

1 stipulation so long as the addition of the amount toward arrearages does not leave
2 the party at an income below the poverty line established under 42 USC 9902 (2).

3 ***-0347/P2.6*SECTION 4607.** 767.75 (2m) (a) 1. of the statutes is amended to
4 read:

5 767.75 (2m) (a) 1. An obligation to pay unpaid fees under s. 767.57 (1e) (b) 1m.
6 constitutes an assignment of all commissions, earnings, salaries, wages, pension
7 benefits, income continuation insurance benefits under s. 40.62, duty disability
8 benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable
9 in installments, and other money due or to be due in the future to the department
10 or its designee.

11 ***-0347/P2.7*SECTION 4608.** 767.75 (2m) (a) 2. of the statutes is amended to
12 read:

13 767.75 (2m) (a) 2. An obligation to pay unpaid fees under s. 767.57 (1e) (b) 2m.
14 constitutes an assignment of all commissions, earnings, salaries, wages, pension
15 benefits, income continuation insurance benefits under s. 40.62, duty disability
16 benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable
17 in installments, and other money due or to be due in the future to the clerk of court
18 to whom the fees are owed, or to his or her successor.

19 ***-0971/P5.685*SECTION 4609.** 778.25 (1) (a) 5. of the statutes is repealed.

20 ***-0389/P3.7*SECTION 4610.** 779.14 (1) (b) of the statutes is amended to read:

21 779.14 (1) (b) With respect to contracts entered into under s. 84.06 (2) or (2m)
22 for highway improvements, any person who has a direct contractual relationship,
23 expressed or implied, with the prime contractor to perform, furnish, or procure labor,
24 services, materials, plans, or specifications.

25 ***-0389/P3.8*SECTION 4611.** 779.14 (2) (a) 3. of the statutes is amended to read:

1 779.14 (2) (a) 3. With respect to contracts entered into under s. 84.06 (2) or (2m)
2 for highway improvements, failure of the prime contractor to comply with a contract,
3 whether express or implied, with a subcontractor, supplier, or service provider of the
4 prime contractor for performing, furnishing, or procuring labor, services, materials,
5 plans, or specifications for the purpose of making the highway improvement that is
6 the subject of the contract with the governmental entity.

7 *~~0807/P6.475~~*SECTION 4612. 813.05 (2) of the statutes is amended to read:

8 813.05 (2) In an action against an insurance company or fraternal benefit
9 society for an injunction or a receiver the ~~commissioner of insurance~~ department of
10 financial institutions and professional standards shall be notified. Mailing a copy
11 of such notice addressed to the ~~commissioner of insurance~~ secretary, or department,
12 of financial institutions and professional standards at Madison, Wisconsin, shall be
13 sufficient service.

14 *~~0807/P6.476~~*SECTION 4613. 813.16 (7) of the statutes is amended to read:

15 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
16 is a savings and loan association or savings bank supervised by the ~~division of~~
17 banking department of financial institutions and professional standards or a
18 corporation supervised by the home loan bank board, federal office of thrift
19 supervision, federal deposit insurance corporation, or resolution trust corporation,
20 the court, unless the opposing party objects, shall appoint an officer of such
21 corporation as receiver to act without compensation and to give such bond as the
22 court requires.

23 *~~0302/P1.1~~*SECTION 4614. 814.61 (1) (c) 1m. of the statutes is created to read:

1 814.61 (1) (c) 1m. An action under s. 767.805 (3) that is brought by the state
2 or its delegate or commenced on behalf of the child by an attorney appointed under
3 s. 767.407.

4 *~~1117/P3.34~~*SECTION 4615. 814.63 (1) (b) of the statutes is renumbered
5 814.63 (1).

6 *~~1117/P3.35~~*SECTION 4616. 814.63 (1) (c) of the statutes is repealed.

7 *~~1117/P3.36~~*SECTION 4617. 814.63 (3m) (a) of the statutes is amended to
8 read:

9 814.63 (3m) (a) Except as provided in par. (d), if a defendant is required to
10 appear in court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the
11 court shall impose and collect from the defendant any costs charged to or paid by a
12 law enforcement agency for the withdrawal of the defendant's blood if the court finds
13 that the defendant violated s. 23.33 (4c), 30.681, 114.09, 346.63, or 350.101, or a local
14 ordinance in conformity therewith.

15 *~~1117/P3.37~~*SECTION 4618. 814.63 (5) of the statutes is amended to read:

16 814.63 (5) Of the fees received by the clerk under sub. (1) (~~b~~), the county
17 treasurer shall pay \$17.50 to the secretary of administration for deposit in the
18 general fund and shall retain the balance for the use of the county. The secretary of
19 administration shall credit \$5 of the \$17.50 to the appropriation under s. 20.680 (2)
20 (j).

21 *~~1117/P3.38~~*SECTION 4619. 814.65 (4m) (a) of the statutes is amended to
22 read:

23 814.65 (4m) (a) Except as provided in par. (d), if a defendant is required to
24 appear in municipal court, in addition to any forfeiture, costs, fees, or surcharges it
25 imposes, the municipal court shall impose and collect from the defendant any costs

1 charged to or paid by a law enforcement agency for the withdrawal of the defendant's
2 blood if the court finds that the defendant violated a local ordinance in conformity
3 with s. 23.33 (4c), 30.681, 114.09, 346.63, or 350.101.

4 *~~1387/P1.5~~*SECTION 4620. 814.75 (8r) of the statutes is created to read:

5 814.75 (8r) The crime prevention funding board surcharge under s. 973.0455.

6 *~~1387/P1.6~~*SECTION 4621. 814.76 (4m) of the statutes is created to read:

7 814.76 (4m) The crime prevention funding board surcharge under s. 973.0455.

8 *~~1117/P3.39~~*SECTION 4622. 814.86 (1) of the statutes is amended to read:

9 814.86 (1) ~~Except for an action for a financial responsibility violation under s.~~
10 ~~344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation~~
11 ~~under s. 347.48 (2m), the~~ The clerk of circuit court shall charge and collect a \$21.50
12 justice information system surcharge from any person, including any governmental
13 unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am),
14 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system
15 surcharge is in addition to the surcharge listed in sub. (1m).

16 *~~0280/1.3~~*SECTION 4623. 815.29 (1) of the statutes is amended to read:

17 815.29 (1) No execution sale of personal property shall be made unless 20 days
18 previous notice of such sale has been given by posting a notice thereof in one public
19 place of the town or municipality where such sale is to be had and, if the county where
20 such sale is to be had maintains a Web site, by posting a notice on the Web site. If
21 the town or municipality where such sale is to be had maintains a Web site, the town
22 or municipality may also post a notice on its Web site. The notice shall specify the
23 time and place of sale but when any property seized is likely to perish or depreciate
24 in value before the expiration of the 20 days the court or a judge may order the same
25 to be sold in such manner and upon such terms as the best interests of the parties

1 demand. Every such sale shall be made at auction between the ~~hour~~ hours of 9 a.m.
2 and 5 p.m. and no property shall be sold unless it is in view of those attending the
3 sale, except as provided in s. 71.91 (5) (c) 2. and in the case of the sale of the interest
4 of the judgment debtor in property in the possession of a secured party. It shall be
5 offered for sale in such lots and parcels as is calculated to bring the highest price.

6 ***-1152/P1.27*SECTION 4624.** 859.07 (2) (a) 3. of the statutes is amended to
7 read:

8 859.07 (2) (a) 3. The decedent or the decedent's spouse received services
9 provided as a benefit under a long-term care program, as defined in s. 49.496 (1) (bk),
10 medical assistance under subch. IV of ch. 49, long-term community support services
11 funded under s. 46.27 (7), or aid under s. 49.68, 49.683, ~~or~~ 49.685, or 49.785.

12 ***-1152/P1.28*SECTION 4625.** 867.01 (3) (am) 4. of the statutes is amended to
13 read:

14 867.01 (3) (am) 4. Whether the decedent or the decedent's spouse received
15 services provided as a benefit under a long-term care program, as defined in s. 49.496
16 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support
17 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683 ~~or~~, 49.685, or 49.785.

18 ***-1152/P1.29*SECTION 4626.** 867.01 (3) (d) of the statutes is amended to read:

19 867.01 (3) (d) *Notice.* The court may hear the matter without notice or order
20 notice to be given under s. 879.03. If the decedent or the decedent's spouse received
21 services provided as a benefit under a long-term care program, as defined in s. 49.496
22 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support
23 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, ~~or~~ 49.685, or 49.785,
24 the petitioner shall give notice by certified mail to the department of health services
25 as soon as practicable after filing the petition with the court.

1 ***-1152/P1.30***SECTION 4627. 867.02 (2) (am) 6. of the statutes is amended to
2 read:

3 867.02 (2) (am) 6. Whether the decedent or the decedent's spouse received
4 services provided as a benefit under a long-term care program, as defined in s. 49.496
5 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support
6 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, ~~or 49.685,~~ or 49.785.

7 ***-1152/P1.31***SECTION 4628. 867.03 (1g) (c) of the statutes is amended to read:
8 867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received
9 services provided as a benefit under a long-term care program, as defined in s. 49.496
10 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support
11 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683 ~~or 49.685,~~ or 49.875.

