



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0708/1
EAW:kjf&an

2017 SENATE BILL 378

August 3, 2017 - Introduced by Senators L. TAYLOR, CARPENTER, LARSON, MILLER and VINEHOUT, cosponsored by Representatives YOUNG, CROWLEY, BOWEN, BERCEAU, FIELDS, GOYKE, OHNSTAD, POPE, SPREITZER, WACHS and ZEPNICK. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to repeal** 20.410 (3) (gg), 46.011 (1c), 46.011 (1p), 46.215 (2) (a) 3., 46.215
2 (2) (c) 3., 46.22 (1) (b) 5m. d., 46.22 (1) (e) 3. c., 46.22 (2g) (d) 4., 46.23 (5) (a) 3.,
3 46.23 (5) (c) 3., 46.23 (5) (n) 3., 49.11 (1c), 49.855 (2p), 301.01 (1n), 301.03 (18),
4 301.031, 301.032, 301.06, 301.08 (2) (d) 5., 301.085 (2), 301.085 (4), 301.12,
5 301.26 (title), 301.26 (1), 301.35 (2) (e), 302.386 (5) (c), 302.386 (5) (d), 938.48
6 (intro.), 938.48 (1) and 938.48 (16); **to renumber** 20.410 (3) (title), 20.410 (3)
7 (a), 20.410 (3) (ba), 20.410 (3) (c), 20.410 (3) (dm), 20.410 (3) (e), 20.410 (3) (i),
8 20.410 (3) (jr), 20.410 (3) (jv), 20.410 (3) (kx), 20.410 (3) (ky), 20.410 (3) (kz),
9 20.410 (3) (m), 20.410 (3) (n), 20.410 (3) (q), 20.437 (1) (kp), 20.437 (3), 48.526
10 (title), 48.526 (2) (title), 48.526 (2) (a), 48.526 (2) (b), 48.526 (2m), 48.526 (3)
11 (title), 48.526 (3) (a), 48.526 (6) (title), 48.526 (6) (b), 48.526 (7) (a) to (h), 48.526
12 (8), 48.528 (title), 48.528 (2), 48.528 (3), 301.03 (10) (a), 301.03 (10) (b), 301.03
13 (10) (d), 301.03 (10) (e), 301.03 (10) (f), 301.20, 301.26 (4) (title), 301.26 (4) (cm)
14 3., 301.26 (4) (d) 5., 301.26 (4) (f), 301.37 (5), 938.48 (3), 938.48 (4), 938.48 (4m),

SENATE BILL 378

1 938.48 (5), 938.48 (6) and 938.48 (13); **to renumber and amend** 20.410 (3) (cg),
2 20.410 (3) (g), 20.410 (3) (hm), 20.410 (3) (ho), 20.410 (3) (hr), 20.437 (1) (cj),
3 20.437 (1) (cm), 48.526 (1), 48.526 (2) (c), 48.526 (3) (c), 48.526 (3) (dm), 48.526
4 (3) (e), 48.526 (3) (em), 48.526 (6) (a), 48.526 (7) (intro.), 48.528 (1), 301.025,
5 301.03 (10) (c), 301.03 (10) (g), 301.08 (1) (b) 3., 301.205, 301.26 (4) (a), 301.26
6 (4) (b), 301.26 (4) (bm), 301.26 (4) (c), 301.26 (4) (cm) 1., 301.26 (4) (ct), 301.26
7 (4) (cx), 301.26 (4) (d) 1., 301.26 (4) (d) 1m., 301.26 (4) (d) 2., 301.26 (4) (d) 3.,
8 301.26 (4) (d) 4., 301.26 (4) (dt), 301.26 (4) (e), 301.26 (4) (ed), 301.26 (4) (eg),
9 301.26 (4) (g), 301.335, 938.48 (14) and 938.54; **to amend** 14.92, 16.51 (7), 16.54
10 (12) (b), 16.54 (12) (d), 20.437 (1) (kz), 20.437 (1) (o), 20.505 (8) (hm) 21d., 20.866
11 (1) (u), 20.921 (2) (a), 46.03 (18) (a), 46.057 (1), 46.057 (2), 46.20 (3), 46.206 (1)
12 (a), 46.21 (2) (j), 46.21 (5) (b), 46.215 (1) (d), 46.215 (2) (a) 1., 46.215 (2) (a) 2.,
13 46.215 (2) (c) 1., 46.215 (2) (c) 2., 46.215 (3), 46.22 (1) (b) 1. b., 46.22 (1) (b) 2. a.,
14 46.22 (1) (b) 2. c., 46.22 (1) (b) 5m. a., 46.22 (1) (e) 3. a., 46.22 (1) (e) 3. b., 46.22
15 (2g) (d) 2., 46.22 (2g) (d) 3., 46.23 (5) (a) 1., 46.23 (5) (a) 2., 46.23 (5) (c) 1., 46.23
16 (5) (c) 2., 46.23 (5) (n) 1., 46.23 (5) (n) 2., 46.23 (5m) (c), 46.23 (6) (a) (intro.), 48.02
17 (10r), 49.175 (1) (intro.), 49.175 (3), 49.275, 49.32 (1) (a), 49.32 (2) (b), 49.32 (2)
18 (d), 49.325 (1) (a), 49.325 (2), 49.325 (2g) (a), 49.325 (2g) (b), 49.325 (2g) (c),
19 49.325 (2r) (a) 1., 49.325 (2r) (a) 2., 49.34 (1), 49.34 (2), 49.35 (1) (a), 49.35 (1)
20 (b), 49.35 (2), 49.45 (6m) (br) 1., 49.45 (25) (bj), 49.855 (3), 49.855 (4m) (b), 59.24,
21 102.27 (2) (a), 230.08 (2) (e) 2m., 230.08 (2) (e) 3e., 301.001, 301.01 (4), 301.03
22 (9), 301.035 (2), 301.035 (4), 301.07, 301.08 (2) (a), 301.27 (1), 301.36 (1), 301.37
23 (1), 302.31 (7), 302.386 (1), 302.386 (2) (intro.), 302.386 (3) (a), 303.01 (2) (em),
24 303.01 (11) (a) 1., 701.0503 (2) (intro.), 767.59 (1f) (b) 4., 767.59 (2) (c), 767.59
25 (2s), 859.07 (2) (a) 2., 859.15, 938.02 (4), 938.02 (10r), 938.02 (12r), 938.02 (19r),

SENATE BILL 378

1 938.06 (4), 938.069 (1) (intro.), 938.069 (2), 938.08 (3) (a) (intro.), 938.205 (1) (c),
2 938.208 (1) (intro.), 938.209 (1) (a) (intro.), 938.209 (1) (a) 1., 938.209 (2m) (b),
3 938.22 (1) (a), 938.22 (2) (a), 938.22 (2) (b), 938.222 (2) (a) 1., 938.222 (2) (b) 3.,
4 938.222 (2) (b) 4., 938.223 (2) (a) 1., 938.223 (2) (b) 3., 938.223 (2) (b) 4., 938.224
5 (1), 938.224 (2) (a) 1., 938.224 (2) (a) 2., 938.224 (2) (b), 938.224 (3) (a), 938.224
6 (3) (b), 938.224 (4), 938.225, 938.23 (1m) (a), 938.295 (2) (c), 938.296 (6), 938.30
7 (6) (b), 938.31 (7) (b), 938.33 (4m) (intro.), 938.33 (4m) (b), 938.34 (2) (a), 938.34
8 (2) (b), 938.34 (3) (f) (intro.), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.34 (6s),
9 938.34 (8d) (c), 938.355 (6) (d) 1., 938.355 (6d) (a) 1., 938.355 (6d) (a) 2., 938.355
10 (6d) (b) 1., 938.355 (6d) (b) 2., 938.355 (6m) (a) 1g., 938.357 (4) (a), 938.357 (4)
11 (b) 1., 938.357 (4) (b) 2., 938.357 (4) (b) 4., 938.357 (4) (c) 1., 938.357 (4) (c) 2.,
12 938.357 (4) (c) 4., 938.357 (4g) (a), 938.357 (4g) (b), 938.357 (4m), 938.357 (5) (a),
13 938.357 (5) (g), 938.357 (5m) (a), 938.36 (1) (a), 938.36 (2), 938.363 (1) (c),
14 938.363 (2), 938.38 (1) (a), 938.396 (2g) (b) 1., 938.485 (1), 938.485 (4), 938.485
15 (5), 938.49 (title), 938.49 (1), 938.49 (2) (intro.), 938.49 (2) (a), 938.50, 938.505
16 (1), 938.505 (2) (a) (intro.), 938.505 (2) (b), 938.51 (1) (intro.), 938.51 (1d) (intro.),
17 938.51 (1m), 938.51 (2), 938.51 (3), 938.51 (4) (intro.), 938.52 (title), 938.52 (1)
18 (intro.), 938.52 (1) (f), 938.52 (2), 938.52 (4), 938.53, 938.533 (2) (intro.), 938.533
19 (3), 938.533 (4), 938.534 (1) (b) 1., 938.534 (1) (b) 2., 938.534 (2), 938.535,
20 938.538 (2) (intro.), 938.538 (3) (a) (intro.), 938.538 (3) (a) 9., 938.538 (4),
21 938.538 (5) (a), 938.538 (5) (b), 938.538 (6), 938.538 (7), 938.539 (2), 938.539 (6),
22 938.549 (1) (intro.), 938.57 (1) (g), 938.57 (4), 938.78 (1) and 938.78 (3); and **to**
23 **create** 20.437 (4) (o), 938.226, 938.227, 938.485 (10) (title) and 938.485 (18) of
24 the statutes; **relating to:** the transfer of juvenile correctional services from the

SENATE BILL 378

1 Department of Corrections to the Department of Children and Families and
2 granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill transfers from the Department of Corrections to the Department of Children and Families the administration of all juvenile correctional services currently administered by DOC. Under current law, DCF administers community-based juvenile delinquency-related services, which are defined as juvenile delinquency-related services provided under the Juvenile Justice Code, other than juvenile correctional services that are provided for a juvenile who is being held in a juvenile detention facility or who has been adjudged delinquent, placed under the supervision of DOC, and placed in a juvenile correctional facility, in the Serious Juvenile Offender Program, or on aftercare supervision administered by DOC. This bill transfers the administration of those juvenile correctional services from DOC to DCF.

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:

3 **SECTION 1.** 14.92 of the statutes is amended to read:

4 **14.92 Interstate Commission for Juveniles.** There is created an Interstate
5 Commission for Juveniles as specified in s. 938.999 (3). The member of the
6 commission representing this state shall be the compact administrator, as defined
7 in s. 938.999 (2) (c), the deputy compact administrator, as defined in s. 938.999 (2)
8 (f), or a designee, as specified in s. 938.999 (3) (b). The commission member shall
9 serve without compensation but shall be reimbursed from the appropriation account
10 under s. ~~20.410 (3)~~ 20.437 (4) (a) for actual and necessary expenses incurred in the
11 performance of the commission member's duties. The commission shall have the
12 powers, duties, and responsibilities set forth in s. 938.999.

13 **SECTION 2.** 16.51 (7) of the statutes is amended to read:

SENATE BILL 378

1 16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
2 JUVENILES IN JUVENILE CORRECTIONAL FACILITIES. Receive, examine, determine, and
3 audit claims, duly certified and approved by the department of corrections or the
4 department of children and families, from the county clerk of any county in behalf
5 of the county, which are presented for payment to reimburse the county for certain
6 expenses incurred or paid by it in reference to all matters growing out of actions and
7 proceedings involving prisoners in state prisons, as defined in s. 302.01, or juveniles
8 in juvenile correctional facilities, as defined in s. 938.02 (10p), including prisoners
9 or juveniles transferred to a mental health institute for observation or treatment,
10 when the proceedings are commenced in counties in which the prisons or juvenile
11 correctional facilities are located by a district attorney or by the prisoner or juvenile
12 as a postconviction remedy or a matter involving the prisoner's status as a prisoner
13 or the juvenile's status as a resident of a juvenile correctional facility and for certain
14 expenses incurred or paid by it in reference to holding those juveniles in secure
15 custody while those actions or proceedings are pending. Expenses shall only include
16 the amounts that were necessarily incurred and actually paid and shall be no more
17 than the legitimate cost would be to any other county had the offense or crime
18 occurred therein.

19 **SECTION 3.** 16.54 (12) (b) of the statutes is amended to read:

20 16.54 (12) (b) The department of children and families may not expend or
21 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)
22 or ~~(3)~~ (5) (mm) unless the department of children and families submits a plan for the
23 expenditure of the moneys to the department of administration and the department
24 of administration approves the plan.

25 **SECTION 4.** 16.54 (12) (d) of the statutes is amended to read:

SENATE BILL 378**SECTION 4**

1 16.54 (12) (d) At the end of each fiscal year, the department of administration
2 shall determine the amount of moneys that remain in the appropriation accounts
3 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and ~~(3)~~ (5) (mm) that have not been
4 approved for encumbrance or expenditure by the department pursuant to a plan
5 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the
6 general fund. The department shall notify the cochairpersons of the joint committee
7 on finance, in writing, of the department's action under this paragraph.

8 **SECTION 5.** 20.410 (3) (title) of the statutes is renumbered 20.437 (4) (title).

9 **SECTION 6.** 20.410 (3) (a) of the statutes is renumbered 20.437 (4) (a).

10 **SECTION 7.** 20.410 (3) (ba) of the statutes is renumbered 20.437 (4) (ba).

11 **SECTION 8.** 20.410 (3) (c) of the statutes is renumbered 20.437 (4) (c).

