

1 **SECTION 247.** 938.34 (6s) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

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

7 **SECTION 248.** 938.34 (8d) (c) of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

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

14 **SECTION 249.** 938.355 (6) (d) 1. of the statutes, as affected by 2015 Wisconsin
15 Act 55, is amended to read:

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

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.

4 **SECTION 250.** 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.

16 **SECTION 251.** 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
24 the standards promulgated by the department of corrections by rule or in a place of
25 nonsecure custody designated by that person for not more than 72 hours as a

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1 consequence of that violation. A person who takes a juvenile into custody under this
2 subdivision shall permit the juvenile to make a written or oral statement concerning
3 the possible placement of the juvenile and the course of conduct for which the
4 juvenile was taken into custody. A person designated by the court or county
5 department who is employed in a supervisory position by a person authorized to
6 provide or providing intake or dispositional services under s. 938.067 or 938.069
7 shall review that statement and either approve the placement, modify the terms of
8 the placement, or order the juvenile to be released from custody.

9 **SECTION 252.** 938.355 (6d) (b) 1. of the statutes, as affected by 2015 Wisconsin
10 Act 55, section 4658bm, is amended to read:

11 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
12 2g., 2m., and 2r., if a juvenile who is on aftercare supervision violates a condition of
13 that supervision, the juvenile's caseworker or any other person authorized to provide
14 or providing intake or dispositional services for the court under s. 938.067 or 938.069
15 may, without a hearing, take the juvenile into custody and place the juvenile in a
16 juvenile detention facility or juvenile portion of a county jail that meets the
17 standards promulgated by the department of ~~corrections~~ by rule or in a place of
18 nonsecure custody designated by that person for not more than 72 hours while the
19 alleged violation and the appropriateness of revoking the juvenile's aftercare status
20 are being investigated.

21 **SECTION 253.** 938.355 (6d) (b) 2. of the statutes, as affected by 2015 Wisconsin
22 Act 55, section 4659bm, is amended to read:

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

1 or providing intake or dispositional services for the court under s. 938.067 or 938.069
2 may, without a hearing, take the juvenile into custody and place the juvenile in a
3 juvenile detention facility or juvenile portion of a county jail that meets the
4 standards promulgated by the department of ~~corrections~~ by rule or in a place of
5 nonsecure custody designated by that person for not more than 72 hours as a
6 consequence of that violation. A person who takes a juvenile into custody under this
7 subdivision shall permit the juvenile to make a written or oral statement concerning
8 the possible placement of the juvenile and the course of conduct for which the
9 juvenile was taken into custody. A person designated by the court or the county
10 department who is employed in a supervisory position by a person authorized to
11 provide or providing intake or dispositional services under s. 938.067 or 938.069
12 shall review that statement and either approve the placement of the juvenile, modify
13 the terms of the placement, or order the juvenile to be released from custody.

14 **SECTION 254.** 938.355 (6m) (a) 1g. of the statutes, as affected by 2015 Wisconsin
15 Act 55, is amended to read:

16 938.355 **(6m)** (a) 1g. Placement of the juvenile in a juvenile detention facility
17 or juvenile portion of a county jail that meets the standards promulgated by the
18 department of ~~corrections~~ by rule or in a place of nonsecure custody, for not more than
19 10 days and the provision of educational services consistent with his or her current
20 course of study during the period of placement. The juvenile shall be given credit
21 against the period of detention or nonsecure custody imposed under this subdivision
22 for all time spent in secure detention in connection with the course of conduct for
23 which the detention or nonsecure custody was imposed. The use of placement in a
24 juvenile detention facility or in a juvenile portion of a county jail as a sanction under
25 this subdivision is subject to the adoption of a resolution by the county board of

1 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.
2 If the court orders placement of the juvenile in a place of nonsecure custody under
3 the supervision of the county department, the court shall order the juvenile into the
4 placement and care responsibility of the county department as required under 42
5 USC 672 (a) (2) and shall assign the county department primary responsibility for
6 providing services to the juvenile.

7 **SECTION 255.** 938.357 (4) (a) of the statutes, as affected by 2015 Wisconsin Act
8 55, section 4662bm, is amended to read:

9 938.357 (4) (a) When the juvenile is placed with the department of corrections,
10 ~~that,~~ the department may, after an examination under s. 938.50, place the juvenile
11 in a juvenile correctional facility or a secured residential care center for children and
12 youth or on community supervision or aftercare supervision, either immediately or
13 after a period of placement in a juvenile correctional facility or a secured residential
14 care center for children and youth. The department of corrections shall send written
15 notice of the change in placement to the parent, guardian, legal custodian, county
16 department designated under s. 938.34 (4n), if any, and committing court. If the
17 department of corrections places a juvenile in a Type 2 juvenile correctional facility
18 operated by a child welfare agency, ~~that~~ the department shall reimburse the child
19 welfare agency at the rate established under s. 49.343 that is applicable to the type
20 of placement that the child welfare agency is providing for the juvenile. A juvenile
21 who is placed in a Type 2 juvenile correctional facility or a secured residential care
22 center for children and youth remains under the supervision of the department of
23 corrections, remains subject to the rules and discipline of ~~that~~ the department, and
24 is considered to be in custody, as defined in s. 946.42 (1) (a).

