

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/19/2014** Received By: **gmalaise**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget 6-2213** By/Representing: **Ley**  
May Contact: Drafter: **gmalaise**  
Subject: **Children - juvenile justice** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **sbostatlanguage@webapps.wi.gov**

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**Pre Topic:**

DOA:.....Ley, BB0010 -

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**Topic:**

Juvenile community supervision

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**Instructions:**

See attached

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**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>       | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|-----------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /?           | gmalaise<br>10/1/2014 | kfollett<br>10/6/2014 |                       | _____          |                       |                 |                 |
| /1           | gmalaise<br>12/5/2014 |                       | rschluet<br>10/7/2014 | _____          | sbasford<br>10/7/2014 |                 | State           |
| /2           | gmalaise<br>1/28/2015 | kfollett<br>12/9/2014 | rschluet<br>12/9/2014 | _____          | sbasford<br>12/9/2014 |                 | State           |
| /3           |                       | kfollett              | rschluet              | _____          | sbasford              |                 | State           |

Vers. Drafted

Reviewed  
1/29/2015

Typed  
1/29/2015

Proofed  
\_\_\_\_\_

Submitted  
1/29/2015

Jacketed

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| /2           |                       | kfollett<br>12/9/2014 | rschluet<br>12/9/2014 | _____          | sbasford<br>12/9/2014 |                 | State           |

*Handwritten notes:*  
13/5F  
11/29  
12/15/14  
3

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| /?           | gmalaise<br>10/1/2014 | kfollett<br>10/6/2014 |                                       |                |                       |                 |                 |
| /1           |                       | 12/5f<br>12/9         | rschlue<br>10/7/2014<br>12/5f<br>12/9 |                | sbasford<br>10/7/2014 |                 | State           |

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Carbon copy (CC) to: sbostatlanguage@webapps.wi.gov ✓

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**Pre Topic:**

DOA:.....Ley, BB0010 -

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**Topic:**

Juvenile community supervision ✓

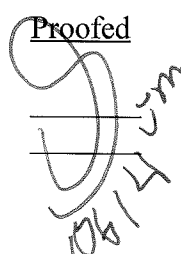
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**Instructions:**

See attached

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|--------------|----------------|-----------------|-----------------|---|------------------|-----------------|-----------------|
| /?           | gmalaise       | 1/11/5f<br>10/6 | 1/11/6f<br>10/6 |  |                  |                 |                 |

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, September 18, 2014 2:34 PM  
**To:** Shea, Elisabeth; Malaise, Gordon  
**Subject:** FW: Statutory Language Drafting Request - BB0010  
**Attachments:** Juvenile Community Supervision Redesign.docx

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**From:** Emily.Ley@wisconsin.gov [mailto:Emily.Ley@wisconsin.gov]  
**Sent:** Thursday, September 18, 2014 2:21 PM  
**To:** Hanaman, Cathlene  
**Cc:** Frederick, Caitlin - DOA; Ley, Emily A - DOA; Connor, Christopher B - DOA  
**Subject:** Statutory Language Drafting Request - BB0010

Biennial Budget: 2015-17

Topic: Juvenile Community Supervision Redesign

Tracking Code: BB0010

SBO Team: AEJ

SBO Analyst: Ley, Emily - DOA  
Phone: 608-266-2213  
E-mail: [Emily.Ley@wisconsin.gov](mailto:Emily.Ley@wisconsin.gov)

Agency Acronym: DOC

Agency Number: 410

Priority: Medium

Intent:

Revise the community supervision statutes to remove references to corrective sanctions and aftercare programs and rates; replace with a community supervision program based on individualized risks and needs.

Attachments: True

Please send completed drafts to [SBOSatlanguage@webapps.wi.gov](mailto:SBOSatlanguage@webapps.wi.gov)

**DEPARTMENT OF CORRECTIONS**  
**2015-17 Biennial Budget**  
**Statutory Language Request**

**Topic:** Community Supervision Redesign

**Current Language**

Current language in §20.410(3)(cg), 20.410(3)(hr), 301.025, 301.26(4), 301.26(7), 938.50, 938.530(3), 938.533 and 938.538 provides the statutory language necessary to provide operations for juvenile community supervision.

**Proposed Change**

**Juvenile Correctional Services**

*Serious juvenile offenders*

§**20.410(3)(cg)** Biennially, the amounts in the schedule for juvenile correctional institution, ~~corrective sanctions~~, alternate care, ~~aftercare~~, community supervision, and other juvenile program services specified in s. 938.538 (3) provided for the persons specified in s. 301.26 (4) (cm) and for juvenile correctional institution services for persons placed in juvenile correctional institutions under s. 973.013 (3m).

*Juvenile ~~Corrective Sanctions Program~~ Community Supervision Services*

§**20.410(3)(hr)** The amounts in the schedule for the ~~corrective sanctions~~ community supervision services specified in ss. 49.45 (25) (bj) and 301.26 (4) (c) and (eg). All moneys received in payment for those ~~corrective sanctions~~ community supervision services as specified in s. 301.26 (4) (d) and (eg), and all moneys transferred under s. 301.26 (4) (cm), shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year ~~corrective sanctions~~ community supervision services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in s. 301.26 (4) (ct).

**Division of Juvenile Corrections**

§**301.025** The division of juvenile corrections shall exercise the powers and perform the duties of the department that relate to juvenile correctional services and institutions, juvenile offender review, ~~aftercare~~, ~~corrective sanctions~~ community supervision, the serious juvenile offender program under s. 938.538, and youth aids.

**Community Youth and Family Aids**

*State Services*

§**301.26(4)(cm) 1.** Notwithstanding pars. (a), (b), and (bm), the department shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations under s. 20.410 (3) (hm), (ho), and (hr) for the purpose of reimbursing juvenile correctional facilities, secured residential care centers for children and youth, alternate care providers, ~~aftercare supervision providers~~, and ~~corrective sanctions~~ community supervision providers for costs incurred beginning on July 1, 1997, for the care



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

**§301.26(4)(d) 2.** Beginning on July 1, ~~2015~~2017, and ending on June 30, ~~2016~~2018, the per person daily cost assessment to counties shall be ~~\$279~~ \$X for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and ~~\$279~~ \$X for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$132 for departmental corrective sanctions services, and \$48 for departmental aftercare services.~~

**§301.26(4)(d) 3.** Beginning on July 1, ~~2016~~2018, and ending on June 30, ~~2017~~2019, the per person daily cost assessment to counties shall be ~~\$287~~ \$X for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and ~~\$287~~ \$X for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$127 for departmental corrective sanctions services, and \$49 for departmental aftercare services.~~

**§301.26(4)(d) <sup>5</sup> Ag.** The per person daily cost assessment to counties for community supervision services under 938.533 shall be an amount determined by the department based on the cost of providing those services. Multiple rates may be established for varying types and levels of service. Rates will be calculated by the department prior to the beginning of each fiscal year and submitted to the Joint Committee on Finance for passive review.

**§301.26(4)(d) 4.** The per person daily cost assessment to counties for care in a foster home, group home, or residential care center for children and youth shall be an amount equal to the amount the provider charges the department for that care as authorized by the department of children and families.

**§301.26(4)(eg)** For ~~corrective sanctions~~ community supervision services under s. 938.533 (2), all payments and deductions made under this subsection and uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (hr).

**§301.26(4)(g)** For juvenile ~~field and institutional aftercare~~ services under ch. 938 and for the office of juvenile offender review, all payments and deductions made under this subsection and uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (hm).

