

1           767.75 (1f) PAYMENT ORDER AS ASSIGNMENT OF INCOME. A payment order  
2 constitutes an assignment of all commissions, earnings, salaries, wages, pension  
3 benefits, income continuation insurance benefits under s. 40.62, duty disability  
4 benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable  
5 in installments, and other money due or to be due in the future to the department  
6 or its designee. The assignment shall be for an amount sufficient to ensure payment  
7 under the order, obligation, or stipulation and to pay any arrearages due at a periodic  
8 rate not to exceed 50% of the amount of support due under the order, obligation, or  
9 stipulation so long as the addition of the amount toward arrearages does not leave  
10 the party at an income below the poverty line established under 42 USC 9902 (2).

11           \*~~0347/P2.6~~SECTION 4607. 767.75 (2m) (a) 1. of the statutes is amended to  
12 read:

13           767.75 (2m) (a) 1. An obligation to pay unpaid fees under s. 767.57 (1e) (b) 1m.  
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 department  
18 or its designee.

19           \*~~0347/P2.7~~SECTION 4608. 767.75 (2m) (a) 2. of the statutes is amended to  
20 read:

21           767.75 (2m) (a) 2. An obligation to pay unpaid fees under s. 767.57 (1e) (b) 2m.  
22 constitutes an assignment of all commissions, earnings, salaries, wages, pension  
23 benefits, income continuation insurance benefits under s. 40.62, duty disability  
24 benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable

1 in installments, and other money due or to be due in the future to the clerk of court  
2 to whom the fees are owed, or to his or her successor.

3 **\*-0971/P5.685\*SECTION 4609.** 778.25 (1) (a) 5. of the statutes is repealed.

4 **\*-0389/P3.7\*SECTION 4610.** 779.14 (1) (b) of the statutes is amended to read:

5 779.14 (1) (b) With respect to contracts entered into under s. 84.06 (2) or (2m)  
6 for highway improvements, any person who has a direct contractual relationship,  
7 expressed or implied, with the prime contractor to perform, furnish, or procure labor,  
8 services, materials, plans, or specifications.

9 **\*-0389/P3.8\*SECTION 4611.** 779.14 (2) (a) 3. of the statutes is amended to read:

10 779.14 (2) (a) 3. With respect to contracts entered into under s. 84.06 (2) or (2m)  
11 for highway improvements, failure of the prime contractor to comply with a contract,  
12 whether express or implied, with a subcontractor, supplier, or service provider of the  
13 prime contractor for performing, furnishing, or procuring labor, services, materials,  
14 plans, or specifications for the purpose of making the highway improvement that is  
15 the subject of the contract with the governmental entity.

16 **\*-0807/P6.475\*SECTION 4612.** 813.05 (2) of the statutes is amended to read:

17 813.05 (2) In an action against an insurance company or fraternal benefit  
18 society for an injunction or a receiver the ~~commissioner of insurance~~ department of  
19 financial institutions and professional standards shall be notified. Mailing a copy  
20 of such notice addressed to the ~~commissioner of insurance~~ secretary, or department,  
21 of financial institutions and professional standards at Madison, Wisconsin, shall be  
22 sufficient service.

23 **\*-0807/P6.476\*SECTION 4613.** 813.16 (7) of the statutes is amended to read:

24 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)  
25 is a savings and loan association or savings bank supervised by the ~~division~~ of

1 ~~banking department of financial institutions and professional standards~~ or a  
2 corporation supervised by the home loan bank board, federal office of thrift  
3 supervision, federal deposit insurance corporation, or resolution trust corporation,  
4 the court, unless the opposing party objects, shall appoint an officer of such  
5 corporation as receiver to act without compensation and to give such bond as the  
6 court requires.

7 \*~~0302/P1.1~~\*SECTION 4614. 814.61 (1) (c) 1m. of the statutes is created to read:

8 814.61 (1) (c) 1m. An action under s. 767.805 (3) that is brought by the state  
9 or its delegate or commenced on behalf of the child by an attorney appointed under  
10 s. 767.407.

11 \*~~1117/P3.34~~\*SECTION 4615. 814.63 (1) (b) of the statutes is renumbered  
12 814.63 (1).

13 \*~~1117/P3.35~~\*SECTION 4616. 814.63 (1) (c) of the statutes is repealed.

14 \*~~1117/P3.36~~\*SECTION 4617. 814.63 (3m) (a) of the statutes is amended to  
15 read:

16 814.63 (3m) (a) Except as provided in par. (d), if a defendant is required to  
17 appear in court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the  
18 court shall impose and collect from the defendant any costs charged to or paid by a  
19 law enforcement agency for the withdrawal of the defendant's blood if the court finds  
20 that the defendant violated s. 23.33 (4c), 30.681, 114.09, 346.63, or 350.101, or a local  
21 ordinance in conformity therewith.

22 \*~~1117/P3.37~~\*SECTION 4618. 814.63 (5) of the statutes is amended to read:

23 814.63 (5) Of the fees received by the clerk under sub. (1) (b), the county  
24 treasurer shall pay \$17.50 to the secretary of administration for deposit in the  
25 general fund and shall retain the balance for the use of the county. The secretary of

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1 administration shall credit \$5 of the \$17.50 to the appropriation under s. 20.680 (2)  
2 (j).

3 **\*-1117/P3.38\*SECTION 4619.** 814.65 (4m) (a) of the statutes is amended to  
4 read:

5 814.65 (4m) (a) Except as provided in par. (d), if a defendant is required to  
6 appear in municipal court, in addition to any forfeiture, costs, fees, or surcharges it  
7 imposes, the municipal court shall impose and collect from the defendant any costs  
8 charged to or paid by a law enforcement agency for the withdrawal of the defendant's  
9 blood if the court finds that the defendant violated a local ordinance in conformity  
10 with s. 23.33 (4c), 30.681, 114.09, 346.63, or 350.101.

11 **\*-1387/P1.5\*SECTION 4620.** 814.75 (8r) of the statutes is created to read:

12 814.75 (8r) The crime prevention funding board surcharge under s. 973.0455.

13 **\*-1387/P1.6\*SECTION 4621.** 814.76 (4m) of the statutes is created to read:

14 814.76 (4m) The crime prevention funding board surcharge under s. 973.0455.

15 **\*-1117/P3.39\*SECTION 4622.** 814.86 (1) of the statutes is amended to read:

16 814.86 (1) ~~Except for an action for a financial responsibility violation under s.~~  
17 ~~344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation~~  
18 ~~under s. 347.48 (2m), the~~ The clerk of circuit court shall charge and collect a \$21.50  
19 justice information system surcharge from any person, including any governmental  
20 unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am),  
21 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system  
22 surcharge is in addition to the surcharge listed in sub. (1m).

23 **\*-0280/1.3\*SECTION 4623.** 815.29 (1) of the statutes is amended to read:

24 815.29 (1) No execution sale of personal property shall be made unless 20 days  
25 previous notice of such sale has been given by posting a notice thereof in one public

1 place of the town or municipality where such sale is to be had and, if the county where  
2 such sale is to be had maintains a Web site, by posting a notice on the Web site. If  
3 the town or municipality where such sale is to be had maintains a Web site, the town  
4 or municipality may also post a notice on its Web site. The notice shall specify the  
5 time and place of sale but when any property seized is likely to perish or depreciate  
6 in value before the expiration of the 20 days the court or a judge may order the same  
7 to be sold in such manner and upon such terms as the best interests of the parties  
8 demand. Every such sale shall be made at auction between the ~~hour~~ hours of 9 a.m.  
9 and 5 p.m. and no property shall be sold unless it is in view of those attending the  
10 sale, except as provided in s. 71.91 (5) (c) 2. and in the case of the sale of the interest  
11 of the judgment debtor in property in the possession of a secured party. It shall be  
12 offered for sale in such lots and parcels as is calculated to bring the highest price.

13 \*~~1152/P1.27~~\*SECTION 4624. 859.07 (2) (a) 3. of the statutes is amended to  
14 read:

15 859.07 (2) (a) 3. The decedent or the decedent's spouse received services  
16 provided as a benefit under a long-term care program, as defined in s. 49.496 (1) (bk),  
17 medical assistance under subch. IV of ch. 49, long-term community support services  
18 funded under s. 46.27 (7), or aid under s. 49.68, 49.683, ~~or~~ 49.685, or 49.785.