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

3 938.357 (4) (b) 1. If a juvenile whom the department of ~~corrections~~ has placed
4 in a Type 2 juvenile correctional facility operated by a child welfare agency violates
5 a condition of his or her placement in the Type 2 juvenile correctional facility, the
6 child welfare agency operating the Type 2 juvenile correctional facility shall notify
7 the department of ~~corrections~~ and that the department, after consulting with the
8 child welfare agency, may place the juvenile in a Type 1 juvenile correctional facility
9 under the supervision of the department, without a hearing under sub. (1) (am) 2.

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

12 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential
13 care center for children and youth under s. 938.34 (4d) violates a condition of his or
14 her placement in the Type 2 residential care center for children and youth, the child
15 welfare agency operating the Type 2 residential care center for children and youth
16 shall notify the county department that has supervision over the juvenile and, if the
17 county department agrees to a change in placement under this subdivision, the child
18 welfare agency shall notify the department of ~~corrections~~, and that the department,
19 after consulting with the child welfare agency, may place the juvenile in a Type 1
20 juvenile correctional facility under the supervision of the department of ~~corrections~~,
21 without a hearing under sub. (1) (am) 2., for not more than 10 days. If a juvenile is
22 placed in a Type 1 juvenile correctional facility under this subdivision, the county
23 department that has supervision over the juvenile shall reimburse the child welfare
24 agency operating the Type 2 residential care center for children and youth in which
25 the juvenile was placed at the rate established under s. 49.343, and that child welfare

1 agency shall reimburse the department ~~of corrections~~ at the rate specified in s.
2 ~~301.26~~ 938.526 (4) (d) 2. or 3., whichever is applicable, for the cost of the juvenile's
3 care while placed in a Type 1 juvenile correctional facility.

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

6 938.357 (4) (b) 4. A juvenile may seek review of a decision of the department
7 ~~of corrections~~ under subd. 1. or 2. only by the common law writ of certiorari.

8 **SECTION 259.** 938.357 (4) (c) 1. of the statutes, as affected by 2015 Wisconsin
9 Act 55, is amended to read:

10 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility
11 operated by a child welfare agency under par. (a) and it appears that a less restrictive
12 placement would be appropriate for the juvenile, the department ~~of corrections~~, after
13 consulting with the child welfare agency that is operating the Type 2 juvenile
14 correctional facility, may place the juvenile in a less restrictive placement, and may
15 return the juvenile to the Type 2 juvenile correctional facility without a hearing
16 under sub. (1) (am) 2. The rate for each type of placement shall be established by the
17 department ~~of children and families, in consultation with the department of~~
18 ~~corrections~~, in the manner provided in s. 49.343.

19 **SECTION 260.** 938.357 (4) (c) 2. of the statutes, as affected by 2015 Wisconsin
20 Act 55, is amended to read:

21 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for
22 children and youth under s. 938.34 (4d) and it appears that a less restrictive
23 placement would be appropriate for the juvenile, the child welfare agency operating
24 the Type 2 residential care center for children and youth shall notify the county
25 department that has supervision over the juvenile and, if the county department

1 agrees to a change in placement under this subdivision, the child welfare agency may
2 place the juvenile in a less restrictive placement. A child welfare agency may also,
3 with the agreement of the county department that has supervision over a juvenile
4 who is placed in a less restrictive placement under this subdivision, return the
5 juvenile to the Type 2 residential care center for children and youth without a
6 hearing under sub. (1) (am) 2. The rate for each type of placement shall be
7 established by the department of children and families, in consultation with the
8 department of corrections, in the manner provided in s. 49.343.

9 **SECTION 261.** 938.357 (4) (c) 4. of the statutes, as affected by 2015 Wisconsin
10 Act 55, is amended to read:

11 938.357 (4) (c) 4. A juvenile may seek review of a decision of the department
12 of corrections or county department under subd. 1. or 2. only by the common law writ
13 of certiorari.

14 **SECTION 262.** 938.357 (4g) (a) of the statutes, as affected by 2015 Wisconsin Act
15 55, section 4664bm, is amended to read:

16 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
17 is placed in a juvenile correctional facility or a secured residential care center for
18 children and youth, or within 30 days after the date on which the department of
19 corrections requests the community supervision or aftercare plan, whichever is
20 earlier, the community supervision or aftercare provider designated under s. 938.34
21 (4n) shall prepare a community supervision or aftercare plan for the juvenile. If the
22 juvenile is to be placed on aftercare supervision, the county department designated
23 as the aftercare provider shall submit the aftercare plan to the department of
24 corrections within the applicable period specified in this paragraph, unless the
25 department of corrections waives the period under par. (b).