#### *Allocation of Funds*

**§301.26(7)(h)** For counties that are ~~participating in the corrective sanctions program~~ purchasing community supervision services under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2015~~ 2017, \$2,124,800 in ~~2016~~ 2018, and \$1,062,400 in the first 6 months of ~~2017~~

~~2019 for the provision of corrective sanctions community supervision services for juveniles from that county. In distributing funds to counties under this paragraph, the department shall determine a county's distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the program under s. 938.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among counties as necessary to distribute funds based on the number of slots allocated to each county prorate available funding based on the amount of each counties' charges for services purchased, up to the total amount of charges for services purchased.~~

### **Examination of juveniles under supervision of department**

**§938.50** The department shall examine every juvenile who is placed under its supervision to determine the type of placement best suited to the juvenile and to the protection of the public. The examination shall include an investigation of the personal and family history of the juvenile and his or her environment, any physical or mental examinations necessary to determine the type of placement appropriate for the juvenile, and an evaluation under s. 938.533(2) to determine ~~whether the juvenile is eligible for corrective sanctions supervision or serious juvenile offender supervision~~ the appropriate level of supervision and services based on the juvenile's risk and needs. The department shall screen a juvenile who is examined under this section to determine whether the juvenile is in need of special treatment or care because of alcohol or other drug abuse, mental illness, or severe emotional disturbance. In making the examination the department may use any facilities, public or private, that offer assistance in determining the correct placement for the juvenile.

### **Serious juvenile offender program**

**§938.538(3)(a)** The department shall provide each participant with one or more of the following sanctions:

2. Intensive or other ~~field community supervision including corrective sanctions supervision~~ under s.938.533 or ~~aftercare supervision.~~

## **CORRECTIVE SANCTIONS COMMUNITY SUPERVISION**

### *CORRECTIVE SANCTIONS PROGRAM COMMUNITY SUPERVISION*

**§938.533 (2)** From the appropriation under s. 20.410 (3) (hr), the department shall provide a ~~corrective sanctions community supervision including case management, surveillance, and treatment for~~ am to serve an average daily population of 136 juveniles unless the appropriation under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions for the program are increased under s. 13.101 or 16.505 (2) or unless funding and positions to serve more than that average daily population are otherwise available, in at least 3 counties, including Milwaukee County. The Department's office of juvenile offender review shall evaluate and select for participation in the ~~program.~~ juveniles who have been placed under the supervision of the department under s. 938.183, 938.34 (4h) or (4m) or (4n), or 938.357 (4).

938.533 (2h) The department shall place a program participant in the community, provide intensive surveillance of that participant, and provide or purchase any of the following an average of not more than \$3,000 per year per slot to purchase community-based treatment services for each participant juveniles under community supervision: The department shall make the

938.533 (2h)(a) intensive surveillance available 24 hours a day, 7 days a week, including and may purchase or provide electronic or GPS monitoring, based on the juvenile's risk level and community safety, for the intensive surveillance of program participants. The department shall provide a

938.533 (2h)(b) day or evening report center programming in Milwaukee County to provide on-site programming after school and in the evening for juveniles from Milwaukee County who are placed in the corrective sanctions program. A contact worker providing services under the program shall have a case load of approximately 10 juveniles and, during the initial phase of placement in the community under the program of a juvenile who is assigned to that contact worker, shall have not less than one face-to-face

938.533 (2h)(c) contacts per day with that juvenile and the juvenile's family of a type, frequency, and duration commensurate with the juvenile's level of risk and individual treatment needs.

938.533 (2h)(d) Case management services under the program shall be provided by a corrective sanctions juvenile probation and parole agent who shall have a case load of approximately 15 juveniles.

938.533 (2h)(e) Treatment and other services needed to meet the juvenile's assessed needs.

(4)

938.533 (2r) The department shall promulgate rules to implement the program, community supervision services.

#### *INSTITUTIONAL STATUS*

§938.533 (3)(a) The department's office of juvenile offender review shall evaluate juveniles placed under community supervision and may place them in Type 2 status as defined under 938.02(20). A participant juvenile in the corrective sanctions program Type 2 status is under the supervision of the department, is subject to the rules and discipline of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile in Type 2 status violates a condition of his or her participation in the corrective sanctions program community supervision the department may, without a hearing, take the juvenile into custody and place the juvenile in a juvenile detention facility or return the juvenile to placement in a Type 1 juvenile correctional facility or a secured residential care center for children and youth. This paragraph does not preclude a juvenile who has violated a condition of his or her participation in the corrective sanctions program community supervision from being taken into and held in custody under ss. 938.19 to 938.21.

§938.533 (3)(b) The department shall operate the corrective sanctions program community supervision for juveniles in Type 2 status as a Type 2 juvenile correctional facility. The secretary may allocate and reallocate existing and future facilities as part of the Type 2 juvenile correctional facility. The Type 2 juvenile correctional facility is subject to s. 301.02. Construction or

establishment of a Type 2 juvenile correctional facility shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or establishment of a Type 2 juvenile correctional facility is not subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and city, village, or town in which the construction or establishment takes place and is exempt from the investigations permitted under s. 46.22 (1) (c) 1. b.

*ESCAPE*

**938.533 (3m)** If a juvenile in Type 2 status runs away from his or her placement in the community while participating in the ~~corrective sanctions program~~ community supervision, the juvenile is considered to have escaped in violation of s. 946.42 (3) (c).

**Effect of the Change**

The revisions of juvenile community supervision statutes will provide a redesign of community supervision services. The revisions will remove separate corrective sanctions and aftercare language and will instead combine the appropriations to provide community supervision based upon juveniles' individual risks and needs. The removal of the daily rates for aftercare and corrective sanctions from statutes allow for multiple rates based upon levels of service to be established, and allow for the department to set rates before each fiscal year based upon Joint Committee on Finance Passive review. These revisions will occur starting with the 2017-19 Biennial Budget, and the submission of the rates to the Joint Committee on Finance for passive review will begin prior to and for July 1, 2017.

**Rationale for the Change**

The changes allow for juvenile community supervision services to be based upon the level of services and program costs needed for each juvenile in order to reduce the risk of reoffending, rather than restricted to services stipulated in either corrective sanctions or aftercare appropriations. The changes will allow for the community supervision daily rates to be set every fiscal year in order to allow for rates to reflect current cost and population trends and program services structure.

**Desired Effective Date:** Upon Passage of Bill  
**Agency:** DOC  
**Agency Contact:** Robin Walrath  
**Phone:** 240-5422



State of Wisconsin  
2015 - 2016 LEGISLATURE

IN 10/1  
DNOYE

GMM



LRB-0209/?

.....

BM  
SF

DOA:.....Ley, BB0010 – Juvenile community supervision

**FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION**

Don't Gen

1 **AN ACT ...; relating to: the budget.**

*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM** ✓

**JUVENILE CORRECTIONAL SYSTEM** ✓

Under current law, when a juvenile who has been adjudicated delinquent is placed under the supervision of DOC, DOC may place the juvenile on aftercare supervision, either immediately on placement with DOC or following a period of placement in a juvenile correctional facility (JCF). Currently, aftercare supervision is provided either by DOC or by the county department of human services or social services (county department) of the county in which the juvenile was adjudicated delinquent or of the county of the juvenile's legal residence. If a juvenile violates a condition of his or her aftercare status, the aftercare provider may take the juvenile into custody, and a hearing to determine whether the juvenile's aftercare status should be revoked must be held within 30 days after the juvenile is taken into custody. If the hearing examiner determines that the juvenile has violated a condition of aftercare supervision, the hearing examiner must determine whether confinement in a JCF is necessary to protect the public, provide for the juvenile's rehabilitation, and not depreciate the seriousness of the violation.

Under current law, DOC also provides a corrective sanctions program, consisting of intensive surveillance and community-based treatment services, for juveniles who have been adjudicated delinquent, placed under the supervision of DOC, and selected by the Office of Juvenile Offender Review (OJOR) in DOC to

second

participate in the program. A participant in the corrective sanctions program is considered to be in custody and may, if he or she violates a condition of that participation, be placed in a juvenile detention facility or a Type 1 JCF, *i.e.*, Lincoln Hills School (for boys) or Copper Lake School (for girls), without a hearing.