19 \*~~1152/P1.28~~\*SECTION 4625. 867.01 (3) (am) 4. of the statutes is amended to  
20 read:

21 867.01 (3) (am) 4. Whether the decedent or the decedent's spouse received  
22 services provided as a benefit under a long-term care program, as defined in s. 49.496  
23 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support  
24 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683 ~~or~~, 49.685, or 49.785.

25 \*~~1152/P1.29~~\*SECTION 4626. 867.01 (3) (d) of the statutes is amended to read:

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

8           \*~~1152/P1.30~~\*SECTION 4627. 867.02 (2) (am) 6. of the statutes is amended to  
9 read:

10           867.02 (2) (am) 6. Whether the decedent or the decedent's spouse received  
11 services provided as a benefit under a long-term care program, as defined in s. 49.496  
12 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support  
13 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, ~~or 49.685~~, or 49.785.

14           \*~~1152/P1.31~~\*SECTION 4628. 867.03 (1g) (c) of the statutes is amended to read:

15           867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received  
16 services provided as a benefit under a long-term care program, as defined in s. 49.496  
17 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support  
18 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683 ~~or 49.685~~, or 49.875.

19           \*~~1152/P1.32~~\*SECTION 4629. 867.03 (1m) (a) of the statutes is amended to  
20 read:

21           867.03 (1m) (a) Whenever an heir, trustee, or person who was guardian of the  
22 decedent at the time of the decedent's death intends to transfer a decedent's property  
23 by affidavit under sub. (1g) and the decedent or the decedent's spouse ever received  
24 services provided as a benefit under a long-term care program, as defined in s. 49.496  
25 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community support

1 services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, ~~or 49.685~~, or 49.785,  
2 the heir, trustee, or person who was guardian of the decedent at the time of the  
3 decedent's death shall give notice to the department of health services of his or her  
4 intent. The notice shall include the information in the affidavit under sub. (1g) and  
5 the heir, trustee, or person who was guardian of the decedent at the time of the  
6 decedent's death shall give the notice by certified mail, return receipt requested.

7 \***-1152/P1.33**\*SECTION 4630. 867.03 (1m) (b) of the statutes is amended to  
8 read:

9 867.03 (1m) (b) An heir, trustee, or person who was guardian of the decedent  
10 at the time of the decedent's death who files an affidavit under sub. (1g) that states  
11 that the decedent or the decedent's spouse received services provided as a benefit  
12 under a long-term care program, as defined in s. 49.496 (1) (bk), medical assistance  
13 under subch. IV of ch. 49, long-term community support services funded under s.  
14 46.27 (7), or aid under s. 49.68, 49.683, ~~or 49.685~~, or 49.785 shall attach to the  
15 affidavit the proof of mail delivery of the notice required under par. (a) showing the  
16 delivery date.

17 \***-1152/P1.34**\*SECTION 4631. 867.03 (2g) (b) of the statutes is amended to read:

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

1 the department of health services information about any of the decedent's property  
2 that the heir, trustee, or guardian has distributed and information about the persons  
3 to whom the property was distributed.

4 \*~~1117/P3.40~~SECTION 4632. 885.38 (8) (a) 1. of the statutes is amended to  
5 read:

6 885.38 (8) (a) 1. The county in which the circuit court is located shall pay the  
7 expenses in all proceedings before a circuit court and when the clerk of circuit court  
8 uses a qualified interpreter under sub. (3) (d). The county shall be reimbursed as  
9 provided in the manner determined by the director of state courts under s. 758.19 (8)  
10 for expenses paid under this subdivision.

11 \*~~0971/P5.686~~SECTION 4633. 887.23 (1) of the statutes is amended to read:

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



1           \***-0971/P5.687**\*SECTION 4634. 893.80 (1b) (intro.) of the statutes is amended  
2 to read:

3           893.80 (1b) (intro.) In this section, ~~“agent”~~:

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

6           \***-0971/P5.688**\*SECTION 4635. 893.80 (1b) (a) of the statutes is renumbered  
7 893.80 (1b) (am) 1. and amended to read:

8           893.80 (1b) (am) 1. The person provides services or performs duties for and  
9 with the express or implied consent of a volunteer fire company organized under ch.  
10 181 or 213, political corporation, or governmental subdivision or agency thereof. A  
11 person satisfies the requirements under this ~~paragraph~~ subdivision even if the  
12 activities of the person with regard to the services and duties and the details and  
13 method by which the services are provided and the duties are performed are left to  
14 the discretion of the person.

15           \***-0971/P5.689**\*SECTION 4636. 893.80 (1b) (b) of the statutes is renumbered  
16 893.80 (1b) (am) 2. and amended to read:

17           893.80 (1b) (am) 2. The person is subject to the right of control of the volunteer  
18 company, political corporation, or governmental subdivision or agency described in  
19 ~~par. (a)~~ subd. 1.

20           \***-0971/P5.690**\*SECTION 4637. 893.80 (1b) (bm) of the statutes is created to  
21 read:

22           893.80 (1b) (bm) “Political corporation” does not include the University of  
23 Wisconsin System Authority.

24           \***-0971/P5.691**\*SECTION 4638. 893.80 (1b) (c) of the statutes is renumbered  
25 893.80 (1b) (am) 3. and amended to read:

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

5 \*-0971/P5.692\*SECTION 4639. 893.82 (2) (d) 4. of the statutes is created to  
6 read:

7 893.82 (2) (d) 4. Officers and employees of the University of Wisconsin System  
8 Authority.

9 \*-0971/P5.693\*SECTION 4640. 893.82 (10) of the statutes is created to read:

10 893.82 (10) Except for sub. (6), this section does not apply if the claimant in the  
11 action or proceeding is the state and the person against whom such claim is brought  
12 is an officer or employee of the University of Wisconsin System Authority.

13 \*-0971/P5.694\*SECTION 4641. 895.46 (1) (a) of the statutes is amended to read:

14 895.46 (1) (a) If the defendant in any action or special proceeding is a public  
15 officer or employee and is proceeded against in an official capacity or is proceeded  
16 against as an individual because of acts committed while carrying out duties as an  
17 officer or employee and the jury or the court finds that the defendant was acting  
18 within the scope of employment, the judgment as to damages and costs entered  
19 against the officer or employee, except as provided in s. 146.89 (4), in excess of any  
20 insurance applicable to the officer or employee shall be paid by the state or political  
21 subdivision of which the defendant is an officer or employee or by the University of  
22 Wisconsin System Authority if the defendant is an officer or employee of the  
23 authority. Agents of any department of the state shall be covered by this section  
24 while acting within the scope of their agency. Regardless of the results of the  
25 litigation the governmental unit, if it does not provide legal counsel to the defendant

1 officer or employee, shall pay reasonable attorney fees and costs of defending the  
2 action, unless it is found by the court or jury that the defendant officer or employee  
3 did not act within the scope of employment. Except as provided in s. 146.89 (4), the  
4 duty of a governmental unit to provide or pay for the provision of legal representation  
5 does not apply to the extent that applicable insurance provides that representation.  
6 If the employing state agency or the attorney general denies that the state officer,  
7 employee or agent was doing any act growing out of or committed in the course of the  
8 discharge of his or her duties, the attorney general may appear on behalf of the state  
9 to contest that issue without waiving the state's sovereign immunity to suit. Failure  
10 by the officer or employee to give notice to his or her department head of an action  
11 or special proceeding commenced against the defendant officer or employee as soon  
12 as reasonably possible is a bar to recovery by the officer or employee from the state  
13 or, political subdivision, or University of Wisconsin System Authority of reasonable  
14 attorney fees and costs of defending the action. The attorney fees and expenses shall  
15 not be recoverable if the state or, political subdivision, or University of Wisconsin  
16 System Authority offers the officer or employee legal counsel and the offer is refused  
17 by the defendant officer or employee. If the officer, employee or agent of the state  
18 refuses to cooperate in the defense of the litigation, the officer, employee or agent is  
19 not eligible for any indemnification or for the provision of legal counsel by the  
20 governmental unit under this section.

21 \***-0971/P5.695\*SECTION 4642.** 895.46 (5) (c) of the statutes is created to read:

22 895.46 (5) (c) Officers and employees of the University of Wisconsin System  
23 Authority.

