

**2015 DRAFTING REQUEST**

**Assembly Amendment (AA-AB(LRBx2708/1))**

Received: 10/5/2015 Received By: eshea  
For: Adam Neylon (608) 266-5120 Same as LRB:  
May Contact: By/Representing: Joe  
Subject: Children - juvenile justice Drafter: eshea  
Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Neylon@legis.wisconsin.gov  
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov  
gordon.malaise@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Promulgation of intensive supervision program rules

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 10/7/2015	jdye 10/9/2015	_____			
/1			_____	sbasford 10/9/2015	sbasford 10/9/2015	

FE Sent For:

<END>

## Shea, Elisabeth

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**From:** Buschman, Sara - DCF <Sara.Buschman@wisconsin.gov>  
**Sent:** Wednesday, October 07, 2015 10:16 AM  
**To:** Shea, Elisabeth; Zapf, Joe  
**Cc:** Gralinski, Matthew; Keys, Randall - DCF  
**Subject:** RE: Amendment requested to 2708

Lis, in talking to our legal counsel the answer to your question is no. DOC will remain responsible for promulgating standards for portions of county jails used to house juveniles. Consequently, no changes are needed in s. 938.534(1)(b)1. or 2.

Sara

### Sara Buschman

*Assistant Deputy Secretary*  
Department of Children and Families

201 East Washington Avenue  
Madison, WI 53703

T: 608.422-7068 - please note new number  
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**From:** Shea, Elisabeth [mailto:[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)]  
**Sent:** Monday, October 05, 2015 3:36 PM  
**To:** Zapf, Joe - LEGIS  
**Cc:** Gralinski, Matthew - LEGIS; Buschman, Sara - DCF; Keys, Randall - DCF  
**Subject:** RE: Amendment requested to 2708

Question on this amendment. Should the references to "standards promulgated by the department of corrections by rule" in s. 938.534 (1) (b) 1. and 2. also be changed to "department"?

Lis

### Elisabeth H. Shea

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*The information contained in this communication may be confidential and protected by the attorney-client privilege.*

**From:** Zapf, Joe

**Sent:** Monday, October 05, 2015 12:59 PM

**To:** Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>

**Cc:** Gralinski, Matthew <Matthew.Gralinski@legis.wisconsin.gov>; Buschman, Sara - DCF <Sara.Buschman@wisconsin.gov>; Keys, Randall - DCF <Randall.Keys@wisconsin.gov>

**Subject:** Amendment requested to 2708

Elisabeth,

Here is the change we just spoke about, looks like an amendment would be best. Please reply-all with questions.

DCF recently realized that in the recent budget there is a very small technical oversight in the language that transfers the Youth Aids and juvenile justice functions from DOC to DCF. I was thinking rather than an entire bill for this one fix which literally is only eliminating 2 words, or waiting until the next budget, the easiest option would be to add a simple amendment to the DCF modernization bill your office is authoring for us.

Here is the language:

Amend 938.534(2) to change responsible department from DOC to DCF. Both agencies agree that this change is appropriate to reflect the intent of the parties. Because DCF is the "department" as defined in ch. 938, it is not necessary to say "department of children and families" in the statutory provision.

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

Best,

Joe Zapf  
Office of Rep. Adam Neylon  
(608) 266-5120



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0845/21  
EHS: [handwritten initials]  
RMNR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL (LRB-2708/1)

In 10/7  
Due 10/9

1 At the locations indicated, amend the bill as follows: ✓

2 1. Page 90, line 15: after that line insert: ✓

3 "SECTION 215m. 938.534 (2) of the statutes, as affected by 2015 Wisconsin Act

4 55, is amended to read:

5 938.534 (2) RULES FOR INTENSIVE SUPERVISION PROGRAM. The department ✓ of

6 ~~corrections~~ shall promulgate rules specifying the requirements for an intensive

7 supervision program under this section. The rules shall include provisions

8 governing the use of placement in a juvenile detention facility, juvenile portion of a

9 county jail, or place of nonsecure custody for not more than 72 hours under sub. (1)

10 (b) and the use of placement in a place of nonsecure custody for not more than 30 days

11 under sub. (1) (c)."

12 NOTE: NOTE: Sub. (2) is shown as amended eff. 1-1-16 by 2015 Wis. Act 55. Prior to 1-1-16 it reads: NOTE:

13 (2) RULES FOR INTENSIVE SUPERVISION PROGRAM. The department shall promulgate rules specifying the requirements for an intensive supervision program under

14 this section. The rules shall include provisions governing the use of placement in a juvenile detention facility, juvenile portion of a county jail, or place of nonsecure custody for not more than 72 hours under sub. (1) (b) and the use of placement in a place of nonsecure custody for not more than 30 days under sub. (1) (c).

History: 1995 a. 77; 1997 a. 205; 2001 a. 16; 2005 a. 344; 2007 a. 97; 2015 a. 55.

1

**2.** Page 91, line 6: after that line insert: ✓

2

“(3) The treatment of section 938.534 (2) ✓ of the statutes takes effect on ✓ January

3

1, 2016.” ✓

4

(END)