X  
This bill, effective on July 1, 2017, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, eliminates aftercare supervision provided by DOC and the corrective sanctions program. Instead, the bill requires DOC to purchase or provide community supervision services for juveniles who have been placed under the supervision of DOC, either immediately on placement with DOC or following a period of placement in a JCF. The bill permits DOC to purchase or provide for a juvenile who has been placed under community supervision: 1) surveillance, including electronic monitoring or global position system tracking, based on the juvenile's level of risk and community safety considerations; 2) youth report center programming for after school, evenings, weekends, and other times when the juvenile is not under immediate adult supervision; 3) contacts with the juvenile and the juvenile's family of a type, frequency, and duration that are commensurate with the juvenile's level of risk and treatment needs; 4) case management services; and 5) any other treatment or services that are needed to meet the needs of the juvenile as determined by DOC.

ing

The bill requires OJOR to evaluate each juvenile who is placed under community supervision and permits OJOR to place such a juvenile in Type 2 status, which is defined in the bill as the status of a juvenile who is placed in a Type 2 JCF. A juvenile who is on Type 2 status is considered to be in custody and may, if he or she violates a condition of participation in community supervision, be placed in a juvenile detention facility or a Type 1 JCF without a hearing. A juvenile who is under community supervision, but who is not on Type 2 status, may, if he or she violates a condition of community supervision, have his or her community supervision status revoked in the same manner as aftercare status may be revoked under current law.

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

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

1 SECTION 1. 20.410 (3) (cg) of the statutes is amended to read:

2 20.410 (3) (cg) *Serious juvenile offenders.* Biennially, the amounts in the  
3 schedule for juvenile correctional institution, ~~corrective sanctions~~, alternate care,  
4 ~~aftercare~~, community supervision, and other juvenile program services specified in  
5 s. 938.538 (3) provided for the persons specified in s. 301.26 (4) (cm) and for juvenile

1 correctional institution services for persons placed in juvenile correctional  
2 institutions under s. 973.013 (3m).

**History:** 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97; 2009 a. 28, 71, 100, 182, 233; 2011 a. 32, 38, 266; 2013 a. 20 ss. 335 to 342, 444; 2013 a. 334.

3 **SECTION 2.** 20.410 (3) (hr) of the statutes is amended to read:

4 20.410 (3) (hr) *Juvenile corrective sanctions program community supervision*  
5 *services*. The amounts in the schedule for the ~~corrective sanctions~~ community  
6 supervision services specified in ss. 49.45 (25) (bj) and 301.26 (4) (c) and (eg). All  
7 moneys received in payment for those ~~corrective sanctions~~ services as specified in s.  
8 301.26 (4) (d) and (eg), and all moneys transferred under s. 301.26 (4) (cm), shall be  
9 credited to this appropriation account. If moneys generated by the daily rate under  
10 s. 301.26 (4) (d) exceed actual fiscal year ~~corrective sanctions~~ community supervision  
11 services costs, that excess shall be transferred to the appropriation account under  
12 par. (hm) as provided in s. 301.26 (4) (ct).

**History:** 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97; 2009 a. 28, 71, 100, 182, 233; 2011 a. 32, 38, 266; 2013 a. 20 ss. 335 to 342, 444; 2013 a. 334.

\*\*\*NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

13 **SECTION 3.** 48.981 (1) (b) of the statutes is amended to read:

14 48.981 (1) (b) "Community placement" means probation; extended supervision;  
15 parole; aftercare; conditional transfer into the community under s. 51.35 (1);  
16 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 residential  
17 care center for children and youth or a Type 2 juvenile correctional facility  
18 authorized under s. 938.539 (5); conditional release under s. 971.17; supervised  
19 release under s. 980.06 or 980.08; participation in the community residential  
20 confinement program under s. 301.046, the intensive sanctions program under s.  
21 301.048, the ~~corrective sanctions program~~ community supervision under s. 938.533,  
22 the intensive supervision program under s. 938.534, or the serious juvenile offender

1 program under s. 938.538; or any other placement of an adult or juvenile offender in  
 2 the community under the custody or supervision of the department of corrections, the  
 3 department of health services, a county department under s. 46.215, 46.22, 46.23,  
 4 51.42, or 51.437 or any other person under contract with the department of  
 5 corrections, the department of health services or a county department under s.  
 6 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision over the  
 7 offender.

**History:** Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87; 2013 a. 20, 170, 261.

8 **SECTION 4. 227.03 (4)** of the statutes is amended to read:

9 227.03 (4) The provisions of this chapter relating to contested cases do not  
 10 apply to proceedings involving the revocation of community supervision or aftercare  
 11 supervision under s. 938.357 (5), the revocation of parole, extended supervision, or  
 12 probation, the grant of probation, prison discipline, mandatory release under s.  
 13 302.11, or any other proceeding involving the care and treatment of a resident or an  
 14 inmate of a correctional institution.

**History:** 1985 a. 182; 1989 a. 31; 1991 a. 32, 295; 1993 a. 16, 263, 377; 1995 a. 27 ss. 6224 to 6226m, 9130 (4); 1995 a. 77, 227, 351; 1997 a. 3, 191, 237, 283; 1999 a. 82; 2003 a. 33; 2007 a. 1; 2013 a. 20, 334.

15 **SECTION 5. 301.025** of the statutes is amended to read:

16 **301.025 Division of juvenile corrections.** The division of juvenile  
 17 corrections shall exercise the powers and perform the duties of the department that  
 18 relate to juvenile correctional services and institutions, juvenile offender review,  
 19 aftercare, corrective sanctions, community supervision under s. 938.533, the serious  
 20 juvenile offender program under s. 938.538, and youth aids.

**History:** 1995 a. 27, 77; 2003 a. 33.

21 **SECTION 6. 301.03 (10) (b)** of the statutes is amended to read:

22 301.03 (10) (b) ~~Direct the aftercare of and supervise all delinquents~~ Supervise  
 23 all juveniles under its jurisdiction who have been adjudicated delinquent and



1 exercise such functions as ~~it deems~~ the department considers appropriate for the  
2 prevention of delinquency.

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

3 **SECTION 7.** 301.03 (10) (d) of the statutes is amended to read:

4 301.03 (10) (d) Administer the office of juvenile offender review in the division  
5 of juvenile corrections in the department. The office shall be responsible for decisions  
6 regarding case planning and the release of juvenile offenders from juvenile  
7 correctional facilities or secured residential care centers for children and youth to  
8 aftercare or community supervision placements.

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

9 **SECTION 8.** 301.26 (4) (cm) 1. of the statutes is amended to read:

10 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b), and (bm), the department  
11 shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the  
12 appropriations under s. 20.410 (3) (hm), (ho), and (hr) for the purpose of reimbursing  
13 juvenile correctional facilities, secured residential care centers for children and  
14 youth, alternate care providers, ~~aftercare~~ supervision providers, and ~~corrective~~  
15 ~~sanctions~~ and community supervision providers for costs incurred beginning on  
16 July 1, 1996, for the care of any juvenile 14 years of age or over who has been placed  
17 in a juvenile correctional facility based on a delinquent act that is a violation of s.  
18 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or s. 948.36, 1999 stats., or s.  
19 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4.,  
20 943.02, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2), that  
21 is a conspiracy to commit any of those violations, or that is an attempted violation  
22 of s. 943.32 (2) and for the care of any juvenile 10 years of age or over who has been  
23 placed in a juvenile correctional facility or secured residential care center for

1 children and youth for attempting or committing a violation of s. 940.01 or for  
2 committing a violation of s. 940.02 or 940.05.

