

2017 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB91)

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By: Ryan Secondary Drafters:
Date: 4/19/2017 May Contact:

Same as LRB:

Submit via email: YES
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Pre Topic:

No specific pre topic given

Topic:

Undesignated felonies for juveniles

Instructions:

See attached

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. Row 1: /?, eshea, 4/19/2017. Row 2: /1, anienaja, 4/19/2017, lparisi, 4/19/2017, lparisi, 4/19/2017.

FE Sent For: <END>



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0380
EHS:...

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 91

SA ✓
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- 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 ~~X~~ **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

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

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

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

1 for an act that would be punishable as a Class A misdemeanor if committed by an
2 adult.

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

7 (END)