12 **SECTION 9.** 20.410 (3) (cg) of the statutes, as affected by 2015 Wisconsin Act 55,
13 is renumbered 20.437 (4) (cg) and amended to read:

14 20.437 (4) (cg) *Serious juvenile offenders.* Biennially, the amounts in the
15 schedule for juvenile correctional institution, alternate care, community
16 supervision, and other juvenile program services specified in s. 938.538 (3) provided
17 for the persons specified in s. ~~301.26~~ 938.526 (4) (cm) and for juvenile correctional
18 institution services for persons placed in juvenile correctional institutions under s.
19 973.013 (3m).

20 **SECTION 10.** 20.410 (3) (dm) of the statutes is renumbered 20.437 (4) (dm).

21 **SECTION 11.** 20.410 (3) (e) of the statutes is renumbered 20.437 (4) (e).

22 **SECTION 12.** 20.410 (3) (g) of the statutes is renumbered 20.437 (1) (g) and
23 amended to read:

SENATE BILL 378

1 20.437 (1) (g) *Legal services collections*. All moneys received as reimbursement
2 for costs of legal actions authorized under ss. ~~301.03 (18)~~ and ~~301.12 49.32 and 49.345~~
3 to be used to pay costs associated with such legal actions.

4 **SECTION 13.** 20.410 (3) (gg) of the statutes is repealed.

5 **SECTION 14.** 20.410 (3) (hm) of the statutes is renumbered 20.437 (4) (hm) and
6 amended to read:

7 20.437 (4) (hm) *Juvenile correctional services*. The amounts in the schedule for
8 juvenile correctional services specified in ss. 49.45 (25) (bj) and ~~301.26 938.526~~ (4)
9 (c) and (d). All moneys received from the sale of surplus property, including vehicles,
10 from juvenile correctional institutions operated by the department, all moneys
11 received as payments in restitution of property damaged at juvenile correctional
12 institutions operated by the department, all moneys received from miscellaneous
13 services provided at a juvenile correctional institution operated by the department,
14 all moneys transferred under s. ~~301.26 938.526~~ (4) (cm), all moneys transferred
15 under s. ~~301.26 938.526~~ (4) (ct), and, except as otherwise provided in pars. (ho) and
16 (hr), all moneys received in payment for juvenile correctional services as specified in
17 s. ~~301.26 938.526~~ (4) (d), (dt), and (g) shall be credited to this appropriation account.
18 If moneys generated by the daily rate under s. ~~301.26 938.526~~ (4) (d) exceed actual
19 fiscal year institutional costs by more than ~~2%~~ 2 percent, all moneys in excess of ~~2%~~
20 2 percent shall be remitted to the counties during the subsequent calendar year or
21 transferred to the appropriation account under par. (kx) during the subsequent fiscal
22 year. Each county and the department shall receive a proportionate share of the
23 remittance and transfer depending on the total number of days of placement at
24 juvenile correctional institutions including the Mendota Juvenile Treatment Center.
25 Counties shall use the funds for purposes specified in s. ~~301.26 938.526~~. The

SENATE BILL 378

1 department shall deposit in the general fund the amounts transferred under this
2 paragraph to the appropriation account under par. (kx).

3 **SECTION 15.** 20.410 (3) (ho) of the statutes is renumbered 20.437 (4) (ho) and
4 amended to read:

5 20.437 (4) (ho) *Juvenile alternate care services.* The amounts in the schedule
6 for providing alternate care services for delinquent juveniles under ss. 49.19 (10) (d),
7 49.45 (25) (bj), ~~301.26 938.526~~ (4) (c), ~~938.48 (4) 938.485~~ (8) and (14), and 938.52. All
8 moneys transferred under s. ~~301.26 938.526~~ (4) (cm) and all moneys received in
9 payment for providing alternate care services for delinquent juveniles under ss.
10 49.19 (10) (d), ~~938.48 (4) 938.485~~ (8) and (14), and 938.52 as specified in s. ~~301.26~~
11 ~~938.526~~ (4) (d), (e), and (ed) shall be credited to this appropriation account. If moneys
12 generated by the daily rate under s. ~~301.26 938.526~~ (4) (d) exceed actual fiscal year
13 alternate care costs, that excess shall be transferred to the appropriation account
14 under par. (hm) as provided in s. ~~301.26 938.526~~ (4) (ct), except that, if those moneys
15 generated exceed those costs by more than 2 percent, all moneys in excess of that 2
16 percent shall be remitted to the counties during the subsequent calendar year or
17 transferred to the appropriation account under par. (kx) during the subsequent fiscal
18 year. Each county and the department shall receive a proportionate share of the
19 remittance and transfer depending on the total number of days of placement in
20 alternate care. Counties shall use the funds for purposes specified in s. ~~301.26~~
21 ~~938.526~~. The department shall deposit in the general fund the amounts transferred
22 under this paragraph to the appropriation account under par. (kx).

23 **SECTION 16.** 20.410 (3) (hr) of the statutes, as affected by 2015 Wisconsin Act
24 55, is renumbered 20.437 (4) (hr) and amended to read:

SENATE BILL 378

1 20.437 (4) (hr) *Juvenile community supervision services*. The amounts in the
2 schedule for the community supervision services specified in ss. 49.45 (25) (bj) and
3 ~~301.26 938.526~~ (4) (c) and (eg). All moneys received in payment for those services as
4 specified in s. ~~301.26 938.526~~ (4) (d) and (eg), and all moneys transferred under s.
5 ~~301.26 938.526~~ (4) (cm), shall be credited to this appropriation account. If moneys
6 generated by the daily rate under s. ~~301.26 938.526~~ (4) (d) exceed actual fiscal year
7 community supervision services costs, that excess shall be transferred to the
8 appropriation account under par. (hm) as provided in s. ~~301.26 938.526~~ (4) (ct).

9 **SECTION 17.** 20.410 (3) (i) of the statutes is renumbered 20.437 (4) (i).

10 **SECTION 18.** 20.410 (3) (jr) of the statutes is renumbered 20.437 (4) (jr).

11 **SECTION 19.** 20.410 (3) (jv) of the statutes is renumbered 20.437 (4) (jv).

12 **SECTION 20.** 20.410 (3) (kx) of the statutes is renumbered 20.437 (4) (kx).

13 **SECTION 21.** 20.410 (3) (ky) of the statutes is renumbered 20.437 (4) (ky).

14 **SECTION 22.** 20.410 (3) (kz) of the statutes is renumbered 20.437 (4) (kz).

15 **SECTION 23.** 20.410 (3) (m) of the statutes is renumbered 20.437 (4) (m).

16 **SECTION 24.** 20.410 (3) (n) of the statutes is renumbered 20.437 (4) (n).

17 **SECTION 25.** 20.410 (3) (q) of the statutes is renumbered 20.437 (4) (q).

18 **SECTION 26.** 20.437 (1) (cj) of the statutes is renumbered 20.437 (4) (cj) and
19 amended to read:

20 20.437 (4) (cj) *Community youth and family aids*. The amounts in the schedule
21 for the improvement and provision of ~~community-based juvenile~~
22 ~~delinquency-related services under s. 48.526 and juvenile correctional services~~
23 ~~under s. 301.26 938.526~~ and for reimbursement to counties having a population of
24 less than 750,000 for the cost of court attached intake services as provided in s.
25 938.06 (4). Disbursements may be made from this appropriation account under s.

SENATE BILL 378

1 49.32 (2). Refunds received relating to payments made under s. 49.32 (2) shall be
2 returned to this appropriation account. Notwithstanding ss. 20.001 (3) (a) and
3 20.002 (1), the department of children and families may transfer moneys under this
4 paragraph between fiscal years. Except for moneys authorized for transfer under s.
5 ~~48.526~~ 938.526 (3), all moneys from this paragraph allocated under s. ~~48.526~~ 938.526
6 (3) and not spent or encumbered by counties by December 31 of each year shall lapse
7 into the general fund on the succeeding January 1. The joint committee on finance
8 may transfer additional moneys to the next calendar year.

9 **SECTION 27.** 20.437 (1) (cm) of the statutes is renumbered 20.437 (4) (cm) and
10 amended to read:

11 20.437 (4) (cm) *Community intervention program.* The amounts in the
12 schedule for the community intervention program under s. ~~48.528~~ 938.528.

13 **SECTION 28.** 20.437 (1) (kp) of the statutes is renumbered 20.437 (4) (kp).

14 **SECTION 29.** 20.437 (1) (kz) of the statutes is amended to read:

15 20.437 (1) (kz) *Interagency and intra-agency aids; tribal placements and*
16 *guardianships.* The amounts in the schedule to be used for unexpected or unusually
17 high-cost out-of-home care placements of Indian children by tribal courts, other
18 than placements to which ~~par. sub. (4)~~ (kp) applies, and for subsidized guardianship
19 payments under s. 48.623 (1) or (6) for guardianships of Indian children ordered by
20 tribal courts. All moneys transferred from the appropriation account under s. 20.505
21 (8) (hm) shall be credited to this appropriation account. Notwithstanding s.
22 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
23 appropriation account under section 20.505 (8) (hm).

24 **SECTION 30.** 20.437 (1) (o) of the statutes is amended to read:

SENATE BILL 378

1 20.437 (1) (o) *Federal aid; children, youth, and family aids.* All federal moneys
2 received in amounts pursuant to allocation plans developed by the department for
3 the provision or purchase of services authorized under ~~par. (b) and (c)~~ par. (b) and all
4 federal moneys received as child welfare funds under 42 USC 620 to 626 for the
5 provision or purchase of child welfare projects and services. Disbursements from
6 this appropriation may be made directly to counties for services to children and
7 families under s. 49.32 (2) (b) or 49.325 or directly to counties in accordance with
8 federal requirements for the disbursal of federal funds.

9 **SECTION 31.** 20.437 (3) of the statutes is renumbered 20.437 (5).

10 **SECTION 32.** 20.437 (4) (o) of the statutes is created to read:

11 20.437 (4) (o) *Federal aid; community youth and family aids.* All federal
12 moneys received in amounts pursuant to allocation plans developed by the
13 department for the provision or purchase of services authorized under par. (c).
14 Disbursements from this appropriation may be made directly to counties for services
15 to children and families under s. 49.32 (2) (b) or 49.325 or directly to counties in
16 accordance with federal requirements for the disbursal of federal funds.

17 **SECTION 33.** 20.505 (8) (hm) 21d. of the statutes is amended to read:

18 20.505 (8) (hm) 21d. The amount transferred to s. 20.437 ~~(1) (4)~~ (4) (kp) shall be
19 the amount in the schedule under s. 20.437 ~~(1) (4)~~ (4) (kp).

20 **SECTION 34.** 20.866 (1) (u) of the statutes is amended to read:

21 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
22 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (s), 20.190 (1)
23 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),
24 20.255 (1) (d), 20.285 (1) (d), (je), and (gj), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7)
25 (aa), (ac), (ad), (ag), (aq), (ar), (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs),

SENATE BILL 378

1 (ct), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko)
2 and ~~(3) (e)~~, 20.435 (2) (ee), 20.437 (4) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t)
3 and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and (5) (c), (g), and (kc), 20.855 (8) (a),
4 and 20.867 (1) (a) and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bj), (bL),
5 (bm), (bn), (bq), (br), (bt), (bu), (bv), (bw), (bx), (cb), (cd), (cf), (ch), (cj), (g), (h), (i), (kd),
6 and (q) for the payment of principal, interest, premium due, if any, and payment due,
7 if any, under an agreement or ancillary arrangement entered into under s. 18.06 (8)
8 (a) relating to any public debt contracted under subchs. I and IV of ch. 18.

9 **SECTION 35.** 20.921 (2) (a) of the statutes is amended to read:

10 20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or
11 state law or court-ordered assignment of income under s. 46.10 (14) (e), 49.345 (14)
12 (e), ~~301.12 (14) (e)~~, 767.225 (1) (L), 767.513 (3), or 767.75 to make deductions from
13 the salaries of state officers or employees or employees of the University of Wisconsin
14 Hospitals and Clinics Authority, the state agency or authority by which the officers
15 or employees are employed is responsible for making those deductions and paying
16 over the total of those deductions for the purposes provided by the laws or orders
17 under which they were made.

18 **SECTION 36.** 46.011 (1c) of the statutes is repealed.

19 **SECTION 37.** 46.011 (1p) of the statutes, as created by 2015 Wisconsin Act 55,
20 is repealed.

21 **SECTION 38.** 46.03 (18) (a) of the statutes is amended to read:

22 46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department
23 shall establish a uniform system of fees for services provided or purchased by the
24 department, or a county department under s. 46.215, 46.22, 51.42, or 51.437, except
25 for services provided under ~~ch.~~ chs. 48 and 938 and subch. III of ch. 49;

SENATE BILL 378

1 ~~community-based juvenile delinquency-related services; juvenile correctional~~
2 ~~services; services provided to courts; and outreach, information, and referral~~
3 ~~services; or when, as determined by the department, a fee is administratively~~
4 ~~unfeasible or would significantly prevent accomplishing the purpose of the service.~~
5 A county department under s. 46.215, 46.22, 51.42, or 51.437 shall apply the fees that
6 it collects under this program to cover the cost of those services.

7 **SECTION 39.** 46.057 (1) of the statutes is amended to read:

8 46.057 (1) The department shall establish, maintain, and operate the Mendota
9 juvenile treatment center on the grounds of the Mendota Mental Health Institute.
10 The department may designate staff at the Mendota Mental Health Institute as
11 responsible for administering, and providing services at, the center.
12 Notwithstanding ss. ~~301.02, 301.03, and 301.36~~ (1) 938.226 (1) and 938.485, the
13 department shall operate the Mendota juvenile treatment center as a juvenile
14 correctional facility, as defined in s. 938.02 (10p). The center shall not be considered
15 a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10),
16 a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined
17 in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations
18 and treatment for juveniles whose behavior presents a serious problem to
19 themselves or others in other juvenile correctional facilities and whose mental
20 health needs can be met at the center. With the approval of the department of health
21 services, the department of ~~corrections~~ children and families may transfer to the
22 center any juvenile who has been placed in a juvenile correctional facility under the
23 supervision of the department of ~~corrections~~ children and families under s. 938.183,
24 938.34 (4h) or (4m), or 938.357 (4) or (5) (e) in the same manner that the department

SENATE BILL 378

1 of ~~corrections~~ children and families transfers juveniles between other juvenile
2 correctional facilities.