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

3 SECTION 9. 301.26 (4) (d) 2. of the statutes is amended to read:

4 301.26 (4) (d) 2. Beginning on July 1, 2013 2017, and ending on June 30, 2014  
5 2018, the per person daily cost assessment to counties shall be \$294 for care in a  
6 Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and \$294 for care for  
7 juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$125~~  
8 ~~for departmental corrective sanctions services, and \$41 for departmental aftercare~~  
9 ~~services.~~ 2019 2018

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

10 SECTION 10. 301.26 (4) (d) 3. of the statutes is amended to read:

11 301.26 (4) (d) 3. Beginning on July 1, 2014 2016, and ending on June 30, 2015  
12 2017, the per person daily cost assessment to counties shall be \$301 for care in a  
13 Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and \$301 for care for  
14 juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$128~~  
15 ~~for departmental corrective sanctions services, and \$41 for departmental aftercare~~  
16 ~~services.~~

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

17 SECTION 11. 301.26 (4) (d) 5. of the statutes is created to read:

18 301.26 (4) (d) 5. The per person daily cost assessment to counties for  
19 community supervision services under s. 938.533 shall be an amount determined by  
20 the department based on the cost of providing those services. In determining that  
21 assessment, the department may establish multiple rates for varying types and  
22 levels of service. The department shall calculate the amounts of that assessment  
23 and, if applicable, those rates prior to the beginning of each fiscal year and the

1 secretary shall submit that proposed assessment and, if applicable, those proposed  
2 rates to the cochairpersons of the joint committee on finance for review of the  
3 committee. If the cochairpersons of the committee do not notify the secretary that  
4 the committee has scheduled a meeting for the purpose of reviewing that proposed  
5 assessment and, if applicable, those proposed rates within 14 working days after the  
6 date of the secretary's submittal, the department may implement that proposed  
7 assessment and those proposed rates. If, within 14 working days after the date of  
8 the secretary's submittal, the cochairpersons of the committee notify the secretary  
9 that the committee has scheduled a meeting for the purpose of reviewing that  
10 proposed assessment and, if applicable, those proposed rates, the department may  
11 implement that proposed assessment and those proposed rates only as approved by  
12 the committee.

13 **SECTION 12.** 301.26 (4) (eg) of the statutes is amended to read:

14 301.26 (4) (eg) For ~~corrective sanctions~~ community supervision services under  
15 s. 938.533 (2), all payments and deductions made under this subsection and uniform  
16 fee collections under s. 301.03 (18) shall be credited to the appropriation account  
17 under s. 20.410 (3) (hr).

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

18 **SECTION 13.** 301.26 (4) (g) of the statutes is amended to read:

19 301.26 (4) (g) For juvenile ~~field and institutional aftercare~~ aftercare services under ch.  
20 938 and for the office of juvenile offender review, all payments and deductions made  
21 under this subsection and uniform fee collections under s. 301.03 (18) shall be  
22 credited to the appropriation account under s. 20.410 (3) (hm).

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

23 **SECTION 14.** 301.26 (7) (h) of the statutes is amended to read:

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1           301.26 (7) (h) For counties that are participating in the corrective sanctions  
 2 ~~program purchasing community supervision services~~ under s. 938.533 (2),  
 3 \$1,062,400 in the last 6 months of 2013 2017, \$2,124,800 in 2014 2018, and  
 4 \$1,062,400 in the first 6 months of 2015 2019 for the provision of corrective sanctions  
 5 services for juveniles from that county. In distributing funds to counties under this  
 6 paragraph, the department shall determine a county's distribution by dividing the  
 7 amount allocated under this paragraph by the number of slots authorized for the  
 8 ~~program under s. 938.533 (2) and multiplying the quotient by the number of slots~~  
 9 ~~allocated to that county by agreement between the department and the county. The~~  
 10 ~~department may transfer funds among counties as necessary to distribute funds~~  
 11 ~~based on the number of slots allocated to each county~~ distribute to each county the  
 12 full amount of the charges for the services purchased by that county, except that if  
 13 the amounts available under this paragraph are insufficient to distribute that full  
 14 amount, the department shall distribute those available amounts to each county that  
 15 purchases community supervision services based on the ratio that the charges to that  
 16 county for those services bear to the total charges to all counties that purchase those  
 17 services.

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

18           **SECTION 15.** 301.45 (1g) (b) of the statutes is amended to read:

19           301.45 (1g) (b) Is in prison, a juvenile correctional facility, or a secured  
 20 residential care center for children and youth or is on probation, extended  
 21 supervision, parole, supervision, community supervision, or aftercare supervision on  
 22 or after December 25, 1993, for a sex offense.

History: 1993 a. 98, 227; 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434; 2007 a. 20 ss. 3130 to 3132, 9121 (6) (a); 2007 a. 80, 96, 116; 2009 a. 131, 137, 180, 302; 2013 a. 283, 362.

23           **SECTION 16.** 301.45 (1g) (bm) of the statutes is amended to read:

1           301.45 (1g) (bm) Is in prison, a juvenile correctional facility, or a secured  
2 residential care center for children and youth or is on probation, extended  
3 supervision, parole, supervision, community supervision, or aftercare supervision on  
4 or after December 25, 1993, for a violation, or for the solicitation, conspiracy, or  
5 attempt to commit a violation, of a law of this state that is comparable to a sex offense.

**History:** 1993 a. 98, 227; 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434; 2007 a. 20 ss. 3130 to 3132, 9121 (6) (a); 2007 a. 80, 96, 116; 2009 a. 131, 137, 180, 302; 2013 a. 283, 362.

6           **SECTION 17.** 301.45 (2) (e) 1. of the statutes is amended to read:

7           301.45 (2) (e) 1. Within 10 days after the person is placed on probation,  
8 supervision, community supervision, aftercare supervision, conditional release, or  
9 supervised release.

**History:** 1993 a. 98, 227; 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434; 2007 a. 20 ss. 3130 to 3132, 9121 (6) (a); 2007 a. 80, 96, 116; 2009 a. 131, 137, 180, 302; 2013 a. 283, 362.

10          **SECTION 18.** 301.45 (3) (a) 2. of the statutes is amended to read:

11          301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a  
12 juvenile correctional facility or a secured residential care center for children and  
13 youth, he or she is subject to this subsection upon being released on parole, extended  
14 supervision, community supervision, or aftercare supervision.

**History:** 1993 a. 98, 227; 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434; 2007 a. 20 ss. 3130 to 3132, 9121 (6) (a); 2007 a. 80, 96, 116; 2009 a. 131, 137, 180, 302; 2013 a. 283, 362.

15          **SECTION 19.** 301.45 (3) (b) 2. of the statutes is amended to read:

16          301.45 (3) (b) 2. The department shall notify a person who is being released  
17 from prison in this state because he or she has reached the expiration date of his or  
18 her sentence and who is covered under sub. (1g) of the need to comply with the  
19 requirements of this section. Also, probation, extended supervision, and parole  
20 agents, community supervision agents, aftercare agents, and agencies providing  
21 supervision shall notify any client who is covered under sub. (1g) of the need to  
22 comply with the requirements of this section at the time that the client is placed on  
23 probation, extended supervision, parole, supervision, community supervision, or

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1 aftercare supervision or, if the client is on probation, extended supervision, parole,  
2 or other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or  
3 938.988, when the client enters this state.

**History:** 1993 a. 98, 227; 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434; 2007 a. 20 ss. 3130 to 3132, 9121 (6) (a); 2007 a. 80, 96, 116; 2009 a. 131, 137, 180, 302; 2013 a. 283, 362.

