

2017 DRAFTING REQUEST

Bill

For: Leah Vukmir (608) 266-2512

Drafter: eshea

By: Ben

Secondary Drafters:

Date: 10/7/2016

May Contact:

Same as LRB: -1914

Submit via email: YES
Requester's email: Sen.Vukmir@legis.wisconsin.gov
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Time limit on certain placement in the serious juvenile offender program

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|--------------------|---------------------|-----------------------|--------------------|-----------------|
| /? | eshea 10/7/2016 | jdyer 10/11/2016 | | | |
| /P1 | eshea 1/31/2017 | | mbarman 10/11/2016 | | State S&L |
| /1 | | jdyer 1/31/2017 | hkohn 1/31/2017 | hkohn 1/31/2017 | State S&L |

FE Sent For:

<END>

At Intro.



Ben in ^{the} Yukmir office --

wants to remove

"for a period of not more than 3 years"

from

938.538 (3)(a) 1.

~~Stand~~



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0350(?) PI
EHS: jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 10/7
Due 10/11

D-NOTE

X

Gen

certain felonies ✓

for a juvenile 14 years
of age or over ✓

1

AN ACT ...; relating to: time limit on a restrictive custody sanction under the

2

serious juvenile offender program.

Analysis by the Legislative Reference Bureau

This bill removes the three-year limit on the amount of time the Department of Corrections may place certain juveniles participating in the Serious Juvenile Offender Program (SJOP) in a Type 1 juvenile correctional facility or a secured residential care center for children and youth (secured facility).

Currently, a juvenile is eligible for placement in the SJOP if he or she is 10 years of age or over and has been adjudicated delinquent for attempting or committing first-degree or 2nd-degree intentional homicide or first-degree reckless homicide or is 14 years of age or over and has been adjudicated delinquent for committing or conspiring to commit certain other serious crimes, including any crime punishable by life imprisonment if committed by an adult, and if he or she has been found to be a danger to the public and to be in need of restrictive custodial treatment.

Under current law, a juvenile in the SJOP is placed in a secured facility for up to three years or, if the juvenile has committed an act that would be punishable by life imprisonment if committed by an adult, until the juvenile reaches 25 years of age, unless released sooner, and provided with other sanctions, including intensive supervision, electronic monitoring, alcohol or other drug abuse treatment and services, mental health treatment and services, community service, restitution, and education and employment services. This bill does not change the age 25 limit on placement of a juvenile who has committed an act that would be punishable by life imprisonment if committed by an adult.

For further information see the **state** and **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 938.538 (3) (a) 1. of the statutes is amended to read:

2 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 juvenile
3 correctional facility or a secured residential care center for children and youth for a
4 period of not more than 3 years.

History: 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94; 2015 a. 55.

5 **SECTION 2. Initial applicability.**

6 (1) This act first applies to a juvenile placed in the ~~Serious~~ Juvenile ~~Offender~~
7 ~~P~~rogram on the effective date of this subsection.

8 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

PI
LRB-0350/2dn

EHS: 





As drafted, under the [✓]Serious Juvenile Offender Program, a limit would remain on the amount of time a juvenile adjudicated delinquent for committing an act that would be a Class A felony [✓]if committed by an adult (i.e., punishable by life imprisonment) could be placed in a juvenile correctional facility or a [✓]secured residential care center for children and youth (until [✓]25 years of age, under s. 938.538 (3) (a) 1m.), [✓]but no limit for a juvenile who committed a lesser crime (under s. 938.538 (3) (a) 1., as amended by the draft). Let me know if you would like any change to subd. 1m as well.



Elisabeth Shea
Legislative Attorney
(608) 266-5446
elisabeth.shea@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0350/P1dn
EHS:jld

October 11, 2016

As drafted, under the Serious Juvenile Offender Program, a limit would remain on the amount of time a juvenile adjudicated delinquent for committing an act that would be a Class A felony if committed by an adult (i.e., punishable by life imprisonment) could be placed in a juvenile correctional facility or a secured residential care center for children and youth (until 25 years of age, under s. 938.538 (3) (a) 1m.), but no limit for a juvenile who committed a lesser crime (under s. 938.538 (3) (a) 1., as amended by the draft). Let me know if you would like any change to subd. 1m. as well.

