

1           \***-1461/P2.231\*SECTION 4551.** 600.03 (25) (a) 5. of the statutes is created to  
2 read:

3           600.03 (25) (a) 5. Services provided by a care management organization, as  
4 defined in s. 46.2805 (1) (dm).

5           \***-0610/P3.373\*SECTION 4552.** 601.41 (1) of the statutes is amended to read:

6           601.41 (1) DUTIES. The commissioner shall administer and enforce chs. 102 and  
7 600 to 655 and ss. 59.52 (11) (c), 66.0137 (4) and (4m), 100.203, and 120.13 (2) (b) to  
8 (g) and shall act as promptly as possible under the circumstances on all matters  
9 placed before the commissioner.

10          \***-1461/P2.232\*SECTION 4553.** 601.41 (12) of the statutes is created to read:

11          601.41 (12) CARE MANAGEMENT ORGANIZATIONS. The commissioner may apply  
12 the provisions of chs. 600 to 646 to a care management organization, as defined in  
13 s. 46.2805 (1) (dm). The commissioner may promulgate rules to license care  
14 management organizations, as defined in s. 46.2805 (1) (dm), as insurers and to  
15 otherwise regulate care management organizations.

16          \***-0807/P6.451\*SECTION 4554.** 601.415 (9) of the statutes is amended to read:

17          601.415 (9) CONSUMER CREDIT LAW. The commissioner shall cooperate with the  
18 ~~division of banking~~ department of financial institutions and professional standards  
19 in the administration of ch. 424, shall determine the method for computation of  
20 refunds under s. 424.205, shall approve forms, schedules of premium rates, and  
21 charges under s. 424.209, and shall issue rules or orders of compliance to insurers  
22 under s. 424.602.

23          \***-0610/P3.374\*SECTION 4555.** 601.42 (1g) (intro.) of the statutes is amended  
24 to read:

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1           601.42 (1g) REPORTS. (intro.) The commissioner may require any of the  
2 following from any person subject to regulation under chs. 102 and 600 to 655:

3           \*~~0610/P3.375~~\*SECTION 4556. 601.64 (3) (c) of the statutes is amended to read:

4           601.64 (3) (c) *Forfeiture for violation of statute or rule.* Whoever violates an  
5 insurance statute or rule, s. 102.35 (2), or s. 149.13, 2011 stats., intentionally aids a  
6 person in violating an insurance statute or rule, s. 102.35 (2), or s. 149.13, 2011 stats.,  
7 or knowingly permits a person over whom he or she has authority to violate an  
8 insurance statute or rule, s. 102.35 (2), or s. 149.13, 2011 stats., shall forfeit to the  
9 state not more than \$1,000 for each violation. If the statute or rule imposes a duty  
10 to make a report to the commissioner, each week of delay in complying with the duty  
11 is a new violation.

12           \*~~0807/P6.452~~\*SECTION 4557. 601.72 (1) (intro.) of the statutes is amended to  
13 read:

14           601.72 (1) GENERAL. (intro.) Under procedures specified in s. 601.73, the  
15 commissioner is by law constituted attorney, except in cases in which the proceeding  
16 is to be brought by the state against an insurer or intermediary other than a risk  
17 retention group or risk purchasing group, in which event the department of financial  
18 institutions and professional standards is by law constituted attorney, to receive  
19 service of summons, notices, orders, pleadings and all other legal process relating to  
20 any court or administrative agency in this state for all of the following:

21           \*~~0807/P6.453~~\*SECTION 4558. 601.72 (2) of the statutes is amended to read:

22           601.72 (2) APPOINTMENT OF ATTORNEY. Except as provided in sub. (2m), every  
23 licensed insurer by applying for and receiving a certificate of authority, every surplus  
24 lines insurer by entering into a contract subject to the surplus lines law, and every  
25 unauthorized insurer by doing an insurance business in this state, is deemed to have

1 irrevocably appointed the commissioner and department of financial institutions  
2 and professional standards as the insurer's attorneys in accordance with sub. (1).

3 \*~~0807/P6.454~~\*SECTION 4559. 601.72 (3) of the statutes is amended to read:

4 601.72 (3) OTHERS AFFECTED. The commissioner and department of financial  
5 institutions and professional standards shall also be attorneys for the personal  
6 representatives, receivers, trustees, or other successors in interest of the persons  
7 specified in sub. (1).