4 **SECTION 20.** 301.45 (3) (b) 4. of the statutes is amended to read:

5 301.45 (3) (b) 4. It is not a defense to liability under sub. (6) (a) or (ag) that the  
6 person subject to sub. (1g) was not required to read and sign a form under subd. 3m.,  
7 was not provided with a form to read and sign under subd. 3m. or failed or refused  
8 to read or sign a form under subd. 3m. It is not a defense to liability under sub. (6)  
9 (a) or (ag) that the person subject to sub. (1g) did not receive notice under this  
10 paragraph from the department of health services, the department of corrections, a  
11 probation, extended supervision, and parole agent, a community supervision agent,  
12 an aftercare agent, or an agency providing supervision.

**History:** 1993 a. 98, 227; 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434; 2007 a. 20 ss. 3130 to 3132, 9121 (6) (a); 2007 a. 80, 96, 116; 2009 a. 131, 137, 180, 302; 2013 a. 283, 362.

13 **SECTION 21.** 301.45 (5) (a) 2. of the statutes is amended to read:

14 301.45 (5) (a) 2. If the person has been sentenced to prison for a sex offense or  
15 placed in a juvenile correctional facility or a secured residential care center for  
16 children and youth for a sex offense, 15 years after discharge from parole, extended  
17 supervision, community supervision, or aftercare supervision for the sex offense.

**History:** 1993 a. 98, 227; 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434; 2007 a. 20 ss. 3130 to 3132, 9121 (6) (a); 2007 a. 80, 96, 116; 2009 a. 131, 137, 180, 302; 2013 a. 283, 362.

18 **SECTION 22.** 302.31 (7) of the statutes is amended to read:

19 302.31 (7) The temporary placement of persons in the custody of the  
20 department, other than persons under 17 years of age, and persons who have  
21 attained the age of 17 years but have not attained the age of 25 years who are under  
22 the supervision of the department under s. 938.355 (4) and who have been taken into

1 custody pending revocation of community supervision or aftercare supervision under  
2 s. 938.357 (5) (e).

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

3 **SECTION 23.** 302.386 (5) (c) of the statutes is amended to read:

4 302.386 (5) (c) Any ~~participant in the corrective sanctions program~~ person who  
5 is subject to community supervision under s. 938.533 unless the participant person  
6 is placed in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19).

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

7 **SECTION 24.** 938.069 (1) (intro.) of the statutes is amended to read:

8 938.069 (1) DUTIES. (intro.) The staff of the department shall provide  
9 community supervision services for juveniles as provided in s. 938.533. Subject to  
10 sub. (2), the staff of the department, the court, a county department, or a licensed  
11 child welfare agency designated by the court to carry out the objectives of this chapter  
12 shall:

History: 1995 a. 77; 1997 a. 205; 1999 a. 9; 2005 a. 344.

13 **SECTION 25.** 938.19 (1) (d) 6. of the statutes is amended to read:

14 938.19 (1) (d) 6. The juvenile has violated a condition of court-ordered  
15 supervision, community supervision, or aftercare supervision administered by the  
16 ~~department or a county department;~~ a condition of the juvenile's placement in a Type  
17 2 juvenile correctional facility or a Type 2 residential care center for children and  
18 youth; or a condition of the juvenile's participation in the intensive supervision  
19 program under s. 938.534.

History: 1995 a. 77; 2001 a. 16; 2005 a. 344; 2009 a. 94.

20 **SECTION 26.** 938.20 (2) (cm) of the statutes is amended to read:

21 938.20 (2) (cm) If the juvenile has violated a condition of community  
22 supervision or aftercare supervision administered by the department or a county  
23 department, a condition of the juvenile's placement in a Type 2 juvenile correctional

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1 facility or a Type 2 residential care center for children and youth, or a condition of  
 2 the juvenile’s participation in the intensive supervision program under s. 938.534,  
 3 the person who took the juvenile into custody may release the juvenile to the  
 4 department or county department, whichever has supervision over the juvenile.

History: 1995 a. 77; 1997 a. 35; 2001 a. 16; 2005 a. 344; 2009 a. 94.

5 **SECTION 27.** 938.20 (7) (c) 1m. of the statutes is amended to read:

6 938.20 (7) (c) 1m. In the case of a juvenile who has violated a condition of  
 7 community supervision or aftercare supervision administered by the department or  
 8 a county department, a condition of the juvenile’s placement in a Type 2 juvenile  
 9 correctional facility or a Type 2 residential care center for children and youth, or a  
 10 condition of the juvenile’s participation in the intensive supervision program under  
 11 s. 938.534, to the department or county department, whichever has supervision of  
 12 the juvenile.

History: 1995 a. 77; 1997 a. 35; 2001 a. 16; 2005 a. 344; 2009 a. 94.

13 **SECTION 28.** 938.20 (8) (c) of the statutes is amended to read:

14 938.20 (8) (c) If a juvenile who has violated a condition of community  
 15 supervision or aftercare supervision administered by the department or a county  
 16 department, a condition of the juvenile’s placement in a Type 2 juvenile correctional  
 17 facility or a Type 2 residential care center for children and youth, or a condition of  
 18 the juvenile’s participation in the intensive supervision program under s. 938.534 is  
 19 held in custody, the intake worker shall also notify the department or county  
 20 department, whichever has supervision over the juvenile, of the reasons for holding  
 21 the juvenile in custody, of the juvenile’s whereabouts, and of the time and place of the  
 22 detention hearing required under s. 938.21.

History: 1995 a. 77; 1997 a. 35; 2001 a. 16; 2005 a. 344; 2009 a. 94.

23 **SECTION 29.** 938.205 (1) (c) of the statutes is amended to read:



1           938.205 (1) (c) That the juvenile will run away or be taken away so as to be  
2           unavailable for proceedings of the court or its officers, proceedings of the division of  
3           hearings and appeals in the department of administration for revocation of  
4           community supervision or aftercare supervision, or action by the department or  
5           county department relating to a violation of a condition of the juvenile's placement  
6           in a Type 2 juvenile correctional facility or a Type 2 residential care center for  
7           children and youth or a condition of the juvenile's participation in the intensive  
8           supervision program under s. 938.534.

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

9           **SECTION 30.** 938.208 (1) (intro.) of the statutes is amended to read:

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

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

23           **SECTION 31.** 938.34 (4n) (intro.) of the statutes is amended to read:

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1 938.34 (4n) ~~AFTERCARE~~ COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.

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

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, 213 a. 165 s. 115; 2013 a. 362.

12 SECTION 32. 938.34 (4n) (a) of the statutes is repealed.

13 SECTION 33. 938.355 (6d) (b) (title) of the statutes is amended to read:

14 938.355 (6d) (b) (title) *Violation of condition of county aftercare supervision.*

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; s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

15 SECTION 34. 938.355 (6d) (b) 1. of the statutes is amended to read:

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

1 72 hours while the alleged violation and the appropriateness of revoking the  
2 juvenile's aftercare status 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; s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

3 **SECTION 35.** 938.355 (6d) (b) 2. of the statutes is amended to read:

4 938.355 (6d) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to subds.  
5 2g., 2m., and 2r., if a juvenile who is on aftercare supervision administered by the  
6 ~~county department~~ violates a condition of that supervision, the juvenile's caseworker  
7 or any other person authorized to provide or providing intake or dispositional  
8 services for the court under s. 938.067 or 938.069 may, without a hearing, take the  
9 juvenile into custody and place the juvenile in a juvenile detention facility or juvenile  
10 portion of a county jail that meets the standards promulgated by the department by  
11 rule or in a place of nonsecure custody designated by that person for not more than  
12 72 hours as a consequence of that violation. A person who takes a juvenile into  
13 custody under this subdivision shall permit the juvenile to make a written or oral  
14 statement concerning the possible placement of the juvenile and the course of  
15 conduct for which the juvenile was taken into custody. A person designated by the  
16 court or the county department who is employed in a supervisory position by a person  
17 authorized to provide or providing intake or dispositional services under s. 938.067  
18 or 938.069 shall review that statement and either approve the placement of the  
19 juvenile, modify the terms of the placement, or order the juvenile to be released from  
20 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; s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

21 **SECTION 36.** 938.355 (6d) (b) 2g. of the statutes is amended to read:

22 938.355 (6d) (b) 2g. The taking into custody and placement of a juvenile under  
23 subd. 1. or 2. is subject to any general written policies adopted by the court under s.

