 72 hours
7 while the alleged violation and the appropriateness of a sanction under s. 938.355
8 (6) or a change in the conditions of the juvenile's participation in the program are
9 being investigated. Short-term detention under this subdivision may be imposed
10 only if at the dispositional hearing the court explained those conditions to the
11 juvenile and informed the juvenile of that possible placement or if before the
12 violation the juvenile has acknowledged in writing that he or she has read, or has had
13 read to him or her, those conditions and that possible placement and that he or she
14 understands those conditions and that possible placement.

History: 1995 a. 77; 1997 a. 205; 2001 a. 16; 2005 a. 344; 2007 a. 97; 2015 a. 55.

15 **SECTION 311.** 938.534 (1) (b) 2. of the statutes, as affected by 2015 Wisconsin
16 Act 55, is amended to read:

17 938.534 (1) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
18 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
19 policies adopted by the county board relating to the taking into custody and
20 placement of a juvenile under this subdivision, if a juvenile violates a condition of the
21 juvenile's participation in the program, the juvenile's caseworker or any other person
22 authorized to provide or providing intake or dispositional services for the court under
23 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
24 the juvenile in a juvenile detention facility or juvenile portion of a county jail that

1 meets the standards promulgated by the department of ~~corrections~~ by rule or in a
2 place of nonsecure custody designated by that person for not more than 72 hours as
3 a consequence of that violation. Short-term detention under this subdivision may
4 be imposed only if at the dispositional hearing the court explained those conditions
5 to the juvenile and informed the juvenile of that possible placement or if before the
6 violation the juvenile has acknowledged in writing that he or she has read, or has had
7 read to him or her, those conditions and that possible placement and that he or she
8 understands those conditions and that possible placement. A person who takes a
9 juvenile into custody under this subdivision shall permit the juvenile to make a
10 written or oral statement concerning the possible placement of the juvenile and the
11 course of conduct for which the juvenile was taken into custody. A person designated
12 by the court or the county department who is employed in a supervisory position by
13 a person authorized to provide or providing intake or dispositional services under s.
14 938.067 or 938.069 shall review that statement and either approve the placement,
15 modify the terms of the placement, or order the juvenile to be released from custody.

16 History: 1995 a. 77; 1997 a. 205; 2001 a. 16; 2005 a. 344; 2007 a. 97; 2015 a. 55.

17 **SECTION 312.** 938.534 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
is amended to read:

18 938.534 (2) RULES FOR INTENSIVE SUPERVISION PROGRAM. The department of
19 ~~corrections~~ shall promulgate rules specifying the requirements for an intensive
20 supervision program under this section. The rules shall include provisions
21 governing the use of placement in a juvenile detention facility, juvenile portion of a
22 county jail, or place of nonsecure custody for not more than 72 hours under sub. (1)

1 (b) and the use of placement in a place of nonsecure custody for not more than 30 days
2 under sub. (1) (c).

3 History: 1995 a. 77; 1997 a. 205; 2001 a. 16; 2005 a. 344; 2007 a. 97; 2015 a. 55.

3 **SECTION 313.** 938.535 of the statutes, as affected by 2015 Wisconsin Act 55, is
4 amended to read:

5 **938.535 Early release and intensive supervision program; limits.** The
6 department of ~~corrections~~ may establish a program for the early release and
7 intensive supervision of juveniles who have been placed in a juvenile correctional
8 facility or a secured residential care center for children and youth under s. 938.183
9 or 938.34 (4m). The program may not include any juveniles who have been placed
10 in a juvenile correctional facility or a secured residential care center for children and
11 youth as a result of a delinquent act involving the commission of a violent crime as
12 defined in s. 969.035, but not including the crime specified in s. 948.02 (1).