1 **SECTION 263.** 938.357 (4g) (b) of the statutes, as affected by 2015 Wisconsin Act
2 55, section 4665bm, is amended to read:

3 938.357 (4g) (b) The department of ~~corrections~~ may waive the period within
4 which a community supervision plan or aftercare plan must be prepared and
5 submitted under par. (a) if ~~that~~ the department anticipates that the juvenile will
6 remain in the juvenile correctional facility or secured residential care center for
7 children and youth for a period exceeding 8 months or if the juvenile is subject to s.
8 938.183. If the department of ~~corrections~~ waives that period, the designated
9 community supervision or aftercare provider shall prepare the community
10 supervision or aftercare plan within 30 days after the date on which the department
11 of ~~corrections~~ requests the community supervision or aftercare plan.

12 **SECTION 264.** 938.357 (4m) of the statutes, as affected by 2015 Wisconsin Act
13 55, section 4671bm, is amended to read:

14 938.357 (4m) **RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.**
15 The department of ~~corrections~~ shall try to release a juvenile to community
16 supervision or aftercare supervision under sub. (4) within 30 days after the date on
17 which ~~that~~ the department determines the juvenile is eligible for the release.

18 **SECTION 265.** 938.357 (5) (a) of the statutes, as affected by 2015 Wisconsin Act
19 55, section 4673bm, is amended to read:

20 938.357 (5) (a) If a juvenile has been placed on community supervision, the
21 department of ~~corrections~~ may revoke the community supervision status of that
22 juvenile as provided in this subsection. If a juvenile has been placed on aftercare
23 supervision, the county department that has been designated as a juvenile's
24 aftercare provider may revoke the aftercare status of that juvenile as provided in this

1 subsection. Prior notice of a change in placement under sub. (1) (am) 1. is not
2 required.

3 **SECTION 266.** 938.357 (5) (g) of the statutes, as affected by 2015 Wisconsin Act
4 55, section 4677bm, is amended to read:

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

11 **SECTION 267.** 938.357 (5m) (a) of the statutes, as affected by 2015 Wisconsin
12 Acts 55 and (Senate Bill 387), is amended to read:

13 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
14 placement from a placement in the juvenile's home to a placement outside the
15 juvenile's home, the court shall order the juvenile's parent to provide a statement of
16 the income, assets, debts, and living expenses of the juvenile and the juvenile's
17 parent to the court or the person or agency primarily responsible for implementing
18 the dispositional order by a date specified by the court. The clerk of court shall
19 provide, without charge, to any parent ordered to provide that statement a document
20 setting forth the percentage standard established by the department of ~~children and~~
21 ~~families~~ under s. 49.22 (9) and the manner of its application established by the
22 department of ~~corrections~~ under s. ~~301.12~~ 49.345 (14) (g) and listing the factors under
23 s. ~~301.12~~ 49.345 (14) (c). If the juvenile is placed outside the juvenile's home, the
24 court shall determine the liability of the parent in the manner provided in s. ~~301.12~~
25 49.345 (14).

1 **SECTION 268.** 938.36 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
2 (Senate Bill 387), is amended to read:

3 938.36 (1) (a) If legal custody is transferred from the parent or guardian or the
4 court otherwise designates an alternative placement for the juvenile by a consent
5 decree under s. 938.32, a disposition made under s. 938.183, 938.34, or 938.345, or
6 a change in placement under s. 938.357, the duty of the parent or guardian to provide
7 support shall continue even though the legal custodian or the placement designee
8 may provide the support. A copy of the order transferring custody or designating
9 alternative placement for the juvenile shall be submitted to the agency or person
10 receiving custody or placement and the agency or person may apply to the court for
11 an order to compel the parent or guardian to provide the support. Support payments
12 for residential services, when purchased or otherwise funded or provided by the
13 department of ~~corrections~~, or a county department under s. 46.215, 46.22 or 46.23,
14 shall be determined under s. ~~301.12~~ 49.345 (14). Support payments for residential
15 services, when purchased or otherwise funded by the department of health services,
16 or a county department under s. 51.42 or 51.437, shall be determined under s. 46.10
17 (14).

18 **SECTION 269.** 938.36 (2) of the statutes is amended to read:

19 938.36 (2) **SERVICES OR TREATMENT; COUNTY PAYMENT; PARENTAL CONTRIBUTION.** If
20 a juvenile whose legal custody has not been taken from a parent or guardian is given
21 educational and social services, or medical, psychological, or psychiatric treatment
22 by order of the court, the court may order the county to pay for those services or
23 treatment. This section does not prevent recovery of reasonable contribution toward
24 the costs from the parent or guardian of the juvenile as the court may order based

1 on the ability of the parent or guardian to pay. This subsection is subject to s. ~~301.03~~
2 (18) 49.32 (1).