1 938.06 (1) and (2), to any policies adopted by the county department relating to  
2 aftercare supervision ~~administered by the county department~~, and to any policies  
3 adopted by the county board relating to such taking into custody and placement.

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; s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

4 **SECTION 37.** 938.355 (6d) (b) 4. of the statutes is amended to read:

5 938.355 (6d) (b) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
6 who has violated a condition of aftercare supervision ~~administered by a county~~  
7 ~~department~~ from being taken into and held in custody under ss. 938.19 to 938.21.

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; s. 35.17 corrections in (6d) (a) 2r., (b) 2r.

8 **SECTION 38.** 938.357 (4) (a) of the statutes is amended to read:

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

1 and discipline of that department, and is considered to be in custody, as defined in  
2 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.

3 **SECTION 39.** 938.357 (4g) (title) of the statutes is amended to read:

4 938.357 (4g) (title) ~~AFTERCARE~~ 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.

5 **SECTION 40.** 938.357 (4g) (a) of the statutes is amended to read:

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  
9 requests the community supervision or aftercare plan, whichever is earlier, the  
10 community supervision or aftercare provider designated under s. 938.34 (4n) shall  
11 prepare ~~an a~~ community supervision or aftercare plan for the juvenile. If the juvenile  
12 is to be placed on aftercare supervision, the county department designated as the  
13 aftercare provider is a county department, that county department shall submit the  
14 aftercare plan to the department within the applicable ~~time~~ period specified in this  
15 paragraph, unless the department waives the ~~time~~ 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.

16 **SECTION 41.** 938.357 (4g) (b) of the statutes is amended to read:

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

**SECTION 41**

1 30 days after the date on which the department requests the community supervision  
2 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.

3 **SECTION 42.** 938.357 (4g) (c) (intro.) of the statutes is amended to read:

4 938.357 (4g) (c) (intro.) ~~An~~ A community supervision or aftercare plan shall  
5 include all of the following:

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.

6 **SECTION 43.** 938.357 (4g) (c) 2. of the statutes is amended to read:

7 938.357 (4g) (c) 2. The conditions, if any, under which the juvenile's community  
8 supervision or aftercare status may be revoked.

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.

9 **SECTION 44.** 938.357 (4g) (c) 3. of the statutes is amended to read:

10 938.357 (4g) (c) 3. Services or programming to be provided to the juvenile while  
11 on 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.

12 **SECTION 45.** 938.357 (4g) (c) 4. of the statutes is amended to read:

13 938.357 (4g) (c) 4. The estimated length of time that community supervision  
14 and services or aftercare supervision and services shall be provided to the juvenile.

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.

15 **SECTION 46.** 938.357 (4g) (d) of the statutes is amended to read:

16 938.357 (4g) (d) A juvenile may be released from a juvenile correctional facility  
17 or a secured residential care center for children and youth whether or not ~~an~~ a  
18 community supervision or aftercare plan has been prepared under this subsection.

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.

19 **SECTION 47.** 938.357 (4m) of the statutes is amended to read:

20 938.357 (4m) RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.

21 The department shall try to release a juvenile to community supervision or aftercare

1 supervision under sub. (4) within 30 days after the date the department determines  
2 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.

3 SECTION 48. 938.357 (5) (title) of the statutes is amended to read:

4 938.357 (5) (title) REVOCATION OF COMMUNITY SUPERVISION OR AFTERCARE  
5 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.

6 SECTION 49. 938.357 (5) (a) of the statutes is amended to read:

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

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.

14 SECTION 50. 938.357 (5) (b) of the statutes is amended to read:

15 938.357 (5) (b) A juvenile on community supervision status may be taken into  
16 custody only as provided in ss. 938.19 to 938.21 or s. 938.533 (3) (a). A juvenile on  
17 aftercare status may be taken into custody only as provided in ss. 938.19 to 938.21  
18 and or 938.355 (6d) (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.

19 SECTION 51. 938.357 (5) (d) of the statutes is amended to read:

20 938.357 (5) (d) A hearing on the revocation shall be conducted by the division  
21 of hearings and appeals in the department of administration within 30 days after the  
22 juvenile is taken into custody for an alleged violation of a condition of the juvenile's

1 community supervision or aftercare supervision. This time period may be waived  
2 only upon the agreement of the community supervision or aftercare provider, the  
3 juvenile, and the juvenile's counsel.

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.

4 **SECTION 52.** 938.357 (5) (e) of the statutes is amended to read:

5 938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a  
6 condition of community supervision or aftercare supervision, the hearing examiner  
7 shall determine whether confinement in a juvenile correctional facility or a secured  
8 residential care center for children and youth is necessary to protect the public, to  
9 provide for the juvenile's rehabilitation, or to not depreciate the seriousness of the  
10 violation.

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.

11 **SECTION 53.** 938.357 (5) (g) of the statutes is amended to read:

12 938.357 (5) (g) The department shall promulgate rules setting standards to be  
13 used by a hearing examiner to determine whether to revoke a juvenile's community  
14 supervision or aftercare status. The standards shall specify that the burden is on the  
15 department or county department seeking revocation to show by a preponderance of  
16 the evidence that the juvenile violated a condition of community supervision or  
17 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.

18 **SECTION 54.** 938.365 (7) of the statutes is amended to read:

19 938.365 (7) CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.  
20 Nothing in this section may be construed to allow any changes in placement, trial  
21 reunification, or revocation of community supervision or aftercare supervision.



1 Revocation and other changes in placement may take place only under s. 938.357,  
2 and trial reunifications may take place only under s. 938.358.

3 **History:** 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28, 79, 94, 185; 2011 a. 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334.

3 **SECTION 55.** 938.48 (13) of the statutes is amended to read:

4 938.48 (13) ALLOWANCES AND CASH GRANTS. Promulgate rules for the payment  
5 of an allowance to juveniles in its institutions and a cash grant to a juvenile being  
6 discharged from its institutions or released to community supervision or aftercare  
7 supervision.

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

8 **SECTION 56.** 938.50 of the statutes is amended to read:

9 **938.50 Examination of juveniles under supervision of department.** The  
10 department shall examine every juvenile who is placed under its supervision to  
11 determine the type of placement best suited to the juvenile and to the protection of  
12 the public. The examination shall include an investigation of the personal and  
13 family history of the juvenile and his or her environment, any physical or mental  
14 examinations necessary to determine the type of placement appropriate for the  
15 juvenile, and an evaluation under s. 938.533 (2) ~~to determine whether the juvenile~~  
16 ~~is eligible for corrective sanctions supervision or serious juvenile offender~~  
17 ~~supervision~~ (3) (a) to determine the appropriate level of supervision and services  
18 based on the juvenile's risks and needs. The department shall screen a juvenile who  
19 is examined under this section to determine whether the juvenile is in need of special  
20 treatment or care because of alcohol or other drug abuse, mental illness, or severe  
21 emotional disturbance. In making the examination the department may use any  
22 facilities, public or private, that offer assistance in determining the correct  
23 placement for the juvenile.

24 **History:** 1995 a. 77; 2005 a. 344.