3 **SECTION 40.** 46.057 (2) of the statutes is amended to read:

4 46.057 (2) From the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (ba),
5 the department of ~~corrections~~ children and families shall transfer to the
6 appropriation account under s. 20.435 (2) (kx) \$1,365,500 in each fiscal year and,
7 from the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm), the department
8 of ~~corrections~~ children and families shall transfer to the appropriation account under
9 s. 20.435 (2) (kx) \$2,929,200 in fiscal year 2015-16 and \$2,997,600 in fiscal year
10 2016-17, for services for juveniles placed at the Mendota juvenile treatment center.
11 The department of health services may charge the department of ~~corrections~~
12 children and families not more than the actual cost of providing those services.

13 **SECTION 41.** 46.20 (3) of the statutes is amended to read:

14 46.20 (3) Upon approval of the site, plans and specifications, as provided in ss.
15 46.17 and, 301.37, and 938.227 as to other institutions, the joint committee shall
16 report to the several county boards the estimated cost of the site and buildings, and
17 the amount thereof chargeable to each county on the basis set forth in sub. (6) (a),
18 appending to each report a copy of the plans and specifications and all matter
19 relating to the site and buildings. If the report is approved by each county board, the
20 joint committee shall purchase the site and cause the buildings to be erected in
21 accordance with the plans and specifications.

22 **SECTION 42.** 46.206 (1) (a) of the statutes is amended to read:

23 46.206 (1) (a) The department shall supervise the administration of social
24 services, except for social services provided under ~~ch. 48 and 938~~ chs. 48 and 938 and subch. III
25 of ch. 49, ~~community-based juvenile delinquency-related services, and juvenile~~

SENATE BILL 378

1 ~~correctional services.~~ The department shall submit to the federal authorities state
2 plans for the administration of social services, except for social services provided
3 under ~~ch. chs.~~ chs. 48 and 938 and subch. III of ch. 49, ~~community-based juvenile~~
4 ~~delinquency-related services, and juvenile correctional services,~~ in such form and
5 containing such information as the federal authorities require, and shall comply
6 with all requirements prescribed to ensure their correctness.

7 **SECTION 43.** 46.21 (2) (j) of the statutes is amended to read:

8 46.21 (2) (j) May exercise approval or disapproval power over contracts and
9 purchases of the director that are for \$50,000 or more, except that the county board
10 of supervisors may not exercise approval or disapproval power over any personal
11 service contract or over any contract or purchase of the director that relates to
12 community living arrangements, adult family homes, or foster homes and that was
13 entered into pursuant to a contract under s. 46.031 (2g) or ~~301.031~~ 49.325 (2g),
14 regardless of whether the contract mentions the provider, except as provided in par.
15 (m). The county board of supervisors may not exercise approval or disapproval power
16 over any contract relating to mental health or mental health institutions, programs,
17 or services. This paragraph does not preclude the county board of supervisors from
18 creating a central purchasing department for all county purchases that are not
19 related to mental health.

20 **SECTION 44.** 46.21 (5) (b) of the statutes is amended to read:

21 46.21 (5) (b) Sections 46.10, 49.08, 49.345, and 49.90, ~~and 301.12~~ govern the
22 support and maintenance of persons in any of the institutions specified in sub. (2) (a).

23 **SECTION 45.** 46.215 (1) (d) of the statutes is amended to read:

24 46.215 (1) (d) To make investigations that relate to services under subchs. IV
25 and V of ch. 49 upon request by the department of health services and to make

SENATE BILL 378

1 investigations that relate to programs under ~~ch. chs. 48 and 938~~ and subch. III of ch.
2 49 ~~or to community-based juvenile delinquency-related services~~ upon request by the
3 department of children and families.

4 **SECTION 46.** 46.215 (2) (a) 1. of the statutes is amended to read:

5 46.215 (2) (a) 1. In order to ensure the availability of a full range of care and
6 services, the county department of social services may contract, either directly or
7 through the department of health services, with public or voluntary agencies or
8 others to purchase, in full or in part, care and services, except as provided under
9 subch. III of ch. 49 ~~and s. 301.08 (2) and except for community-based juvenile~~
10 ~~delinquency-related services~~, that the county department of social services is
11 authorized by any statute to furnish in any manner. That care and those services
12 may be purchased from the department of health services if the department of health
13 services has staff to furnish that care and those services. If the county department
14 of social services has adequate staff, it may sell that care and those services directly
15 to another county or state agency.

16 **SECTION 47.** 46.215 (2) (a) 2. of the statutes is amended to read:

17 46.215 (2) (a) 2. In order to ensure the availability of a full range of care and
18 services, the county department of social services may contract, either directly or
19 through the department of children and families, with public or voluntary agencies,
20 or others to purchase, in full or in part, care and services under ~~ch. chs. 48 and 938~~
21 ~~and subch. III of ch. 49 and community-based juvenile delinquency-related services~~
22 that the county department of social services is authorized to furnish. That care and
23 those services may be purchased from the department of children and families if the
24 department of children and families has staff to furnish that care and those services.

SENATE BILL 378

1 If the county department of social services has adequate staff, it may sell that care
2 and those services directly to another county or state agency.

3 **SECTION 48.** 46.215 (2) (a) 3. of the statutes is repealed.

4 **SECTION 49.** 46.215 (2) (c) 1. of the statutes is amended to read:

5 46.215 (2) (c) 1. A county department of social services shall develop, under the
6 requirements of s. 46.036, plans and contracts for the purchase of care and services,
7 except for care and services under subch. III of ch. 49 ~~or s. 301.08 (2) and~~
8 ~~community-based juvenile delinquency-related services.~~ The department of health
9 services may review the contracts and approve them if they are consistent with s.
10 46.036 and if state or federal funds are available for those purposes. The joint
11 committee on finance may require the department of health services to submit the
12 contracts to the committee for review and approval. The department of health
13 services may not make any payments to a county for programs included in a contract
14 under review by the committee. The department of health services shall reimburse
15 each county for the contracts from the appropriations under s. 20.435 (7) (b) and (o),
16 as appropriate, under s. 46.495.

17 **SECTION 50.** 46.215 (2) (c) 2. of the statutes is amended to read:

18 46.215 (2) (c) 2. A county department of social services shall develop, under the
19 requirements of s. 49.34, plans and contracts for the purchase of care and services
20 under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49 ~~and of community-based juvenile~~
21 ~~delinquency-related services.~~ The department of children and families may review
22 the contracts and approve them if they are consistent with s. 49.34 and if state or
23 federal funds are available for those purposes. The joint committee on finance may
24 require the department of children and families to submit the contracts to the
25 committee for review and approval. The department of children and families may

SENATE BILL 378

1 not make any payments to a county for programs included in a contract under review
2 by the committee.

3 **SECTION 51.** 46.215 (2) (c) 3. of the statutes is repealed.

4 **SECTION 52.** 46.215 (3) of the statutes is amended to read:

5 46.215 (3) PROGRAM BUDGETS. The county department of social services shall
6 submit a final budget to the department of health services under s. 46.031 (1), to the
7 department of corrections under s. 301.031 (1), and to the department of children and
8 families under s. 49.325 (1), for authorized services.

9 **SECTION 53.** 46.22 (1) (b) 1. b. of the statutes is amended to read:

10 46.22 (1) (b) 1. b. To make investigations that relate to welfare services, except
11 for welfare services provided under ~~ch. chs. 48 and 938~~ and subch. III of ch. 49,
12 ~~community-based juvenile delinquency-related services, and juvenile correctional~~
13 ~~services,~~ upon request by the department of health services.

14 **SECTION 54.** 46.22 (1) (b) 2. a. of the statutes is amended to read:

15 46.22 (1) (b) 2. a. To administer ~~community-based juvenile~~
16 ~~delinquency-related services~~ under s. ~~48.526~~ 938.526.

17 **SECTION 55.** 46.22 (1) (b) 2. c. of the statutes is amended to read:

18 46.22 (1) (b) 2. c. To make investigations as provided under ~~ch. chs. 48 and 938~~
19 ~~and subch. III of ch. 49 and investigations relating to community-based juvenile~~
20 ~~delinquency-related services~~ upon request by the department of children and
21 families.

22 **SECTION 56.** 46.22 (1) (b) 5m. a. of the statutes is amended to read:

23 46.22 (1) (b) 5m. a. To purchase juvenile ~~correctional~~ delinquency-related
24 services under s. ~~301.26~~ 938.526.

25 **SECTION 57.** 46.22 (1) (b) 5m. d. of the statutes is repealed.

SENATE BILL 378

1 **SECTION 58.** 46.22 (1) (e) 3. a. of the statutes is amended to read:

2 46.22 (1) (e) 3. a. A county department of social services shall develop, under
3 the requirements of s. 46.036, plans and contracts for the purchase of care and
4 services, except for care and services provided under ~~ch. chs. 48, and 938 and~~ subch.
5 III of ch. 49, ~~and s. 301.08 (2) and community-based juvenile delinquency-related~~
6 ~~services.~~ The department of health services may review the contracts and approve
7 them if they are consistent with s. 46.036 and to the extent that state or federal funds
8 are available for those purposes. The joint committee on finance may require the
9 department of health services to submit the contracts to the committee for review
10 and approval. The department of health services may not make any payments to a
11 county for programs included in the contract that is under review by the committee.
12 The department of health services shall reimburse each county for the contracts from
13 the appropriations under s. 20.435 (7) (b) and (o) according to s. 46.495.

14 **SECTION 59.** 46.22 (1) (e) 3. b. of the statutes is amended to read:

15 46.22 (1) (e) 3. b. A county department of social services shall develop, under
16 the requirements of s. 49.34, plans and contracts for the purchase of care and services
17 under ~~ch. chs. 48 and 938 and~~ subch. III of ch. 49 ~~and of community-based juvenile~~
18 ~~delinquency-related services.~~ The department of children and families may review
19 the contracts and approve them if they are consistent with s. 49.34 and to the extent
20 that state or federal funds are available for such purposes. The joint committee on
21 finance may require the department of children and families to submit the contracts
22 to the committee for review and approval. The department of children and families
23 may not make any payments to a county for programs included in the contract that
24 is under review by the committee.

25 **SECTION 60.** 46.22 (1) (e) 3. c. of the statutes is repealed.

SENATE BILL 378

1 **SECTION 61.** 46.22 (2g) (d) 2. of the statutes is amended to read:

2 46.22 **(2g)** (d) 2. A final budget for submission to the department of health
3 services in accordance with s. 46.031 (1) for authorized services, except services
4 under ~~eh. chs. 48, and 938 and~~ subch. III of ch. 49, ~~or s. 301.08 (2) and~~ authorized
5 ~~community-based juvenile delinquency-related services.~~

6 **SECTION 62.** 46.22 (2g) (d) 3. of the statutes is amended to read:

7 46.22 **(2g)** (d) 3. A final budget for submission to the department of children
8 and families in accordance with s. 49.325 for authorized services under ~~eh. chs. 48~~
9 ~~and 938~~ and subch. III of ch. 49 ~~and authorized community-based juvenile~~
10 ~~delinquency-related services.~~

11 **SECTION 63.** 46.22 (2g) (d) 4. of the statutes is repealed.

12 **SECTION 64.** 46.23 (5) (a) 1. of the statutes is amended to read:

13 46.23 **(5)** (a) 1. Shall determine administrative and program policies, except as
14 provided under ~~eh. chs. 48 and 938~~ and subch. III of ch. 49 ~~and except for policies~~
15 ~~relating to community-based juvenile delinquency-related services or to the~~
16 ~~purchase of juvenile correctional services, within limits established by the~~
17 department of health services. Policy decisions, except as provided under ~~eh. chs. 48~~
18 ~~and 938~~ and subch. III of ch. 49 ~~and except for policy decisions relating to~~
19 ~~community-based juvenile delinquency-related services or to the purchase of~~
20 ~~juvenile correctional services, that are not reserved by statute for the department of~~
21 health services may be delegated by the secretary to the county human services
22 board.

23 **SECTION 65.** 46.23 (5) (a) 2. of the statutes is amended to read:

24 46.23 **(5)** (a) 2. Shall determine administrative and program policies under ~~eh.~~
25 ~~chs. 48 and 938~~ and subch. III of ch. 49 ~~and administrative and program policies~~

SENATE BILL 378

1 ~~relating to community-based juvenile delinquency-related services~~ within limits
2 established by the department of children and families. Policy decisions under ~~eh.~~
3 ~~chs. 48 and 938~~ and subch. III of ch. 49 ~~and policy decisions relating to~~
4 ~~community-based juvenile delinquency-related services~~ that are not reserved by
5 statute for the department of children and families may be delegated by the secretary
6 of children and families to the county human services board.

7 **SECTION 66.** 46.23 (5) (a) 3. of the statutes is repealed.

8 **SECTION 67.** 46.23 (5) (c) 1. of the statutes is amended to read:

9 46.23 (5) (c) 1. Shall determine whether state mandated services, except for
10 services under ~~eh. chs. 48 and 938~~ and subch. III of ch. 49, ~~community-based juvenile~~
11 ~~delinquency-related services, and juvenile correctional services,~~ are provided by,
12 purchased from, or contracted for with local providers, and monitor the performance
13 of those contracts. Purchase of services contracts shall be subject to the conditions
14 specified in s. 46.036.