8 \*~~0807/P6.455~~\*SECTION 4560. 601.73 (1) (intro.) of the statutes is amended to  
9 read:

10 601.73 (1) REQUIREMENTS FOR EFFECTIVE SERVICE. (intro.) Service upon the  
11 commissioner or department of financial institutions and professional standards  
12 under s. 601.72 is service on the principal, if:

13 \*~~0807/P6.456~~\*SECTION 4561. 601.73 (1) (a) of the statutes is amended to read:

14 601.73 (1) (a) Two copies of the process are left in the hands or office of the  
15 commissioner or department of financial institutions and professional standards  
16 respectively; and

17 \*~~0807/P6.457~~\*SECTION 4562. 601.73 (1) (b) of the statutes is amended to read:

18 601.73 (1) (b) The commissioner or department of financial institutions and  
19 professional standards mails a copy of the process to the person served according to  
20 sub. (2) (b).

21 \*~~0807/P6.458~~\*SECTION 4563. 601.73 (2) (a) of the statutes is amended to read:

22 601.73 (2) (a) *Records*. The commissioner and department of financial  
23 institutions and professional standards shall give receipts for and keep records of all  
24 process served through them.

25 \*~~0807/P6.459~~\*SECTION 4564. 601.73 (2) (b) of the statutes is amended to read:

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1           601.73 (2) (b) *Process mailed*. The commissioner or department of financial  
2 institutions and professional standards shall send immediately by certified mail to  
3 the person served, at the person's last-known principal place of business, residence  
4 or post-office address or at an address designated in writing by the person, one copy  
5 of any process received and shall retain the other copy.

6           \***-0807/P6.460**\***SECTION 4565**. 601.73 (3) of the statutes is amended to read:

7           601.73 (3) **PROOF OF SERVICE**. A certificate by the commissioner or the  
8 department of financial institutions and professional standards, showing service  
9 made upon the commissioner or department of financial institutions and  
10 professional standards, and attached to a copy of the process presented for that  
11 purpose is sufficient evidence of the service.

12           \***-0807/P6.461**\***SECTION 4566**. 601.93 (2) of the statutes is amended to read:

13           601.93 (2) Every insurer doing a fire insurance business in this state shall,  
14 before March 1 in each year, file with the commissioner a statement, showing the  
15 amount of premiums upon fire insurance due for the preceding calendar year.  
16 Return premiums may be deducted in determining the premium on which the fire  
17 department dues are computed. Payments of quarterly installments of the total  
18 estimated payment for the then current calendar year under this subsection are due  
19 on or before April 15, June 15, September 15 and December 15. On March 1 the  
20 insurer shall pay any additional amounts due for the preceding calendar year.  
21 Overpayments will be credited on the amount due April 15. The commissioner shall,  
22 prior to May 1 each year, report to the department of ~~safety and professional services~~  
23 financial institutions and professional standards the amount of dues paid under this  
24 subsection and to be paid under s. 101.573 (1).

25           \***-0823/1.1**\***SECTION 4567**. 605.03 (1) (a) of the statutes is amended to read:

1           605.03 (1) (a) *Mandatory coverage.* ~~The Subject to par. (f), the~~ property fund  
2 shall provide protection against fire and extended coverage perils. The coverage  
3 shall be at least as favorable as that customarily provided by policies filed with the  
4 commissioner for the use of private insurers in insuring comparable property.

5           \*~~0823/1.2~~\*SECTION 4568. 605.03 (1) (d) of the statutes is amended to read:

6           605.03 (1) (d) *Term of policy.* ~~The Subject to par. (f) 1., the~~ manager may  
7 prescribe the time periods for which coverage is to be provided.

8           \*~~0823/1.3~~\*SECTION 4569. 605.03 (1) (f) of the statutes is created to read:

9           605.03 (1) (f) *Limits on issuance, renewal, and filing claims; final distribution.*

10          1. No coverage under the property fund may be issued on or after July 1, 2015. No  
11 coverage may be renewed after December 31, 2015. No coverage may terminate later  
12 than December 31, 2016.