24 **SECTION 57.** 938.51 (1m) of the statutes is amended to read:

1           938.51 (1m) NOTIFICATION OF LOCAL AGENCIES. The department or county  
 2 department having supervision over a juvenile described in sub. (1) shall determine  
 3 the local agencies that it will notify under sub. (1) (a) based on the residence of the  
 4 juvenile’s parents or on the juvenile’s intended residence specified in the juvenile’s  
 5 community supervision plan or aftercare supervision plan or, if those methods do not  
 6 indicate the community in which the juvenile will reside following release from a  
 7 juvenile correctional facility or a secured residential care center for children and  
 8 youth or from the supervision of the department or county department, the  
 9 community in which the juvenile states that he or she intends to reside.

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

**SECTION 58.** 938.533 (title) of the statutes is amended to read:

**938.533 (title) ~~Corrective sanctions~~ Community supervision.**

History: 1995 a. 77; 1997 a. 27, 35, 252; 1999 a. 9; 2001 a. 16; 2005 a. 344.

**SECTION 59.** 938.533 (1) of the statutes is created to read:

12           938.533 (1) DEFINITION. In this section, “Type 2 status” means the status of a  
 13 juvenile who is placed in a Type 2 juvenile correctional facility.

14           **SECTION 60.** 938.533 (2) of the statutes is renumbered 938.533 (2) (intro.) and  
 15 amended to read:

16           938.533 (2) ~~CORRECTIVE SANCTIONS PROGRAM~~ COMMUNITY SUPERVISION SERVICES.  
 17 (intro.) From the appropriation under s. 20.410 (3) (hr), the department shall  
 18 purchase or provide ~~a corrective sanctions program to serve an average daily~~  
 19 ~~population of 136 juveniles unless the appropriation under s. 20.410 (3) (hr) is~~  
 20 ~~supplemented under s. 13.101 or 16.515 and the positions for the program are~~  
 21 ~~increased under s. 13.101 or 16.505 (2) or unless funding and positions to serve more~~  
 22 ~~than that average daily population are otherwise available, in at least 3 counties,~~  
 23 ~~including Milwaukee County. The department’s office of juvenile offender review~~  
 24

*change component*

*repealed and recreated*

19

1 ~~shall evaluate and select for participation in the program~~ community supervision  
2 services for juveniles who have been placed under the community supervision of the  
3 department under s. 938.183, 938.34 (4h) or (4m), or (4n), 938.357 (4).—The  
4 department shall place a program participant in the community, provide intensive  
5 surveillance of that participant, and provide an average of not more than \$3,000 per  
6 year per slot to purchase community-based treatment services for each participant.  
7 ~~The department shall make the intensive surveillance, or 938.538 (3)~~ (a) 2. For each  
8 juvenile who is placed under community supervision, the department may purchase  
9 or provide any of the following services:

10 (a) Surveillance, including electronic monitoring or global positioning system  
11 tracking, which the department shall make available 24 hours a day, 7 days a week,  
12 and may purchase or provide electronic monitoring for the intensive surveillance of  
13 program participants. The department shall provide a based on the juvenile's level  
14 of risk and community safety considerations.

15 (b) Youth report center in Milwaukee County to provide on-site programming  
16 after school and in the evening for juveniles from Milwaukee County who are placed  
17 in the corrective sanctions program. A contact worker providing services under the  
18 program shall have a case load of approximately 10 juveniles and, during the initial  
19 phase of placement in the community under the program of a juvenile who is  
20 assigned to that contact worker, shall have not less than one face-to-face contact per  
21 day with that programming as described in s. 938.34 (7j). Section 938.34 (5g) applies  
22 to any community service work performed under this paragraph.

23 (c) Contacts with the juvenile and the juvenile's family of a type, frequency, and  
24 duration that are commensurate with the juvenile's level of risk and individualized  
25 treatment needs. plain

1 (d) Case management services under the program shall be provided by a  
 2 corrective sanctions community supervision agent who shall have a case load of  
 3 approximately 15 juveniles. *place*

4 (4) RULES. The department shall promulgate rules to implement the program  
 5 this section.

History: 1995 a. 77; 1997 a. 27, 35, 252; 1999 a. 9; 2001 a. 16; 2005 a. 344.

6 SECTION 61. 938.533 (2) (e) of the statutes is created to read:

7 938.533 (2) (e) Any other treatment or services that are needed to meet the  
 8 needs of the juvenile as determined by the department.

9 SECTION 62. 938.533 (3) of the statutes is amended to read:

10 938.533 (3) INSTITUTIONAL STATUS. (a) ~~A participant in the corrective sanctions~~  
 11 ~~program~~ The office of juvenile offender review in the division of juvenile corrections  
 12 in the department shall evaluate each juvenile who is placed under community  
 13 supervision and may place such a juvenile in Type 2 status. A juvenile who is placed  
 14 in Type 2 status is under the supervision of the department, is subject to the rules  
 15 and discipline of the department, and is considered to be in custody, as defined in s.  
 16 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile who is placed in  
 17 Type 2 status violates a condition of his or her participation in ~~the corrective~~  
 18 ~~sanctions program~~ community supervision, the department may, without a hearing,  
 19 take the juvenile into custody and place the juvenile in a juvenile detention facility  
 20 or return the juvenile to placement in a Type 1 juvenile correctional facility or a  
 21 secured residential care center for children and youth. This paragraph does not  
 22 preclude a juvenile who has violated a condition of ~~the~~ his or her participation in ~~the~~  
 23 ~~corrective sanctions program~~ community supervision from being taken into and held  
 24 in custody under ss. 938.19 to 938.21.

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

History: 1995 a. 77; 1997 a. 27, 35, 252; 1999 a. 9; 2001 a. 16; 2005 a. 344.

12 **SECTION 63.** 938.533 (3m) of the statutes is amended to read:

13 938.533 (3m) ESCAPE. If a juvenile who is placed in Type 2 status runs away  
14 from his or her placement in the community while participating in ~~the corrective~~  
15 ~~sanctions program~~ community supervision, the juvenile is considered to have  
16 escaped in violation of s. 946.42 (3) (c).

History: 1995 a. 77; 1997 a. 27, 35, 252; 1999 a. 9; 2001 a. 16; 2005 a. 344.

17 **SECTION 64.** 938.538 (3) (a) 2. of the statutes is amended to read:

18 938.538 (3) (a) 2. Intensive or other field supervision, including ~~corrective~~  
19 ~~sanctions~~ community supervision under s. 938.533 ~~or aftercare supervision.~~

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.

20 **SECTION 65.** 938.538 (5) (a) of the statutes is amended to read:

21 938.538 (5) (a) The office of juvenile offender review in the division of juvenile  
22 corrections in the department may release a participant to ~~aftercare~~ community  
23 supervision under s. 301.03 (10) (d) at any time after the participant has completed

**SECTION 65**

1 2 years of participation in the serious juvenile offender program. Aftercare  
2 Community supervision of the participant shall be provided by the department.

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.

3 **SECTION 66.** 938.57 (4) of the statutes is amended to read:

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

16 **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.

16 **SECTION 67.** 940.20 (2m) (title) of the statutes is amended to read:

17 940.20 (2m) (title) **BATTERY TO PROBATION, EXTENDED SUPERVISION AND PAROLE**  
18 **AGENTS, COMMUNITY SUPERVISION AGENTS, AND AFTERCARE AGENTS.**

19 **History:** 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343; 1997 a. 35, 143, 283; 1999 a. 85; 2001 a. 109; 2005 a. 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 27, 130; 2011 a. 32, 74.

19 **SECTION 68.** 940.20 (2m) (a) 1m. of the statutes is created to read:

20 940.20 (2m) (a) 1m. "Community supervision agent" means any person  
21 authorized by the department of corrections to exercise control over a juvenile on  
22 community supervision.

23 **SECTION 69.** 940.20 (2m) (b) of the statutes is amended to read:

1 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,  
 2 extended supervision, and parole agent, a community supervision agent, or an  
 3 aftercare agent, acting in an official capacity and the person knows or has reason to  
 4 know that the victim is a probation, extended supervision and parole agent, a  
 5 community supervision agent, or an aftercare agent, by an act done without the  
 6 consent of the person so injured, is guilty of a Class H felony.