15 **SECTION 68.** 46.23 (5) (c) 2. of the statutes is amended to read:

16 46.23 (5) (c) 2. Shall determine whether state mandated services under ~~eh. chs.~~
17 ~~48 and 938~~ and subch. III of ch. 49 ~~and state-mandated community-based juvenile~~
18 ~~delinquency-related services~~ are provided by, purchased from, or contracted for with
19 local providers, and monitor the performance of those contracts. Purchase of services
20 contracts shall be subject to the conditions specified in s. 49.34.

21 **SECTION 69.** 46.23 (5) (c) 3. of the statutes is repealed.

22 **SECTION 70.** 46.23 (5) (n) 1. of the statutes is amended to read:

23 46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for
24 authorized services, except for services under ~~eh. chs. 48 and 938~~ and subch. III of
25 ch. 49, ~~community-based juvenile delinquency-related services, and juvenile~~

SENATE BILL 378

1 ~~correctional services.~~ Notwithstanding the categorization of or limits specified for
2 funds allocated under s. 46.495 or 51.423 (2), with the approval of the department
3 of health services the county human services board may expend those funds
4 consistent with any service provided under s. 46.495 or 51.42.

5 **SECTION 71.** 46.23 (5) (n) 2. of the statutes is amended to read:

6 46.23 (5) (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for
7 authorized services under ~~ch. 48 and 938~~ and subch. III of ch. 49 ~~and for~~
8 ~~authorized community-based juvenile delinquency-related services.~~
9 Notwithstanding the categorization of or limits specified for funds allocated under
10 s. 48.569, with the approval of the department of children and families the county
11 human services board may expend those funds consistent with any service provided
12 under s. 48.569.

13 **SECTION 72.** 46.23 (5) (n) 3. of the statutes is repealed.

14 **SECTION 73.** 46.23 (5m) (c) of the statutes is amended to read:

15 46.23 (5m) (c) Prepare, with the assistance of the county human services
16 director under sub. (6m) (e), a proposed budget for submission to the county executive
17 or county administrator; a final budget for submission to the department of health
18 services in accordance with s. 46.031 (1) for authorized services, except services
19 under ~~ch. 48 and 938~~ and subch. III of ch. 49, ~~community-based juvenile~~
20 ~~delinquency-related services, and juvenile correctional services; and~~ a final budget
21 for submission to the department of children and families in accordance with s.
22 49.325 for authorized services under ~~ch. 48 and 938~~ and subch. III of ch. 49 ~~and~~
23 ~~for authorized community-based juvenile delinquency-related services; and a final~~
24 ~~budget for submission to the department of corrections in accordance with s. 301.031~~
25 ~~for the purchase of authorized juvenile correctional services.~~

SENATE BILL 378

1 **SECTION 74.** 46.23 (6) (a) (intro.) of the statutes is amended to read:

2 46.23 **(6)** (a) (intro.) A county human services director appointed under sub. (5)
3 (f) shall have all of the administrative and executive powers and duties of managing,
4 operating, maintaining, and improving the services and programs of the county
5 department of human services. Those powers and duties are subject to the rules
6 promulgated by the department of health services for programs, except that, with
7 respect to services or programs under ~~ch. 48 and 938~~ and subch. III of ch. 49 ~~and~~
8 ~~community-based juvenile delinquency-related services or programs~~, those powers
9 and duties are subject to the rules promulgated by the department of children and
10 families ~~and, with respect to the purchase of juvenile correctional services or~~
11 ~~programs, those powers and duties are subject to the rules promulgated by the~~
12 ~~department of corrections~~. In consultation with the county human services board
13 under sub. (5) and subject to its approval, the county human services director shall
14 prepare all of the following:

15 **SECTION 75.** 48.02 (10r) of the statutes is amended to read:

16 48.02 **(10r)** “Juvenile detention facility” means a locked facility approved by
17 the department of ~~corrections~~ under s. ~~301.36~~ 938.226 for the secure, temporary
18 holding in custody of children.

19 **SECTION 76.** 48.526 (title) of the statutes is renumbered 938.526 (title).

20 **SECTION 77.** 48.526 (1) of the statutes is renumbered 938.526 (1) and amended
21 to read:

22 938.526 **(1)** PROCEDURES. The department shall develop procedures for the
23 implementation of this section and standards for the development and delivery of
24 ~~community-based juvenile delinquency-related services, as defined in s. 46.011 (1e),~~
25 under this chapter and shall provide consultation and technical assistance to aid

SENATE BILL 378

1 counties in the implementation and delivery of those services. The department shall
2 establish information systems and monitoring and evaluation procedures to report
3 periodically to the governor and legislature on the statewide impact of this section.

4 **SECTION 78.** 48.526 (2) (title) of the statutes is renumbered 938.526 (2) (title).

5 **SECTION 79.** 48.526 (2) (a) of the statutes is renumbered 938.526 (2) (a).

6 **SECTION 80.** 48.526 (2) (b) of the statutes is renumbered 938.526 (2) (b).

7 **SECTION 81.** 48.526 (2) (c) of the statutes is renumbered 938.526 (2) (c) and
8 amended to read:

9 938.526 (2) (c) All funds to counties under this section shall be used to purchase
10 or provide ~~community-based juvenile delinquency-related services, as defined in s.~~
11 ~~46.011 (1c), and to purchase juvenile correctional services, as defined in s. 46.011 (1p)~~
12 under this chapter, except that no funds to counties under this section may be used
13 for purposes of land purchase, building construction, or maintenance of buildings
14 under s. 46.17, 46.175, or ~~301.37~~ 938.227, for reimbursement of costs under s.
15 938.209, for city lockups, or for reimbursement of care costs in temporary shelter care
16 under s. 938.22. Funds to counties under this section may be used for reimbursement
17 of costs of program services, other than basic care and supervision costs, in juvenile
18 detention facilities.

19 **SECTION 82.** 48.526 (2m) of the statutes is renumbered 938.526 (2m).

20 **SECTION 83.** 48.526 (3) (title) of the statutes is renumbered 938.526 (3) (title).

21 **SECTION 84.** 48.526 (3) (a) of the statutes is renumbered 938.526 (3) (a).

22 **SECTION 85.** 48.526 (3) (c) of the statutes is renumbered 938.526 (3) (c) and
23 amended to read:

SENATE BILL 378

1 938.526 (3) (c) Within the limits of the appropriations under s. 20.437 (1) (4)
2 (cj) and (o), the department shall allocate funds to each county for services under this
3 section.

4 **SECTION 86.** 48.526 (3) (dm) of the statutes is renumbered 938.526 (3) (dm) and
5 amended to read:

6 938.526 (3) (dm) The department may carry forward for a county from one
7 calendar year to another funds allocated under this subsection that are not spent or
8 encumbered. The amount that the department may carry forward for a county under
9 this paragraph may not exceed ~~5%~~ 5 percent of the amount allocated to the county
10 for the 12-month period ending December 31. The funds carried forward under this
11 paragraph do not affect a county's base allocation.

12 **SECTION 87.** 48.526 (3) (e) of the statutes is renumbered 938.526 (3) (e) and
13 amended to read:

14 938.526 (3) (e) The department may carry forward \$500,000 or ~~10%~~ 10 percent
15 of its funds allocated under this subsection and not encumbered or carried forward
16 under par. (dm) by counties by December 31, whichever is greater, to the next 2
17 calendar years. The department may transfer moneys from or within s. 20.437 (1)
18 (4) (cj) to accomplish this purpose. The department may allocate these transferred
19 moneys to counties with persistently high rates of juvenile arrests for serious
20 offenses during the next 2 calendar years to improve community-based juvenile
21 delinquency-related services, ~~as defined in s. 46.011 (1e)~~. The allocation does not
22 affect a county's base allocation.

23 **SECTION 88.** 48.526 (3) (em) of the statutes is renumbered 938.526 (3) (em) and
24 amended to read:

SENATE BILL 378

1 938.526 **(3)** (em) The department may carry forward any emergency funds
2 allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm)
3 by December 31 to the next 2 calendar years. The department may transfer moneys
4 from or within s. 20.437 ~~(1)~~ (4) (cj) to accomplish this purpose. The department may
5 allocate these transferred moneys to counties that are eligible for emergency
6 payments under sub. (7) (e). The allocation does not affect a county's base allocation.

7 **SECTION 89.** 48.526 (6) (title) of the statutes is renumbered 938.526 (6) (title).

8 **SECTION 90.** 48.526 (6) (a) of the statutes is renumbered 938.526 (6) (a) and
9 amended to read:

10 938.526 **(6)** (a) The department shall develop criteria as provided in par. (b) to
11 assist the legislature in allocating funding, excluding funding for base allocations,
12 from the appropriations under s. 20.437 ~~(1)~~ (4) (cj) and (o) for purposes described in
13 this section.

14 **SECTION 91.** 48.526 (6) (b) of the statutes is renumbered 938.526 (6) (b).

15 **SECTION 92.** 48.526 (7) (intro.) of the statutes is renumbered 938.526 (7) (intro.)
16 and amended to read:

17 938.526 **(7)** ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
18 of the appropriations under s. 20.437 ~~(1)~~ (4) (cj) and (o), the department shall allocate
19 funds for community youth and family aids for the period beginning on July 1, 2015,
20 and ending on June 30, 2017, as provided in this subsection to county departments
21 under ~~ss. 46.215, 46.22, and 46.23~~ as follows:

22 **SECTION 93.** 48.526 (7) (a) to (h) of the statutes, as affected by 2015 Wisconsin
23 Act 55, are renumbered 938.526 (7) (a) to (h).

24 **SECTION 94.** 48.526 (8) of the statutes is renumbered 938.526 (8).

25 **SECTION 95.** 48.528 (title) of the statutes is renumbered 938.528 (title).

SENATE BILL 378

1 **SECTION 96.** 48.528 (1) of the statutes is renumbered 938.528 (1) and amended
2 to read:

3 **938.528 (1)** In each fiscal year, the department shall distribute the amount
4 appropriated under s. 20.437 ~~(1)~~ (4) (cm) to counties for early intervention services
5 for first offenders and for intensive community-based intervention services for
6 seriously chronic offenders.

7 **SECTION 97.** 48.528 (2) of the statutes is renumbered 938.528 (2).

8 **SECTION 98.** 48.528 (3) of the statutes is renumbered 938.528 (3).

9 **SECTION 99.** 49.11 (1c) of the statutes, as created by 2015 Wisconsin Act 55, is
10 repealed.

11 **SECTION 100.** 49.175 (1) (intro.) of the statutes is amended to read:

12 **49.175 (1) ALLOCATION OF FUNDS.** (intro.) Except as provided in subs. (2) and
13 (3), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (k), (kx),
14 (L), (mc), (md), (me), and (s) and ~~(3)~~ (5) (kp), the department shall allocate the
15 following amounts for the following purposes:

16 **SECTION 101.** 49.175 (3) of the statutes is amended to read:

17 **49.175 (3) LIMIT ON CERTAIN FUNDS.** Moneys from the appropriation account
18 under s. 20.437 ~~(3)~~ (5) (kp) for the allocations specified in sub. (1) shall be limited to
19 \$4,730,300 and may be expended only for obligations incurred between October 1,
20 2015, and September 30, 2016.

21 **SECTION 102.** 49.275 of the statutes is amended to read:

22 **49.275 Cooperation with federal government.** The department may
23 cooperate with the federal government in carrying out federal acts concerning public
24 assistance under this subchapter, child welfare under ch. 48, and ~~community-based~~
25 juvenile delinquency-related services under ch. 938 and in other matters of mutual

SENATE BILL 378

1 concern pertaining to public welfare, child welfare, and juvenile delinquency under
2 this subchapter and chs. 48 and 938.

3 **SECTION 103.** 49.32 (1) (a) of the statutes is amended to read:

4 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department
5 shall establish a uniform system of fees for services under this subchapter and ~~ch.~~
6 ~~chs. 48, and community-based juvenile delinquency-related services under ch. 938,~~
7 ~~and 938~~ purchased or provided by the department or by a county department under
8 s. 46.215, 46.22, or 46.23, except as provided in s. 49.22 (6) and except when, as
9 determined by the department, a fee is administratively unfeasible or would
10 significantly prevent accomplishing the purpose of the service. A county department
11 under s. 46.215, 46.22, or 46.23 shall apply the fees that it collects under this program
12 to cover the cost of those services.

13 **SECTION 104.** 49.32 (2) (b) of the statutes is amended to read:

14 49.32 (2) (b) The department may make social services payments and
15 ~~payments for community-based juvenile delinquency-related services~~ directly to
16 recipients, vendors, or providers in accordance with law and rules of the department
17 on behalf of the counties that have contracts to have those payments made on their
18 behalf.

19 **SECTION 105.** 49.32 (2) (d) of the statutes is amended to read:

20 49.32 (2) (d) The department shall disburse from state or federal funds or both
21 the entire amount and charge the county for its share under s. 48.569 or 938.526.

22 **SECTION 106.** 49.325 (1) (a) of the statutes is amended to read:

23 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
24 submit its final budget for services purchased or directly provided under this
25 subchapter or ch. 48 ~~and for community-based juvenile delinquency-related~~

SENATE BILL 378

1 ~~services purchased or directly provided under ch. or 938~~ to the department by
2 December 31 annually.

3 **SECTION 107.** 49.325 (2) of the statutes is amended to read:

4 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
5 budget for services purchased or directly provided under this subchapter or ch. 48
6 ~~and for community-based juvenile delinquency-related services purchased or~~
7 ~~directly provided under ch. or 938~~ to the county executive or county administrator
8 or the county board, the county departments listed in sub. (1) shall assess needs and
9 inventory resources and services, using an open public participation process.