13          2. All claims must be filed with the property fund by no later than July 1, 2017.  
14 No claim filed after July 1, 2017, will be covered by the fund.

15          3. Upon the cessation of all operations of the property fund, the manager shall  
16 distribute any moneys remaining in the fund among the local governmental units  
17 that were insured under the fund on July 1, 2015.

18           \*~~0823/1.4~~\*SECTION 4570. 605.21 (1) of the statutes is amended to read:

19           605.21 (1) PLACING INSURANCE. ~~The Subject to s. 605.03 (1) (f), the~~ property fund  
20 shall insure property described in s. 605.02 after receipt from the clerk of the local  
21 governmental unit of a certified copy of the resolution authorizing insurance in the  
22 property fund. The clerk shall report to the manager each policy then in force upon  
23 such property, stating the property covered by the policy and the dates of issue and  
24 of expiration, the amounts and rates of insurance and the premiums. Property  
25 already insured shall become insured by the property fund as existing policies expire

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1 or are canceled. Thereafter the insurance on all property described in s. 605.02 shall  
2 be provided. Premiums shall be certified by the manager to the clerk of the  
3 appropriate unit.

4 **\*-0823/1.5\*SECTION 4571.** 605.23 (1) of the statutes is amended to read:

5 605.23 (1) PAYMENT FOR LOSSES. ~~The~~ Subject to s. 605.03 (1) (f) 2., the manager  
6 shall determine within a reasonable time any loss on insured property owned by a  
7 local governmental unit or for which the unit is liable and promptly certify the  
8 amount to the department of administration, which shall issue a warrant on the  
9 property fund payable to the treasurer of the local governmental unit for the amount  
10 of the loss less any applicable amounts under s. 605.03 (2) or (3).

11 **\*-0823/1.6\*SECTION 4572.** 605.35 of the statutes is repealed.

12 **\*-0807/P6.462\*SECTION 4573.** 610.70 (1) (a) of the statutes is amended to read:

13 610.70 (1) (a) “Health care provider” means any person licensed, registered,  
14 permitted or certified by the department of health services or the department of  
15 ~~safety and professional services~~ financial institutions and professional standards to  
16 provide health care services, items or supplies in this state.

17 **\*-0971/P5.683\*SECTION 4574.** 610.70 (1) (e) of the statutes is amended to read:

18 610.70 (1) (e) “Medical care institution” means a facility, as defined in s. 647.01  
19 (4), or any hospital, nursing home, community-based residential facility, county  
20 home, county infirmary, county hospital, county mental health center, adult family  
21 home, assisted living facility, rural medical center, hospice or other place licensed,  
22 certified or approved by the department of health services under s. 49.70, 49.71,  
23 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35, 50.52, 50.90, 51.04, 51.08, or 51.09  
24 or a facility under s. 45.50, 51.05, 51.06, or 252.10 or under ch. 36 or 233, or licensed  
25 or certified by a county department under s. 50.032 or 50.033.

1           \***-0807/P6.463\*SECTION 4575.** 611.29 (1) of the statutes is amended to read:

2           611.29 (1) RIGHT TO AMEND ARTICLES. A stock corporation may amend its articles  
3 under ss. 180.0726, 180.1001 to 180.1007, 180.1706, 180.1707 and 180.1708 (4) and  
4 a mutual may amend its articles under ss. 181.1001, 181.1002 (1), 181.1003,  
5 181.1005 and 181.1006, except that papers required by those sections to be filed with  
6 the department of financial institutions and professional standards shall instead be  
7 filed with the commissioner. Subject to sub. (3), the stock corporation or mutual may  
8 amend its articles in any desired respect including substantial changes of its original  
9 purposes. No amendment may be made contrary to s. 611.12 (1) to (3).

10          \***-0807/P6.464\*SECTION 4576.** 611.72 (1) of the statutes is amended to read:

11          611.72 (1) GENERAL. Subject to this section, ss. 180.1101, 180.1103 to 180.1106,  
12 180.1706, 180.1707, and 180.1708 (5) apply to the merger of a domestic stock  
13 insurance corporation or its parent insurance holding corporation, except that  
14 papers required by those sections to be filed with the department of financial  
15 institutions and professional standards shall instead be filed with the commissioner.