12 ***-1152/P1.32***SECTION 4629. 867.03 (1m) (a) of the statutes is amended to
13 read:

14 867.03 (1m) (a) Whenever an heir, trustee, or person who was guardian of the
15 decedent at the time of the decedent's death intends to transfer a decedent's property
16 by affidavit under sub. (1g) and the decedent or the decedent's spouse ever received
17 services provided as a benefit under a long-term care program, as defined in s. 49.496
18 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support
19 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, ~~or 49.685,~~ or 49.785,
20 the heir, trustee, or person who was guardian of the decedent at the time of the
21 decedent's death shall give notice to the department of health services of his or her
22 intent. The notice shall include the information in the affidavit under sub. (1g) and
23 the heir, trustee, or person who was guardian of the decedent at the time of the
24 decedent's death shall give the notice by certified mail, return receipt requested.

1 ***-1152/P1.33***SECTION 4630. 867.03 (1m) (b) of the statutes is amended to
2 read:

3 867.03 (1m) (b) An heir, trustee, or person who was guardian of the decedent
4 at the time of the decedent's death who files an affidavit under sub. (1g) that states
5 that the decedent or the decedent's spouse received services provided as a benefit
6 under a long-term care program, as defined in s. 49.496 (1) (bk), medical assistance
7 under subch. IV of ch. 49, long-term community support services funded under s.
8 46.27 (7), or aid under s. 49.68, 49.683, ~~or 49.685,~~ or 49.785 shall attach to the
9 affidavit the proof of mail delivery of the notice required under par. (a) showing the
10 delivery date.

11 ***-1152/P1.34***SECTION 4631. 867.03 (2g) (b) of the statutes is amended to read:

12 867.03 (2g) (b) Property transferred under this section to or by an heir, trustee,
13 or guardian is subject to the right of the department of health services to recover
14 under s. 46.27 (7g), 49.496, 49.682, or 49.849 an amount equal to the medical
15 assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under
16 s. 49.68, 49.683, ~~or 49.685,~~ or 49.785 that is recoverable under s. 49.682 (2) (a) or (am),
17 or an amount equal to long-term community support services under s. 46.27 that is
18 recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or
19 the decedent's spouse. Upon request, the heir, trustee, or guardian shall provide to
20 the department of health services information about any of the decedent's property
21 that the heir, trustee, or guardian has distributed and information about the persons
22 to whom the property was distributed.

23 ***-1117/P3.40***SECTION 4632. 885.38 (8) (a) 1. of the statutes is amended to
24 read:

1 885.38 (8) (a) 1. The county in which the circuit court is located shall pay the
2 expenses in all proceedings before a circuit court and when the clerk of circuit court
3 uses a qualified interpreter under sub. (3) (d). The county shall be reimbursed as
4 provided in the manner determined by the director of state courts under s. 758.19 (8)
5 for expenses paid under this subdivision.

6 *~~0971/P5.686~~*SECTION 4633. 887.23 (1) of the statutes is amended to read:

7 887.23 (1) WHO MAY REQUIRE. The department of health services, the
8 department of corrections, the state superintendent of public instruction or the board
9 of regents of the University of Wisconsin System Authority may order the deposition
10 of any witness to be taken concerning any institution under his, her or its
11 government or superintendence, or concerning the conduct of any officer or agent
12 thereof, or concerning any matter relating to the interests thereof. Upon
13 presentation of a certified copy of such order to any municipal judge, notary public
14 or court commissioner, the officer shall take the desired deposition in the manner
15 provided for taking depositions to be used in actions. When any officer or agent of
16 any institution is concerned and will be affected by the testimony, 2 days' written
17 notice of the time and place of taking the deposition shall be given him or her. Any
18 party interested may appear in person or by counsel and examine the witness
19 touching the matters mentioned in the order. The deposition, duly certified, shall be
20 delivered to the authority which ordered it.

21 *~~0971/P5.687~~*SECTION 4634. 893.80 (1b) (intro.) of the statutes is amended
22 to read:

23 893.80 (1b) (intro.) In this section, ~~“agent”~~:

24 (am) “Agent” includes a volunteer. In this subsection paragraph, “volunteer”
25 means a person who satisfies all of the following:

1 ***-0971/P5.688***SECTION 4635. 893.80 (1b) (a) of the statutes is renumbered
2 893.80 (1b) (am) 1. and amended to read:

3 893.80 (1b) (am) 1. The person provides services or performs duties for and
4 with the express or implied consent of a volunteer fire company organized under ch.
5 181 or 213, political corporation, or governmental subdivision or agency thereof. A
6 person satisfies the requirements under this ~~paragraph~~ subdivision even if the
7 activities of the person with regard to the services and duties and the details and
8 method by which the services are provided and the duties are performed are left to
9 the discretion of the person.

10 ***-0971/P5.689***SECTION 4636. 893.80 (1b) (b) of the statutes is renumbered
11 893.80 (1b) (am) 2. and amended to read:

12 893.80 (1b) (am) 2. The person is subject to the right of control of the volunteer
13 company, political corporation, or governmental subdivision or agency described in
14 ~~par. (a)~~ subd. 1.

15 ***-0971/P5.690***SECTION 4637. 893.80 (1b) (bm) of the statutes is created to
16 read:

17 893.80 (1b) (bm) "Political corporation" does not include the University of
18 Wisconsin System Authority.

19 ***-0971/P5.691***SECTION 4638. 893.80 (1b) (c) of the statutes is renumbered
20 893.80 (1b) (am) 3. and amended to read:

21 893.80 (1b) (am) 3. The person is not paid a fee, salary, or other compensation
22 by any person for the services or duties described in ~~par. (a)~~ subd. 1. In this
23 ~~paragraph~~ subdivision, "compensation" does not include the reimbursement of
24 expenses.

1 ***-0971/P5.692***SECTION 4639. 893.82 (2) (d) 4. of the statutes is created to
2 read:

3 893.82 (2) (d) 4. Officers and employees of the University of Wisconsin System
4 Authority.

5 ***-0971/P5.693***SECTION 4640. 893.82 (10) of the statutes is created to read:
6 893.82 (10) Except for sub. (6), this section does not apply if the claimant in the
7 action or proceeding is the state and the person against whom such claim is brought
8 is an officer or employee of the University of Wisconsin System Authority.

9 ***-0971/P5.694***SECTION 4641. 895.46 (1) (a) of the statutes is amended to read:
10 895.46 (1) (a) If the defendant in any action or special proceeding is a public
11 officer or employee and is proceeded against in an official capacity or is proceeded
12 against as an individual because of acts committed while carrying out duties as an
13 officer or employee and the jury or the court finds that the defendant was acting
14 within the scope of employment, the judgment as to damages and costs entered
15 against the officer or employee, except as provided in s. 146.89 (4), in excess of any
16 insurance applicable to the officer or employee shall be paid by the state or political
17 subdivision of which the defendant is an officer or employee or by the University of
18 Wisconsin System Authority if the defendant is an officer or employee of the
19 authority. Agents of any department of the state shall be covered by this section
20 while acting within the scope of their agency. Regardless of the results of the
21 litigation the governmental unit, if it does not provide legal counsel to the defendant
22 officer or employee, shall pay reasonable attorney fees and costs of defending the
23 action, unless it is found by the court or jury that the defendant officer or employee
24 did not act within the scope of employment. Except as provided in s. 146.89 (4), the
25 duty of a governmental unit to provide or pay for the provision of legal representation

1 does not apply to the extent that applicable insurance provides that representation.
2 If the employing state agency or the attorney general denies that the state officer,
3 employee or agent was doing any act growing out of or committed in the course of the
4 discharge of his or her duties, the attorney general may appear on behalf of the state
5 to contest that issue without waiving the state's sovereign immunity to suit. Failure
6 by the officer or employee to give notice to his or her department head of an action
7 or special proceeding commenced against the defendant officer or employee as soon
8 as reasonably possible is a bar to recovery by the officer or employee from the state
9 or, political subdivision, or University of Wisconsin System Authority of reasonable
10 attorney fees and costs of defending the action. The attorney fees and expenses shall
11 not be recoverable if the state or, political subdivision, or University of Wisconsin
12 System Authority offers the officer or employee legal counsel and the offer is refused
13 by the defendant officer or employee. If the officer, employee or agent of the state
14 refuses to cooperate in the defense of the litigation, the officer, employee or agent is
15 not eligible for any indemnification or for the provision of legal counsel by the
16 governmental unit under this section.

17 *~~0971/P5.695~~SECTION 4642. 895.46 (5) (c) of the statutes is created to read:

18 895.46 (5) (c) Officers and employees of the University of Wisconsin System
19 Authority.

20 *~~0435/P1.2~~SECTION 4643. 895.514 (3) (b) of the statutes is amended to read:

21 895.514 (3) (b) All of the expenses incurred by the authority, or the
22 commissioner, or any agent, employee, or representative of the commissioner, in
23 exercising its duties and powers under ch. 149, 2011 stats., under 2013 Wisconsin Act
24 20, section 9122 (1L), or under 2013 Wisconsin Act 116, section 32 (1) (b), shall be

1 payable only from funds of the authority ~~or from the appropriation under s. 20.145~~
2 (5) (g) or (k), or from any combination of those payment sources.

3 *~~0389/P3.9~~**SECTION 4644.** 895.56 (2) (a) of the statutes is amended to read:

4 895.56 (2) (a) The acts or omissions by the person occurred while performing
5 a contract entered into under s. 84.06 (2) or (2m), including acts or omissions by any
6 person who has a direct contractual relationship with the prime contractor, as
7 defined in s. 779.01 (2) (d), under a contract entered into under s. 84.06 (2) or (2m)
8 to perform labor or furnish materials.