10 **SECTION 108.** 49.325 (2g) (a) of the statutes is amended to read:

11 49.325 (2g) (a) The department shall annually submit to the county board of
12 supervisors in a county with a single-county department or the county boards of
13 supervisors in counties with a multicounty department a proposed written contract
14 containing the allocation of funds for services purchased or directly provided under
15 this subchapter or ch. 48, ~~for community-based juvenile delinquency-related~~
16 ~~services purchased or directly provided under ch. 938, or 938~~ and for such
17 administrative requirements as necessary. The contract as approved may contain
18 conditions of participation consistent with federal and state law. The contract may
19 also include provisions necessary to ensure uniform cost accounting of services. Any
20 changes to the proposed contract shall be mutually agreed upon. The county board
21 of supervisors in a county with a single-county department or the county boards of
22 supervisors in counties with a multicounty department shall approve the contract
23 before January 1 of the year in which it takes effect unless the department grants
24 an extension. The county board of supervisors in a county with a single-county
25 department or the county boards of supervisors in counties with a multicounty

SENATE BILL 378

1 department may designate an agent to approve addenda to any contract after the
2 contract has been approved.

3 **SECTION 109.** 49.325 (2g) (b) of the statutes is amended to read:

4 49.325 (2g) (b) The department may not approve contracts for amounts in
5 excess of available revenues. The county board of supervisors in a county with a
6 single-county department or the county boards of supervisors in counties with a
7 multicounty department may appropriate funds for ~~community-based~~ juvenile
8 delinquency-related services under ch. 938. Actual expenditure of county funds
9 shall be reported in compliance with procedures developed by the department.

10 **SECTION 110.** 49.325 (2g) (c) of the statutes is amended to read:

11 49.325 (2g) (c) The joint committee on finance may require the department to
12 submit contracts between county departments under ss. 46.215, 46.22, and 46.23
13 and providers of services under this subchapter or ch. 48 or ~~of community-based~~
14 ~~juvenile delinquency-related services under ch. 938~~ to the committee for review and
15 approval.

16 **SECTION 111.** 49.325 (2r) (a) 1. of the statutes is amended to read:

17 49.325 (2r) (a) 1. For services under this subchapter or ch. 48 or
18 ~~community-based juvenile delinquency-related services under ch. 938~~ that
19 duplicate or are inconsistent with services being purchased or provided by the
20 department or other county departments receiving grants-in-aid or reimbursement
21 from the department.

22 **SECTION 112.** 49.325 (2r) (a) 2. of the statutes is amended to read:

23 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
24 regulations, in which case the department may also arrange for the provision of
25 services under this subchapter or ch. 48 or ~~community-based juvenile~~

SENATE BILL 378

1 ~~delinquency-related services under ch. 938~~ by an alternate agency. The department
2 may not arrange for the provision of those services by an alternate agency unless the
3 joint committee on finance or a review body designated by the committee reviews and
4 approves the department's determination.

5 **SECTION 113.** 49.34 (1) of the statutes is amended to read:

6 49.34 (1) All services under this subchapter and ~~ch. chs.~~ 48 and all
7 ~~community-based juvenile delinquency-related services under ch. 938~~ purchased
8 by the department or by a county department under s. 46.215, 46.22, or 46.23 shall
9 be authorized and contracted for under the standards established under this section.
10 The department may require the county departments to submit the contracts to the
11 department for review and approval. For purchases of \$10,000 or less the
12 requirement for a written contract may be waived by the department. No contract
13 is required for care provided by foster homes that are required to be licensed under
14 s. 48.62. When the department directly contracts for services, the department shall
15 follow the procedures in this section in addition to meeting purchasing requirements
16 established in s. 16.75.

17 **SECTION 114.** 49.34 (2) of the statutes is amended to read:

18 49.34 (2) All services purchased under this subchapter and ~~ch. chs.~~ 48 and all
19 ~~community-based juvenile delinquency-related services purchased under ch. 938~~
20 shall meet standards established by the department and other requirements
21 specified by the purchaser in the contract. Based on these standards the department
22 shall establish standards for cost accounting and management information systems
23 that shall monitor the utilization of the services, and document the specific services
24 in meeting the service plan for the client and the objective of the service.

25 **SECTION 115.** 49.35 (1) (a) of the statutes is amended to read:

SENATE BILL 378

1 49.35 (1) (a) The department shall supervise the administration of programs
2 under this subchapter and ~~ch. chs. 48 and of community-based juvenile~~
3 ~~delinquency-related programs under ch. 938.~~ The department shall submit to the
4 federal authorities state plans for the administration of programs under this
5 subchapter and ~~ch. chs. 48 and of community-based juvenile delinquency-related~~
6 ~~programs under ch. 938~~ in such form and containing such information as the federal
7 authorities require, and shall comply with all requirements prescribed to ensure
8 their correctness.

9 **SECTION 116.** 49.35 (1) (b) of the statutes is amended to read:

10 49.35 (1) (b) All records of the department and all county records relating to
11 programs under this subchapter and ~~ch. chs. 48, community-based juvenile~~
12 ~~delinquency-related programs under ch. and 938,~~ and aid under s. 49.18, 1971 stats.,
13 s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,
14 shall be open to inspection at all reasonable hours by authorized representatives of
15 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county
16 records relating to the administration of the services and public assistance specified
17 in this paragraph shall be open to inspection at all reasonable hours by authorized
18 representatives of the department.

19 **SECTION 117.** 49.35 (2) of the statutes is amended to read:

20 49.35 (2) The county administration of all laws relating to programs under this
21 subchapter and ~~ch. chs. 48 and to community-based juvenile delinquency-related~~
22 ~~programs under ch. 938~~ shall be vested in the officers and agencies designated in the
23 statutes.

24 **SECTION 118.** 49.45 (6m) (br) 1. of the statutes is amended to read:

SENATE BILL 378

1 49.45 **(6m)** (br) 1. Notwithstanding s. 20.435 (7) (b) or 20.437 ~~(1) (ej) or (2) (dz)~~
2 or (4) (cj), the department shall reduce allocations of funds to counties in the amount
3 of the disallowance from the appropriation account under s. 20.435 (7) (b), or the
4 department shall direct the department of children and families to reduce allocations
5 of funds to counties or Wisconsin Works agencies in the amount of the disallowance
6 from the appropriation account under s. 20.437 ~~(1) (ej) or (2) (dz)~~ or (4) (cj), in
7 accordance with s. 16.544 to the extent applicable.

8 **SECTION 119.** 49.45 (25) (bj) of the statutes is amended to read:

9 49.45 **(25)** (bj) The department of ~~corrections~~ children and families may elect
10 to provide case management services under this subsection to persons who are under
11 the supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or
12 938.357 (4), who are Medical Assistance beneficiaries, and who meet one or more of
13 the conditions specified in par. (am). The amount of the allowable charges for those
14 services under the Medical Assistance program that is not provided by the federal
15 government shall be paid from the appropriation account under s. ~~20.410 (3)~~ 20.437
16 (4) (hm), (ho), or (hr).

17 **SECTION 120.** 49.855 (2p) of the statutes is repealed.

18 **SECTION 121.** 49.855 (3) of the statutes is amended to read:

19 49.855 **(3)** Receipt of a certification by the department of revenue shall
20 constitute a lien, equal to the amount certified, on any state tax refunds or credits
21 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
22 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
23 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
24 obligor that the state intends to reduce any state tax refund or credit due the obligor
25 by the amount the obligor is delinquent under the support, maintenance, or receiving

SENATE BILL 378

1 and disbursing fee order or obligation, by the outstanding amount for past support,
2 medical expenses, or birth expenses under the court order, or by the amount due
3 under s. 46.10 (4), or 49.345 (4), ~~or 301.12 (4)~~. The notice shall provide that within
4 20 days the obligor may request a hearing before the circuit court rendering the order
5 under which the obligation arose. Within 10 days after receiving a request for
6 hearing under this subsection, the court shall set the matter for hearing. Pending
7 further order by the court or a circuit court commissioner, the department of children
8 and families or its designee, whichever is appropriate, is prohibited from disbursing
9 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
10 hearing. The sole issues at that hearing shall be whether the obligor owes the
11 amount certified and, if not and it is a support or maintenance order, whether the
12 money withheld from a tax refund or credit shall be paid to the obligor or held for
13 future support or maintenance, except that the obligor's ability to pay shall also be
14 an issue at the hearing if the obligation relates to an order under s. 767.805 (4) (d)
15 1. or 767.89 (3) (e) 1. and the order specifies that the court found that the obligor's
16 income was at or below the poverty line established under 42 USC 9902 (2).

17 **SECTION 122.** 49.855 (4m) (b) of the statutes is amended to read:

18 49.855 (4m) (b) The department of revenue may provide a certification that it
19 receives under sub. (1), (2m), ~~(2p)~~, or (2r) to the department of administration. Upon
20 receipt of the certification, the department of administration shall determine
21 whether the obligor is a vendor or is receiving any other payments from this state,
22 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
23 45.40 (1m), this chapter, or ch. 46, 108, or 301. If the department of administration
24 determines that the obligor is a vendor or is receiving payments from this state,
25 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.

SENATE BILL 378

1 45.40 (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
2 certified from those payments and shall notify the obligor that the state intends to
3 reduce any payments due the obligor by the amount the obligor is delinquent under
4 the support, maintenance, or receiving and disbursing fee order or obligation, by the
5 outstanding amount for past support, medical expenses, or birth expenses under the
6 court order, or by the amount due under s. 46.10 (4), or 49.345 (4), ~~or 301.12 (4)~~. The
7 notice shall provide that within 20 days after receipt of the notice the obligor may
8 request a hearing before the circuit court rendering the order under which the
9 obligation arose. An obligor may, within 20 days after receiving notice, request a
10 hearing under this paragraph. Within 10 days after receiving a request for hearing
11 under this paragraph, the court shall set the matter for hearing. A circuit court
12 commissioner may conduct the hearing. Pending further order by the court or circuit
13 court commissioner, the department of children and families or its designee,
14 whichever is appropriate, may not disburse the payments withheld from the obligor.
15 The sole issues at the hearing are whether the obligor owes the amount certified and,
16 if not and it is a support or maintenance order, whether the money withheld shall be
17 paid to the obligor or held for future support or maintenance, except that the obligor's
18 ability to pay is also an issue at the hearing if the obligation relates to an order under
19 s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
20 the obligor's income was at or below the poverty line established under 42 USC 9902
21 (2).

22 **SECTION 123.** 59.24 of the statutes is amended to read:

23 **59.24 Clerks of counties containing state institutions to make claims**
24 **in certain cases.** The clerk of any county that is entitled to reimbursement under
25 s. 16.51 (7) shall make a certified claim against the state, without direction from the

SENATE BILL 378

1 board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms
2 prescribed by the department of administration. The forms shall contain
3 information required by the clerk and shall be filed annually ~~with the department~~
4 ~~of corrections~~ on or before June 1. If Claims for reimbursement of expenses involving
5 a prisoner in a state prison named in s. 302.01 shall be filed with the department of
6 corrections and, if the claims are approved by the department of corrections, they
7 shall be certified to the department of administration and paid from the
8 appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of expenses
9 involving a prisoner in a state prison named in s. 302.01, or. Claims for
10 reimbursement of expenses involving a juvenile in a juvenile correctional facility, as
11 defined in s. 938.02 (10p), shall be filed with the department of children and families
12 and, if the claims are approved by the department of children and families, they shall
13 be certified to the department of administration and paid from the appropriation
14 under s. ~~20.410 (3)~~ 20.437 (4) (c), if the claim is for reimbursement of expenses
15 involving a juvenile in a juvenile correctional facility, as defined in s. ~~938.02 (10p)~~.

16 **SECTION 124.** 102.27 (2) (a) of the statutes is amended to read:

17 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
18 49.345 (14) (e), ~~301.12 (14) (e)~~, 767.225 (1) (L), 767.513 (3), or 767.75 (1) or (2m).

19 **SECTION 125.** 230.08 (2) (e) 2m. of the statutes is amended to read:

20 230.08 (2) (e) 2m. Children and families — ~~9~~ 10.

21 **SECTION 126.** 230.08 (2) (e) 3e. of the statutes is amended to read:

22 230.08 (2) (e) 3e. Corrections — ~~7~~ 6.

23 **SECTION 127.** 301.001 of the statutes is amended to read:

24 **301.001 Purposes of chapters.** The purposes of this chapter and chs. 302 to
25 304 are to prevent delinquency and crime by an attack on their its causes; to provide

SENATE BILL 378

1 a just, humane, and efficient program of rehabilitation of offenders; and to coordinate
2 and integrate corrections programs with other social services. In creating the
3 department of corrections, chs. 301 to 304, the legislature intends that the state
4 continue to avoid sole reliance on incarceration of offenders and continue to develop,
5 support and maintain professional community programs and placements.

6 **SECTION 128.** 301.01 (1n) of the statutes, as created by 2015 Wisconsin Act 55,
7 is repealed.

8 **SECTION 129.** 301.01 (4) of the statutes is amended to read:

9 301.01 (4) "State correctional institution" means a state prison under s. 302.01
10 ~~or a juvenile correctional facility operated by the department.~~

11 **SECTION 130.** 301.025 of the statutes, as affected by 2015 Wisconsin Act 55,
12 section 4224, is renumbered 938.524 and amended to read:

13 **938.524 Division of juvenile corrections.** The division of juvenile
14 corrections shall exercise the powers and perform the duties of the department that
15 relate to juvenile correctional services and institutions, juvenile offender review,
16 community supervision under s. 938.533, and the serious juvenile offender program
17 under s. 938.538, and youth aids under s. 938.526.