13 History: 1995 a. 77; 2005 a. 344; 2015 a. 55.

13 **SECTION 314.** 938.538 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
14 Act 55, is amended to read:

15 **938.538 (2) PROGRAM ADMINISTRATION AND DESIGN.** (intro.) The department of
16 ~~corrections~~ shall administer a serious juvenile offender program for juveniles who
17 have been adjudicated delinquent and ordered to participate in the program under
18 s. 938.34 (4h). The department of ~~corrections~~ shall design the program to provide all
19 of the following:

20 History: 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55.

20 **SECTION 315.** 938.538 (3) (a) (intro.) of the statutes, as affected by 2015
21 Wisconsin Act 55, is amended to read:

22 **938.538 (3) (a) (intro.)** The department of ~~corrections~~ shall provide each
23 participant with one or more of the following sanctions:

History: 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55.

1 ~~X~~ **SECTION 316.** 938.538 (3) (a) 9. of the statutes, as affected by 2015 Wisconsin [✓]
2 Act 55, is amended to read:

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

History: 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55. [✓]

5 ~~X~~ **SECTION 317.** 938.538 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 938.538 (4) INSTITUTIONAL STATUS. (a) A participant in the program under this
8 section is under the supervision and control of the department of ~~corrections~~, is
9 subject to the rules and discipline of ~~that~~ the department, and is considered to be in
10 custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a
11 participant violates a condition of his or her participation in the program under sub.
12 (3) (a) 2. to 9. while placed in a Type 2 juvenile correctional facility the department
13 of ~~corrections~~ may, without a hearing, take the participant into custody and return
14 him or her to placement in a Type 1 juvenile correctional facility or a secured
15 residential care center for children and youth. Any intentional failure of a
16 participant to remain within the extended limits of his or her placement while
17 participating in the serious juvenile offender program or to return within the time
18 prescribed by the administrator of the division of intensive sanctions in the
19 department of ~~corrections~~ is considered an escape under s. 946.42 (3) (c). This
20 paragraph does not preclude a juvenile who has violated a condition of the juvenile's
21 participation in the program under sub. (3) (a) 2. to 9. from being taken into and held
22 in custody under ss. 938.19 to 938.21.

23 (b) The department of ~~corrections~~ shall operate the component phases of the
24 program specified in sub. (3) (a) 2. to 9. as a Type 2 juvenile correctional facility. The

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

History: 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55.

11 **SECTION 318.** 938.538 (5) (a) of the statutes, as affected by 2015 Wisconsin Act

12 55, section 4712bm, is amended to read:

E: NOTE: Par. (a) 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:

13 938.538 (5) (a) The office of juvenile offender review in the division of juvenile
 14 corrections in the department of ~~corrections~~ may release a participant to community
 15 supervision under s. ~~301.03~~ 938.485 (10) (d) at any time after the participant has
 16 completed 2 years of participation in the serious juvenile offender program.

17 Community supervision of the participant shall be provided by the department of
 18 ~~corrections~~.

History: 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55.

19 **SECTION 319.** 938.538 (5) (b) of the statutes, as affected by 2015 Wisconsin Act

20 55, is amended to read:

21 938.538 (5) (b) The department of ~~corrections~~ may discharge a participant from
 22 participation in the serious juvenile offender program and from departmental

1 supervision and control at any time after he or she has completed 3 years in the
2 serious juvenile offender program.

3 **History:** 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55.

3 **SECTION 320.** 938.538 (6) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is amended to read:

5 938.538 (6) PURCHASE OF SERVICES. The department of ~~corrections~~ may contract
6 with the department of health services, ~~the department of children and families~~, a
7 county department, or any public or private agency for the purchase of goods, care,
8 and services for participants in the program under this section. The department of
9 ~~corrections~~ shall reimburse a person from whom it purchases goods, care, or services
10 under this subsection from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (cg).

11 **History:** 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55.

11 **SECTION 321.** 938.538 (7) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is amended to read:

13 938.538 (7) RULES. The department of ~~corrections~~ shall promulgate rules to
14 implement this section.

15 **History:** 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55.