9 *~~0389/P3.10~~**SECTION 4645.** 895.56 (2) (c) of the statutes is amended to read:

10 895.56 (2) (c) The acts or omissions involving petroleum-contaminated soil on
11 the property were required by reasonably precise specifications in the contract
12 entered into under s. 84.06 (2) or (2m), and the acts or omissions conformed to those
13 specifications, or were otherwise directed by the department of transportation or by
14 the department of natural resources.

15 *~~0407/P3.136~~**SECTION 4646.** 938.02 (4) of the statutes is amended to read:

16 938.02 (4) “Department” means the department of children and families,
17 except that with respect to a juvenile who is being held in a juvenile detention facility
18 or who is under the supervision of the department of corrections under s. 938.183,
19 938.34 (4h), (4m), or (4n) (a), or 938.357 (4), “department” means the department of
20 corrections.

21 *~~0209/3.28~~**SECTION 4647.** 938.02 (4) of the statutes, as affected by 2015
22 Wisconsin Act (this act), is amended to read:

23 938.02 (4) “Department” means the department of children and families,
24 except that with respect to a juvenile who is being held in a juvenile detention facility
25 or who is under the supervision of the department of corrections under s. 938.183,

1 938.34 (4h), (4m), or (4n) (a), or 938.357 (4), “department” means the department of
2 corrections.

***NOTE: This is reconciled s. 938.02 (4). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0209/2 and LRB-0407/P2.

3 ***-0407/P3.137*SECTION 4648.** 938.06 (4) of the statutes is amended to read:

4 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related
5 court services under this section shall be at the same net effective rate that each
6 county is reimbursed for county administration under s. 48.569, except as provided
7 in s. ~~301.26~~ 48.526. Counties having a population of less than 750,000 may use funds
8 received under ss. 48.569 (1) (d) and ~~301.26~~ 48.526, including county or federal
9 revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for
10 the cost of providing court attached intake services in amounts not to exceed 50
11 percent of the cost of providing court attached intake services or \$30,000 per county
12 per calendar year, whichever is less.

13 ***-0209/3.29*SECTION 4649.** 938.069 (1) (intro.) of the statutes is amended to
14 read:

15 938.069 (1) DUTIES. (intro.) The staff of the department shall provide
16 community supervision services for juveniles as provided in s. 938.533. Subject to
17 sub. (2), the staff of the department, the court, a county department, or a licensed
18 child welfare agency designated by the court to carry out the objectives of this chapter
19 shall:

20 ***-0209/3.30*SECTION 4650.** 938.19 (1) (d) 6. of the statutes is amended to read:

21 938.19 (1) (d) 6. The juvenile has violated a condition of court-ordered
22 supervision, community supervision, or aftercare supervision administered by the
23 department or a county department; a condition of the juvenile’s placement in a Type

1 2 juvenile correctional facility or a Type 2 residential care center for children and
2 youth; or a condition of the juvenile's participation in the intensive supervision
3 program under s. 938.534.

4 *~~0209/3.31~~SECTION 4651. 938.20 (2) (cm) of the statutes is amended to read:

5 938.20 (2) (cm) If the juvenile has violated a condition of community
6 supervision or aftercare supervision administered by the department or a county
7 department, a condition of the juvenile's placement in a Type 2 juvenile correctional
8 facility or a Type 2 residential care center for children and youth, or a condition of
9 the juvenile's participation in the intensive supervision program under s. 938.534,
10 the person who took the juvenile into custody may release the juvenile to the
11 department or county department, whichever has supervision over the juvenile.

12 *~~0209/3.32~~SECTION 4652. 938.20 (7) (c) 1m. of the statutes is amended to
13 read:

14 938.20 (7) (c) 1m. In the case of a juvenile who has violated a condition of
15 community supervision or aftercare supervision administered by the department or
16 a county department, a condition of the juvenile's placement in a Type 2 juvenile
17 correctional facility or a Type 2 residential care center for children and youth, or a
18 condition of the juvenile's participation in the intensive supervision program under
19 s. 938.534, to the department or county department, whichever has supervision of
20 the juvenile.

21 *~~0209/3.33~~SECTION 4653. 938.20 (8) (c) of the statutes is amended to read:

22 938.20 (8) (c) If a juvenile who has violated a condition of community
23 supervision or aftercare supervision administered by the department or a county
24 department, a condition of the juvenile's placement in a Type 2 juvenile correctional
25 facility or a Type 2 residential care center for children and youth, or a condition of

1 the juvenile's participation in the intensive supervision program under s. 938.534 is
2 held in custody, the intake worker shall also notify the department or county
3 department, whichever has supervision over the juvenile, of the reasons for holding
4 the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the
5 detention hearing required under s. 938.21.

6 *~~0209/3.34~~SECTION 4654. 938.205 (1) (c) of the statutes is amended to read:

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

15 *~~0209/3.35~~SECTION 4655. 938.208 (1) (intro.) of the statutes is amended to
16 read:

17 938.208 (1) DELINQUENT ACT AND RISK OF HARM OR RUNNING AWAY. (intro.)
18 Probable cause exists to believe that the juvenile has committed a delinquent act and
19 either presents a substantial risk of physical harm to another person or a substantial
20 risk of running away so as to be unavailable for a court hearing, a revocation of
21 community supervision or aftercare supervision hearing, or action by the
22 department or county department relating to a violation of a condition of the
23 juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential
24 care center for children and youth or a condition of the juvenile's participation in the
25 intensive supervision program under s. 938.534. For juveniles who have been

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1 adjudged delinquent, the delinquent act referred to in this section may be the act for
2 which the juvenile was adjudged delinquent. If the intake worker determines that
3 any of the following conditions applies, the juvenile is considered to present a
4 substantial risk of physical harm to another person:

5 *~~0209/3.36~~SECTION 4656. 938.34 (4n) (intro.) of the statutes is amended to
6 read:

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

18 *~~0209/3.37~~SECTION 4657. 938.34 (4n) (a) of the statutes is repealed.

19 *~~0209/3.38~~SECTION 4658. 938.355 (6d) (b) (title) of the statutes is amended
20 to read:

21 938.355 (6d) (b) (title) *Violation of condition of county aftercare supervision.*

22 *~~0209/3.39~~SECTION 4659. 938.355 (6d) (b) 1. of the statutes is amended to
23 read:

24 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to subs.
25 2g., 2m., and 2r., if a juvenile who is on aftercare supervision administered by a

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

9 *~~0209/3.40~~SECTION 4660. 938.355 (6d) (b) 2. of the statutes is amended to
10 read:

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

1 juvenile, modify the terms of the placement, or order the juvenile to be released from
2 custody.

3 *~~0209/3.41~~**SECTION 4661.** 938.355 (6d) (b) 2g. of the statutes is amended to
4 read:

5 938.355 (6d) (b) 2g. The taking into custody and placement of a juvenile under
6 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
7 938.06 (1) and (2), to any policies adopted by the county department relating to
8 aftercare supervision ~~administered by the county department~~, and to any policies
9 adopted by the county board relating to such taking into custody and placement.

10 *~~0209/3.42~~**SECTION 4662.** 938.355 (6d) (b) 4. of the statutes is amended to
11 read:

12 938.355 (6d) (b) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
13 who has violated a condition of aftercare supervision ~~administered by a county~~
14 ~~department~~ from being taken into and held in custody under ss. 938.19 to 938.21.

15 *~~0209/3.43~~**SECTION 4663.** 938.357 (4) (a) of the statutes is amended to read:

16 938.357 (4) (a) When the juvenile is placed with the department, the
17 department may, after an examination under s. 938.50, place the juvenile in a
18 juvenile correctional facility or a secured residential care center for children and
19 youth or on community supervision or aftercare supervision, either immediately or
20 after a period of placement in a juvenile correctional facility or a secured residential
21 care center for children and youth. The department shall send written notice of the
22 change in placement to the parent, guardian, legal custodian, county department
23 designated under s. 938.34 (4n), if any, and committing court. If the department
24 places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare
25 agency, the department shall reimburse the child welfare agency at the rate

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

7 ***-0209/3.44*SECTION 4664.** 938.357 (4g) (title) of the statutes is amended to
8 read:

9 938.357 (4g) (title) ~~AFTERCARE~~ COMMUNITY SUPERVISION OR AFTERCARE PLAN.

10 ***-0209/3.45*SECTION 4665.** 938.357 (4g) (a) of the statutes is amended to read:

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

21 ***-0209/3.46*SECTION 4666.** 938.357 (4g) (b) of the statutes is amended to read:

22 938.357 (4g) (b) The department may waive the ~~time~~ period within which ~~an~~
23 a community supervision plan or aftercare plan must be prepared and submitted
24 under par. (a) if the department anticipates that the juvenile will remain in the
25 juvenile correctional facility or secured residential care center for children and youth

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1 for a period exceeding 8 months or if the juvenile is subject to s. 938.183. If the
2 department waives that time period, the designated community supervision or
3 aftercare provider shall prepare the community supervision or aftercare plan within
4 30 days after the date on which the department requests the community supervision
5 or aftercare plan.

6 *~~0209/3.47~~*SECTION 4667. 938.357 (4g) (c) (intro.) of the statutes is amended
7 to read:

8 938.357 (4g) (c) (intro.) ~~An~~ A community supervision or aftercare plan shall
9 include all of the following:

10 *~~0209/3.48~~*SECTION 4668. 938.357 (4g) (c) 2. of the statutes is amended to
11 read:

12 938.357 (4g) (c) 2. The conditions, if any, under which the juvenile's community
13 supervision or aftercare status may be revoked.