24 \***-0435/P1.2\*SECTION 4643.** 895.514 (3) (b) of the statutes is amended to read:

1           895.514 (3) (b) All of the expenses incurred by the authority, or the  
2 commissioner, or any agent, employee, or representative of the commissioner, in  
3 exercising its duties and powers under ch. 149, 2011 stats., under 2013 Wisconsin Act  
4 20, section 9122 (1L), or under 2013 Wisconsin Act 116, section 32 (1) (b), shall be  
5 payable only from funds of the authority ~~or from the appropriation under s. 20.145~~  
6 ~~(5) (g) or (k), or from any combination of those payment sources.~~

7           \*~~0389/P3.9~~SECTION 4644. 895.56 (2) (a) of the statutes is amended to read:

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

13           \*~~0389/P3.10~~SECTION 4645. 895.56 (2) (c) of the statutes is amended to read:

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

19           \*~~0407/P3.136~~SECTION 4646. 938.02 (4) of the statutes is amended to read:

20           938.02 (4) "Department" means the department of children and families,  
21 except that with respect to a juvenile who is being held in a juvenile detention facility  
22 or who is under the supervision of the department of corrections under s. 938.183,  
23 938.34 (4h), (4m), or (4n) (a), or 938.357 (4), "department" means the department of  
24 corrections.

1           \*~~0209/3.28~~\*SECTION 4647. 938.02 (4) of the statutes, as affected by 2015  
2 Wisconsin Act .... (this act), is amended to read:

3           938.02 (4) "Department" means the department of children and families,  
4 except that with respect to a juvenile who is being held in a juvenile detention facility  
5 or who is under the supervision of the department of corrections under s. 938.183,  
6 938.34 (4h), (4m), or (4n) (a), or 938.357 (4), "department" means the department of  
7 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.

8           \*~~0407/P3.137~~\*SECTION 4648. 938.06 (4) of the statutes is amended to read:

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

18           \*~~0209/3.29~~\*SECTION 4649. 938.069 (1) (intro.) of the statutes is amended to  
19 read:

20           938.069 (1) DUTIES. (intro.) The staff of the department shall provide  
21 community supervision services for juveniles as provided in s. 938.533. Subject to  
22 sub. (2), the staff of the department, the court, a county department, or a licensed

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1 child welfare agency designated by the court to carry out the objectives of this chapter  
2 shall:

3 \*~~0209/3.30~~\*SECTION 4650. 938.19 (1) (d) 6. of the statutes is amended to read:

4 938.19 (1) (d) 6. The juvenile has violated a condition of court-ordered  
5 supervision, community supervision, or aftercare supervision administered by the  
6 ~~department or a county department~~; a condition of the juvenile's placement in a Type  
7 2 juvenile correctional facility or a Type 2 residential care center for children and  
8 youth; or a condition of the juvenile's participation in the intensive supervision  
9 program under s. 938.534.

10 \*~~0209/3.31~~\*SECTION 4651. 938.20 (2) (cm) of the statutes is amended to read:

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

18 \*~~0209/3.32~~\*SECTION 4652. 938.20 (7) (c) 1m. of the statutes is amended to  
19 read:

20 938.20 (7) (c) 1m. In the case of a juvenile who has violated a condition of  
21 community supervision or aftercare supervision administered by the ~~department or~~  
22 ~~a county department~~, a condition of the juvenile's placement in a Type 2 juvenile  
23 correctional facility or a Type 2 residential care center for children and youth, or a  
24 condition of the juvenile's participation in the intensive supervision program under

1 s. 938.534, to the department or county department, whichever has supervision of  
2 the juvenile.

3 \*~~0209/3.33~~SECTION 4653. 938.20 (8) (c) of the statutes is amended to read:

4 938.20 (8) (c) If a juvenile who has violated a condition of community  
5 supervision or aftercare supervision administered by the department or a county  
6 department, a condition of the juvenile's placement in a Type 2 juvenile correctional  
7 facility or a Type 2 residential care center for children and youth, or a condition of  
8 the juvenile's participation in the intensive supervision program under s. 938.534 is  
9 held in custody, the intake worker shall also notify the department or county  
10 department, whichever has supervision over the juvenile, of the reasons for holding  
11 the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the  
12 detention hearing required under s. 938.21.

13 \*~~0209/3.34~~SECTION 4654. 938.205 (1) (c) of the statutes is amended to read:

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

22 \*~~0209/3.35~~SECTION 4655. 938.208 (1) (intro.) of the statutes is amended to  
23 read:

24 938.208 (1) DELINQUENT ACT AND RISK OF HARM OR RUNNING AWAY. (intro.)  
25 Probable cause exists to believe that the juvenile has committed a delinquent act and

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

12 \*~~0209/3.36~~SECTION 4656. 938.34 (4n) (intro.) of the statutes is amended to  
13 read:

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

25 \*~~0209/3.37~~SECTION 4657. 938.34 (4n) (a) of the statutes is repealed.



1           \*~~0209/3.38~~**SECTION 4658.** 938.355 (6d) (b) (title) of the statutes is amended  
2 to read:

3           938.355 (6d) (b) (title) *Violation of condition of ~~county~~ aftercare supervision.*

4           \*~~0209/3.39~~**SECTION 4659.** 938.355 (6d) (b) 1. of the statutes is amended to  
5 read:

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

16           \*~~0209/3.40~~**SECTION 4660.** 938.355 (6d) (b) 2. of the statutes is amended to  
17 read:

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

## SECTION 4660

1 72 hours as a consequence of that violation. A person who takes a juvenile into  
2 custody under this subdivision shall permit the juvenile to make a written or oral  
3 statement concerning the possible placement of the juvenile and the course of  
4 conduct for which the juvenile was taken into custody. A person designated by the  
5 court or the county department who is employed in a supervisory position by a person  
6 authorized to provide or providing intake or dispositional services under s. 938.067  
7 or 938.069 shall review that statement and either approve the placement of the  
8 juvenile, modify the terms of the placement, or order the juvenile to be released from  
9 custody.

10 \*~~0209/3.41~~SECTION 4661. 938.355 (6d) (b) 2g. of the statutes is amended to  
11 read:

12 938.355 (6d) (b) 2g. The taking into custody and placement of a juvenile under  
13 subd. 1. or 2. is subject to any general written policies adopted by the court under s.  
14 938.06 (1) and (2), to any policies adopted by the county department relating to  
15 aftercare supervision ~~administered by the county department~~, and to any policies  
16 adopted by the county board relating to such taking into custody and placement.

17 \*~~0209/3.42~~SECTION 4662. 938.355 (6d) (b) 4. of the statutes is amended to  
18 read:

19 938.355 (6d) (b) 4. Subject to par. (d), subs. 1. and 2. do not preclude a juvenile  
20 who has violated a condition of aftercare supervision ~~administered by a county~~  
21 ~~department~~ from being taken into and held in custody under ss. 938.19 to 938.21.

22 \*~~0209/3.43~~SECTION 4663. 938.357 (4) (a) of the statutes is amended to read:

23 938.357 (4) (a) When the juvenile is placed with the department, the  
24 department may, after an examination under s. 938.50, place the juvenile in a  
25 juvenile correctional facility or a secured residential care center for children and

1 youth or on community supervision or aftercare supervision, either immediately or  
2 after a period of placement in a juvenile correctional facility or a secured residential  
3 care center for children and youth. The department shall send written notice of the  
4 change in placement to the parent, guardian, legal custodian, county department  
5 designated under s. 938.34 (4n), if any, and committing court. If the department  
6 places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare  
7 agency, the department shall reimburse the child welfare agency at the rate  
8 established under s. 49.343 that is applicable to the type of placement that the child  
9 welfare agency is providing for the juvenile. A juvenile who is placed in a Type 2  
10 juvenile correctional facility or a secured residential care center for children and  
11 youth remains under the supervision of the department, remains subject to the rules  
12 and discipline of that department, and is considered to be in custody, as defined in  
13 s. 946.42 (1) (a).

14 \*~~0209/3.44~~\***SECTION 4664.** 938.357 (4g) (title) of the statutes is amended to  
15 read:

16 938.357 (4g) (title) ~~AFTERCARE~~ COMMUNITY SUPERVISION OR AFTERCARE PLAN.