Elisabeth Shea
Legislative Attorney
(608) 266-5446
elisabeth.shea@legis.wisconsin.gov

Shea, Elisabeth

From: Kohn, Hanna
Sent: Tuesday, January 31, 2017 12:59 PM
To: Shea, Elisabeth
Subject: FW: Jacketed Bill Request Rush

Hi Liz,

Ben from Vukmir's office needs these forwarded to /1 for jacketing:

LRB 350
LRB 1702

Thanks

Hanna R. Kohn
Program Assistant
Legislative Reference Bureau
Hanna.Kohn@legis.wisconsin.gov

From: Nesvold, Ben
Sent: Tuesday, January 31, 2017 12:40 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: Jacketed Bill Request Rush

Please send the most recent jacketed versions of the following bills:

LRB 350
LRB 611
LRB 911
LRB 1273
LRB 1552
LRB 1702

Please deliver these to Senator Leah Vukmir's office.

Thank you!

Ben Nesvold
Policy Advisor
State Senator Leah Vukmir
(608) 266-2512
www.senatorvukmir.com



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0350/P1
EHS:jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Today

No changes

✓
Regen

- 1 AN ACT *to amend* 938.538 (3) (a) 1. of the statutes; **relating to:** time limit on
2 a restrictive custody sanction under the Serious Juvenile Offender Program.

Analysis by the Legislative Reference Bureau

This bill removes the three-year limit on the amount of time the Department of Corrections may place certain juveniles participating in the Serious Juvenile Offender Program (SJOP) in a Type 1 juvenile correctional facility or a secured residential care center for children and youth (secured facility).

Currently, a juvenile is eligible for placement in the SJOP if he or she has been adjudicated delinquent for committing certain felonies, including, for a juvenile 14 years of age or over, any crime punishable by life imprisonment if committed by an adult and if he or she has been found to be a danger to the public and to be in need of restrictive custodial treatment.

Under current law, a juvenile in the SJOP is placed in a secured facility for up to three years or, if the juvenile has committed an act that would be punishable by life imprisonment if committed by an adult, until the juvenile reaches 25 years of age, unless released sooner, and provided with other sanctions, including intensive supervision, electronic monitoring, alcohol or other drug abuse treatment and services, mental health treatment and services, community service, restitution, and education and employment services. This bill does not change the age 25 limit on placement of a juvenile who has committed an act that would be punishable by life imprisonment if committed by an adult.

Kohn, Hanna

From: Shea, Elisabeth
Sent: Tuesday, January 31, 2017 1:52 PM
To: Kohn, Hanna
Subject: RE: Jacketed Bill Request Rush

Hi Hanna,
Those should be coming through – would you go ahead and jacket them for the senate?
Lis

From: Kohn, Hanna
Sent: Tuesday, January 31, 2017 12:59 PM
To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>
Subject: FW: Jacketed Bill Request Rush

Hi Liz,

Ben from Vukmir's office needs these forwarded to /1 for jacketing:

LRB 350
LRB 1702

Thanks

Hanna R. Kohn
Program Assistant
Legislative Reference Bureau
Hanna.Kohn@legis.wisconsin.gov

From: Nesvold, Ben
Sent: Tuesday, January 31, 2017 12:40 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: Jacketed Bill Request Rush

Please send the most recent jacketed versions of the following bills:

LRB 350
LRB 611
LRB 911
LRB 1273
LRB 1552
LRB 1702

Please deliver these to Senator Leah Vukmir's office.

Thank you!

Milford, Renae

From: Nesvold, Ben
Sent: Tuesday, January 31, 2017 2:07 PM
To: LRB.Legal
Subject: Draft Review: LRB -0350/1

Please Jacket LRB -0350/1 for the SENATE.