14 *~~0209/3.49~~*SECTION 4669. 938.357 (4g) (c) 3. of the statutes is amended to
15 read:

16 938.357 (4g) (c) 3. Services or programming to be provided to the juvenile while
17 on community supervision or aftercare supervision.

18 *~~0209/3.50~~*SECTION 4670. 938.357 (4g) (c) 4. of the statutes is amended to
19 read:

20 938.357 (4g) (c) 4. The estimated length of time that community supervision
21 and services or aftercare supervision and services shall be provided to the juvenile.

22 *~~0209/3.51~~*SECTION 4671. 938.357 (4g) (d) of the statutes is amended to read:

23 938.357 (4g) (d) A juvenile may be released from a juvenile correctional facility
24 or a secured residential care center for children and youth whether or not ~~an~~ a
25 community supervision or aftercare plan has been prepared under this subsection.

1 ***-0209/3.52***SECTION 4672. 938.357 (4m) of the statutes is amended to read:

2 938.357 (4m) RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.

3 The department shall try to release a juvenile to community supervision or aftercare
4 supervision under sub. (4) within 30 days after the date the department determines
5 the juvenile is eligible for the release.

6 ***-0209/3.53***SECTION 4673. 938.357 (5) (title) of the statutes is amended to
7 read:

8 938.357 (5) (title) REVOCATION OF COMMUNITY SUPERVISION OR AFTERCARE
9 SUPERVISION.

10 ***-0209/3.54***SECTION 4674. 938.357 (5) (a) of the statutes is amended to read:

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

18 ***-0209/3.55***SECTION 4675. 938.357 (5) (b) of the statutes is amended to read:

19 938.357 (5) (b) A juvenile on community supervision status may be taken into
20 custody only as provided in ss. 938.19 to 938.21 or 938.533 (3) (a). A juvenile on
21 aftercare status may be taken into custody only as provided in ss. 938.19 to 938.21
22 and or 938.355 (6d) (b).

23 ***-0209/3.56***SECTION 4676. 938.357 (5) (d) of the statutes is amended to read:

24 938.357 (5) (d) A hearing on the revocation shall be conducted by the division
25 of hearings and appeals in the department of administration within 30 days after the

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1 juvenile is taken into custody for an alleged violation of a condition of the juvenile's
2 community supervision or aftercare supervision. This time period may be waived
3 only upon the agreement of the community supervision or aftercare provider, the
4 juvenile, and the juvenile's counsel.

5 ***-0209/3.57***SECTION 4677. 938.357 (5) (e) of the statutes is amended to read:

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

12 ***-0209/3.58***SECTION 4678. 938.357 (5) (g) of the statutes is amended to read:

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

19 ***-0209/3.59***SECTION 4679. 938.365 (7) of the statutes is amended to read:

20 938.365 (7) CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.
21 Nothing in this section may be construed to allow any changes in placement, trial
22 reunification, or revocation of community supervision or aftercare supervision.
23 Revocation and other changes in placement may take place only under s. 938.357,
24 and trial reunifications may take place only under s. 938.358.

1 *~~0311/P4.40~~*SECTION 4680. 938.366 (1) of the statutes is renumbered
2 938.366 (1) (intro.) and amended to read:

3 938.366 (1) (intro.) APPLICABILITY. This section applies to a person who is a
4 full-time student of a secondary school or its vocational or technical equivalent, for
5 whom an individualized education program under s. 115.787 is in effect, and to whom
6 any of the following applies:

7 (a) The person is placed in a foster home, group home, or residential care center
8 for children and youth, in the home of a relative other than a parent, or in a
9 supervised independent living arrangement under an order under s. 938.355,
10 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3.,
11 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains
12 18 years of age, who is a full-time student of a secondary school or its vocational or
13 technical equivalent, and for whom an individualized education program under s.
14 115.787 is in effect.

15 *~~0311/P4.41~~*SECTION 4681. 938.366 (1) (b) of the statutes is created to read:

16 938.366 (1) (b) The person is placed in a shelter care facility on the date on
17 which an order specified in par. (a) terminates.

18 *~~0311/P4.42~~*SECTION 4682. 938.366 (2) (a) of the statutes is amended to read:

19 938.366 (2) (a) Not less than 120 days before an order described in sub. (1) (a)
20 terminates, the agency primarily responsible for providing services under the order
21 shall request the person who is the subject of the order to indicate whether he or she
22 wishes to be discharged from out-of-home care on termination of the order, wishes
23 to continue in out-of-home care until the date specified in s. 938.365 (5) (b) 4. under
24 an extension of the order, or wishes to continue in out-of-home care under a
25 voluntary agreement under sub. (3). If the person indicates that he or she wishes to

1 be discharged from out-of-home care on termination of the order, the agency shall
2 request a transition-to-discharge hearing under par. (b). If the person indicates that
3 he or she wishes to continue in out-of-home care under an extension of the order, the
4 agency shall request an extension of the order under s. 938.365. If the person
5 indicates that he or she wishes to continue in out-of-home care under a voluntary
6 agreement under sub. (3), the agency and the person shall enter into such an
7 agreement.

8 ***-0311/P4.43*SECTION 4683.** 938.366 (2) (b) 1. of the statutes is amended to
9 read:

10 938.366 (2) (b) 1. If the person who is the subject of an order described in sub.
11 (1) (a) indicates that he or she wishes to be discharged from out-of-home care on
12 termination of the order, the agency primarily responsible for providing services to
13 the person under the order shall request the court to hold a transition-to-discharge
14 hearing and shall cause notice of that request to be provided to that person, the
15 parent, guardian, and legal custodian of that person, any foster parent or other
16 physical custodian described in s. 48.62 (2) of that person, all parties who are bound
17 by the dispositional order, and, if that person is an Indian juvenile who has been
18 removed from the home of his or her parent or Indian custodian, that person's Indian
19 custodian and tribe.

20 ***-0311/P4.44*SECTION 4684.** 938.366 (2) (b) 3. of the statutes is amended to
21 read:

22 938.366 (2) (b) 3. At the hearing the court shall review with the person who is
23 the subject of an order described in sub. (1) (a) the options specified in par. (a) and
24 shall advise the person that he or she may continue in out-of-home care as provided

1 in par. (a) under an extension of the order or under a voluntary agreement under sub.
2 (3).

3 ***-0311/P4.45*SECTION 4685.** 938.366 (2) (b) 4. of the statutes is amended to
4 read:

5 938.366 (2) (b) 4. If the court determines that the person who is the subject of
6 an order described in sub. (1) (a) understands that he or she may continue in
7 out-of-home care, but wishes to be discharged from that care on termination of the
8 order, the court shall advise the person that he or she may enter into a voluntary
9 agreement under sub. (3) at any time before he or she is granted a high school or high
10 school equivalency diploma or reaches 21 years of age, whichever occurs first, so long
11 as he or she is a full-time student at a secondary school or its vocational or technical
12 equivalent and an individualized education program under s. 115.787 is in effect for
13 him or her. If the court determines that the person wishes to continue in
14 out-of-home care under an extension of the order described in sub. (1) (a), the court
15 shall schedule an extension hearing under s. 938.365. If the court determines that
16 the person wishes to continue in out-of-home care under a voluntary agreement
17 under sub. (3), the court shall order the agency primarily responsible for providing
18 services to the person under the order to provide transition-to-independent-living
19 services for the person under a voluntary agreement under sub. (3).

20 ***-0311/P4.46*SECTION 4686.** 938.366 (3) (a) of the statutes is amended to read:

21 938.366 (3) (a) On termination of an order described in sub. (1) (a), the person
22 who is the subject of the order, or the person's guardian on behalf of the person, and
23 the agency primarily responsible for providing services to the person under the order
24 may enter into a transition-to-independent-living agreement under which the
25 person continues in out-of-home care and continues to be a full-time student at a

1 secondary school or its vocational or technical equivalent under an individualized
2 education program under s. 115.787 until the date on which the person reaches 21
3 years of age, is granted a high school or high school equivalency diploma, or
4 terminates the agreement as provided in par. (b), whichever occurs first, and the
5 agency provides services to the person to assist him or her in transitioning to
6 independent living.

7 ***-0311/P4.47*SECTION 4687.** 938.366 (3) (am) of the statutes is created to read:

8 938.366 (3) (am) 1. The agency primarily responsible for providing services
9 under the agreement shall petition the court for a determination that the person's
10 placement in out-of-home care under the agreement is in the best interests of the
11 person. The request shall contain the name and address of the placement and a
12 statement describing why the placement is in the best interests of the person and
13 shall have a copy of the agreement attached to it. The agency shall cause written
14 notice of the petition to be sent to the person who is the subject of the agreement and
15 the person's guardian.

16 2. On receipt of a petition under subd. 1., the court shall schedule a hearing on
17 the petition. Not less than 3 days before the hearing the agency primarily
18 responsible for providing services under the agreement or the court shall provide
19 notice of the hearing to all persons who are entitled to receive notice under subd. 1.
20 A copy of the petition shall be attached to the notice.

21 3. If the court finds that the person's placement in out-of-home care under the
22 agreement is in the best interests of the person, the court shall grant an order
23 determining that placement in out-of-home care under the agreement is in the best
24 interests of the person.

25 ***-0311/P4.48*SECTION 4688.** 938.366 (3) (d) of the statutes is created to read:

1 938.366 (3) (d) If the agency that enters into a voluntary agreement under this
2 subsection is the department or a county department, the voluntary agreement shall
3 also specifically state that the department or the county department has placement
4 and care responsibility for the person who is the subject of the agreement as required
5 under 42 USC 672 (a) (2) and has primary responsibility for providing services to the
6 person.