17 \*~~0209/3.45~~\***SECTION 4665.** 938.357 (4g) (a) of the statutes is amended to read:

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

## SECTION 4665

1 aftercare plan to the department within the applicable time period specified in this  
2 paragraph, unless the department waives the time period under par. (b).

3 \*-0209/3.46\*SECTION 4666. 938.357 (4g) (b) of the statutes is amended to read:

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

13 \*-0209/3.47\*SECTION 4667. 938.357 (4g) (c) (intro.) of the statutes is amended  
14 to read:

15 938.357 (4g) (c) (intro.) An A community supervision or aftercare plan shall  
16 include all of the following:

17 \*-0209/3.48\*SECTION 4668. 938.357 (4g) (c) 2. of the statutes is amended to  
18 read:

19 938.357 (4g) (c) 2. The conditions, if any, under which the juvenile's community  
20 supervision or aftercare status may be revoked.

21 \*-0209/3.49\*SECTION 4669. 938.357 (4g) (c) 3. of the statutes is amended to  
22 read:

23 938.357 (4g) (c) 3. Services or programming to be provided to the juvenile while  
24 on community supervision or aftercare supervision.

1           \***-0209/3.50**\*SECTION 4670. 938.357 (4g) (c) 4. of the statutes is amended to  
2 read:

3           938.357 (4g) (c) 4. The estimated length of time that community supervision  
4 and services or aftercare supervision and services shall be provided to the juvenile.

5           \***-0209/3.51**\*SECTION 4671. 938.357 (4g) (d) of the statutes is amended to read:

6           938.357 (4g) (d) A juvenile may be released from a juvenile correctional facility  
7 or a secured residential care center for children and youth whether or not ~~an a~~  
8 community supervision or aftercare plan has been prepared under this subsection.

9           \***-0209/3.52**\*SECTION 4672. 938.357 (4m) of the statutes is amended to read:

10          938.357 (4m) RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.  
11 The department shall try to release a juvenile to community supervision or aftercare  
12 supervision under sub. (4) within 30 days after the date the department determines  
13 the juvenile is eligible for the release.

14          \***-0209/3.53**\*SECTION 4673. 938.357 (5) (title) of the statutes is amended to  
15 read:

16          938.357 (5) (title) REVOCATION OF COMMUNITY SUPERVISION OR AFTERCARE  
17 SUPERVISION.

18          \***-0209/3.54**\*SECTION 4674. 938.357 (5) (a) of the statutes is amended to read:

19          938.357 (5) (a) ~~The~~ If a juvenile has been placed on community supervision, the  
20 department or a may revoke the community supervision status of that juvenile as  
21 provided in this subsection. If a juvenile has been placed on aftercare supervision,  
22 the county department, whichever that has been designated as a juvenile's aftercare  
23 provider, may revoke the aftercare status of that juvenile as provided in this  
24 subsection. Prior notice of a change in placement under sub. (1) (am) 1. is not  
25 required.

1           \***-0209/3.55**\*SECTION 4675. 938.357 (5) (b) of the statutes is amended to read:  
2           938.357 (5) (b) A juvenile on community supervision status may be taken into  
3 custody only as provided in ss. 938.19 to 938.21 or 938.533 (3) (a). A juvenile on  
4 aftercare status may be taken into custody only as provided in ss. 938.19 to 938.21  
5 and or 938.355 (6d) (b).

6           \***-0209/3.56**\*SECTION 4676. 938.357 (5) (d) of the statutes is amended to read:  
7           938.357 (5) (d) A hearing on the revocation shall be conducted by the division  
8 of hearings and appeals in the department of administration within 30 days after the  
9 juvenile is taken into custody for an alleged violation of a condition of the juvenile's  
10 community supervision or aftercare supervision. This ~~time~~ period may be waived  
11 only upon the agreement of the community supervision or aftercare provider, the  
12 juvenile, and the juvenile's counsel.

13           \***-0209/3.57**\*SECTION 4677. 938.357 (5) (e) of the statutes is amended to read:  
14           938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a  
15 condition of community supervision or aftercare supervision, the hearing examiner  
16 shall determine whether confinement in a juvenile correctional facility or a secured  
17 residential care center for children and youth is necessary to protect the public, to  
18 provide for the juvenile's rehabilitation, or to not depreciate the seriousness of the  
19 violation.

20           \***-0209/3.58**\*SECTION 4678. 938.357 (5) (g) of the statutes is amended to read:  
21           938.357 (5) (g) The department shall promulgate rules setting standards to be  
22 used by a hearing examiner to determine whether to revoke a juvenile's community  
23 supervision or aftercare status. The standards shall specify that the burden is on the  
24 department or county department seeking revocation to show by a preponderance of

1 the evidence that the juvenile violated a condition of community supervision or  
2 aftercare supervision.

3 \*-0209/3.59\*SECTION 4679. 938.365 (7) of the statutes is amended to read:

4 938.365 (7) CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED.

5 Nothing in this section may be construed to allow any changes in placement, trial  
6 reunification, or revocation of community supervision or aftercare supervision.

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

9 \*-0311/P4.40\*SECTION 4680. 938.366 (1) of the statutes is renumbered  
10 938.366 (1) (intro.) and amended to read:

11 938.366 (1) (intro.) APPLICABILITY. This section applies to a person who is a  
12 full-time student of a secondary school or its vocational or technical equivalent, for  
13 whom an individualized education program under s. 115.787 is in effect, and to whom  
14 any of the following applies:

15 (a) The person is placed in a foster home, group home, or residential care center  
16 for children and youth, in the home of a relative other than a parent, or in a  
17 supervised independent living arrangement under an order under s. 938.355,  
18 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3.,  
19 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains  
20 18 years of age, who is a full-time student of a secondary school or its vocational or  
21 technical equivalent, and for whom an individualized education program under s.  
22 115.787 is in effect.

23 \*-0311/P4.41\*SECTION 4681. 938.366 (1) (b) of the statutes is created to read:

24 938.366 (1) (b) The person is placed in a shelter care facility on the date on  
25 which an order specified in par. (a) terminates.

**SECTION 4682**

1           \*~~0311/P4.42~~\***SECTION 4682.** 938.366 (2) (a) of the statutes is amended to read:

2           938.366 (2) (a) Not less than 120 days before an order described in sub. (1) (a)  
3           terminates, the agency primarily responsible for providing services under the order  
4           shall request the person who is the subject of the order to indicate whether he or she  
5           wishes to be discharged from out-of-home care on termination of the order, wishes  
6           to continue in out-of-home care until the date specified in s. 938.365 (5) (b) 4. under  
7           an extension of the order, or wishes to continue in out-of-home care under a  
8           voluntary agreement under sub. (3). If the person indicates that he or she wishes to  
9           be discharged from out-of-home care on termination of the order, the agency shall  
10          request a transition-to-discharge hearing under par. (b). If the person indicates that  
11          he or she wishes to continue in out-of-home care under an extension of the order, the  
12          agency shall request an extension of the order under s. 938.365. If the person  
13          indicates that he or she wishes to continue in out-of-home care under a voluntary  
14          agreement under sub. (3), the agency and the person shall enter into such an  
15          agreement.

16          \*~~0311/P4.43~~\***SECTION 4683.** 938.366 (2) (b) 1. of the statutes is amended to  
17          read:

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



1 removed from the home of his or her parent or Indian custodian, that person's Indian  
2 custodian and tribe.

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

5 938.366 (2) (b) 3. At the hearing the court shall review with the person who is  
6 the subject of an order described in sub. (1) (a) the options specified in par. (a) and  
7 shall advise the person that he or she may continue in out-of-home care as provided  
8 in par. (a) under an extension of the order or under a voluntary agreement under sub.  
9 (3).

10 \***-0311/P4.45\*SECTION 4685.** 938.366 (2) (b) 4. of the statutes is amended to  
11 read:

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

## SECTION 4685

1 services to the person under the order to provide transition-to-independent-living  
2 services for the person under a voluntary agreement under sub. (3).

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

4 938.366 (3) (a) On termination of an order described in sub. (1) (a), the person  
5 who is the subject of the order, or the person's guardian on behalf of the person, and  
6 the agency primarily responsible for providing services to the person under the order  
7 may enter into a transition-to-independent-living agreement under which the  
8 person continues in out-of-home care and continues to be a full-time student at a  
9 secondary school or its vocational or technical equivalent under an individualized  
10 education program under s. 115.787 until the date on which the person reaches 21  
11 years of age, is granted a high school or high school equivalency diploma, or  
12 terminates the agreement as provided in par. (b), whichever occurs first, and the  
13 agency provides services to the person to assist him or her in transitioning to  
14 independent living.