15 **SECTION 322.** 938.539 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT OF ~~CORRECTIONS~~
18 CONTROL. A juvenile who is placed in a Type 2 juvenile correctional facility under s.
19 938.357 (4) (a) or who, having been so placed, is replaced in a less restrictive
20 placement under s. 938.357 (4) (c) is under the supervision and control of the
21 department of ~~corrections~~, is subject to the rules and discipline of that the
22 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

History: 1995 a. 352; 2001 a. 16, 59; 2005 a. 344; 2015 a. 55.

1 **SECTION 323.** 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.

History: 1995 a. 352; 2001 a. 16, 59; 2005 a. 344; 2015 a. 55.

5 **SECTION 324.** 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~~.

History: 1995 a. 77; 2015 a. 55.

14 **SECTION 325.** 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:

History: 1995 a. 77; 2005 a. 344; 2015 a. 55.

20 **SECTION 326.** 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.

1 **SECTION 327.** 938.57 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
2 section 4714bm, 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:

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

History: 1995 a. 77; 1997 a. 27, 35; 1999 a. 9; 2001 a. 38, 59; 2005 a. 25, 293, 344; 2007 a. 20, 97; 2009 a. 28; 2011 a. 32; 2013 a. 334; 2015 a. 55.

16 **SECTION 328.** 938.78 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
17 is amended to read:

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9; 2001 a. 38, 59, 109; 2003 a. 292, 321; 2005 a. 25, 277, 293, 344, 406, 434; 2007 a. 20 ss. 3834, 9121 (6) (a); 2007 a. 97; 2009 a. 79, 302, 338; 2011 a. 32, 270; 2013 a. 20, 334; 2015 a. 55, 149; 13.92 (2) (i).

21 **SECTION 329.** 938.78 (3) of the statutes, as affected by 2015 Wisconsin Acts 55
22 and 149, is amended to read:

1 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile
2 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
3 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
4 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
5 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26,
6 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04,
7 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
8 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped
9 from a juvenile correctional facility, residential care center for children and youth,
10 inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile
11 portion of a county jail, or from the custody of a peace officer or a guard of such a
12 facility, center, or jail, or has been allowed to leave a juvenile correctional facility,
13 residential care center for children and youth, inpatient facility, juvenile detention
14 facility, or juvenile portion of a county jail for a specified time period and is absent
15 from the facility, center, home, or jail for more than 12 hours after the expiration of
16 the specified period, the department of ~~corrections~~ or county department, whichever
17 has supervision over the juvenile, may release the juvenile's name and any
18 information about the juvenile that is necessary for the protection of the public or to
19 secure the juvenile's return to the facility, center, home, or jail. The department of
20 ~~corrections~~ shall promulgate rules establishing guidelines for the release of the
21 juvenile's name or information about the juvenile to the public.

E: NOTE: Sub. (3) is shown as affected by 2015 Wis. Acts 55 and 149 and as merged by the legislative reference bureau under s. 13.92 (2) (i).E:
History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9; 2001 a. 38, 59, 109; 2003 a. 292, 321; 2005 a. 25, 277, 293, 344, 406, 434; 2007
a. 20 ss. 3834, 9121 (6) (a); 2007 a. 97; 2009 a. 79, 302, 338; 2011 a. 32, 270; 2013 a. 20, 334; 2015 a. 55, 149; 13.92 (2) (i).

22 **SECTION 330.** 938.993 of the statutes, as affected by 2015 Wisconsin Act 55, is
23 amended to read:

1 **938.993 Juvenile compact administrator.** (1) Under the interstate
 2 compact on juveniles, the governor may designate an officer or employee of the
 3 department of ~~corrections~~ to be the compact administrator, who, acting jointly with
 4 like officers of other party states, shall promulgate rules to carry out more effectively
 5 the terms of the compact. The compact administrator shall serve subject to the
 6 pleasure of the governor. If there is a vacancy in the office of compact administrator
 7 or in the case of absence or disability, the functions shall be performed by the
 8 secretary of ~~corrections~~ children and families, or other employee designated by the
 9 secretary. The compact administrator may cooperate with all departments,
 10 agencies, and officers of and in the government of this state and its political
 11 subdivisions in facilitating the proper administration of the compact or of any
 12 supplementary agreement entered into by this state.