7 ***-0311/P4.49*SECTION 4689.** 938.366 (3g) of the statutes is created to read:

8 938.366 (3g) APPEAL PROCEDURES. Any person who is aggrieved by the failure
9 of an agency to enter into a transition-to-independent-living agreement under sub.
10 (3) or by an agency's termination of such an agreement has the right to a contested
11 case hearing under ch. 227.

12 ***-0311/P4.50*SECTION 4690.** 938.366 (4) (a) of the statutes is amended to read:

13 938.366 (4) (a) Rules permitting a foster home, group home, or residential care
14 center for children and youth to provide care for persons who agree to continue in
15 out-of-home care under an extension of an order described in sub. (1) (a) or a
16 voluntary agreement under sub. (3).

17 ***-0311/P4.51*SECTION 4691.** 938.38 (1) (ap) of the statutes is created to read:

18 938.38 (1) (ap) "Juvenile" includes a person 17 years of age or over for whom
19 a permanency plan is required under sub. (2).

20 ***-0311/P4.52*SECTION 4692.** 938.38 (2) (d) of the statutes is amended to read:

21 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
22 the agency and the juvenile's parent under s. 48.63 (1) (a) or (5) (b) or under a
23 voluntary transition-to-independent-living agreement under s. 938.366 (3).

24 ***-0311/P4.53*SECTION 4693.** 938.38 (4) (fg) 5. of the statutes is amended to

25 read:

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1 938.38 (4) (fg) 5. As provided in par. (fm), placement in some other planned
2 permanent living arrangement that includes an appropriate, enduring relationship
3 with an adult, including sustaining care ~~or long-term foster care, but not including~~
4 independent living, or the goal of transitioning the juvenile to independence.

5 ***-0311/P4.54***SECTION 4694. 938.38 (4) (fg) 6. of the statutes is repealed.

6 ***-0311/P4.55***SECTION 4695. 938.38 (4) (fm) of the statutes is amended to
7 read:

8 938.38 (4) (fm) If the agency determines that there is a compelling reason why
9 it currently would not be in the best interests of the juvenile to return the juvenile
10 to his or her home or to place the juvenile for adoption, with a guardian, or with a fit
11 and willing relative as the permanency goal for the juvenile, the permanency goal
12 of placing the juvenile in some other planned permanent living arrangement or of
13 transitioning the juvenile to independence as described in par. (fg) 5. If the agency
14 makes that determination, the plan shall include the efforts made to achieve that
15 permanency goal, including, if appropriate, through an out-of-state placement, a
16 statement of that compelling reason, and, notwithstanding that compelling reason,
17 a concurrent plan under s. 938.355 (2b) towards achieving a goal under par. (fg) 1.
18 to 4. as a concurrent permanency goal in addition to the permanency goal under par.
19 (fg) 5.

20 ***-0311/P4.56***SECTION 4696. 938.38 (5) (a) of the statutes is amended to read:

21 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel
22 appointed under par. (ag) shall review the permanency plan for each juvenile for
23 whom a permanency plan is required under sub. (2) in the manner provided in this
24 subsection not later than 6 months after the date on which the juvenile was first
25 removed from his or her home and every 6 months after a previous review under this

1 subsection for as long as the juvenile is placed outside the home, except that for the
2 review that is required to be conducted not later than 12 months after the juvenile
3 was first removed from his or her home and the reviews that are required to be
4 conducted every 12 months after that review, the court shall hold a hearing under
5 sub. (5m) to review the permanency plan. The hearing may be instead of or in
6 addition to the review under this subsection. The 6-month and 12-month periods
7 referred to in this paragraph include trial reunifications under s. 938.358.

8 *~~0311/P4.57~~SECTION 4697. 938.38 (5) (c) 6. d. of the statutes is amended to
9 read:

10 938.38 (5) (c) 6. d. Being placed in some other planned permanent living
11 arrangement that includes an appropriate, enduring relationship with an adult,
12 including sustaining care ~~or long-term foster care, but not including independent~~
13 living, or transitioning to independence.

14 *~~0311/P4.58~~SECTION 4698. 938.38 (5) (c) 9. of the statutes is amended to
15 read:

16 938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as
17 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4. or of a
18 voluntary transition-to-independent-living agreement under s. 938.366 (3), the
19 appropriateness of the ~~transition-to-independent-living~~ plan developed under s.
20 938.385; the extent of compliance with that plan by the juvenile, the juvenile's
21 guardian, if any, the agency primarily responsible for providing services under that
22 plan, and any other service providers; and the progress of the juvenile toward
23 making the transition to independent living.

24 *~~0311/P4.59~~SECTION 4699. 938.38 (5m) (a) of the statutes is amended to
25 read:

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1 938.38 (5m) (a) The court shall hold a hearing to review the permanency plan
2 and to make the determinations specified in sub. (5) (c) for each juvenile for whom
3 a permanency plan is required under sub. (2) no later than 12 months after the date
4 on which the juvenile was first removed from the home and every 12 months after
5 a previous hearing under this subsection for as long as the juvenile is placed outside
6 the home. The 12-month periods referred to in this paragraph include trial
7 reunifications under s. 938.358.

8 *~~0311/P4.60~~SECTION 4700. 938.385 of the statutes is amended to read:

9 **938.385 Plan for transition to independent living.** During the 90 days
10 immediately before a juvenile who is placed in a foster home, group home, or
11 residential care center for children and youth, in the home of a relative other than
12 a parent, or in a supervised independent living arrangement attains 18 years of age
13 or, if the juvenile is placed in such a placement under an order under s. 938.355,
14 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile
15 attains 18 years of age or under a voluntary transition-to-independent-living
16 agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the
17 juvenile attains 18 years of age, during the 90 days immediately before the
18 termination of the order or agreement, the agency primarily responsible for
19 providing services to the juvenile under the order or agreement shall provide the
20 juvenile with assistance and support in developing a plan for making the transition
21 from out-of-home care to independent living. The transition plan shall be
22 personalized at the direction of the juvenile, shall be as detailed as the juvenile
23 directs, and shall include specific options for obtaining housing, health care,
24 education, mentoring and continuing support services, and workforce support and
25 employment services.

1 *~~0407/P3.138~~*SECTION 4701. 938.48 (1) of the statutes is amended to read:

2 938.48 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws relating
3 to delinquent juveniles and juveniles in need of protection or services and take the
4 initiative in all matters involving the interests of those juveniles when adequate
5 provision for those matters is not made. This duty shall be discharged in cooperation
6 with the courts, the department of children and families, county departments,
7 licensed child welfare agencies, parents, and other individuals interested in the
8 welfare of juveniles.

9 *~~0407/P3.139~~*SECTION 4702. 938.48 (8p) of the statutes is renumbered 48.48
10 (8r) and amended to read:

11 48.48 (8r) ~~INDIAN JUVENILE PLACEMENTS. Reimburse~~ To reimburse Indian tribes
12 and county departments, from the appropriation under s. ~~20.410 (3)~~ 20.437 (1) (kp),
13 for unexpected or unusually high-cost out-of-home care placements of Indian
14 juveniles children who have been adjudicated delinquent by tribal courts. In this
15 subsection, "unusually high-cost out-of-home care placements" means the amount
16 by which the cost to an Indian tribe or to a county department of out-of-home care
17 placements of Indian juveniles children who have been adjudicated delinquent by
18 tribal courts exceeds \$50,000 in a fiscal year.

19 *~~0209/3.60~~*SECTION 4703. 938.48 (13) of the statutes is amended to read:

20 938.48 (13) ALLOWANCES AND CASH GRANTS. Promulgate rules for the payment
21 of an allowance to juveniles in its institutions and a cash grant to a juvenile being
22 discharged from its institutions or released to community supervision or aftercare
23 supervision.

24 *~~0209/3.61~~*SECTION 4704. 938.50 of the statutes is amended to read:

1 **938.50 Examination of juveniles under supervision of department.** The
2 department shall examine every juvenile who is placed under its supervision to
3 determine the type of placement best suited to the juvenile and to the protection of
4 the public. The examination shall include an investigation of the personal and
5 family history of the juvenile and his or her environment, any physical or mental
6 examinations necessary to determine the type of placement appropriate for the
7 juvenile, and an evaluation under s. 938.533 (2) ~~to determine whether the juvenile~~
8 ~~is eligible for corrective sanctions supervision or serious juvenile offender~~
9 ~~supervision~~ (3) (a) to determine the appropriate level of supervision and services
10 based on the juvenile's risks and needs. The department shall screen a juvenile who
11 is examined under this section to determine whether the juvenile is in need of special
12 treatment or care because of alcohol or other drug abuse, mental illness, or severe
13 emotional disturbance. In making the examination the department may use any
14 facilities, public or private, that offer assistance in determining the correct
15 placement for the juvenile.

16 *~~0209/3.62~~**SECTION 4705.** 938.51 (1m) of the statutes is amended to read:

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

1 *~~0209/3.63~~*SECTION 4706. 938.533 (title) of the statutes is repealed and
2 recreated to read:

3 **938.533 (title) Community supervision.**

4 *~~0209/3.64~~*SECTION 4707. 938.533 (1) of the statutes is created to read:

5 938.533 (1) DEFINITION. In this section, “Type 2 status” means the status of a
6 juvenile who is placed in a Type 2 juvenile correctional facility.