15 **\*-0311/P4.47\*SECTION 4687.** 938.366 (3) (am) of the statutes is created to read:

16 938.366 (3) (am) 1. The agency primarily responsible for providing services  
17 under the agreement shall petition the court for a determination that the person's  
18 placement in out-of-home care under the agreement is in the best interests of the  
19 person. The request shall contain the name and address of the placement and a  
20 statement describing why the placement is in the best interests of the person and  
21 shall have a copy of the agreement attached to it. The agency shall cause written  
22 notice of the petition to be sent to the person who is the subject of the agreement and  
23 the person's guardian.

24 2. On receipt of a petition under subd. 1., the court shall schedule a hearing on  
25 the petition. Not less than 3 days before the hearing the agency primarily

1 responsible for providing services under the agreement or the court shall provide  
2 notice of the hearing to all persons who are entitled to receive notice under subd. 1.  
3 A copy of the petition shall be attached to the notice.

4 3. If the court finds that the person's placement in out-of-home care under the  
5 agreement is in the best interests of the person, the court shall grant an order  
6 determining that placement in out-of-home care under the agreement is in the best  
7 interests of the person.

8 \*~~0311/P4.48~~**SECTION 4688.** 938.366 (3) (d) of the statutes is created to read:

9 938.366 (3) (d) If the agency that enters into a voluntary agreement under this  
10 subsection is the department or a county department, the voluntary agreement shall  
11 also specifically state that the department or the county department has placement  
12 and care responsibility for the person who is the subject of the agreement as required  
13 under 42 USC 672 (a) (2) and has primary responsibility for providing services to the  
14 person.

15 \*~~0311/P4.49~~**SECTION 4689.** 938.366 (3g) of the statutes is created to read:

16 938.366 (3g) APPEAL PROCEDURES. Any person who is aggrieved by the failure  
17 of an agency to enter into a transition-to-independent-living agreement under sub.  
18 (3) or by an agency's termination of such an agreement has the right to a contested  
19 case hearing under ch. 227.

20 \*~~0311/P4.50~~**SECTION 4690.** 938.366 (4) (a) of the statutes is amended to read:

21 938.366 (4) (a) Rules permitting a foster home, group home, or residential care  
22 center for children and youth to provide care for persons who agree to continue in  
23 out-of-home care under an extension of an order described in sub. (1) (a) or a  
24 voluntary agreement under sub. (3).

25 \*~~0311/P4.51~~**SECTION 4691.** 938.38 (1) (ap) of the statutes is created to read:

## SECTION 4691

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

3 ~~\*-0311/P4.52\*~~SECTION 4692. 938.38 (2) (d) of the statutes is amended to read:

4 938.38 (2) (d) The juvenile was placed under a voluntary agreement between  
5 the agency and the juvenile's parent under s. 48.63 (1) (a) or (5) (b) or under a  
6 voluntary transition-to-independent-living agreement under s. 938.366 (3).

7 ~~\*-0311/P4.53\*~~SECTION 4693. 938.38 (4) (fg) 5. of the statutes is amended to  
8 read:

9 938.38 (4) (fg) 5. As provided in par. (fm), placement in some other planned  
10 permanent living arrangement that includes an appropriate, enduring relationship  
11 with an adult, including sustaining care ~~or long-term foster care, but not including~~  
12 independent living, or the goal of transitioning the juvenile to independence.

13 ~~\*-0311/P4.54\*~~SECTION 4694. 938.38 (4) (fg) 6. of the statutes is repealed.

14 ~~\*-0311/P4.55\*~~SECTION 4695. 938.38 (4) (fm) of the statutes is amended to  
15 read:

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

1 to 4. as a concurrent permanency goal in addition to the permanency goal under par.  
2 (fg) 5.

3 \*-0311/P4.56\*SECTION 4696. 938.38 (5) (a) of the statutes is amended to read:

4 938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel  
5 appointed under par. (ag) shall review the permanency plan for each juvenile for  
6 whom a permanency plan is required under sub. (2) in the manner provided in this  
7 subsection not later than 6 months after the date on which the juvenile was first  
8 removed from his or her home and every 6 months after a previous review under this  
9 subsection for as long as the juvenile is placed outside the home, except that for the  
10 review that is required to be conducted not later than 12 months after the juvenile  
11 was first removed from his or her home and the reviews that are required to be  
12 conducted every 12 months after that review, the court shall hold a hearing under  
13 sub. (5m) to review the permanency plan. The hearing may be instead of or in  
14 addition to the review under this subsection. The 6-month and 12-month periods  
15 referred to in this paragraph include trial reunifications under s. 938.358.

16 \*-0311/P4.57\*SECTION 4697. 938.38 (5) (c) 6. d. of the statutes is amended to  
17 read:

18 938.38 (5) (c) 6. d. Being placed in some other planned permanent living  
19 arrangement that includes an appropriate, enduring relationship with an adult,  
20 including sustaining care ~~or long-term foster care, but not including independent~~  
21 living, or transitioning to independence.

22 \*-0311/P4.58\*SECTION 4698. 938.38 (5) (c) 9. of the statutes is amended to  
23 read:

24 938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as  
25 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4. or of a

## SECTION 4698

1 voluntary transition-to-independent-living agreement under s. 938.366 (3), the  
2 appropriateness of the transition-to-independent-living plan developed under s.  
3 938.385; the extent of compliance with that plan by the juvenile, the juvenile's  
4 guardian, if any, the agency primarily responsible for providing services under that  
5 plan, and any other service providers; and the progress of the juvenile toward  
6 making the transition to independent living.

7 \***-0311/P4.59\*SECTION 4699.** 938.38 (5m) (a) of the statutes is amended to  
8 read:

9 938.38 (5m) (a) The court shall hold a hearing to review the permanency plan  
10 and to make the determinations specified in sub. (5) (c) for each juvenile for whom  
11 a permanency plan is required under sub. (2) no later than 12 months after the date  
12 on which the juvenile was first removed from the home and every 12 months after  
13 a previous hearing under this subsection for as long as the juvenile is placed outside  
14 the home. The 12-month periods referred to in this paragraph include trial  
15 reunifications under s. 938.358.

16 \***-0311/P4.60\*SECTION 4700.** 938.385 of the statutes is amended to read:

17 **938.385 Plan for transition to independent living.** During the 90 days  
18 immediately before a juvenile who is placed in a foster home, group home, or  
19 residential care center for children and youth, in the home of a relative other than  
20 a parent, or in a supervised independent living arrangement attains 18 years of age  
21 or, if the juvenile is placed in such a placement under an order under s. 938.355,  
22 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile  
23 attains 18 years of age or under a voluntary transition-to-independent-living  
24 agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the  
25 juvenile attains 18 years of age, during the 90 days immediately before the

1 termination of the order or agreement, the agency primarily responsible for  
2 providing services to the juvenile under the order or agreement shall provide the  
3 juvenile with assistance and support in developing a plan for making the transition  
4 from out-of-home care to independent living. The transition plan shall be  
5 personalized at the direction of the juvenile, shall be as detailed as the juvenile  
6 directs, and shall include specific options for obtaining housing, health care,  
7 education, mentoring and continuing support services, and workforce support and  
8 employment services.

9 \*~~0407/P3.138~~\*SECTION 4701. 938.48 (1) of the statutes is amended to read:

10 938.48 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws relating  
11 to delinquent juveniles ~~and juveniles in need of protection or services~~ and take the  
12 initiative in all matters involving the interests of those juveniles when adequate  
13 provision for those matters is not made. This duty shall be discharged in cooperation  
14 with the courts, the department of children and families, county departments,  
15 licensed child welfare agencies, parents, and other individuals interested in the  
16 welfare of juveniles.