18 **SECTION 131.** 301.03 (9) of the statutes, as affected by 2015 Wisconsin Act 55,
19 section 4227b, is amended to read:

20 301.03 (9) Supervise all persons placed in a state prison under s. 938.183, ~~all~~
21 ~~persons placed under court-ordered departmental supervision under s. 938.34 (2),~~
22 ~~all persons placed in the serious juvenile offender program under s. 938.34 (4h), all~~
23 ~~persons placed in a juvenile correctional facility or a secured residential treatment~~
24 ~~center for children and youth under s. 938.34 (4m) or 938.357 (4), all persons placed~~
25 ~~under community supervision under s. 938.34 (4n) or 938.357 (4), and all persons~~

SENATE BILL 378

1 ~~placed in an experiential education program under the supervision of the~~
2 ~~department under s. 938.34 (7g).~~

3 **SECTION 132.** 301.03 (10) (a) of the statutes is renumbered 938.485 (10) (a).

4 **SECTION 133.** 301.03 (10) (b) of the statutes, as affected by 2015 Wisconsin Act
5 55, is renumbered 938.485 (10) (b).

6 **SECTION 134.** 301.03 (10) (c) of the statutes is renumbered 938.485 (10) (c) and
7 amended to read:

8 938.485 (10) (c) Promote the enforcement of laws for the protection of
9 delinquent juveniles under its jurisdiction. To this end, the department shall
10 cooperate with the courts assigned to exercise jurisdiction under ~~chs. 48 and 938,~~ the
11 ~~department of children and families, county departments under ss. 46.215, 46.22,~~
12 ~~and 46.23,~~ licensed child welfare agencies, and institutions in providing
13 community-based programming, including in-home programming and intensive
14 supervision, for delinquent juveniles under its jurisdiction. The department shall
15 also establish and enforce standards for the development and delivery of services
16 provided by the department under ~~ch. 938~~ this chapter in regard to juveniles who
17 have been adjudicated delinquent and placed under the jurisdiction of the
18 department.

19 **SECTION 135.** 301.03 (10) (d) of the statutes, as affected by 2015 Wisconsin Act
20 55, is renumbered 938.485 (10) (d).

21 **SECTION 136.** 301.03 (10) (e) of the statutes is renumbered 938.485 (10) (e).

22 **SECTION 137.** 301.03 (10) (f) of the statutes is renumbered 938.485 (10) (f).

23 **SECTION 138.** 301.03 (10) (g) of the statutes is renumbered 938.485 (10) (g) and
24 amended to read:

SENATE BILL 378

1 938.485 (10) (g) Keep statistics, by race, age, and gender, of the number of
2 juveniles over whom the court assigned to exercise jurisdiction under chs. 48 and 938
3 waives its jurisdiction under s. 938.18 as well as the nature of the waiver that was
4 ordered and annually report those statistics to the governor, and to the appropriate
5 standing committees under s. 13.172 (3).

6 **SECTION 139.** 301.03 (18) of the statutes is repealed.

7 **SECTION 140.** 301.031 of the statutes is repealed.

8 **SECTION 141.** 301.032 of the statutes is repealed.

9 **SECTION 142.** 301.035 (2) of the statutes is amended to read:

10 301.035 (2) Assign hearing examiners from the division to preside over
11 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), ~~938.357 (5)~~, 973.10, and 975.10
12 (2) and ch. 304.

13 **SECTION 143.** 301.035 (4) of the statutes is amended to read:

14 301.035 (4) Supervise employees in the conduct of the activities of the division
15 and be the administrative reviewing authority for decisions of the division under ss.
16 302.11 (7), 302.113 (9), 302.114 (9), ~~938.357 (5)~~, 973.10, 973.155 (2), and 975.10 (2)
17 and ch. 304.

18 **SECTION 144.** 301.06 of the statutes is repealed.

19 **SECTION 145.** 301.07 of the statutes is amended to read:

20 **301.07 Cooperation and contracts with federal government.** The
21 department may cooperate with the federal government in carrying out federal acts
22 concerning adult corrections and juvenile correctional services and may enter into
23 contracts with the federal government under 18 USC 5003.

24 **SECTION 146.** 301.08 (1) (b) 3. of the statutes is renumbered 938.485 (18) (b) and
25 amended to read:

SENATE BILL 378

1 938.485 (18) (b) Contract with public, private, or voluntary agencies for the
2 supervision, maintenance, and operation of juvenile correctional facilities,
3 residential care centers for children and youth, ~~as defined in s. 938.02 (15d)~~, and
4 secured residential care centers for children and youth for the placement of juveniles
5 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
6 or 938.34 (4d), (4h), or (4m). The department may designate juvenile correctional
7 facility, residential care center for children and youth, or a secured residential care
8 center for children and youth contracted for under this ~~subdivision~~ paragraph as a
9 Type 2 juvenile correctional facility, ~~as defined in s. 938.02 (20)~~, and may designate
10 a residential care center for children and youth or secured residential care center for
11 children and youth contracted for under this subdivision as a Type 2 residential care
12 center for children and youth, ~~as defined in s. 938.02 (19r)~~.

13 **SECTION 147.** 301.08 (2) (a) of the statutes is amended to read:

14 301.08 (2) (a) All care and services purchased by the department ~~and all~~
15 ~~juvenile correctional services purchased by a county department under s. 46.215,~~
16 ~~46.22, or 46.23~~ shall be authorized and contracted for under the standards
17 established under this subsection. For purchases of \$10,000 or less the requirement
18 for a written contract may be waived by the department. ~~No contract is required for~~
19 ~~care provided by foster homes required to be licensed under s. 48.62.~~ If the
20 department directly contracts for services, it shall follow the procedures in this
21 subsection in addition to meeting purchasing requirements established in s. 16.75.

22 **SECTION 148.** 301.08 (2) (d) 5. of the statutes is repealed.

23 **SECTION 149.** 301.085 (2) of the statutes is repealed.

24 **SECTION 150.** 301.085 (4) of the statutes is repealed.

25 **SECTION 151.** 301.12 of the statutes is repealed.

SENATE BILL 378

1 **SECTION 152.** 301.20 of the statutes is renumbered 938.522.

2 **SECTION 153.** 301.205 of the statutes is renumbered 938.485 (19) and amended
3 to read:

4 938.485 (19) REIMBURSEMENT TO VISITING FAMILIES. ~~The department may~~
5 reimburse Reimburse families visiting girls at a juvenile correctional facility. If the
6 department decides to provide the reimbursement, the department shall establish
7 criteria for the level of reimbursement, which shall include family income and size
8 and other relevant factors.

9 **SECTION 154.** 301.26 (title) of the statutes is repealed.

10 **SECTION 155.** 301.26 (1) of the statutes is repealed.

11 **SECTION 156.** 301.26 (4) (title) of the statutes is renumbered 938.526 (4) (title).

12 **SECTION 157.** 301.26 (4) (a) of the statutes is renumbered 938.526 (4) (a) and
13 amended to read:

14 938.526 (4) (a) Except as provided in pars. (c) and (cm), the department of
15 corrections shall bill counties, or ~~the department of children and families shall~~
16 deduct from the allocations under s. 20.437 ~~(1)~~ (4) (cj), for the costs of care, services,
17 and supplies purchased or provided by the department of ~~corrections~~ of children and
18 families for each person receiving services under s. 938.183 or 938.34 or the
19 department of health services for each person receiving services under s. 46.057 or
20 51.35 (3). The department of ~~corrections~~ may not bill a county, ~~and the department~~
21 ~~of children and families may not~~ or deduct from a county's allocation, for the cost of
22 care, services, and supplies provided to a person subject to an order under s. 938.183
23 after the person reaches 18 years of age. Payment shall be due within 60 days after
24 the billing date. If any payment has not been received within those 60 days, the

SENATE BILL 378

1 department of children and families may withhold aid payments in the amount due
2 from the appropriation under s. 20.437 ~~(1)~~ (4) (cj).

3 **SECTION 158.** 301.26 (4) (b) of the statutes is renumbered 938.526 (4) (b) and
4 amended to read:

5 938.526 (4) (b) Assessment of costs under par. (a) shall be made periodically on
6 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
7 Except as provided in pars. (bm), (c), and (cm), liability shall apply to the county
8 ~~departments under s. 46.215, 46.22, or 46.23~~ department in the county of the court
9 exercising jurisdiction under ch. 938 for each person receiving services from the
10 department of ~~corrections~~ children and families under s. 938.183 or 938.34 or the
11 department of health services under s. 46.057 or 51.35 (3). Except as provided in
12 pars. (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency
13 within the jurisdiction shall be liable for costs under this subsection. Assessment of
14 costs under par. (a) shall also be made according to the general placement type or
15 level of care provided, as defined by the department, and prorated according to the
16 ratio of the amount designated under s. ~~48.526~~ sub. (3) (c) to the total applicable
17 estimated costs of care, services, and supplies provided by the department of
18 ~~corrections~~ children and families under ss. 938.183 and 938.34 and the department
19 of health services under s. 46.057 or 51.35 (3).

20 **SECTION 159.** 301.26 (4) (bm) of the statutes is renumbered 938.526 (4) (bm)
21 and amended to read:

22 938.526 (4) (bm) Notwithstanding par. (b), the county department ~~under s.~~
23 ~~46.215, 46.22, or 46.23~~ of the county of residency of a juvenile who has been
24 adjudicated delinquent by a court of another county or by a court of another
25 multicounty jurisdiction may voluntarily assume liability for the costs payable

SENATE BILL 378

1 under par. (a). A county department may assume liability under this paragraph by
2 a written agreement signed by the director of the county department that assumes
3 liability under this paragraph and the director of the county department that is
4 otherwise liable under par. (b).

5 **SECTION 160.** 301.26 (4) (c) of the statutes is renumbered 938.526 (4) (c) and
6 amended to read:

7 938.526 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
8 corrections shall pay, from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (hm), (ho).
9 or (hr), the costs of care, services, and supplies provided for each person receiving
10 services under s. 46.057, 51.35 (3), 938.183, or 938.34 who was under the
11 guardianship of the department of children and families pursuant to an order under
12 ch. 48 at the time that the person was adjudicated delinquent.

13 **SECTION 161.** 301.26 (4) (cm) 1. of the statutes, as affected by 2015 Wisconsin
14 Act 55, is renumbered 938.526 (4) (cm) 1. and amended to read:

15 938.526 (4) (cm) 1. Notwithstanding pars. (a), (b), and (bm), the department
16 shall transfer funds from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (cg) to the
17 appropriations under s. ~~20.410 (3)~~ 20.437 (4) (hm), (ho), and (hr) for the purpose of
18 reimbursing juvenile correctional facilities, secured residential care centers for
19 children and youth, alternate care providers, and community supervision providers
20 for costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of
21 age or over who has been placed in a juvenile correctional facility based on a
22 delinquent act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999
23 stats., or s. 948.36, 1999 stats., or s. 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225
24 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2),
25 948.02 (1), 948.025 (1), or 948.30 (2), that is a conspiracy to commit any of those

SENATE BILL 378

1 violations, or that is an attempted violation of s. 943.32 (2) and for the care of any
2 juvenile 10 years of age or over who has been placed in a juvenile correctional facility
3 or secured residential care center for children and youth for attempting or
4 committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

5 **SECTION 162.** 301.26 (4) (cm) 3. of the statutes is renumbered 938.526 (4) (cm)
6 3.

7 **SECTION 163.** 301.26 (4) (ct) of the statutes is renumbered 938.526 (4) (ct) and
8 amended to read:

9 938.526 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52,
10 20.002 (11), and 20.903, if there is a deficit in the appropriation account under s.
11 ~~20.410 (3)~~ 20.437 (4) (hm) at the close of a fiscal year, any unencumbered balance in
12 the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (ho) at the close of that fiscal
13 year, less the amounts required by s. ~~20.410 (3)~~ 20.437 (4) (ho) to be remitted to
14 counties or transferred to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4)
15 (kx), and any unencumbered balance in the appropriation account under s. ~~20.410~~
16 ~~(3)~~ 20.437 (4) (hr) at the close of that fiscal year, shall be transferred to the
17 appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm), up to the amount that
18 when added to other amounts credited to that appropriation account in that fiscal
19 year equals the amount shown in the schedule under s. 20.005 (3) for that
20 appropriation account for that fiscal year.

21 2. The total amount transferred at the end of a fiscal year under subd. 1. may
22 not exceed the amount of the deficit in the appropriation account under s. ~~20.410 (3)~~
23 20.437 (4) (hm) for that fiscal year, and if that deficit is less than the total amount
24 of the unencumbered balances available for transfer under subd. 1., the amount
25 transferred from the appropriation accounts under s. ~~20.410 (3)~~ 20.437 (4) (ho) and

SENATE BILL 378

1 (hr) shall be in proportion to the respective unencumbered balance available for
2 transfer from each of those appropriation accounts.

3 **SECTION 164.** 301.26 (4) (cx) of the statutes is renumbered 938.526 (4) (cx) and
4 amended to read:

5 938.526 (4) (cx) If, notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903,
6 there is a deficit in the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm) at
7 the close of a fiscal biennium, the governor shall, to address that deficit, increase
8 each of the rates specified under s. 301.26 (4) (d) 2. and 3. for care in a Type 1 juvenile
9 correctional facility and for care for juveniles transferred from a correctional
10 institution by \$6, in addition to any increase due to actual costs, in the executive
11 budget bill for each fiscal biennium, until the deficit under s. ~~20.410 (3)~~ 20.437 (4)
12 (hm) is eliminated.

13 **SECTION 165.** 301.26 (4) (d) 1. of the statutes is renumbered 938.526 (4) (d) 1.
14 and amended to read:

15 938.526 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s.
16 938.34, all payments and deductions made under this subsection and uniform fee
17 collections made under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation
18 account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

19 **SECTION 166.** 301.26 (4) (d) 1m. of the statutes is renumbered 938.526 (4) (d)
20 1m. and amended to read:

21 938.526 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under s.
22 938.183, all payments and deductions made under this subsection and uniform fee
23 collections made under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation
24 account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

SENATE BILL 378

1 **SECTION 167.** 301.26 (4) (d) 2. of the statutes, as affected by 2015 Wisconsin Act
2 55, section 4270, is renumbered 938.526 (4) (d) 2. and amended to read:

3 938.526 (4) (d) 2. Beginning on July 1, 2017, and ending on June 30, 2018, the
4 per person daily cost assessment to counties shall be \$284 for care in a Type 1
5 juvenile correctional facility, ~~as defined in s. 938.02 (19)~~, and \$284 for care for
6 juveniles transferred from a juvenile correctional institution under s. 51.35 (3).