7 *~~0209/3.65~~*SECTION 4708. 938.533 (2) of the statutes is renumbered 938.533
8 (2) (intro.) and amended to read:

9 938.533 (2) ~~CORRECTIVE SANCTIONS PROGRAM~~ COMMUNITY SUPERVISION SERVICES.
10 (intro.) From the appropriation under s. 20.410 (3) (hr), the department shall
11 purchase or provide ~~a corrective sanctions program to serve an average daily~~
12 ~~population of 136 juveniles unless the appropriation under s. 20.410 (3) (hr) is~~
13 ~~supplemented under s. 13.101 or 16.515 and the positions for the program are~~
14 ~~increased under s. 13.101 or 16.505 (2) or unless funding and positions to serve more~~
15 ~~than that average daily population are otherwise available, in at least 3 counties,~~
16 ~~including Milwaukee County. The department’s office of juvenile offender review~~
17 ~~shall evaluate and select for participation in the program~~ community supervision
18 services for juveniles who have been placed under the community supervision of the
19 department under s. 938.183, 938.34 (4h) or (4m), or (4n), 938.357 (4). ~~The~~
20 ~~department shall place a program participant in the community, provide intensive~~
21 ~~surveillance of that participant, and provide an average of not more than \$3,000 per~~
22 ~~year per slot to purchase community-based treatment services for each participant.~~
23 The department shall make the intensive surveillance, or 938.538 (3) (a) 2. For each
24 juvenile who is placed under community supervision, the department may purchase
25 or provide any of the following services:

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

6 (b) Report center in Milwaukee County to provide on-site programming after
7 school and in the evening for juveniles from Milwaukee County who are placed in the
8 corrective sanctions program. A contact worker providing services under the
9 program shall have a case load of approximately 10 juveniles and, during the initial
10 phase of placement in the community under the program of a juvenile who is
11 assigned to that contact worker, shall have not less than one face-to-face contact per
12 day with that programming, including social, behavioral, academic, community
13 service, and other programming, after school, in the evening, on weekends, on other
14 nonschool days, and at other times when the juvenile is not under immediate adult
15 supervision.

16 (c) Contacts with the juvenile and the juvenile's family of a type, frequency, and
17 duration that are commensurate with the juvenile's level of risk and individualized
18 treatment needs.

19 (d) Case management services under the program shall be provided by a
20 corrective sanctions community supervision agent who shall have a case load of
21 approximately 15 juveniles.

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

24 *-0209/3.66*SECTION 4709. 938.533 (2) (e) of the statutes is created to read:

1 938.533 (2) (e) Any other treatment or services that are needed to meet the
2 needs of the juvenile as determined by the department.

3 *~~0209/3.67~~SECTION 4710. 938.533 (3) of the statutes is amended to read:

4 938.533 (3) INSTITUTIONAL STATUS. (a) ~~A participant in the corrective sanctions~~
5 ~~program~~ The office of juvenile offender review in the division of juvenile corrections
6 in the department shall evaluate each juvenile who is placed under community
7 supervision and may place such a juvenile in Type 2 status. A juvenile who is placed
8 in Type 2 status is under the supervision of the department, is subject to the rules
9 and discipline of the department, and is considered to be in custody, as defined in s.
10 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a juvenile who is placed in
11 Type 2 status violates a condition of his or her participation in ~~the corrective~~
12 ~~sanctions program~~ community supervision, the department may, without a hearing,
13 take the juvenile into custody and place the juvenile in a juvenile detention facility
14 or return the juvenile to placement in a Type 1 juvenile correctional facility or a
15 secured residential care center for children and youth. This paragraph does not
16 preclude a juvenile who has violated a condition of his or her participation in ~~the~~
17 ~~corrective sanctions program~~ community supervision from being taken into and held
18 in custody under ss. 938.19 to 938.21.

19 (b) The department shall operate ~~the corrective sanctions program~~ community
20 supervision for a juvenile who is placed in Type 2 status as a Type 2 juvenile
21 correctional facility. The secretary may allocate and reallocate existing and future
22 facilities as part of the Type 2 juvenile correctional facility. The Type 2 juvenile
23 correctional facility is subject to s. 301.02. Construction or establishment of a Type 2
24 juvenile correctional facility shall be in compliance with all state laws except s.
25 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or

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1 establishment of a Type 2 juvenile correctional facility is not subject to the
2 ordinances or regulations relating to zoning, including zoning under ch. 91, of the
3 county and city, village, or town in which the construction or establishment takes
4 place and is exempt from the investigations permitted under s. 46.22 (1) (c) 1. b.

5 ***-0209/3.68*SECTION 4711.** 938.533 (3m) of the statutes is amended to read:

6 938.533 (3m) ESCAPE. If a juvenile who is placed in Type 2 status runs away
7 from his or her placement in the community while participating in ~~the corrective~~
8 ~~sanctions program~~ community supervision, the juvenile is considered to have
9 escaped in violation of s. 946.42 (3) (c).

10 ***-0209/3.69*SECTION 4712.** 938.538 (3) (a) 2. of the statutes is amended to
11 read:

12 938.538 (3) (a) 2. Intensive or other field supervision, including ~~corrective~~
13 ~~sanctions~~ community supervision under s. 938.533 ~~or aftercare supervision~~.

14 ***-0209/3.70*SECTION 4713.** 938.538 (5) (a) of the statutes is amended to read:

15 938.538 (5) (a) The office of juvenile offender review in the division of juvenile
16 corrections in the department may release a participant to ~~aftercare~~ community
17 supervision under s. 301.03 (10) (d) at any time after the participant has completed
18 2 years of participation in the serious juvenile offender program. ~~Aftercare~~
19 Community supervision of the participant shall be provided by the department.

20 ***-1059/9.235*SECTION 4714.** 938.538 (6m) (b) of the statutes is amended to
21 read:

22 938.538 (6m) (b) In the selection of classified service employees for a juvenile
23 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
24 the appointing authority shall make every effort to use the expanded certification
25 program under s. 230.25 (1n) or rules of the ~~administrator~~ director of the division

1 ~~bureau~~ of merit recruitment and selection in the ~~office of state employment relations~~
2 department of administration to ensure that the percentage of employees who are
3 minority group members approximates the percentage of the juveniles placed at that
4 juvenile correctional facility who are minority group members. The ~~administrator~~
5 ~~of the division~~ director of the bureau of merit recruitment and selection ~~in the office~~
6 ~~of state employment relations~~ shall provide guidelines for the administration of the
7 selection procedure.

8 *~~0209/3.71~~*SECTION 4715. 938.57 (4) of the statutes is amended to read:

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

21 *~~0209/3.72~~*SECTION 4716. 940.20 (2m) (title) of the statutes is amended to
22 read:

23 940.20 (2m) (title) BATTERY TO PROBATION, EXTENDED SUPERVISION AND PAROLE
24 AGENTS, COMMUNITY SUPERVISION AGENTS, AND AFTERCARE AGENTS.

1 *~~0209/3.73~~*SECTION 4717. 940.20 (2m) (a) 1m. of the statutes is created to
2 read:

3 940.20 (2m) (a) 1m. “Community supervision agent” means any person
4 authorized by the department of corrections to exercise control over a juvenile on
5 community supervision.

6 *~~0209/3.74~~*SECTION 4718. 940.20 (2m) (b) of the statutes is amended to read:
7 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,
8 extended supervision, and parole agent, a community supervision agent, or an
9 aftercare agent, acting in an official capacity and the person knows or has reason to
10 know that the victim is a probation, extended supervision and parole agent, a
11 community supervision agent, or an aftercare agent, by an act done without the
12 consent of the person so injured, is guilty of a Class H felony.

13 *~~0807/P6.477~~*SECTION 4719. 940.207 (title) of the statutes is amended to
14 read:

15 **940.207 (title) Battery or threat to department of safety and**
16 **~~professional services~~ financial institutions and professional standards or**
17 **~~department of workforce development employee.~~**

18 *~~0807/P6.478~~*SECTION 4720. 940.207 (2) (intro.) of the statutes is amended
19 to read:

20 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
21 cause bodily harm to the person or family member of any department of ~~safety and~~
22 ~~professional services~~ financial institutions and professional standards official,
23 employee, or agent whose responsibilities are primarily related to the buildings and
24 safety or professional regulation functions of that department, or any department of

1 workforce development official, employee, or agent, under all of the following
2 circumstances is guilty of a Class H felony:

3 ~~*-0807/P6.479~~*SECTION 4721. 940.207 (2) (a) of the statutes is amended to
4 read:

5 940.207 (2) (a) At the time of the act or threat, the actor knows or should have
6 known that the victim is a department of ~~safety and professional services~~ financial
7 institutions and professional standards or department of workforce development
8 official, employee, or agent or a member of his or her family.

9 ~~*-0602/P4.146~~*SECTION 4722. 941.237 (1) (dm) of the statutes is amended to
10 read:

11 941.237 (1) (dm) “Hotel” has the meaning given in s. ~~254.61(3)~~ 97.01 (7).

12 ~~*-0807/P6.480~~*SECTION 4723. 944.21 (8) (b) 3. a. of the statutes is amended
13 to read:

14 944.21 (8) (b) 3. a. Is a technical college, is a school ~~approved~~ authorized by the
15 ~~educational approval board under s. 38.50~~ department of financial institutions and
16 professional standards under s. 440.52, or is a school described in s. ~~38.50~~ 440.52 (1)
17 (e) 6., 7. or 8.; and

18 ~~*-0971/P5.696~~*SECTION 4724. 946.13 (12) (a) of the statutes is amended to
19 read:

20 946.13 (12) (a) In this subsection, “research company” means an entity engaged
21 in commercial activity that is related to research conducted by an employee or officer
22 of the University of Wisconsin System Authority or to a product of such research.