17 \*~~0407/P3.139~~\*SECTION 4702. 938.48 (8p) of the statutes is renumbered 48.48  
18 (8r) and amended to read:

19 48.48 (8r) ~~INDIAN JUVENILE PLACEMENTS. Reimburse~~ To reimburse Indian tribes  
20 and county departments, from the appropriation under s. ~~20.410(3)~~ 20.437(1) (kp),  
21 for unexpected or unusually high-cost out-of-home care placements of Indian  
22 ~~juveniles children~~ who have been adjudicated delinquent by tribal courts. In this  
23 subsection, "unusually high-cost out-of-home care placements" means the amount  
24 by which the cost to an Indian tribe or to a county department of out-of-home care

1 placements of Indian juveniles children who have been adjudicated delinquent by  
2 tribal courts exceeds \$50,000 in a fiscal year.

3 \*~~0209/3.60~~\*SECTION 4703. 938.48 (13) of the statutes is amended to read:

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

8 \*~~0209/3.61~~\*SECTION 4704. 938.50 of the statutes is amended to read:

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

24 \*~~0209/3.62~~\*SECTION 4705. 938.51 (1m) of the statutes is amended to read:



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

10           \*~~0209/3.63~~\*SECTION 4706. 938.533 (title) of the statutes is repealed and  
11 recreated to read:

12           **938.533 (title) Community supervision.**

13           \*~~0209/3.64~~\*SECTION 4707. 938.533 (1) of the statutes is created to read:

14           938.533 (1) DEFINITION. In this section, "Type 2 status" means the status of a  
15 juvenile who is placed in a Type 2 juvenile correctional facility.

16           \*~~0209/3.65~~\*SECTION 4708. 938.533 (2) of the statutes is renumbered 938.533  
17 (2) (intro.) and amended to read:

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

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

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

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

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

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

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

9           \*~~0209/3.66~~\*SECTION 4709. 938.533 (2) (e) of the statutes is created to read:

10           938.533 (2) (e) Any other treatment or services that are needed to meet the  
11           needs of the juvenile as determined by the department.

12           \*~~0209/3.67~~\*SECTION 4710. 938.533 (3) of the statutes is amended to read:

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

## SECTION 4710

1 ~~corrective sanctions program~~ community supervision from being taken into and held  
2 in custody under ss. 938.19 to 938.21.

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

14 **\*-0209/3.68\*SECTION 4711.** 938.533 (3m) of the statutes is amended to read:

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

19 **\*-0209/3.69\*SECTION 4712.** 938.538 (3) (a) 2. of the statutes is amended to  
20 read:

21 938.538 (3) (a) 2. Intensive or other field supervision, including ~~corrective~~  
22 ~~sanctions~~ community supervision under s. 938.533 ~~or aftercare supervision~~.

23 **\*-0209/3.70\*SECTION 4713.** 938.538 (5) (a) of the statutes is amended to read:

24 938.538 (5) (a) The office of juvenile offender review in the division of juvenile  
25 corrections in the department may release a participant to aftercare community

1 supervision under s. 301.03 (10) (d) at any time after the participant has completed  
2 2 years of participation in the serious juvenile offender program. ~~Aftercare~~  
3 Community supervision of the participant shall be provided by the department.

4 \*~~1059/9.235~~\*SECTION 4714. 938.538 (6m) (b) of the statutes is amended to  
5 read:

6 938.538 (6m) (b) In the selection of classified service employees for a juvenile  
7 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),  
8 the appointing authority shall make every effort to use the expanded certification  
9 program under s. 230.25 (1n) or rules of the ~~administrator~~ director of the ~~division~~  
10 bureau of merit recruitment and selection in the ~~office of state employment relations~~  
11 department of administration to ensure that the percentage of employees who are  
12 minority group members approximates the percentage of the juveniles placed at that  
13 juvenile correctional facility who are minority group members. The ~~administrator~~  
14 of the division director of the bureau of merit recruitment and selection ~~in the office~~  
15 ~~of state employment relations~~ shall provide guidelines for the administration of the  
16 selection procedure.

17 \*~~0209/3.71~~\*SECTION 4715. 938.57 (4) of the statutes is amended to read:

18 938.57 (4) AFTERCARE SUPERVISION. A county department may provide aftercare  
19 supervision under s. 938.34 (4n) for juveniles who are released from juvenile  
20 correctional facilities or secured residential care centers for children and youth. If  
21 a county department intends to change its policy regarding whether the county  
22 department ~~or the department shall~~ will provide aftercare supervision for juveniles  
23 released from juvenile correctional facilities or secured residential care centers for  
24 children and youth ~~or the department will provide community supervision for those~~  
25 juveniles, the county executive or county administrator, or, if the county has no

## SECTION 4715

1 county executive or county administrator, the chairperson of the county board of  
2 supervisors, or, for multicounty departments, the chairpersons of the county boards  
3 of supervisors jointly, shall submit a letter to the department stating that intent  
4 before July 1 of the year preceding the year in which the policy change will take effect.

5 \*~~0209/3.72~~\*SECTION 4716. 940.20 (2m) (title) of the statutes is amended to  
6 read:

7 940.20 (2m) (title) BATTERY TO PROBATION, EXTENDED SUPERVISION AND PAROLE  
8 AGENTS, COMMUNITY SUPERVISION AGENTS, AND AFTERCARE AGENTS.

9 \*~~0209/3.73~~\*SECTION 4717. 940.20 (2m) (a) 1m. of the statutes is created to  
10 read:

11 940.20 (2m) (a) 1m. "Community supervision agent" means any person  
12 authorized by the department of corrections to exercise control over a juvenile on  
13 community supervision.

14 \*~~0209/3.74~~\*SECTION 4718. 940.20 (2m) (b) of the statutes is amended to read:

15 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,  
16 extended supervision, and parole agent, a community supervision agent, or an  
17 aftercare agent, acting in an official capacity and the person knows or has reason to  
18 know that the victim is a probation, extended supervision and parole agent, a  
19 community supervision agent, or an aftercare agent, by an act done without the  
20 consent of the person so injured, is guilty of a Class H felony.

21 \*~~0807/P6.477~~\*SECTION 4719. 940.207 (title) of the statutes is amended to  
22 read:

23 940.207 (title) ~~Battery or threat to department of safety and~~  
24 ~~professional services~~ financial institutions and professional standards or  
25 department of workforce development employee.

1           \*~~0807/P6.478~~\*SECTION 4720. 940.207 (2) (intro.) of the statutes is amended  
2 to read:

3           940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to  
4 cause bodily harm to the person or family member of any department of ~~safety and~~  
5 ~~professional services~~ financial institutions and professional standards official,  
6 employee, or agent whose responsibilities are primarily related to the buildings and  
7 safety or professional regulation functions of that department, or any department of  
8 workforce development official, employee, or agent, under all of the following  
9 circumstances is guilty of a Class H felony:

10          \*~~0807/P6.479~~\*SECTION 4721. 940.207 (2) (a) of the statutes is amended to  
11 read:

12          940.207 (2) (a) At the time of the act or threat, the actor knows or should have  
13 known that the victim is a department of ~~safety and professional services~~ financial  
14 institutions and professional standards or department of workforce development  
15 official, employee, or agent or a member of his or her family.

16          \*~~0602/P4.146~~\*SECTION 4722. 941.237 (1) (dm) of the statutes is amended to  
17 read:

18          941.237 (1) (dm) "Hotel" has the meaning given in s. ~~254.61(3)~~ 97.01(7).

19          \*~~0807/P6.480~~\*SECTION 4723. 944.21 (8) (b) 3. a. of the statutes is amended  
20 to read:

21          944.21 (8) (b) 3. a. Is a technical college, is a school ~~approved~~ authorized by the  
22 ~~educational approval board under s. 38.50~~ department of financial institutions and  
23 professional standards under s. 440.52, or is a school described in s. ~~38.50~~ 440.52 (1)  
24 (e) 6., 7. or 8.; and

## SECTION 4724

1           \***-0971/P5.696**\*SECTION 4724. 946.13 (12) (a) of the statutes is amended to  
2 read:

3           946.13 (12) (a) In this subsection, "research company" means an entity engaged  
4 in commercial activity that is related to research conducted by an employee or officer  
5 of the University of Wisconsin System Authority or to a product of such research.

6           \***-0971/P5.697**\*SECTION 4725. 946.13 (12) (b) (intro.) of the statutes is  
7 amended to read:

8           946.13 (12) (b) (intro.) Subsection (1) does not apply to a contract between a  
9 research company and the University of Wisconsin System Authority or any  
10 institution or college campus within the system for purchase of goods or services,  
11 including research, if all the following apply:

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

14           946.13 (12) (b) 1. The contract is approved by a University of Wisconsin System  
15 Authority employee or officer responsible for evaluating and managing potential  
16 conflicts of interest.