16          \***-0807/P6.465\*SECTION 4577.** 611.73 (1) (a) of the statutes is amended to read:

17          611.73 (1) (a) *In general.* Any 2 or more domestic mutuals may merge under  
18 the procedures of this section and ss. 181.1105 and 181.1106, except that papers  
19 required by those sections to be filed with the department of financial institutions  
20 and professional standards shall instead be filed with the commissioner.

21          \***-0807/P6.466\*SECTION 4578.** 611.74 (1) of the statutes is amended to read:

22          611.74 (1) PLAN OF DISSOLUTION. At least 60 days prior to the submission to  
23 shareholders or policyholders of any proposed voluntary dissolution of an insurance  
24 corporation under s. 180.1402 or 181.1401 the plan shall be filed with the  
25 commissioner. The commissioner may require the submission of additional

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1 information to establish the financial condition of the corporation or other facts  
2 relevant to the proposed dissolution. If the shareholders or policyholders adopt the  
3 resolution to dissolve, the commissioner shall, within 30 days after the adoption of  
4 the resolution, begin to examine the corporation. The commissioner shall approve  
5 the dissolution unless, after a hearing, the commissioner finds that it is insolvent or  
6 may become insolvent in the process of dissolution. Subject to chs. 600 to 645, upon  
7 approval, the corporation may dissolve under ss. 180.1402 to 180.1408 and 180.1706,  
8 or ss. 181.1401 to 181.1407, except that papers required by those sections to be filed  
9 with the department of financial institutions and professional standards shall  
10 instead be filed with the commissioner. Upon disapproval, the commissioner shall  
11 petition the court for liquidation or for rehabilitation under ch. 645.

12 \*~~0807/P6.467~~SECTION 4579. 611.76 (11) of the statutes is amended to read:

13 611.76 (11) SECURITY REGULATION. The filing with the ~~division of securities~~  
14 department of financial institutions and professional standards of a certified copy of  
15 the plan of conversion as approved by the commissioner constitutes registration  
16 under s. 551.305 of the securities authorized to be issued thereunder.

17 \*~~0807/P6.468~~SECTION 4580. 613.01 (8) (title) of the statutes is amended to  
18 read:

19 613.01 (8) (title) DEPARTMENT OF FINANCIAL INSTITUTIONS AND PROFESSIONAL  
20 STANDARDS.

21 \*~~0807/P6.469~~SECTION 4581. 616.09 (1) (c) 2. of the statutes is amended to  
22 read:

23 616.09 (1) (c) 2. In all actions commenced after May 11, 1980, but before the  
24 effective date of this subdivision ... [LRB inserts date], in those provisions of ch. 185  
25 which apply under subd. 1. to plans authorized under s. 616.06, "department" shall



1 be deemed to read “department of financial institutions and commissioner”, except  
2 in s. 185.48, where “department” shall be deemed to read “commissioner”.

3 \*~~0807/P6.470~~\*SECTION 4582. 616.09 (1) (c) 3. of the statutes is created to  
4 read:

5 616.09 (1) (c) 3. In all actions commenced on or after the effective date of this  
6 subdivision .... [LRB inserts date], in those provisions of ch. 185 that apply under  
7 subd. 1. to plans authorized under s. 616.06, “department” shall be deemed to read  
8 “department of financial institutions and professional standards and commissioner,”  
9 except in s. 185.48, where “department” shall be deemed to read “commissioner.”

10 \*~~0807/P6.471~~\*SECTION 4583. 616.74 (1) (c) of the statutes is amended to read:

11 616.74 (1) (c) A certificate from the department of financial institutions and  
12 professional standards, if it is a nonprofit corporation, that it has complied with the  
13 corporation laws of this state; if it is a corporation the stock of which has been or is  
14 being sold to the general public, a certificate from the ~~division of securities~~  
15 department of financial institutions and professional standards that it has complied  
16 with the requirements of the securities law of this state.

17 \*~~1215/P3.537~~\*SECTION 4584. 620.25 (2) of the statutes is amended to read:

18 620.25 (2) This section does not apply to s. ~~234.26~~ 235.0277.