7 **SECTION 168.** 301.26 (4) (d) 3. of the statutes, as affected by 2015 Wisconsin Act
8 55, section 4272, is renumbered 938.526 (4) (d) 3. and amended to read:

9 938.526 (4) (d) 3. Beginning on July 1, 2018, and ending on June 30, 2019, the
10 per person daily cost assessment to counties shall be \$292 for care in a Type 1
11 juvenile correctional facility, ~~as defined in s. 938.02 (19)~~, and \$292 for care for
12 juveniles transferred from a juvenile correctional institution under s. 51.35 (3).

13 **SECTION 169.** 301.26 (4) (d) 4. of the statutes is renumbered 938.526 (4) (d) 4.
14 and amended to read:

15 938.526 (4) (d) 4. The per person daily cost assessment to counties for care in
16 a foster home, group home, or residential care center for children and youth shall be
17 an amount equal to the amount the provider charges the department for that care
18 as authorized by the department of ~~children and families~~.

19 **SECTION 170.** 301.26 (4) (d) 5. of the statutes, as created by 2015 Wisconsin Act
20 55, is renumbered 938.526 (4) (d) 5.

21 **SECTION 171.** 301.26 (4) (dt) of the statutes is renumbered 938.526 (4) (dt) and
22 amended to read:

23 938.526 (4) (dt) Except as provided in pars. (e) to (g), for serious juvenile
24 offender services, all uniform fee collections under s. ~~301.03 (18)~~ 49.32 (1) shall be
25 credited to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

SENATE BILL 378

1 **SECTION 172.** 301.26 (4) (e) of the statutes is renumbered 938.526 (4) (e) and
2 amended to read:

3 938.526 (4) (e) For alternate care services for delinquent juveniles under ss.
4 49.19 (10) (d), ~~938.48 (4)~~ 938.485 (8) and (14), and 938.52 all payments and
5 deductions made under this subsection and uniform fee collections under s. ~~301.03~~
6 ~~(18)~~ 49.32 (1) shall be credited to the appropriation account under s. ~~20.410 (3)~~ 20.437
7 (4) (ho).

8 **SECTION 173.** 301.26 (4) (ed) of the statutes is renumbered 938.526 (4) (ed) and
9 amended to read:

10 938.526 (4) (ed) For alternate care services for serious juvenile offenders under
11 ss. 49.19 (10) (d), ~~938.48 (4)~~ 938.485 (8) and (14), and 938.52 all uniform fee
12 collections under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation
13 account under s. ~~20.410 (3)~~ 20.437 (4) (ho).

14 **SECTION 174.** 301.26 (4) (eg) of the statutes, as affected by 2015 Wisconsin Act
15 55, is renumbered 938.526 (4) (eg) and amended to read:

16 938.526 (4) (eg) For community supervision services under s. 938.533 (2), all
17 payments and deductions made under this subsection and uniform fee collections
18 under s. ~~301.03 (18)~~ 49.32 (1) shall be credited to the appropriation account under
19 s. ~~20.410 (3)~~ 20.437 (4) (hr).

20 **SECTION 175.** 301.26 (4) (f) of the statutes is renumbered 938.526 (4) (f).

21 **SECTION 176.** 301.26 (4) (g) of the statutes, as affected by 2015 Wisconsin Act
22 55, is renumbered 938.526 (4) (g) and amended to read:

23 938.526 (4) (g) For juvenile institutional services under ch. 938 and for the
24 office of juvenile offender review, all payments and deductions made under this

SENATE BILL 378

1 subsection and uniform fee collections under s. ~~301.03 (18)~~ 49.32 (1) shall be credited
2 to the appropriation account under s. ~~20.410 (3)~~ 20.437 (4) (hm).

3 **SECTION 177.** 301.27 (1) of the statutes is amended to read:

4 301.27 (1) CHARGES. In compliance with the compensation plan established
5 under s. 230.12 (3), the department may make and determine charges for meals,
6 living quarters, laundry, and other services furnished to employees of the state
7 correctional institutions and members of the employee's family maintained as such.
8 All moneys received from each person on account of these services shall be used for
9 operation of the institutions under s. 20.410 (1) (a) ~~and (3) (a) and (hm)~~. If a chaplain
10 employed in any institution administered by the department is not furnished a
11 residence by the state, \$1,800 or ~~20%~~ 20 percent of the chaplain's salary, whichever
12 is greater, is designated as his or her housing allowance.

13 **SECTION 178.** 301.335 of the statutes is renumbered 938.54 (2) and amended
14 to read:

15 938.54 (2) TREATMENT RECORDS. Section 51.30 applies to treatment records, as
16 defined in s. 51.30 (1) (b), maintained by the department ~~of corrections~~ in regard to
17 ~~children juveniles who have been~~ adjudged delinquent. The department has the
18 same authority, including rule-making authority, with regard to treatment records
19 maintained by the department that is granted to the department of health services
20 under s. 51.30.

21 **SECTION 179.** 301.35 (2) (e) of the statutes is repealed.

22 **SECTION 180.** 301.36 (1) of the statutes is amended to read:

23 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
24 supervise all of the state prisons under s. 302.01, ~~all juvenile correctional facilities,~~
25 ~~all secured residential care centers for children and youth, and all juvenile detention~~

SENATE BILL 378

1 facilities and familiarize itself with all of the circumstances affecting their
2 management and usefulness.

3 **SECTION 181.** 301.37 (1) of the statutes is amended to read:

4 301.37 (1) The department shall fix reasonable standards and regulations for
5 the design, construction, repair, and maintenance of all houses of correction,
6 reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30,
7 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
8 lockup facilities, as defined in s. 302.30, work camps under s. 303.10, and Huber
9 facilities under s. 303.09, ~~and, after consulting with the department of children and~~
10 ~~families, all juvenile detention facilities,~~ with respect to their adequacy and fitness
11 for the needs which they are to serve.

12 **SECTION 182.** 301.37 (5) of the statutes is renumbered 938.227 (4).

13 **SECTION 183.** 302.31 (7) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is amended to read:

15 302.31 (7) The temporary placement of persons in the custody of the
16 department, other than persons under 17 years of age, and persons who have
17 attained the age of 17 years but have not attained the age of 25 years who are under
18 the supervision of the department of children and families under s. 938.355 (4) and
19 who have been taken into custody pending revocation of community supervision or
20 aftercare supervision under s. 938.357 (5) (e).

21 **SECTION 184.** 302.386 (1) of the statutes is amended to read:

22 302.386 (1) Except as provided in sub. (5), liability for medical and dental
23 services furnished to residents housed in prisons identified in s. 302.01, ~~in a juvenile~~
24 ~~correctional facility, or in a secured residential care center for children and youth, or~~
25 to forensic patients in state institutions for those services that are not provided by

SENATE BILL 378

1 employees of the department shall be limited to the amounts payable under ss. 49.43
2 to 49.471, excluding ss. 49.468 and 49.471 (11), for similar services. The department
3 may waive any such limit if it determines that needed services cannot be obtained
4 for the applicable amount. No provider of services may bill the resident or patient
5 for the cost of services exceeding the amount of the liability under this subsection.

6 **SECTION 185.** 302.386 (2) (intro.) of the statutes is amended to read:

7 302.386 (2) (intro.) The liability of the state for medical and dental services
8 under sub. (1) does not extend to that part of the medical or dental services of a
9 resident housed in a prison identified in s. 302.01, ~~a juvenile correctional facility, or~~
10 ~~a secured residential care center for children and youth,~~ for which any of the
11 following applies:

12 **SECTION 186.** 302.386 (3) (a) of the statutes is amended to read:

13 302.386 (3) (a) Except as provided in par. (b), the department may require a
14 resident housed in a prison identified in s. 302.01 ~~or in a juvenile correctional facility~~
15 who receives medical or dental services to pay a deductible, coinsurance, copayment,
16 or similar charge upon the medical or dental service that he or she receives. The
17 department shall collect the allowable deductible, coinsurance, copayment, or
18 similar charge.

19 **SECTION 187.** 302.386 (5) (c) of the statutes, as affected by 2015 Wisconsin Act
20 55, is repealed.

21 **SECTION 188.** 302.386 (5) (d) of the statutes is repealed.

22 **SECTION 189.** 303.01 (2) (em) of the statutes is amended to read:

23 303.01 (2) (em) Lease space, with or without equipment, within the precincts
24 of state prisons, as specified in s. 302.02, ~~or within the confines of correctional~~
25 ~~institutions operated by the department for holding in secure custody persons~~

SENATE BILL 378

1 adjudged delinquent, to not more than 2 private businesses to employ prison inmates
2 and institution residents to manufacture products or components or to provide
3 services for sale on the open market. The department shall comply with s. 16.75 in
4 selecting businesses under this paragraph. The department may enter into a
5 contract under this paragraph only with the approval of the joint committee on
6 finance. The department may not enter into or amend a contract under this
7 paragraph unless the contract or amendment specifies each state prison or juvenile
8 correctional institution at which the private business will employ inmates or
9 institution residents. The department shall consult with appropriate trade
10 organizations and labor unions prior to issuing requests for proposals and prior to
11 selecting proposals under this paragraph. Each such private business may conduct
12 its operations as a private business, subject to the wage standards under sub. (4), the
13 disposition of earnings under sub. (8), the provisions regarding displacement in sub.
14 (11), the requirements for notification and hearing under sub. (1) (c), the requirement
15 for prison industries board approval under s. 303.015 (1) (b) and the authority of the
16 department to maintain security and control in its institutions. The private business
17 and its operations are not a prison industry. Inmates employed by the private
18 business are not subject to the requirements of inmates participating in prison
19 industries, except as provided in this paragraph;

20 **SECTION 190.** 303.01 (11) (a) 1. of the statutes is amended to read:

21 303.01 (11) (a) 1. "Displace an employee" means to lay off an employee in this
22 state as a direct result of work being performed in a state prison or juvenile
23 correctional institution under a prison contract or to permanently transfer an
24 employee in this state to another job that reduces the employee's base pay, excluding
25 overtime, differentials, and bonuses, by more than ~~25%~~ 25 percent as a direct result

SENATE BILL 378

1 of work being performed in a state prison ~~or juvenile correctional institution~~ under
2 a prison contract.

3 **SECTION 191.** 701.0503 (2) (intro.) of the statutes is amended to read:

4 701.0503 (2) CLAIMS FOR PUBLIC SUPPORT. (intro.) Notwithstanding s. 701.0502
5 and except as provided in sub. (3), if the settlor is legally obligated to pay for the
6 public support of a beneficiary under s. 46.10, or 49.345, ~~or 301.12~~ or the beneficiary
7 is legally obligated to pay for the beneficiary's public support or for support furnished
8 to the beneficiary's spouse or minor child under s. 46.10, or 49.345, ~~or 301.12~~, upon
9 application by the appropriate state department or county official, the court may do
10 any of the following:

11 **SECTION 192.** 767.59 (1f) (b) 4. of the statutes is amended to read:

12 767.59 (1f) (b) 4. A difference between the amount of child support ordered by
13 the court to be paid by the payer and the amount that the payer would have been
14 required to pay based on the percentage standard established by the department
15 under s. 49.22 (9) if the court did not use the percentage standard in determining the
16 child support payments and did not provide the information required under s. 46.10
17 (14) (d), 49.345 (14) (d), ~~301.12 (14) (d)~~, or 767.511 (1n), whichever is appropriate.

18 **SECTION 193.** 767.59 (2) (c) of the statutes is amended to read:

19 767.59 (2) (c) If the court revises a judgment or order providing for child support
20 that was entered under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2),
21 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a) or 938.363 (2), the court
22 shall determine child support in the manner provided in s. 49.345 (14) ~~or 301.12 (14)~~,
23 ~~whichever is applicable.~~

24 **SECTION 194.** 767.59 (2s) of the statutes is amended to read:

SENATE BILL 378

1 767.59 (2s) STIPULATION FOR REVISION OF SUPPORT. In an action under sub. (1c),
2 the court may not approve a stipulation for the revision of a judgment or order with
3 respect to an amount of child support or family support unless the stipulation
4 provides for payment of an amount of child support or family support that is
5 determined in the manner required under s. 46.10 (14), 49.345 (14), ~~301.12 (14)~~,
6 767.511, 767.805 (4), or 767.89, whichever is appropriate.

7 **SECTION 195.** 859.07 (2) (a) 2. of the statutes is amended to read:

8 859.07 (2) (a) 2. The decedent was responsible for any obligation owing to the
9 state or a county under s. 46.03 (18), 46.10, 48.36, 49.32 (1), 49.345, ~~301.03 (18)~~,
10 ~~301.12~~, or 938.36.

11 **SECTION 196.** 859.15 of the statutes is amended to read:

12 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),
13 49.08, 49.195 (1), and 49.345 (11), and ~~301.12 (11)~~, a claim shall not be allowed that
14 was barred by any statute of limitations at the time of the decedent's death. A claim
15 shall not be barred by statutes of limitation that was not barred at the time of the
16 decedent's death if the claim is filed against the decedent's estate in the court on or
17 before the deadline for filing a claim under s. 859.01.

18 **SECTION 197.** 938.02 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
19 section 4646b, 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 under the supervision of the department
22 of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (4),
23 "department" means the department of corrections.