17           \***-0971/P5.699**\*SECTION 4727. 946.13 (12) (b) 2. b. of the statutes is amended  
18 to read:

19           946.13 (12) (b) 2. b. ~~The University of Wisconsin System~~ employee or officer  
20 specified in subd. 1. submits the contract to the University of Wisconsin Board of  
21 Regents and, within 45 days, the University of Wisconsin System Authority Board  
22 of Regents does not notify the ~~University of Wisconsin System~~ employee or officer  
23 specified in subd. 1. that entering the contract would constitute a violation of sub. (1).

24           \***-0209/3.75**\*SECTION 4728. 946.42 (1) (a) 2. of the statutes is amended to read:



1 946.42 (1) (a) 2. "Custody" does not include the constructive custody of a  
2 probationer, parolee, or person on extended supervision by the department of  
3 corrections or a probation, extended supervision, or parole agent or, subject to s.  
4 938.533 (3) (a), the constructive custody of a person who has been released to  
5 community supervision or aftercare supervision under ch. 938.

6 \*-0209/3.76\*SECTION 4729. 946.42 (3) (c) of the statutes is amended to read:

7 946.42 (3) (c) Subject to a disposition under s. 938.34 (4d), (4h), or (4m), to a  
8 placement under s. 938.357 (4) or 938.533 (3) (a), or to community supervision or  
9 aftercare revocation under s. 938.357 (5) (e).

10 \*-0807/P6.481\*SECTION 4730. 948.11 (4) (b) 3. a. of the statutes is amended  
11 to read:

12 948.11 (4) (b) 3. a. Is a technical college, is a school ~~approved~~ authorized by the  
13 ~~educational approval board under s. 38.50~~ department of financial institutions and  
14 professional standards under s. 440.52, or is a school described in s. ~~38.50~~ 440.52 (1)  
15 (e) 6., 7. or 8.; and

16 \*-0846/1.2\*SECTION 4731. 949.11 (2) of the statutes is repealed.

17 \*-0846/1.3\*SECTION 4732. 949.31 (2) of the statutes is repealed.

18 \*-1074/P2.11\*SECTION 4733. 971.14 (6) (b) of the statutes is amended to read:

19 971.14 (6) (b) When the court discharges a defendant from commitment under  
20 par. (a), it may order that the defendant be taken immediately into custody by a law  
21 enforcement official and promptly delivered to a facility specified in s. 51.15 (2), an  
22 approved public treatment facility under s. 51.45 (2) (c), or an appropriate medical  
23 or protective placement facility. Thereafter, detention of the defendant shall be  
24 governed by s. 51.15, 51.45 (11), or 55.135, as appropriate. The district attorney or  
25 corporation counsel may prepare a statement meeting the requirements of s. 51.15

1 (4) or (5), 51.45 (13) (a), or 55.135 based on the allegations of the criminal complaint  
2 and the evidence in the case. This statement shall be given to the director of the  
3 facility to which the defendant is delivered and filed with the branch of circuit court  
4 assigned to exercise criminal jurisdiction in the county in which the criminal charges  
5 are pending, where it shall suffice, without corroboration by other petitioners, as a  
6 petition for commitment under s. 51.20 or 51.45 (13) or a petition for protective  
7 placement under s. 55.075. This section does not restrict the power of the branch of  
8 circuit court in which the petition is filed to transfer the matter to the branch of  
9 circuit court assigned to exercise jurisdiction under ch. 51 in the county. Days spent  
10 in commitment or protective placement pursuant to a petition under this paragraph  
11 shall not be deemed days spent in custody under s. 973.155.

12 \*~~1387/P1.7~~\*SECTION 4734. 973.0455 of the statutes is created to read:

13 **973.0455 Crime prevention funding board surcharge.** (1) If a court  
14 imposes a sentence or places a person on probation, the court shall impose a crime  
15 prevention funding board surcharge. The surcharge is the total amount calculated  
16 by adding up, for each misdemeanor or felony count on which a conviction occurred,  
17 \$20.

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

21 \*~~1387/P1.8~~\*SECTION 4735. 973.05 (2m) (du) of the statutes is created to read:

22 973.05 (2m) (du) To payment of the crime prevention funding board surcharge  
23 until paid in full.

24 \*~~1117/P3.41~~\*SECTION 4736. 973.06 (1) (j) of the statutes is amended to read:

1           973.06 (1) (j) If the defendant violated s. 23.33 (4c), 30.681, 114.09, 346.63,  
2           350.101, 940.09 (1), or 940.25, any costs charged to or paid by a law enforcement  
3           agency for the withdrawal of the defendant's blood, except that the court may not  
4           impose on the defendant any cost for an alternative test provided free of charge as  
5           described in s. 343.305 (4). If at the time the court finds that the defendant  
6           committed the violation, the law enforcement agency has not paid or been charged  
7           with the costs of withdrawing the person's blood, the court shall impose and collect  
8           the costs the law enforcement agency reasonably expects to be charged for the  
9           withdrawal, based on the current charges for this procedure. Notwithstanding sub.  
10          (2), the court may not remit these costs.

11           \***-0373/P1.1**\*SECTION 4737. 978.03 (1) of the statutes is amended to read:

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

22           \***-1082/P3.3**\*SECTION 4738. 978.045 (1r) (intro.) of the statutes is amended to  
23          read:

24           978.045 (1r) (intro.) Any judge of a court of record, by an order entered in the  
25          record stating the cause for it, may appoint an attorney as a special prosecutor to

## SECTION 4738

1 perform, for the time being, or for the trial of the accused person, the duties of the  
2 district attorney. An attorney appointed under this subsection shall have all of the  
3 powers of the district attorney. The judge may appoint an attorney as a special  
4 prosecutor at the request of a district attorney to assist the district attorney in the  
5 prosecution of persons charged with a crime, in grand jury proceedings or John Doe  
6 proceedings under s. 968.26, in proceedings under ch. 980, or in investigations. The  
7 judge may appoint an attorney as a special prosecutor only if the judge or the  
8 requesting district attorney submits an affidavit to the department of justice  
9 attesting that any of the following conditions exists:

10 \*~~1082/P3.4~~SECTION 4739. 978.045 (1r) (e) of the statutes is amended to read:

11 978.045 (1r) (e) The district attorney is ~~physically~~ unable to attend to his or her  
12 duties due to a health issue or has a mental incapacity that impairs his or her ability  
13 to substantially perform his or her duties.

14 \*~~1082/P3.5~~SECTION 4740. 978.045 (2) (a), (b) and (c) of the statutes are  
15 consolidated, renumbered 978.045 (2) and amended to read:

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

24 \*~~1053/P2.50~~SECTION 4741. 978.05 (6) (a) of the statutes is amended to read:

1           978.05 (6) (a) Institute, commence or appear in all civil actions or special  
2 proceedings under and perform the duties set forth for the district attorney under ch.  
3 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),  
4 103.92 (4), 109.09, 343.305 (9) (a), ~~453.08~~, 806.05, 938.09, 938.18, 938.355 (6) (b) and  
5 (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties  
6 in connection with court proceedings in a court assigned to exercise jurisdiction  
7 under chs. 48 and 938 as the judge may request and perform all appropriate duties  
8 and appear if the district attorney is designated in specific statutes, including  
9 matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this  
10 paragraph limits the authority of the county board to designate, under s. 48.09 (5),  
11 that the corporation counsel provide representation as specified in s. 48.09 (5) or to  
12 designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate  
13 person to represent the interests of the public under s. 48.14 or 938.14.

14           \*~~1179/P1.1~~\*SECTION 4742. 978.11 of the statutes is amended to read:

15           **978.11 Budget.** The department of ~~administration~~ justice shall prepare the  
16 budget of the prosecution system and submit it in accordance with s. 16.42.

17           \*~~1059/9.236~~\*SECTION 4743. 978.12 (1) (c) of the statutes is amended to read:

18           978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be  
19 employed outside the classified service. For purposes of salary administration, the  
20 ~~director of the office administrator of the division of state employment relations~~  
21 personnel management in the department of administration shall establish one or  
22 more classifications for assistant district attorneys in accordance with the  
23 classification or classifications allocated to assistant attorneys general. Except as  
24 provided in ss. 111.93 (3) (b) and 230.12 (10), the salaries of assistant district  
25 attorneys shall be established and adjusted in accordance with the state

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1 compensation plan for assistant attorneys general whose positions are allocated to  
2 the classification or classifications established by the ~~director of the office~~  
3 administrator of the division of state employment relations personnel management  
4 in the department of administration.