19 \*~~0610/P3.376~~\*SECTION 4585. 626.12 (3) of the statutes is amended to read:

20 626.12 (3) PHYSICAL IMPAIRMENT. Rates or rating plans may not take into  
21 account the physical impairment of employees. Any employer who applies or  
22 promotes any oppressive plan of physical examination and rejection of employees or  
23 applicants for employment shall forfeit the right to experience rating. If the  
24 ~~department of workforce development~~ office determines that grounds exist for such  
25 forfeiture ~~it shall file with the commissioner~~ the office shall provide the employer

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1 with a certified copy of its findings, which shall automatically suspend any  
2 experience rating credit for the employer. The ~~department~~ office shall make the  
3 determination as ~~prescribed in the same manner as the department of workforce~~  
4 development makes determinations under ss. 103.005 (5) (b) to (f), (6) to (11), (13) (b)  
5 to (d), and (16), so far as such subsections those provisions are applicable, subject to  
6 review under ch. 227. Restoration of an employer to the advantages of experience  
7 rating shall be by the same procedure.

8 \*~~0610/P3.377~~\*SECTION 4586. 626.32 (1) (a) of the statutes is amended to read:

9 626.32 (1) (a) *General.* Every insurer writing any insurance specified under  
10 s. 626.03 shall report its insurance in this state to the bureau at least annually, on  
11 forms and under rules prescribed by the bureau. The bureau shall file, under rules  
12 promulgated by the ~~department of workforce development~~ office, a record of such  
13 reports with ~~that department~~ the office. No ~~such~~ information contained in those  
14 reports may be made public by the bureau or any of its employees except as required  
15 by law and in accordance with its rules. No ~~such~~ information contained in those  
16 reports may be made public by the ~~department of workforce development~~ office or  
17 any of its employees except as authorized by the bureau.

18 \*~~0807/P6.472~~\*SECTION 4587. 632.10 (1) of the statutes is amended to read:

19 632.10 (1) “Building and safety standards” means the requirements of chs. 101  
20 and 145 and of any rule promulgated by the ~~department of safety and professional~~  
21 services of financial institutions and professional standards under ch. 101 or 145,  
22 and standards of a 1st class city relating to the health and safety of occupants of  
23 buildings.

24 \*~~1152/P1.25~~\*SECTION 4588. 632.697 of the statutes is amended to read:

1           **632.697 Benefits subject to department's right to recover.** Death  
2 benefits payable under a life insurance policy or an annuity are subject to the right  
3 of the department of health services to recover under s. 46.27 (7g), 49.496, 49.682,  
4 or 49.849 an amount equal to the medical assistance that is recoverable under s.  
5 49.496 (3) (a), an amount equal to aid under s. 49.68, 49.683, or 49.685, or 49.785 that  
6 is recoverable under s. 49.682 (2) (a) or (am), or an amount equal to long-term  
7 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)  
8 1. and that was paid on behalf of the deceased policyholder or annuitant.

9           \*~~0971/P5.684~~\*SECTION 4589. 632.745 (6) (a) 2. of the statutes is amended to  
10 read:

11           632.745 (6) (a) 2. A ~~municipality, as defined in s. 16.70 (8)~~ county, city, village,  
12 town, school district, board of school directors, sewer district, drainage district,  
13 technical college district, or any other public or quasi-public corporation, officer,  
14 board, or other body having the authority to award public contracts.

15           \*~~1461/P2.233~~\*SECTION 4590. 632.745 (6) (a) 2m. of the statutes is repealed.

16           \*~~1023/3.5~~\*SECTION 4591. 632.895 (10) (a) of the statutes is amended to read:

17           632.895 (10) (a) Except as provided in par. (b), every disability insurance policy  
18 and every health care benefits plan provided on a self-insured basis by a county  
19 board under s. 59.52 (11), by a city or village under s. 66.0137 (4), by a political  
20 subdivision or technical college district under s. 66.0137 (4m), by a town under s.  
21 60.23 (25), or by a school district under s. 120.13 (2) shall provide coverage for blood  
22 lead tests for children under 6 years of age, which shall be conducted in accordance  
23 with any recommended lead screening methods and intervals contained in any rules  
24 promulgated by the department of health services under s. 254.158.