3 **SECTION 270.** 938.363 (1) (c) of the statutes, as affected by 2015 Wisconsin Acts
4 55 and (Senate Bill 387), is amended to read:

5 938.363 (1) (c) If the proposed revision is for a change in the amount of child
6 support to be paid by a parent, the court shall order the juvenile's parent to provide
7 a statement of the income, assets, debts, and living expenses of the juvenile and the
8 juvenile's parent to the court and the person or agency primarily responsible for
9 implementing the dispositional order by a date specified by the court. The clerk of
10 court shall provide, without charge, to any parent ordered to provide that statement
11 a document setting forth the percentage standard established by the department of
12 ~~children and families~~ under s. 49.22 (9) and the manner of its application established
13 by the department of ~~corrections~~ under s. ~~301.12~~ 49.345 (14) (g) and listing the factors
14 under s. ~~301.12~~ 49.345 (14) (c).

15 **SECTION 271.** 938.363 (2) of the statutes is amended to read:

16 938.363 (2) REVISION OF SUPPORT. If the court revises the amount of child
17 support to be paid by a parent under the dispositional order for the care and
18 maintenance of the parent's juvenile who has been placed by a court order under this
19 chapter in a residential, nonmedical facility, the court shall determine the liability
20 of the parent under s. ~~301.12~~ 49.345 (14).

21 **SECTION 272.** 938.38 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
22 55, is amended to read:

23 938.38 (1) (a) "Agency" means the department of children and families, ~~the~~
24 ~~department of corrections~~, a county department, or a licensed child welfare agency.

1 **SECTION 273.** 938.396 (2g) (b) 1. of the statutes, as affected by 2015 Wisconsin
2 Act 55, is amended to read:

3 938.396 **(2g)** (b) 1. Upon request of the department ~~of corrections, the~~
4 ~~department of children and families,~~ or a federal agency to review court records for
5 the purpose of monitoring and conducting periodic evaluations of activities as
6 required by and implemented under 45 CFR 1355, 1356, and 1357, the court shall
7 open those records for inspection and copying by authorized representatives of the
8 requester. Those representatives shall keep those records confidential and may use
9 and further disclose those records only for the purpose for which those records were
10 requested.

11 **SECTION 274.** 938.48 (intro.) of the statutes, as affected by 2015 Wisconsin Act
12 55, is repealed.

13 **SECTION 275.** 938.48 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is repealed.

15 **SECTION 276.** 938.48 (3) of the statutes is renumbered 938.485 (7).

16 **SECTION 277.** 938.48 (4) of the statutes is renumbered 938.485 (8).

17 **SECTION 278.** 938.48 (4m) of the statutes is renumbered 938.485 (9).

18 **SECTION 279.** 938.48 (5) of the statutes is renumbered 938.485 (11).

19 **SECTION 280.** 938.48 (6) of the statutes is renumbered 938.485 (12).

20 **SECTION 281.** 938.48 (13) of the statutes, as affected by 2015 Wisconsin Act 55,
21 is renumbered 938.485 (13).

22 **SECTION 282.** 938.48 (14) of the statutes is renumbered 938.485 (14) and
23 amended to read:

24 938.485 **(14)** SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay
25 maintenance, tuition, and related expenses from the appropriation under s. 20.410

1 (3) 20.437 (4) (ho) for persons who, when they attained 17 years of age, were students
2 regularly attending a school, college, or university or regularly attending a course of
3 vocational or technical training designed to prepare them for gainful employment,
4 and who upon attaining that age were under the supervision of the department
5 under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of a judicial
6 decision.

7 **SECTION 283.** 938.48 (16) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is repealed.

9 **SECTION 284.** 938.485 (1) of the statutes, as created by 2015 Wisconsin Act 55,
10 is amended to read:

11 938.485 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws
12 relating to delinquent juveniles and juveniles in need of protection or services and
13 take the initiative in all matters involving the interests of those juveniles when
14 adequate provision for those matters is not made. This duty shall be discharged in
15 cooperation with the courts, ~~the department of corrections,~~ county departments,
16 licensed child welfare agencies, parents, and other individuals interested in the
17 welfare of juveniles.

18 **SECTION 285.** 938.485 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
19 is amended to read:

20 938.485 (4) REIMBURSEMENT OF TRIBES AND COUNTIES FOR TRIBAL DELINQUENCY
21 PLACEMENTS. Reimburse Indian tribes and county departments, from the
22 appropriation under s. 20.437 (1) (4) (kp), for unexpected or unusually high-cost
23 out-of-home care placements of Indian juveniles who have been adjudicated
24 delinquent by tribal courts. In this subsection, “unusually high-cost out-of-home
25 care placements” means the amount by which the cost to an Indian tribe or to a

1 county department of out-of-home care placements of Indian juveniles who have
2 been adjudicated delinquent by tribal courts exceeds \$50,000 in a fiscal year.

3 **SECTION 286.** 938.485 (5) of the statutes, as created by 2015 Wisconsin Act 55,
4 is amended to read:

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

8 **SECTION 287.** 938.485 (10) (title) of the statutes is created to read:

9 938.485 (10) (title) JUVENILES UNDER DEPARTMENT JURISDICTION.