23 ~~*-0971/P5.697~~*SECTION 4725. 946.13 (12) (b) (intro.) of the statutes is
24 amended to read:

1 946.13 (12) (b) (intro.) Subsection (1) does not apply to a contract between a
2 research company and the University of Wisconsin System Authority or any
3 institution or college campus within the system for purchase of goods or services,
4 including research, if all the following apply:

5 ***-0971/P5.698***SECTION 4726. 946.13 (12) (b) 1. of the statutes is amended to
6 read:

7 946.13 (12) (b) 1. The contract is approved by a University of Wisconsin System
8 Authority employee or officer responsible for evaluating and managing potential
9 conflicts of interest.

10 ***-0971/P5.699***SECTION 4727. 946.13 (12) (b) 2. b. of the statutes is amended
11 to read:

12 946.13 (12) (b) 2. b. The ~~University of Wisconsin System~~ employee or officer
13 specified in subd. 1. submits the contract to the University of Wisconsin Board of
14 Regents and, within 45 days, the University of Wisconsin System Authority Board
15 of Regents does not notify the ~~University of Wisconsin System~~ employee or officer
16 specified in subd. 1. that entering the contract would constitute a violation of sub. (1).

17 ***-0209/3.75***SECTION 4728. 946.42 (1) (a) 2. of the statutes is amended to read:

18 946.42 (1) (a) 2. “Custody” does not include the constructive custody of a
19 probationer, parolee, or person on extended supervision by the department of
20 corrections or a probation, extended supervision, or parole agent or, subject to s.
21 938.533 (3) (a), the constructive custody of a person who has been released to
22 community supervision or aftercare supervision under ch. 938.

23 ***-0209/3.76***SECTION 4729. 946.42 (3) (c) of the statutes is amended to read:

1 946.42 (3) (c) Subject to a disposition under s. 938.34 (4d), (4h), or (4m), to a
2 placement under s. 938.357 (4) or 938.533 (3) (a), or to community supervision or
3 aftercare revocation under s. 938.357 (5) (e).

4 *~~0807/P6.481~~*SECTION 4730. 948.11 (4) (b) 3. a. of the statutes is amended
5 to read:

6 948.11 (4) (b) 3. a. Is a technical college, is a school ~~approved~~ authorized by the
7 ~~educational approval board under s. 38.50~~ department of financial institutions and
8 professional standards under s. 440.52, or is a school described in s. ~~38.50~~ 440.52 (1)
9 (e) 6., 7. or 8.; and

10 *~~0846/1.2~~*SECTION 4731. 949.11 (2) of the statutes is repealed.

11 *~~0846/1.3~~*SECTION 4732. 949.31 (2) of the statutes is repealed.

12 *~~1074/P2.11~~*SECTION 4733. 971.14 (6) (b) of the statutes is amended to read:

13 971.14 (6) (b) When the court discharges a defendant from commitment under
14 par. (a), it may order that the defendant be taken immediately into custody by a law
15 enforcement official and promptly delivered to a facility specified in s. 51.15 (2), an
16 approved public treatment facility under s. 51.45 (2) (c), or an appropriate medical
17 or protective placement facility. Thereafter, detention of the defendant shall be
18 governed by s. 51.15, 51.45 (11), or 55.135, as appropriate. The district attorney or
19 corporation counsel may prepare a statement meeting the requirements of s. 51.15
20 ~~(4) or (5)~~, 51.45 (13) (a), or 55.135 based on the allegations of the criminal complaint
21 and the evidence in the case. This statement shall be given to the director of the
22 facility to which the defendant is delivered and filed with the branch of circuit court
23 assigned to exercise criminal jurisdiction in the county in which the criminal charges
24 are pending, where it shall suffice, without corroboration by other petitioners, as a
25 petition for commitment under s. 51.20 or 51.45 (13) or a petition for protective

1 placement under s. 55.075. This section does not restrict the power of the branch of
2 circuit court in which the petition is filed to transfer the matter to the branch of
3 circuit court assigned to exercise jurisdiction under ch. 51 in the county. Days spent
4 in commitment or protective placement pursuant to a petition under this paragraph
5 shall not be deemed days spent in custody under s. 973.155.

6 ***-1387/P1.7*SECTION 4734.** 973.0455 of the statutes is created to read:

7 **973.0455 Crime prevention funding board surcharge.** (1) If a court
8 imposes a sentence or places a person on probation, the court shall impose a crime
9 prevention funding board surcharge. The surcharge is the total amount calculated
10 by adding up, for each misdemeanor or felony count on which a conviction occurred,
11 \$20.

12 (2) After the clerk determines the amount due, the clerk of court shall collect
13 and transmit the amount to the county treasurer under s. 59.40 (2) (n). The county
14 treasurer shall then distribute the moneys under s. 59.25 (3) (gm).

15 ***-1387/P1.8*SECTION 4735.** 973.05 (2m) (du) of the statutes is created to read:

16 973.05 (2m) (du) To payment of the crime prevention funding board surcharge
17 until paid in full.

18 ***-1117/P3.41*SECTION 4736.** 973.06 (1) (j) of the statutes is amended to read:

19 973.06 (1) (j) If the defendant violated s. 23.33 (4c), 30.681, 114.09, 346.63,
20 350.101, 940.09 (1), or 940.25, any costs charged to or paid by a law enforcement
21 agency for the withdrawal of the defendant's blood, except that the court may not
22 impose on the defendant any cost for an alternative test provided free of charge as
23 described in s. 343.305 (4). If at the time the court finds that the defendant
24 committed the violation, the law enforcement agency has not paid or been charged
25 with the costs of withdrawing the person's blood, the court shall impose and collect

1 the costs the law enforcement agency reasonably expects to be charged for the
2 withdrawal, based on the current charges for this procedure. Notwithstanding sub.
3 (2), the court may not remit these costs.

4 ***-0373/P1.1*SECTION 4737.** 978.03 (1) of the statutes is amended to read:

5 978.03 (1) The district attorney of any prosecutorial unit having a population
6 of 500,000 or more may appoint ~~5~~ 7 deputy district attorneys and such assistant
7 district attorneys as may be requested by the department of administration and
8 authorized in accordance with s. 16.505. The district attorney shall rank the deputy
9 district attorneys for purposes of carrying out duties under this section. The
10 deputies, according to rank, may perform any duty of the district attorney, under the
11 district attorney's direction. In the absence or disability of the district attorney, the
12 deputies, according to rank, may perform any act required by law to be performed
13 by the district attorney. Any such deputy must have practiced law in this state for
14 at least 2 years prior to appointment under this section.

15 ***-1082/P3.3*SECTION 4738.** 978.045 (1r) (intro.) of the statutes is amended to
16 read:

17 978.045 (1r) (intro.) Any judge of a court of record, by an order entered in the
18 record stating the cause for it, may appoint an attorney as a special prosecutor to
19 perform, for the time being, or for the trial of the accused person, the duties of the
20 district attorney. An attorney appointed under this subsection shall have all of the
21 powers of the district attorney. The judge may appoint an attorney as a special
22 prosecutor at the request of a district attorney to assist the district attorney in the
23 prosecution of persons charged with a crime, in grand jury proceedings or John Doe
24 proceedings under s. 968.26, in proceedings under ch. 980, or in investigations. The
25 judge may appoint an attorney as a special prosecutor only if the judge or the

1 requesting district attorney submits an affidavit to the department of justice
2 attesting that any of the following conditions exists:

3 *~~1082/P3.4~~**SECTION 4739.** 978.045 (1r) (e) of the statutes is amended to read:

4 978.045 (1r) (e) The district attorney is physically unable to attend to his or her
5 duties due to a health issue or has a mental incapacity that impairs his or her ability
6 to substantially perform his or her duties.

7 *~~1082/P3.5~~**SECTION 4740.** 978.045 (2) (a), (b) and (c) of the statutes are
8 consolidated, renumbered 978.045 (2) and amended to read:

9 978.045 (2) The If the department of justice approves the appointment of a
10 special prosecutor under sub. (1r), the court shall fix the amount of compensation for
11 any the attorney appointed as a special prosecutor under sub. (1r) according to the
12 rates specified in s. 977.08 (4m) (b). ~~(b)~~ The department of administration shall pay
13 the compensation ordered by the court from the appropriation under s. 20.475 (1) (d).
14 (e) The court, district attorney, and the special prosecutor shall provide any
15 information regarding a payment ~~under par. (b)~~ of compensation that the
16 department requests.

17 *~~1053/P2.50~~**SECTION 4741.** 978.05 (6) (a) of the statutes is amended to read:

18 978.05 (6) (a) Institute, commence or appear in all civil actions or special
19 proceedings under and perform the duties set forth for the district attorney under ch.
20 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, ~~89.08~~, 103.50 (8),
21 103.92 (4), 109.09, 343.305 (9) (a), ~~453.08~~, 806.05, 938.09, 938.18, 938.355 (6) (b) and
22 (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties
23 in connection with court proceedings in a court assigned to exercise jurisdiction
24 under chs. 48 and 938 as the judge may request and perform all appropriate duties
25 and appear if the district attorney is designated in specific statutes, including

1 matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this
2 paragraph limits the authority of the county board to designate, under s. 48.09 (5),
3 that the corporation counsel provide representation as specified in s. 48.09 (5) or to
4 designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate
5 person to represent the interests of the public under s. 48.14 or 938.14.