25           \*~~0807/P6.473~~\*SECTION 4592. 644.09 (2) of the statutes is amended to read:

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1           644.09 (2) AMENDMENT OF ARTICLES. A mutual holding company may amend its  
2 articles in the manner provided in ss. 181.1001, 181.1002 (1), 181.1003, 181.1005 and  
3 181.1006, except that papers required by those sections to be filed with the  
4 department of financial institutions and professional standards shall instead be filed  
5 with the commissioner. The articles may be amended in any desired respect,  
6 including substantial changes of its original purposes, except that no amendment  
7 may be made that is contrary to sub. (1). In addition to the requirements of s.  
8 181.1005, the articles of amendment of a mutual holding company shall, if mail  
9 voting is used, state the number of members voting by mail and the number of such  
10 members voting for and against the amendment. No amendment may become  
11 effective until the articles of amendment have been filed with the commissioner. No  
12 amendment shall affect any existing cause of action in favor of or against such  
13 mutual holding company, any civil, criminal, administrative or investigatory  
14 proceeding to which the mutual holding company is a party or the existing rights of  
15 persons other than members. In the event that the corporate name is changed by  
16 amendment, no suit brought by or against such mutual holding company under its  
17 former name shall abate for that reason.

18           \***-0610/P3.378**\*SECTION 4593. 645.47 (1) (a) of the statutes is amended to read:

19           645.47 (1) (a) *General requirements.* The liquidator shall give notice of the  
20 liquidation order as soon as possible by first class mail and either by telegram or  
21 telephone to the insurance commissioner of each jurisdiction in which the insurer is  
22 licensed to do business, ~~by first class mail and by telephone to the department of~~  
23 ~~workforce development of this state if the insurer is or has been an insurer of~~  
24 ~~worker's compensation,~~ by first class mail to all insurance agents having a duty  
25 under s. 645.48, by first class mail to the director of state courts under s. 601.53 (1),

1 if the insurer does a surety business, and by first class mail at the last-known  
2 address to all persons known or reasonably expected from the insurer's records to  
3 have claims against the insurer, including all policyholders. The liquidator also shall  
4 publish a class 3 notice, under ch. 985, in a newspaper of general circulation in the  
5 county in which the liquidation is pending or in Dane County, the last publication to  
6 be not less than 3 months before the earliest deadline specified in the notice under  
7 sub. (2).

8 **\*-1461/P2.234\*SECTION 4594.** Chapter 648 of the statutes is repealed.

9 **\*-1152/P1.26\*SECTION 4595.** 705.04 (2g) of the statutes is amended to read:

10 705.04 (2g) Notwithstanding subs. (1) and (2), the department of health  
11 services may collect, from funds of a decedent that are held by the decedent  
12 immediately before death in a joint account or a P.O.D. account, an amount equal to  
13 the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal  
14 to aid under s. 49.68, 49.683, ~~or 49.685~~, or 49.785 that is recoverable under s. 49.682  
15 (2) (a) or (am), or an amount equal to long-term community support services under  
16 s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of  
17 the decedent or the decedent's spouse.

18 **\*-1117/P3.27\*SECTION 4596.** 751.12 (5) of the statutes is repealed.

19 **\*-1117/P3.28\*SECTION 4597.** 751.20 of the statutes is repealed.

20 **\*-1117/P3.29\*SECTION 4598.** 753.061 (5) of the statutes is repealed.

21 **\*-0422/P2.3\*SECTION 4599.** 757.84 of the statutes is created to read:

22 **757.84 Judicial compensation commission.** (1) CREATION. There is  
23 created a judicial compensation commission consisting of members appointed by the  
24 supreme court. Members of the judicial compensation commission shall be

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1 reimbursed for expenses necessarily incurred as members of the judicial  
2 compensation commission.

3 (2) REVIEW AND RECOMMENDATIONS. Biennially, the judicial compensation  
4 commission shall review the salaries of the justices of the supreme court, court of  
5 appeals judges, and judges of circuit court. Not later than December 1 of each  
6 even-numbered year, the judicial compensation commission shall submit a written  
7 report to the governor and the joint committee on employment relations. The report  
8 shall include recommendations on salaries of the justices of the supreme court, court  
9 of appeals judges, and judges of circuit court.

10 (3) STAFF. The director of state courts shall provide staff and support services  
11 to the judicial compensation commission.