5 \*~~-1461/P2.235~~\*SECTION 4744. 985.01 (1g) of the statutes is amended to read:  
6 985.01 (1g) “Governing body” has the meaning given in s. 345.05 (1) (b) and  
7 ~~includes a long-term care district board under s. 46.2895.~~

8 \*~~-1461/P2.236~~\*SECTION 4745. 985.01 (3) of the statutes is amended to read:  
9 985.01 (3) “Municipality” has the meaning in s. 345.05 (1) (c) ~~and includes a~~  
10 ~~long-term care district under s. 46.2895.~~

11 \*~~-0807/P6.482~~\*SECTION 4746. 995.55 (1) (b) of the statutes is amended to read:  
12 995.55 (1) (b) “Educational institution” means an institution of higher  
13 education, as defined in s. 108.02 (18); a technical college established under s. 38.02;  
14 a school, as defined in s. ~~38.50~~ 440.52 (11) (a) 2.; a public school, as described in s.  
15 115.01 (1); a charter school, as defined in s. 115.001 (1); a private school, as defined  
16 in s. 115.001 (3r); or a private educational testing service or administrator.

17 \*~~-1117/P3.42~~\*SECTION 4747. 2009 Wisconsin Act 28, section 9109 (1) is  
18 repealed.

19 \*~~-1254/P1.3~~\*SECTION 4748. 2013 Wisconsin Act 20, section 9151 (2) (a) 1. is  
20 amended to read:

21 [2013 Wisconsin Act 20] Section 9151 (2) (a) 1. “Approval” means approval by  
22 ~~the secretary of the federal department of labor~~ governor of a plan submitted jointly  
23 by the department of workforce development and the department of veterans affairs  
24 for transfer of the administration of the disabled veterans’ outreach program and the

1 local veterans' employment representative program from the department of  
2 workforce development to the department of veterans affairs.

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

5 [2013 Wisconsin Act 20] Section 9151 (3) (b) *Approval by secretary of federal*  
6 *department of labor governor.* The department of workforce development and the  
7 department of veterans affairs, jointly, shall prepare a plan for transfer of the  
8 administration of the disabled veterans' outreach program and the local veterans'  
9 employment representative program from the department of workforce development  
10 to the department of veterans affairs and shall submit that plan to the secretary of  
11 ~~the federal department of labor governor~~ for approval. If the secretary of the federal  
12 ~~department of labor governor~~ approves the plan, the governor shall declare the  
13 department of veterans affairs to be the primary coordinator of the employment  
14 service delivery system, as defined in 38 USC 4101 (7), for veterans in this state, and  
15 administration of those programs shall be transferred from the department of  
16 workforce development to the department of veterans affairs as provided in  
17 paragraphs (c) to (i).

18 \*~~0925/4.1~~\*SECTION 4750. 2013 Wisconsin Act 20, section 9252 (1) (a) (intro.),  
19 as last affected by 2013 Wisconsin Act 145, section 44m, is amended to read:

20 [2013 Wisconsin Act 20] Section 9252 (1) (a) (intro.) Notwithstanding 2011  
21 Wisconsin Act 32, section 9255 (1) (c) and (d), the secretary shall not lapse any money  
22 from the agencies specified in those paragraphs during the 2013–15 fiscal biennium,  
23 but shall instead lapse to the general fund from the unencumbered balances of  
24 general purpose revenue and program revenue appropriations to the following  
25 executive branch state agencies, other than sum sufficient appropriations and

1 appropriations of federal revenues, the following amounts in the 2013–14, 2014–15,  
2 and 2015–16, and 2016–17 fiscal years, except that, for the 2015–16 and 2016–17  
3 fiscal years, the amounts to be lapsed from the department of financial institutions  
4 and the department of safety and professional services shall be combined as an  
5 amount to be lapsed from the department of financial institutions and professional  
6 standards:

7 \*–0784/P1.1\*SECTION 4751. 2013 Wisconsin Act 229, section 6 (1) is amended  
8 to read:

9 [2013 Wisconsin Act 229] Section 6 (1) This act takes effect on July 1, ~~2015~~ 2017.

10 \*–0807/P6.9101\*SECTION 9101. **Nonstatutory provisions;**  
11 **Administration.**

12 \*–0807/P6.9101\*(1) TRANSFER OF BUSINESS CERTIFICATION PROGRAMS.

13 \*–0807/P6.9101\*(a) *Assets and liabilities.* On the effective date of this  
14 paragraph, the assets and liabilities of the department of administration 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, become the assets and liabilities of the department of financial  
18 institutions and professional standards.

19 \*–0807/P6.9101\*(b) *Positions and employees.* On the effective date of this  
20 paragraph, all positions and all incumbent employees in the classified service of the  
21 state civil service holding those positions in the department of administration  
22 performing duties primarily related to disabled veteran–owned business  
23 certifications, woman–owned business certifications, and minority business  
24 certifications, as determined by the secretary of administration, are transferred to  
25 the department of financial institutions and professional standards.



1           \***-0807/P6.9101**\*(c) *Employee status.* Employees transferred under  
2 paragraph (b) have all the rights and the same status under chapter 230 of the  
3 statutes in the department of financial institutions and professional standards that  
4 they enjoyed in the department of administration immediately before the transfer.  
5 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
6 has attained permanent status in class is required to serve a probationary period.

7           \***-0807/P6.9101**\*(d) *Tangible personal property.* On the effective date of this  
8 paragraph, all tangible personal property, including records, of the department of  
9 administration primarily related to disabled veteran-owned business certifications,  
10 woman-owned business certifications, and minority business certifications, as  
11 determined by the secretary of administration, is transferred to the department of  
12 financial institutions and professional standards.

13           \***-0807/P6.9101**\*(e) *Pending matters.* Any matter pending with the  
14 department of administration on the effective date of this paragraph that is  
15 primarily related to disabled veteran-owned business certifications, woman-owned  
16 business certifications, and minority business certifications, as determined by the  
17 secretary of administration, is transferred to the department of financial institutions  
18 and professional standards. All materials submitted to or actions taken by the  
19 department of administration with respect to the pending matter are considered as  
20 having been submitted to or taken by the department of financial institutions and  
21 professional standards.

22           \***-0807/P6.9101**\*(f) *Contracts.* All contracts entered into by the department  
23 of administration in effect on the effective date of this paragraph that are primarily  
24 related to disabled veteran-owned business certifications, woman-owned business  
25 certifications, and minority business certifications, as determined by the secretary

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1 of administration, remain in effect and are transferred to the department of financial  
2 institutions and professional standards. The department of financial institutions  
3 and professional standards shall carry out any obligations under those contracts  
4 unless modified or rescinded by that department to the extent allowed under the  
5 contract.

6 **\*-0807/P6.9101\*(g)** *Rules and orders.* All rules promulgated by the  
7 department of administration primarily related to disabled veteran-owned business  
8 certifications, woman-owned business certifications, and minority business  
9 certifications, as determined by the secretary of administration, that are in effect on  
10 the effective date of this paragraph remain in effect until their specified expiration  
11 dates or until amended or repealed by the department of financial institutions and  
12 professional standards. All orders issued by the department of administration  
13 primarily related to disabled veteran-owned business certifications, woman-owned  
14 business certifications, and minority business certifications, as determined by the  
15 secretary of administration, that are in effect on the effective date of this paragraph  
16 remain in effect until their specified expiration dates or until modified or rescinded  
17 by the department of financial institutions and professional standards.

18 **\*-0807/P6.9101\*(2)** TRANSFER OF SMALL BUSINESS REGULATORY REVIEW BOARD  
19 AND OFFICE OF BUSINESS DEVELOPMENT.

20 **\*-0807/P6.9101\*(a)** *Assets and liabilities.* On the effective date of this  
21 paragraph, the assets and liabilities of the department of administration primarily  
22 related to the small business regulatory review board and the office of business  
23 development, as determined by the secretary of administration, become the assets  
24 and liabilities of the department of financial institutions and professional standards.