History: 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343; 1997 a. 35, 143, 283; 1999 a. 85; 2001 a. 109; 2005 a. 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 27, 130; 2011 a. 32, 74.

7 **SECTION 70. 946.42 (1) (a) 2.** of the statutes is amended to read:

8 946.42 (1) (a) 2. "Custody" does not include the constructive custody of a  
 9 probationer, parolee, or person on extended supervision by the department of  
 10 corrections or a probation, extended supervision, or parole agent or, subject to s.  
 11 938.533 (3) (a), the constructive custody of a person who has been released to  
 12 community supervision or aftercare supervision under ch. 938.

History: 1971 c. 164 s. 89; 1975 c. 39; 1977 c. 173, 312, 354, 418; 1985 a. 320; 1987 a. 27, 238, 352; 1987 a. 403 ss. 238, 239, 256; 1989 a. 31; 1993 a. 16, 377, 385, 491; 1995 a. 27 ss. 7233m, 7233p, 9126 (19); 1995 a. 77, 154, 352, 390; 1997 a. 35, 283; 1999 a. 9; 2001 a. 109; 2005 a. 344, 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97, 226; 2013 a. 334.

13 **SECTION 71. 946.42 (3) (c)** of the statutes is amended to read:

14 946.42 (3) (c) Subject to a disposition under s. 938.34 (4d), (4h), or (4m), to a  
 15 placement under s. 938.357 (4) or 938.533 (3) (a), or to community supervision or  
 16 aftercare revocation under s. 938.357 (5) (e).

History: 1971 c. 164 s. 89; 1975 c. 39; 1977 c. 173, 312, 354, 418; 1985 a. 320; 1987 a. 27, 238, 352; 1987 a. 403 ss. 238, 239, 256; 1989 a. 31; 1993 a. 16, 377, 385, 491; 1995 a. 27 ss. 7233m, 7233p, 9126 (19); 1995 a. 77, 154, 352, 390; 1997 a. 35, 283; 1999 a. 9; 2001 a. 109; 2005 a. 344, 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97, 226; 2013 a. 334.

17 **SECTION 9408. Effective dates; Corrections.**

18 (1) JUVENILE COMMUNITY SUPERVISION. The treatment of sections 20.410 (3) (cg)  
 19 and (hr), 48.981 (1) (b), 227.03 (4), 301.025, 301.03 (10) (b) and (d), 301.26 (4) (cm)  
 20 1., (d) 2., 3., and 5., (eg), and (g) and (7) (h), 301.45 (1g) (b) and (bm), (3) (a) 2. and  
 21 (b) 2. and 4., and (5) (a) 2., 302.31 (7), 302.386 (5) (c), 938.069 (intro.), 938.19 (1) (d)  
 22 6., 938.20 (2) (cm), (7) (c) 1m., and (8) (c), 938.205 (1) (c), 938.208 (1) (intro.), 938.34

**SECTION 9408**

1 (4n) (intro.) and (a), 938.355 (6d) (b) (title), 1., 2., 2g., and 4., 938.357 (4) (a), (4g)  
 2 (title), (a), (b), (c) (intro.), 2., 3., and 4., and (d), (4m), and (5) (title), (a), (b), (d), (e),  
 3 and (g), 938.365 (7), 938.48 (13), 938.50, 938.51 (1m), 938.533 (title), (1), (3), and  
 4 (3m), 938.538 (3) (a) 2. and (5) (a), 938.57 (4), 940.20 (2m) (title), (a) 1m., and (b), and  
 5 946.42 (1) (a) 2. and (3) (c) the renumbering and amendment of section 938.533 (2)  
 6 of the statutes, and the creation of section 938.533 (2) (e) of the statutes take effect  
 7 on July 1, 2017, or on the 2nd day after publication of the 2017-19 biennial budget  
 8 act, whichever is later.

(END)

*of the statutes*

*O-Note*




**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0209/1dn

GMM...

*Date*

Emily:

 As you will see on reviewing this draft, eliminating aftercare as administered by DOC, but retaining aftercare as administered by the counties involved a little more drafting than was anticipated in the DOC drafting instructions. Accordingly, you and the DOC program people will need to review this draft carefully to ensure that it accomplishes DOC's intent.

One question that came to mind as I worked on this draft is whether DOC wants the authority to place in short-term detention a juvenile who is on community supervision, but who is not on Type 2 status. Current law grants that authority to counties for juveniles who are on aftercare administered by the counties, but does not grant that authority to DOC for juveniles who are on aftercare administered by DOC. See s. 938.355 (6d)(b). On one hand DOC might want to place such juveniles in short-term detention in lieu of initiating revocation proceedings. On the other hand, DOC has gotten along without that authority for many years now and perhaps the intent is to place any juvenile who is at risk on Type 2 status, in which case that authority would not be needed.

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0209/1dn  
GMM:kjf:rs

October 7, 2014

Emily:

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One question that came to mind as I worked on this draft is whether DOC wants the authority to place in short-term detention a juvenile who is on community supervision, but who is not on Type 2 status. Current law grants that authority to counties for juveniles who are on aftercare administered by the counties, but does not grant that authority to DOC for juveniles who are on aftercare administered by DOC. See s. 938.355 (6d) (b). On one hand DOC might want to place such juveniles in short-term detention in lieu of initiating revocation proceedings. On the other hand, DOC has gotten along without that authority for many years now and perhaps the intent is to place any juvenile who is at risk on Type 2 status, in which case that authority would not be needed.

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## Malaise, Gordon

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**From:** Ley, Emily A - DOA <Emily.Ley@wisconsin.gov>  
**Sent:** Friday, December 05, 2014 8:57 AM  
**To:** Malaise, Gordon  
**Subject:** FW: Community Supervision LRB Draft Language  
**Attachments:** BB0010 Community Supervision Redesign.pdf; BB0010 Drafter's note.pdf

Good morning Gordon,

Thanks for your work on LRB-0209/1. I've asked DOC to take a look at the draft and address the questions in your note. Below are their responses.

There is no rush on this draft and I don't have any direction yet on if this will be included in the budget bill or not. As soon as I do, I will let you know.

Thanks again and please let me know if you have any other questions.

Emily

Emily Ley  
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Department of Administration  
Division of Executive Budget and Finance  
(608)-266-2213  
[emily.ley@wisconsin.gov](mailto:emily.ley@wisconsin.gov)

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**From:** Walrath, Robin L - DOC  
**Sent:** Thursday, October 30, 2014 3:15 PM  
**To:** Ley, Emily A - DOA  
**Subject:** FW: Community Supervision LRB Draft Language

Hi Emily,

The community supervision language has been reviewed:

- ✍ Page 7, line 20 has a "corrective sanctions" that should be changed to "community supervision".
- ✍ Line 23 on page 21 describing 98.533(2)(b) references 938.34(7j) Youth Report Center. Is it understood that the intent is that we can assign youth under community supervision to participate, under their state corrections disposition, rather than have it required as a separate disposition (which 7j is)? I believe you understand this to be our intent, and the language appears to allow for such, but just wanted to verify.
- ✍ In 938.34(5g), sub (am), which has the court setting standards for supervised work programs – we wouldn't have the court setting standards for our own community service work.
- ✍ In response to the drafters inquiry regarding short term detention, we already do have the authority, under 938.355(6d)(a), because "the department" is designated in 938.069 as providing dispositional services for the court. The proposed changes to 938.355(6d)(b) are ok.

Please let me know if you or the LRB have any questions. On a side note, did you receive the rate reduction schedule inquiry you had requested from me?

Thanks!

## Robin

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