12 \*-1117/P3.30\*SECTION 4600. 758.13 of the statutes is repealed.

13 \*-1117/P3.31\*SECTION 4601. 758.19 (5) of the statutes is repealed and  
14 recreated to read:

15 758.19 (5) From the appropriation under s. 20.625 (1) (cg), the director of state  
16 courts shall make payments to counties for circuit court costs. The director of state  
17 courts shall define “circuit court costs” for purposes of this subsection.

18 \*-1117/P3.32\*SECTION 4602. 758.19 (6) of the statutes is repealed.

19 \*-1117/P3.33\*SECTION 4603. 758.19 (8) of the statutes is repealed.

20 \*-0807/P6.474\*SECTION 4604. 766.565 (7) of the statutes is amended to read:

21 766.565 (7) With respect to consumer credit transactions, the ~~division of~~  
22 banking department of financial institutions and professional standards may  
23 promulgate rules to interpret this chapter and chs. 421 to 427, consistent with the  
24 purposes and policies of this chapter and chs. 421 to 427.

25 \*-0347/P2.5\*SECTION 4605. 767.75 (1f) of the statutes is amended to read:

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 4606. 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 4607. 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 4608. 778.25 (1) (a) 5. of the statutes is repealed.

4 \***-0389/P3.7**\*SECTION 4609. 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 4610. 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 4611. 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 4612. 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 4613. 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 4614. 814.63 (1) (b) of the statutes is renumbered  
12 814.63 (1).

13 \***-1117/P3.35**\*SECTION 4615. 814.63 (1) (c) of the statutes is repealed.

14 \***-1117/P3.36**\*SECTION 4616. 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 4617. 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 4618.** 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 4619.** 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 4620.** 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 4621.** 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 4622.** 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 4623.** 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 4624.** 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 4625.** 867.01 (3) (d) of the statutes is amended to read:

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 4626. 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 4627. 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 4628. 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 4629. 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 4630. 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

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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 4631.** 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 4632.** 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 4633. 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 4634. 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 4635. 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 4636. 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 4637. 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 4638. 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 4639. 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 4640. 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 4641. 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 4642. 895.514 (3) (b) of the statutes is amended to read:

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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 4643. 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 4644. 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 4645. 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 4646. 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 4647. 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 4648. 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

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

3 \*~~0209/3.30~~SECTION 4649. 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 4650. 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 4651. 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 4652. 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 4653. 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 4654. 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

**SECTION 4654**

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 4655.** 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 4656.** 938.34 (4n) (a) of the statutes is repealed.

1           \***-0209/3.38**\*SECTION 4657. 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 4658. 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 4659. 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 4659

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 4660. 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 4661. 938.355 (6d) (b) 4. of the statutes is amended to  
18 read:

19 938.355 (6d) (b) 4. Subject to par. (d), subds. 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 4662. 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 4663. 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 4664. 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

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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 4665. 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 4666. 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 4667. 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 4668. 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 4669. 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 4670. 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 4671. 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 4672. 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 4673. 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.

## SECTION 4674

1           \***-0209/3.55**\*SECTION 4674. 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 4675. 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 4676. 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 4677. 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 4678.** 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 4679.** 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 4680.** 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 4681

1           \***-0311/P4.42**\*SECTION 4681. 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 4682. 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 4683.** 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 4684.** 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 4684

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 4685.** 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 4686.** 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 4687.** 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 4688.** 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 4689.** 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 4690.** 938.38 (1) (ap) of the statutes is created to read:

## SECTION 4690

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 4691. 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 4692. 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 4693. 938.38 (4) (fg) 6. of the statutes is repealed.

14           \*~~0311/P4.55~~\*SECTION 4694. 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 4695.** 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 4696.** 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 4697.** 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 4697**

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 4698.** 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 4699.** 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 4700. 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 4701. 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

## SECTION 4701

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 4702. 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 4703. 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 4704. 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 4705. 938.533 (title) of the statutes is repealed and  
11 recreated to read:

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

13           \*~~0209/3.64~~\*SECTION 4706. 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 4707. 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~~

## SECTION 4707

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 4708. 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 4709. 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 4709

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 4710.** 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 4711.** 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 4712.** 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