10 **SECTION 288.** 938.485 (18) of the statutes is created to read:

11 938.485 (18) PURCHASE OF CARE AND SERVICES. (a) Contract with public or
12 voluntary agencies or others for the following purposes:

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

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

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

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

24 **938.49 (title) Notification by court of placement with department of**
25 **corrections; transfer of reports and records.**

1 **SECTION 290.** 938.49 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 938.49 (1) NOTICE TO DEPARTMENT OF CORRECTIONS OF PLACEMENT. When a court
4 places a juvenile in a juvenile correctional facility or secured residential care center
5 for children and youth under the supervision of the department of corrections, the
6 court shall immediately notify ~~that~~ the department of that action. The court shall,
7 in accordance with procedures established by the department of corrections, provide
8 transportation for the juvenile to a receiving center designated by ~~that~~ the
9 department or deliver the juvenile to personnel of ~~that~~ the department.

10 **SECTION 291.** 938.49 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
11 Act 55, is amended to read:

12 938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court
13 places a juvenile in a juvenile correctional facility or a secured residential care center
14 for children and youth under the supervision of the department of corrections, the
15 court and all other public agencies shall immediately do all of the following:

16 **SECTION 292.** 938.49 (2) (a) of the statutes, as affected by 2015 Wisconsin Act
17 55, is amended to read:

18 938.49 (2) (a) Transfer to the department of corrections a copy of the report
19 submitted to the court under s. 938.33 or, if the report was presented orally, a
20 transcript of the report and all other pertinent data in their possession.

21 **SECTION 293.** 938.50 of the statutes, as affected by 2015 Wisconsin Act 55,
22 section 4703bm, is amended to read:

23 **938.50 Examination of juveniles under supervision of department [of**
24 **corrections].** The department of corrections shall examine every juvenile who is
25 placed under its supervision to determine the type of placement best suited to the

1 juvenile and to the protection of the public. The examination shall include an
2 investigation of the personal and family history of the juvenile and his or her
3 environment, any physical or mental examinations necessary to determine the type
4 of placement appropriate for the juvenile, and an evaluation under s. 938.533 (3) (a)
5 to determine the appropriate level of supervision and services based on the juvenile's
6 risks and needs. The department of ~~corrections~~ shall screen a juvenile who is
7 examined under this section to determine whether the juvenile is in need of special
8 treatment or care because of alcohol or other drug abuse, mental illness, or severe
9 emotional disturbance. In making the examination the department of ~~corrections~~
10 may use any facilities, public or private, that offer assistance in determining the
11 correct placement for the juvenile.

12 **SECTION 294.** 938.505 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
13 is amended to read:

14 **938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF ~~CORRECTIONS~~ OR COUNTY**
15 **DEPARTMENT.** When a juvenile is placed under the supervision of the department of
16 ~~corrections~~ under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4) or (5) (e) or under
17 the supervision of a county department under s. 938.34 (4n), the department of
18 ~~corrections~~ or county department, whichever has supervision over the juvenile, shall
19 have the right and duty to protect, train, discipline, treat, and confine the juvenile
20 and to provide food, shelter, legal services, education, and ordinary medical and
21 dental care for the juvenile, subject to the rights, duties, and responsibilities of the
22 guardian of the juvenile and subject to any residual parental rights and
23 responsibilities and the provisions of any court order.

24 **SECTION 295.** 938.505 (2) (a) (intro.) of the statutes, as affected by 2015
25 Wisconsin Act 55, is amended to read:

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

15 **SECTION 296.** 938.505 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
16 55, is amended to read:

17 938.505 (2) (b) The court may, at the request of the department of ~~corrections~~
18 or county department, temporarily approve the administration of psychotropic
19 medication, for not more than 10 days after the date of the request, pending the
20 hearing on the petition. The hearing shall be held within that 10-day period.

21 **SECTION 297.** 938.51 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
22 Act 55, is amended to read:

23 938.51 (1) **RELEASE FROM SECURED FACILITY OR SUPERVISION.** (intro.) At least 15
24 days prior to the date of release from a juvenile correctional facility or a secured
25 residential care center for children and youth of a juvenile who has been adjudicated

1 delinquent and at least 15 days prior to the release from the supervision of the
2 department of ~~corrections~~ or a county department of a juvenile who has been
3 adjudicated delinquent, the department of ~~corrections~~ or county department,
4 whichever has supervision over the juvenile, shall make a reasonable attempt to do
5 all of the following:

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

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

19 **SECTION 299.** 938.51 (1m) of the statutes, as affected by 2015 Wisconsin Act 55,
20 section 4704bm, is amended to read:

21 938.51 (1m) NOTIFICATION OF LOCAL AGENCIES. The department of ~~corrections~~
22 or county department, whichever has supervision over a juvenile described in sub.
23 (1), shall determine the local agencies that it will notify under sub. (1) (a) based on
24 the residence of the juvenile's parents or on the juvenile's intended residence
25 specified in the juvenile's community supervision plan or aftercare supervision plan

1 or, if those methods do not indicate the community in which the juvenile will reside
2 following release from a juvenile correctional facility or a secured residential care
3 center for children and youth or from the supervision of the department of corrections
4 or county department, the community in which the juvenile states that he or she
5 intends to reside.