13 (2) The compact administrator shall determine for this state whether to receive
 14 juvenile probationers, parolees, and persons on extended supervision of other states
 15 under s. 938.991 (7) and shall arrange for the supervision of each such probationer,
 16 parolee, or person on extended supervision received, either by the department of
 17 ~~corrections~~ or by a person appointed to perform supervision service for the court
 18 assigned to exercise jurisdiction under this chapter and ch. 48 for the county where
 19 the juvenile is to reside, whichever is more convenient. Those persons shall in all
 20 such cases make periodic reports to the compact administrator regarding the conduct
 21 and progress of the juveniles.

22 History: 1977 c. 449; 1981 c. 390; 1989 a. 31, 107; 1995 a. 27; 1995 a. 77 s. 393; Stats. 1995 s. 938.993; 1997 a. 35, 283; 2015 a. 55.

23 **SECTION 331.** 938.994 of the statutes, as affected by 2015 Wisconsin Act 55, is
 amended to read:

1 **938.994 Supplementary agreements.** The department of corrections may
2 enter into supplementary agreements with appropriate officials of other states
3 under s. 938.991 (10). If the supplementary agreement requires or contemplates the
4 use of any institution or facility of this state or the provision of any service by this
5 state, the supplementary agreement has no effect until approved by the department
6 or agency under whose jurisdiction the institution or facility is operated or which
7 shall be charged with the rendering of the service.

8 History: 1981 c. 390; 1989 a. 31, 107; 1995 a. 27; 1995 a. 77 s. 394; Stats. 1995 s. 938.994; 2015 a. 55.

8 **SECTION 332.** 938.995 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
9 is amended to read:

10 938.995 (2) In the case of an escapee or absconder under s. 938.991 (5) or (6),
11 if the juvenile is in the legal custody or under the supervision of the department of
12 ~~corrections, that, the~~ department shall bear the expense of his or her return;
13 otherwise the appropriate court shall, on petition of the person entitled to the
14 juvenile's custody or charged with his or her supervision, arrange for the
15 transportation at the expense of the county and order that the county reimburse the
16 person, if any, who returns the juvenile, for the person's actual and necessary
17 expenses. In this subsection "appropriate court" means the court which adjudged the
18 juvenile to be delinquent or, if the juvenile is under supervision for another state
19 under s. 938.991 (7), then the court assigned to exercise jurisdiction under this
20 chapter and ch. 48 for the county of the juvenile's residence during the supervision.

21 History: 1977 c. 354, 447, 449; 1981 c. 390; 1985 a. 294; 1989 a. 31, 107; 1991 a. 316; 1995 a. 27; 1995 a. 77 s. 395 to 397; Stats. 1995 s. 938.995; 2015 a. 55.

21 **SECTION 333. Nonstatutory provisions.**

22 (1) TRANSFER OF JUVENILE CORRECTIONAL SERVICES.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
24 liabilities of the department of corrections that are primarily related to the provision

1 of juvenile correctional services, as determined by the secretary of administration,
2 shall become the assets and liabilities of the department of children and families.

3 (b) *Positions and employees.* On the effective date of this paragraph, all
4 positions and all incumbent employees holding those positions in the department of
5 corrections performing duties that are primarily related to the provision of juvenile
6 correctional services, as determined by the secretary of administration, are
7 transferred to the department of children and families.

8 (c) *Employee status.* Employees transferred under paragraph (b) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the department of children and families that they enjoyed in the
11 department of corrections immediately before the transfer. Notwithstanding section
12 230.28 (4) of the statutes, no employee so transferred who has attained permanent
13 status in class is required to serve a probationary period.

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

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

