



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0380/1
EHS:amn

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 91**

April 19, 2017 - Offered by Representative GOYKE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 2: before that line insert:

3 “**SECTION 1g.** 938.3417 of the statutes is created to read:

4 **938.3417 Delinquency adjudication; undesignated felony.** (1) If a
5 juvenile is adjudicated delinquent for an act that would be punishable as a Class I
6 felony if committed by an adult, the court may enter the act in the adjudication as
7 an act that would be an undesignated felony if committed by an adult if the court
8 determines that the act was not a violent act and did not involve a weapon; the
9 juvenile has not previously been adjudicated delinquent for an act that would be a
10 felony if committed by an adult and has not been adjudicated delinquent for an act
11 designated under this section as an act that would be punishable as a Class A
12 misdemeanor if committed by an adult; the best interests of the community will be

1 served and the public will not be harmed; and the consequences arising from a
2 delinquency adjudication for an act that would be punishable as a Class I felony if
3 committed by an adult would be unduly harsh given the nature and circumstances
4 of the act and the history and character of the juvenile. If the court enters the act
5 in the adjudication as an act that would be an undesignated felony if committed by
6 an adult, the act shall be entered as an act that would be a U felony if committed by
7 an adult and, in entering the dispositional order, the court shall consider the act as
8 an act that would be punishable as a Class I felony if committed by an adult.

9 (2) One year after the dispositional order or any revision or extension of the
10 order terminates, the juvenile may petition the court to order the act designated as
11 an act that would be punishable as a Class I felony or a Class A misdemeanor if
12 committed by an adult.

13 (3) If the juvenile was adjudicated delinquent or convicted of a crime since the
14 disposition was ordered under sub. (1) or violated a condition of participation in
15 community or other field supervision while under the dispositional order under sub.
16 (1) or any extension or revision of that order, the court shall, upon receiving the
17 petition under sub. (2), order that the act under sub. (1) be designated as an act that
18 would be punishable as a Class I felony if committed by an adult. Otherwise, the
19 court shall schedule a hearing to designate the act under sub. (1) as an act that would
20 be punishable as a Class I felony or a Class A misdemeanor if committed by an adult.
21 If the court schedules a hearing to designate the act and the court designates the act
22 as an act that would be punishable as a Class A misdemeanor if committed by an
23 adult, the juvenile shall be treated as if the original delinquency adjudication was
24 for an act that would be punishable as a Class A misdemeanor if committed by an
25 adult.

1 **(4)** After the dispositional order under sub. (1) and before the court designates
2 the act, or if the juvenile does not file a petition under sub. (2), the juvenile shall be
3 treated as if the act were an act that would be punishable as a Class I felony if
4 committed by an adult.”.

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(END)