6 **SECTION 300.** 938.51 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
7 is amended to read:

8 938.51 (2) NOTIFICATION REQUEST CARDS. The department of corrections shall
9 design and prepare cards for any person specified in sub. (1) (b), (c), (cm), or (d) to
10 send to the department of corrections or county department, whichever has
11 supervision over a juvenile described in sub. (1), (1d), or (1g). The cards shall have
12 space for the person's name, telephone number and mailing address, the name of the
13 applicable juvenile, and any other information that the department of corrections
14 determines is necessary. The cards shall advise a victim who is under 18 years of age
15 that he or she may complete a card requesting notification under sub. (1) (b), (1d),
16 or (1g) if the notification occurs after the victim attains 18 years of age and advising
17 the parent or guardian of a victim who is under 18 years of age that the parent or
18 guardian may authorize on the card direct notification of the victim under sub. (1)
19 (b), (1d), or (1g) if the notification occurs after the victim attains 18 years of age. The
20 department of corrections shall provide the cards, without charge, to district
21 attorneys. District attorneys shall provide the cards, without charge, to persons
22 specified in sub. (1) (b) to (d). These persons may send completed cards to the
23 department of corrections or county department, whichever has supervision over the
24 juvenile. Department of corrections and county department records or portions of

1 records that relate to telephone numbers and mailing addresses of these persons are
2 not subject to inspection or copying under s. 19.35 (1).

3 **SECTION 301.** 938.51 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is amended to read:

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

10 **SECTION 302.** 938.51 (4) (intro.) of the statutes, as affected by 2015 Wisconsin
11 Act 55, is amended to read:

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

24 **SECTION 303.** 938.52 (title) of the statutes, as affected by 2015 Wisconsin Act
25 55, is amended to read:

1 **938.52** (title) **Facilities for care of juveniles in care of department of**
2 **corrections.**

3 **SECTION 304.** 938.52 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
4 Act 55, is amended to read:

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

8 **SECTION 305.** 938.52 (1) (f) of the statutes, as affected by 2015 Wisconsin Act
9 55, is amended to read:

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

15 **SECTION 306.** 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

1 development disability shall be made in accordance with ss. 48.14 (5), 48.63, and
2 938.34 (6) (am) and ch. 51.

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

11 (c) The department of ~~corrections~~ may inspect any facility it is using and
12 examine and consult with persons under its supervision under s. 938.183, 938.34
13 (4h), (4m), or (4n), or 938.357 (4) who have been placed in the facility.

14 **SECTION 307.** 938.52 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is amended to read:

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

19 **SECTION 308.** 938.53 of the statutes, as affected by 2015 Wisconsin Act 55, is
20 amended to read:

21 **938.53 Duration of control of department of ~~corrections~~ over**
22 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent
23 who has been placed under the supervision of the department of ~~corrections~~ under
24 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) shall be discharged as soon as ~~that~~
25 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.

3 **SECTION 309.** 938.533 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
4 Act 55, section 4707bm, is amended to read:

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

12 **SECTION 310.** 938.533 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
13 section 4709bm, is amended to read:

14 938.533 (3) INSTITUTIONAL STATUS. (a) The office of juvenile offender review in
15 the division of juvenile corrections in the department of ~~corrections~~ shall evaluate
16 each juvenile who is placed under community supervision and may place such a
17 juvenile in Type 2 status. A juvenile who is placed in Type 2 status is under the
18 supervision of the department of ~~corrections~~, is subject to the rules and discipline of
19 ~~that~~ the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
20 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
25 children and youth. This paragraph does not preclude a juvenile who has violated

1 a condition of his or her participation in community supervision from being taken
2 into and held in custody under ss. 938.19 to 938.21.

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

14 **SECTION 311.** 938.533 (4) of the statutes is amended to read:

15 938.533 (4) RULES. The department of ~~corrections~~ shall promulgate rules to
16 implement this section.

17 **SECTION 312.** 938.534 (1) (b) 1. of the statutes, as affected by 2015 Wisconsin
18 Act 55, is amended to read:

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

1 the juvenile in a juvenile detention facility or juvenile portion of a county jail that
2 meets the standards promulgated by the department of ~~corrections~~ by rule or in a
3 place of nonsecure custody designated by that person for not more than 72 hours
4 while the alleged violation and the appropriateness of a sanction under s. 938.355
5 (6) or a change in the conditions of the juvenile's participation in the program are
6 being investigated. Short-term detention under this subdivision may be imposed
7 only if at the dispositional hearing the court explained those conditions to the
8 juvenile and informed the juvenile of that possible placement or if before the
9 violation the juvenile has acknowledged in writing that he or she has read, or has had
10 read to him or her, those conditions and that possible placement and that he or she
11 understands those conditions and that possible placement.