6 *~~1179/P1.1~~SECTION 4742. 978.11 of the statutes is amended to read:

7 **978.11 Budget.** The department of ~~administration~~ justice shall prepare the
8 budget of the prosecution system and submit it in accordance with s. 16.42.

9 *~~1059/9.236~~SECTION 4743. 978.12 (1) (c) of the statutes is amended to read:

10 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
11 employed outside the classified service. For purposes of salary administration, the
12 ~~director of the office~~ administrator of the division of state employment relations
13 personnel management in the department of administration shall establish one or
14 more classifications for assistant district attorneys in accordance with the
15 classification or classifications allocated to assistant attorneys general. Except as
16 provided in ss. 111.93 (3) (b) and 230.12 (10), the salaries of assistant district
17 attorneys shall be established and adjusted in accordance with the state
18 compensation plan for assistant attorneys general whose positions are allocated to
19 the classification or classifications established by the ~~director of the office~~
20 administrator of the division of state employment relations personnel management
21 in the department of administration.

22 *~~1461/P2.235~~SECTION 4744. 985.01 (1g) of the statutes is amended to read:

23 985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and
24 ~~includes a long-term care district board under s. 46.2895.~~

25 *~~1461/P2.236~~SECTION 4745. 985.01 (3) of the statutes is amended to read:

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1 985.01 (3) “Municipality” has the meaning in s. 345.05 (1) (c) ~~and includes a~~
2 ~~long-term care district under s. 46.2895.~~

3 *~~0807/P6.482~~*SECTION 4746. 995.55 (1) (b) of the statutes is amended to read:

4 995.55 (1) (b) “Educational institution” means an institution of higher
5 education, as defined in s. 108.02 (18); a technical college established under s. 38.02;
6 a school, as defined in s. ~~38.50~~ 440.52 (11) (a) 2.; a public school, as described in s.
7 115.01 (1); a charter school, as defined in s. 115.001 (1); a private school, as defined
8 in s. 115.001 (3r); or a private educational testing service or administrator.

9 *~~1117/P3.42~~*SECTION 4747. 2009 Wisconsin Act 28, section 9109 (1) is
10 repealed.

11 *~~1254/P1.3~~*SECTION 4748. 2013 Wisconsin Act 20, section 9151 (2) (a) 1. is
12 amended to read:

13 [2013 Wisconsin Act 20] Section 9151 (2) (a) 1. “Approval” means approval by
14 ~~the secretary of the federal department of labor~~ governor of a plan submitted jointly
15 by the department of workforce development and the department of veterans affairs
16 for transfer of the administration of the disabled veterans’ outreach program and the
17 local veterans’ employment representative program from the department of
18 workforce development to the department of veterans affairs.

19 *~~1254/P1.4~~*SECTION 4749. 2013 Wisconsin Act 20, section 9151 (3) (b) is
20 amended to read:

21 [2013 Wisconsin Act 20] Section 9151 (3) (b) *Approval by secretary of federal*
22 *department of labor* governor. The department of workforce development and the
23 department of veterans affairs, jointly, shall prepare a plan for transfer of the
24 administration of the disabled veterans’ outreach program and the local veterans’
25 employment representative program from the department of workforce development

1 to the department of veterans affairs and shall submit that plan to the secretary of
2 the federal department of labor governor for approval. If the secretary of the federal
3 department of labor governor approves the plan, the governor shall declare the
4 department of veterans affairs to be the primary coordinator of the employment
5 service delivery system, as defined in 38 USC 4101 (7), for veterans in this state, and
6 administration of those programs shall be transferred from the department of
7 workforce development to the department of veterans affairs as provided in
8 paragraphs (c) to (i).

9 *~~0925/4.1~~*SECTION 4750. 2013 Wisconsin Act 20, section 9252 (1) (a) (intro.),
10 as last affected by 2013 Wisconsin Act 145, section 44m, is amended to read:

11 [2013 Wisconsin Act 20] Section 9252 (1) (a) (intro.) Notwithstanding 2011
12 Wisconsin Act 32, section 9255 (1) (c) and (d), the secretary shall not lapse any money
13 from the agencies specified in those paragraphs during the 2013-15 fiscal biennium,
14 but shall instead lapse to the general fund from the unencumbered balances of
15 general purpose revenue and program revenue appropriations to the following
16 executive branch state agencies, other than sum sufficient appropriations and
17 appropriations of federal revenues, the following amounts in the 2013-14, 2014-15,
18 and 2015-16, and 2016-17 fiscal years, except that, for the 2015-16 and 2016-17
19 fiscal years, the amounts to be lapsed from the department of financial institutions
20 and the department of safety and professional services shall be combined as an
21 amount to be lapsed from the department of financial institutions and professional
22 services: standards with ✓

23 *~~0784/P1.1~~*SECTION 4751. 2013 Wisconsin Act 229, section 6 (1) is amended
24 to read:

25 [2013 Wisconsin Act 229] Section 6 (1) This act takes effect on July 1, ~~2015~~ 2017.

1 *–0807/P6.9101*SECTION **9101. Nonstatutory** **provisions;**
2 **Administration.**

3 *–0807/P6.9101*(1) TRANSFER OF BUSINESS CERTIFICATION PROGRAMS.

4 *–0807/P6.9101*(a) *Assets and liabilities.* On the effective date of this
5 paragraph, the assets and liabilities of the department of administration primarily
6 related to disabled veteran-owned business certifications, woman-owned business
7 certifications, and minority business certifications, as determined by the secretary
8 of administration, become the assets and liabilities of the department of financial
9 institutions and professional standards.

10 *–0807/P6.9101*(b) *Positions and employees.* On the effective date of this
11 paragraph, all positions and all incumbent employees in the classified service of the
12 state civil service holding those positions in the department of administration
13 performing duties primarily related to disabled veteran-owned business
14 certifications, woman-owned business certifications, and minority business
15 certifications, as determined by the secretary of administration, are transferred to
16 the department of financial institutions and professional standards.

17 *–0807/P6.9101*(c) *Employee status.* Employees transferred under
18 paragraph (b) have all the rights and the same status under chapter 230 of the
19 statutes in the department of financial institutions and professional standards that
20 they enjoyed in the department of administration immediately before the transfer.
21 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
22 has attained permanent status in class is required to serve a probationary period.

23 *–0807/P6.9101*(d) *Tangible personal property.* On the effective date of this
24 paragraph, all tangible personal property, including records, of the department of
25 administration primarily related to disabled veteran-owned business certifications,

1 woman-owned business certifications, and minority business certifications, as
2 determined by the secretary of administration, is transferred to the department of
3 financial institutions and professional standards.

4 ***-0807/P6.9101***(e) *Pending matters.* Any matter pending with the
5 department of administration on the effective date of this paragraph that is
6 primarily related to disabled veteran-owned business certifications, woman-owned
7 business certifications, and minority business certifications, as determined by the
8 secretary of administration, is transferred to the department of financial institutions
9 and professional standards. All materials submitted to or actions taken by the
10 department of administration with respect to the pending matter are considered as
11 having been submitted to or taken by the department of financial institutions and
12 professional standards.

13 ***-0807/P6.9101***(f) *Contracts.* All contracts entered into by the department
14 of administration in effect on the effective date of this paragraph that are primarily
15 related to disabled veteran-owned business certifications, woman-owned business
16 certifications, and minority business certifications, as determined by the secretary
17 of administration, remain in effect and are transferred to the department of financial
18 institutions and professional standards. The department of financial institutions
19 and professional standards shall carry out any obligations under those contracts
20 unless modified or rescinded by that department to the extent allowed under the
21 contract.

22 ***-0807/P6.9101***(g) *Rules and orders.* All rules promulgated by the
23 department of administration primarily related to disabled veteran-owned business
24 certifications, woman-owned business certifications, and minority business
25 certifications, as determined by the secretary of administration, that are in effect on

1 the effective date of this paragraph remain in effect until their specified expiration
2 dates or until amended or repealed by the department of financial institutions and
3 professional standards. All orders issued by the department of administration
4 primarily related to disabled veteran-owned business certifications, woman-owned
5 business certifications, and minority business certifications, as determined by the
6 secretary of administration, that are in effect on the effective date of this paragraph
7 remain in effect until their specified expiration dates or until modified or rescinded
8 by the department of financial institutions and professional standards.

9 ***-0807/P6.9101***(2) TRANSFER OF SMALL BUSINESS REGULATORY REVIEW BOARD
10 AND OFFICE OF BUSINESS DEVELOPMENT.

11 ***-0807/P6.9101***(a) *Assets and liabilities.* On the effective date of this
12 paragraph, the assets and liabilities of the department of administration primarily
13 related to the small business regulatory review board and the office of business
14 development, as determined by the secretary of administration, become the assets
15 and liabilities of the department of financial institutions and professional standards.

16 ***-0807/P6.9101***(b) *Tangible personal property.* On the effective date of this
17 paragraph, all tangible personal property, including records, of the department of
18 administration primarily related to the small business regulatory review board and
19 the office of business development, as determined by the secretary of administration,
20 is transferred to the department of financial institutions and professional standards.

21 ***-0807/P6.9101***(c) *Pending matters.* Any matter pending with the
22 department of administration on the effective date of this paragraph that is
23 primarily related to the small business regulatory review board and the office of
24 business development, as determined by the secretary of administration, is
25 transferred to the department of financial institutions and professional standards.