12 **SECTION 313.** 938.534 (1) (b) 2. of the statutes, as affected by 2015 Wisconsin
13 Act 55, is amended to read:

14 938.534 (1) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
15 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
16 policies adopted by the county board relating to the taking into custody and
17 placement of a juvenile under this subdivision, if a juvenile violates a condition of the
18 juvenile's participation in the program, the juvenile's caseworker or any other person
19 authorized to provide or providing intake or dispositional services for the court under
20 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
21 the juvenile in a juvenile detention facility or juvenile portion of a county jail that
22 meets the standards promulgated by the department of ~~corrections~~ by rule or in a
23 place of nonsecure custody designated by that person for not more than 72 hours as
24 a consequence of that violation. Short-term detention under this subdivision may
25 be imposed only if at the dispositional hearing the court explained those conditions

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1 to the juvenile and informed the juvenile of that possible placement or if before the
2 violation the juvenile has acknowledged in writing that he or she has read, or has had
3 read to him or her, those conditions and that possible placement and that he or she
4 understands those conditions and that possible placement. A person who takes a
5 juvenile into custody under this subdivision shall permit the juvenile to make a
6 written or oral statement concerning the possible placement of the juvenile and the
7 course of conduct for which the juvenile was taken into custody. A person designated
8 by the court or the county department who is employed in a supervisory position by
9 a person authorized to provide or providing intake or dispositional services under s.
10 938.067 or 938.069 shall review that statement and either approve the placement,
11 modify the terms of the placement, or order the juvenile to be released from custody.

12 **SECTION 314.** 938.534 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
13 is amended to read:

14 938.534 (2) **RULES FOR INTENSIVE SUPERVISION PROGRAM.** The department of
15 ~~corrections~~ shall promulgate rules specifying the requirements for an intensive
16 supervision program under this section. The rules shall include provisions
17 governing the use of placement in a juvenile detention facility, juvenile portion of a
18 county jail, or place of nonsecure custody for not more than 72 hours under sub. (1)
19 (b) and the use of placement in a place of nonsecure custody for not more than 30 days
20 under sub. (1) (c).

21 **SECTION 315.** 938.535 of the statutes, as affected by 2015 Wisconsin Act 55, is
22 amended to read:

23 **938.535 Early release and intensive supervision program; limits.** The
24 department of ~~corrections~~ may establish a program for the early release and
25 intensive supervision of juveniles who have been placed in a juvenile correctional

1 facility or a secured residential care center for children and youth under s. 938.183
2 or 938.34 (4m). The program may not include any juveniles who have been placed
3 in a juvenile correctional facility or a secured residential care center for children and
4 youth as a result of a delinquent act involving the commission of a violent crime as
5 defined in s. 969.035, but not including the crime specified in s. 948.02 (1).

6 **SECTION 316.** 938.538 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
7 Act 55, is amended to read:

8 938.538 (2) PROGRAM ADMINISTRATION AND DESIGN. (intro.) The department of
9 corrections shall administer a serious juvenile offender program for juveniles who
10 have been adjudicated delinquent and ordered to participate in the program under
11 s. 938.34 (4h). The department of ~~corrections~~ shall design the program to provide all
12 of the following:

13 **SECTION 317.** 938.538 (3) (a) (intro.) of the statutes, as affected by 2015
14 Wisconsin Act 55, is amended to read:

15 938.538 (3) (a) (intro.) The department of ~~corrections~~ shall provide each
16 participant with one or more of the following sanctions:

17 **SECTION 318.** 938.538 (3) (a) 9. of the statutes, as affected by 2015 Wisconsin
18 Act 55, is amended to read:

19 938.538 (3) (a) 9. Other programs as prescribed by the department of
20 ~~corrections~~.

21 **SECTION 319.** 938.538 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
22 is amended to read:

23 938.538 (4) INSTITUTIONAL STATUS. (a) A participant in the program under this
24 section is under the supervision and control of the department of ~~corrections~~, is
25 subject to the rules and discipline of ~~that~~ the department, and is considered to be in

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

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

1 **SECTION 320.** 938.538 (5) (a) of the statutes, as affected by 2015 Wisconsin Act
2 55, section 4712bm, is amended to read:

3 938.538 (5) (a) The office of juvenile offender review in the division of juvenile
4 corrections in the department of ~~corrections~~ may release a participant to community
5 supervision under s. ~~301.03~~ 938.485 (10) (d) at any time after the participant has
6 completed 2 years of participation in the serious juvenile offender program.
7 Community supervision of the participant shall be provided by the department of
8 ~~corrections~~.

9 **SECTION 321.** 938.538 (5) (b) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 938.538 (5) (b) The department of ~~corrections~~ may discharge a participant from
12 participation in the serious juvenile offender program and from departmental
13 supervision and control at any time after he or she has completed 3 years in the
14 serious juvenile offender program.

15 **SECTION 322.** 938.538 (6) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 938.538 (6) PURCHASE OF SERVICES. The department of ~~corrections~~ may contract
18 with the department of health services, ~~the department of children and families~~, a
19 county department, or any public or private agency for the purchase of goods, care,
20 and services for participants in the program under this section. The department of
21 ~~corrections~~ shall reimburse a person from whom it purchases goods, care, or services
22 under this subsection from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (cg).

23 **SECTION 323.** 938.538 (7) of the statutes, as affected by 2015 Wisconsin Act 55,
24 is amended to read:

1 938.538 (7) RULES. The department of ~~corrections~~ shall promulgate rules to
2 implement this section.

3 **SECTION 324.** 938.539 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is amended to read:

5 938.539 (2) ~~TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT OF CORRECTIONS~~
6 CONTROL. A juvenile who is placed in a Type 2 juvenile correctional facility under s.
7 938.357 (4) (a) or who, having been so placed, is replaced in a less restrictive
8 placement under s. 938.357 (4) (c) is under the supervision and control of the
9 department of ~~corrections~~, is subject to the rules and discipline of that the
10 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

11 **SECTION 325.** 938.539 (6) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is amended to read:

13 938.539 (6) ~~RULE-MAKING.~~ The department of ~~corrections~~ shall promulgate
14 rules to implement this section.

15 **SECTION 326.** 938.54 of the statutes, as affected by 2015 Wisconsin Act 55, is
16 renumbered 938.54 (1) and amended to read:

17 938.54 (1) RECORDS GENERALLY. The department of ~~corrections~~ shall keep a
18 complete record on each juvenile under its supervision under s. 938.183, 938.34 (4h),
19 (4m), or (4n) or 938.357 (4). This record shall include the information received from
20 the court, the date of reception, all available data on the personal and family history
21 of the juvenile, the results of all tests and examinations given the juvenile, and a
22 complete history of all placements of the juvenile while under the supervision of the
23 department of ~~corrections~~.

24 **SECTION 327.** 938.549 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
25 Act 55, is amended to read:

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

5 **SECTION 328.** 938.57 (1) (g) of the statutes, as affected by 2015 Wisconsin Act
6 55, is amended to read:

7 938.57 (1) (g) Upon request of the department of ~~corrections,~~ provide service
8 for any juvenile in the care of ~~that~~ the department.

9 **SECTION 329.** 938.57 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
10 section 4714bm, is amended to read:

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

24 **SECTION 330.** 938.78 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
25 is amended to read:

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

4 **SECTION 331.** 938.78 (3) of the statutes, as affected by 2015 Wisconsin Acts 55
5 and 149, is amended to read:

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

1 ~~corrections~~ shall promulgate rules establishing guidelines for the release of the
2 juvenile's name or information about the juvenile to the public.

3 **SECTION 332. Nonstatutory provisions.**

4 (1) TRANSFER OF JUVENILE CORRECTIONAL SERVICES.

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

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

14 (c) *Employee status.* Employees transferred under paragraph (b) have all the
15 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
16 statutes in the department of children and families that they enjoyed in the
17 department of corrections immediately before the transfer. Notwithstanding section
18 230.28 (4) of the statutes, no employee so transferred who has attained permanent
19 status in class is required to serve a probationary period.

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

1 (e) *Pending matters.* Any matter pending with the department of corrections
2 on the effective date of this paragraph that is primarily related to the provision of
3 juvenile correctional services, as determined by the secretary of administration, is
4 transferred to the department of children and families. All materials submitted to
5 or actions taken by the department of corrections with respect to the pending matter
6 are considered as having been submitted to or taken by the department of children
7 and families.

8 (f) *Contracts.* All contracts entered into by the department of corrections in
9 effect on the effective date of this paragraph that are primarily related to the
10 provision of juvenile correctional services, as determined by the secretary of
11 administration, remain in effect and are transferred to the department of children
12 and families. The department of children and families shall carry out any obligations
13 under those contracts unless modified or rescinded by the department of children
14 and families to the extent allowed under the contract.

15 (g) *Rules and orders.* All rules promulgated by the department of corrections
16 in effect on the effective date of this paragraph that are primarily related to the
17 provision of juvenile correctional services, as determined by the secretary of
18 administration, remain in effect until their specified expiration dates or until
19 amended or repealed by the department of children and families. All orders issued
20 by the department of corrections in effect on the effective date of this paragraph that
21 are primarily related to the provision of juvenile correctional services, as determined
22 by the secretary of administration, remain in effect until their specified expiration
23 dates or until modified or rescinded by the department of children and families.

24 **SECTION 333. Effective date.**

Milford, Renae

From: Packnett, Greg
Sent: Thursday, April 07, 2016 2:27 PM
To: LRB.Legal
Subject: Draft Review: LRB -4788/1

Please Jacket LRB -4788/1 for the SENATE.