24 **SECTION 198.** 938.02 (10r) of the statutes is amended to read:

SENATE BILL 378

1 938.02 (10r) “Juvenile detention facility” means a locked facility approved by
2 the department of ~~corrections~~ under s. 301.36 938.226 for the secure, temporary
3 holding in custody of juveniles.

4 **SECTION 199.** 938.02 (12r) of the statutes is amended to read:

5 938.02 (12r) “Out-of-home care provider” means a foster parent, guardian,
6 relative other than a parent, or nonrelative in whose home a juvenile is placed, or the
7 operator of a group home, residential care center for children and youth, or shelter
8 care facility in which a juvenile is placed, under the placement and care
9 responsibility of the department of children and families, ~~the department of~~
10 ~~corrections~~, or a county department. “Out-of-home care provider” also includes, in
11 the case of a juvenile placed in a group home, residential care center for children and
12 youth, or shelter care facility, a staff member employed on the site of that home,
13 center, or facility who has been designated by the operator of that home, center, or
14 facility as an out-of-home care provider for purposes of making decisions concerning
15 the juvenile’s participation in age or developmentally appropriate activities.

16 **SECTION 200.** 938.02 (19r) of the statutes is amended to read:

17 938.02 (19r) “Type 2 residential care center for children and youth” means a
18 residential care center for children and youth that is designated by the department
19 ~~of corrections~~ to provide care and maintenance for juveniles who have been placed
20 in the residential care center for children and youth under the supervision of a county
21 department under s. 938.34 (4d).

22 **SECTION 201.** 938.06 (4) of the statutes is amended to read:

23 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related
24 court services under this section shall be at the same net effective rate that each
25 county is reimbursed for county administration under s. 48.569, except as provided

SENATE BILL 378

1 in s. ~~48.526~~ 938.526. Counties having a population of less than 750,000 may use
2 funds received under ss. 48.569 (1) (d) and ~~48.526~~ 938.526, including county or
3 federal revenue sharing funds allocated to match funds received under s. 48.569 (1)
4 (d), for the cost of providing court attached intake services in amounts not to exceed
5 50 percent of the cost of providing court attached intake services or \$30,000 per
6 county per calendar year, whichever is less.

7 **SECTION 202.** 938.069 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
8 Act 55, section 4648bm, is amended to read:

9 938.069 (1) DUTIES. (intro.) The staff of the department of ~~corrections~~ shall
10 provide community supervision services for juveniles as provided in s. 938.533.
11 Subject to sub. (2), the staff of the department of ~~corrections~~, the court, a county
12 department, or a licensed child welfare agency designated by the court to carry out
13 the objectives of this chapter shall:

14 **SECTION 203.** 938.069 (2) of the statutes is amended to read:

15 938.069 (2) AGENCY APPROVAL NEEDED. Licensed child welfare agencies and the
16 department of ~~corrections~~ shall provide services under this section only upon the
17 approval of the agency from whom services are requested.

18 **SECTION 204.** 938.08 (3) (a) (intro.) of the statutes is amended to read:

19 938.08 (3) (a) (intro.) In addition to the law enforcement authority under sub.
20 (2), personnel of the department of ~~corrections~~ designated by ~~that~~ the department
21 and personnel of an agency contracted with under s. ~~301.08 (1) (b) 3.~~ 938.485 (18) (b)
22 and designated by agreement between the agency and the department of ~~corrections~~
23 have the power of law enforcement authorities to take a juvenile into physical
24 custody under the following conditions:

SENATE BILL 378

1 **SECTION 205.** 938.205 (1) (c) of the statutes, as affected by 2015 Wisconsin Act
2 55, section 4653bm, is amended to read:

3 938.205 (1) (c) That the juvenile will run away or be taken away so as to be
4 unavailable for proceedings of the court or its officers, proceedings of the division of
5 hearings and appeals in the department of administration for revocation of
6 community supervision or aftercare supervision, or action by the department of
7 ~~corrections~~ or county department relating to a violation of a condition of the juvenile's
8 placement in a Type 2 juvenile correctional facility or a Type 2 residential care center
9 for children and youth or a condition of the juvenile's participation in the intensive
10 supervision program under s. 938.534.

11 **SECTION 206.** 938.208 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
12 Act 55, section 4654bm, is amended to read:

13 938.208 (1) **DELINQUENT ACT AND RISK OF HARM OR RUNNING AWAY.** (intro.)
14 Probable cause exists to believe that the juvenile has committed a delinquent act and
15 either presents a substantial risk of physical harm to another person or a substantial
16 risk of running away so as to be unavailable for a court hearing, a revocation of
17 community supervision or aftercare supervision hearing, or action by the
18 department of ~~corrections~~ or county department relating to a violation of a condition
19 of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2
20 residential care center for children and youth or a condition of the juvenile's
21 participation in the intensive supervision program under s. 938.534. For juveniles
22 who have been adjudged delinquent, the delinquent act referred to in this section
23 may be the act for which the juvenile was adjudged delinquent. If the intake worker
24 determines that any of the following conditions applies, the juvenile is considered to
25 present a substantial risk of physical harm to another person:

SENATE BILL 378

1 **SECTION 207.** 938.209 (1) (a) (intro.) of the statutes is amended to read:

2 938.209 (1) (a) (intro.) No other juvenile detention facility approved by the
3 department of ~~corrections~~ or a county is available and all of the following conditions
4 are met:

5 **SECTION 208.** 938.209 (1) (a) 1. of the statutes is amended to read:

6 938.209 (1) (a) 1. The jail meets the standards for juvenile detention facilities
7 established by the department of ~~corrections~~.

8 **SECTION 209.** 938.209 (2m) (b) of the statutes is amended to read:

9 938.209 (2m) (b) The department of ~~corrections~~ shall promulgate rules
10 establishing minimum requirements for the approval of a municipal lockup facility
11 as a suitable place for holding juveniles in custody and for the operation of such a
12 facility. The rules shall be designed to protect the health, safety, and welfare of the
13 juveniles held in those facilities.

14 **SECTION 210.** 938.22 (1) (a) of the statutes is amended to read:

15 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of a
16 county may establish a juvenile detention facility in accordance with ss. ~~301.36 and~~
17 ~~301.37~~ 938.226 and 938.227 or the county boards of supervisors for 2 or more counties
18 may jointly establish a juvenile detention facility in accordance with ss. 46.20,
19 ~~301.36, and 301.37~~ 938.226, and 938.227. The county board of supervisors of a county
20 may establish a shelter care facility in accordance with ss. 48.576 and 48.578 or the
21 county boards of supervisors for 2 or more counties may jointly establish a shelter
22 care facility in accordance with ss. 46.20, 48.576, and 48.578. A private entity may
23 establish a juvenile detention facility in accordance with ss. ~~301.36 and 301.37~~
24 938.226 and 938.227 and contract with one or more county boards of supervisors
25 under s. 938.222 to hold juveniles in the private juvenile detention facility.

SENATE BILL 378

1 **SECTION 211.** 938.22 (2) (a) of the statutes is amended to read:

2 938.22 (2) (a) Counties shall submit plans for a shelter care facility, juvenile
3 detention facility, or juvenile portion of the county jail to the department of
4 corrections and submit plans for a shelter care facility to the department of children
5 and families. A private entity that proposes to establish a juvenile detention facility
6 shall submit plans for the facility to the department of corrections. The applicable
7 department shall review the submitted plans. A county or a private entity may not
8 implement a plan unless the applicable department has approved the plan. The
9 department of corrections shall promulgate rules establishing minimum
10 requirements for the approval and operation of juvenile detention facilities and the
11 juvenile portion of county jails. The plans and rules shall be designed to protect the
12 health, safety, and welfare of the juveniles placed in those facilities.

13 **SECTION 212.** 938.22 (2) (b) of the statutes is amended to read:

14 938.22 (2) (b) If the department of corrections approves, a juvenile detention
15 facility or a holdover room may be located in a public building in which there is a jail
16 or other facility for the detention of adults if the juvenile detention facility or
17 holdover room is physically segregated from the jail or other facility so that juveniles
18 may enter the juvenile detention facility or holdover room without passing through
19 areas where adults are confined and juveniles detained in the juvenile detention
20 facility or holdover room cannot communicate with or view adults confined in the jail
21 or other facility.

22 **SECTION 213.** 938.222 (2) (a) 1. of the statutes is amended to read:

23 938.222 (2) (a) 1. That the private juvenile detention facility meet or exceed the
24 minimum requirements for the approval and operation of a juvenile detention
25 facility established by the department of corrections by rule under s. 938.22 (2) (a)

SENATE BILL 378

1 and that the private juvenile detention facility be approved by the department under
2 s. ~~301.36~~ 938.226.

3 **SECTION 214.** 938.222 (2) (b) 3. of the statutes is amended to read:

4 938.222 (2) (b) 3. An agreement that the private juvenile detention facility is
5 subject to investigation and inspection by the department of ~~corrections~~ under s.
6 ~~301.36~~ 938.226.

7 **SECTION 215.** 938.222 (2) (b) 4. of the statutes is amended to read:

8 938.222 (2) (b) 4. Any other matters that are necessary and appropriate
9 concerning the obligations, responsibilities, and rights of the contracting counties
10 and the department of ~~corrections~~.

11 **SECTION 216.** 938.223 (2) (a) 1. of the statutes is amended to read:

12 938.223 (2) (a) 1. That the Minnesota juvenile detention facility meet or exceed
13 the minimum requirements for the approval and operation of a Wisconsin juvenile
14 detention facility established by the department of ~~corrections~~ by rule under s.
15 938.22 (2) (a) and that the Minnesota juvenile detention facility be approved by the
16 department under s. ~~301.36~~ 938.226.

17 **SECTION 217.** 938.223 (2) (b) 3. of the statutes is amended to read:

18 938.223 (2) (b) 3. An agreement that the Minnesota juvenile detention facility
19 is subject to investigation and inspection by the department of ~~corrections~~ under s.
20 ~~301.36~~ 938.226.

21 **SECTION 218.** 938.223 (2) (b) 4. of the statutes is amended to read:

22 938.223 (2) (b) 4. Any other matters that are necessary and appropriate
23 concerning the obligations, responsibilities, and rights of the contracting counties
24 and the department of ~~corrections~~.

25 **SECTION 219.** 938.224 (1) of the statutes is amended to read:

SENATE BILL 378

1 938.224 (1) USES OF FACILITIES. The county board of supervisors of a county may
2 contract with the department of ~~corrections~~ for the use of a juvenile correctional
3 facility operated by ~~that~~ the department for the holding of juveniles who meet the
4 criteria under s. 48.208, 938.17 (1), 938.183 (1m) (a), or 938.208 or who are subject
5 to a disposition under s. 938.17 (1) (b) or 938.34 (3) (f), a sanction under s. 938.355
6 (6) (d) 1., or short-term detention under s. 938.355 (6d) or 938.534 (1).

7 **SECTION 220.** 938.224 (2) (a) 1. of the statutes is amended to read:

8 938.224 (2) (a) 1. There is no county-operated juvenile detention facility
9 approved by the department of ~~corrections~~ within 40 miles of the county seat of the
10 county.

11 **SECTION 221.** 938.224 (2) (a) 2. of the statutes is amended to read:

12 938.224 (2) (a) 2. There is no bed space available in a county-operated juvenile
13 detention facility approved by the department of ~~corrections~~ within 40 miles of the
14 county seat of the county.

15 **SECTION 222.** 938.224 (2) (b) of the statutes is amended to read:

16 938.224 (2) (b) That the county may use a juvenile correctional facility for
17 holding a juvenile under sub. (1) only if the department of ~~corrections~~ approves that
18 use based on the availability of beds in the juvenile correctional facility and on the
19 programming needs of the juvenile.

20 **SECTION 223.** 938.224 (3) (a) of the statutes is amended to read:

21 938.224 (3) (a) The per person daily rate to be paid by the county for holding
22 a juvenile under sub. (1) and the charges to be paid by the county for any
23 extraordinary medical and dental expenses and any programming provided for the
24 juvenile by the department of ~~corrections~~.

25 **SECTION 224.** 938.224 (3) (b) of the statutes is amended to read:

SENATE BILL 378

1 938.224 (3) (b) Any other matters that are necessary and appropriate
2 concerning the obligations, responsibilities, and rights of the contracting county and
3 the department of ~~corrections~~.

4 **SECTION 225.** 938.224 (4) of the statutes is amended to read:

5 938.224 (4) SUPERVISION AND CONTROL OF JUVENILES. A juvenile held in custody
6 under sub. (1) is under the supervision and control of the department of ~~corrections~~
7 and is subject to the rules and discipline of ~~that~~ the department.

8 **SECTION 226.** 938.225 of the statutes is amended to read:

9 **938.225 Statewide plan for juvenile detention facilities.** The department
10 of ~~corrections~~ shall assist counties in establishing juvenile detention facilities under
11 s. 938.22 by developing and promulgating a statewide plan for the establishment and
12 maintenance of suitable juvenile detention facilities reasonably accessible to each
13 court.

14 **SECTION 227.** 938.226 of the statutes is created to read:

15 **938.226 Secure juvenile facilities; general supervision and inspection**
16 **by department.** (1) **GENERALLY.** The department shall investigate and supervise
17 all juvenile correctional facilities, all secured residential care centers for children
18 and youth, and all juvenile detention facilities and familiarize itself with all the
19 circumstances affecting their management and usefulness.

20 (2) **INSPECTIONS.** The department shall inquire into the methods of treatment,
21 instruction, government, and management of children placed in the facilities
22 specified in sub. (1); the conduct of the trustees, managers, directors,
23 superintendents, and other officers and employees of those facilities; the condition
24 of the buildings, grounds, and all other property pertaining to those facilities; and
25 all other matters pertaining to the usefulness and management of those facilities;

SENATE BILL 378

1 and recommend to the officers in charge such changes and additional provisions as
2 the department considers proper.

3 (3) FREQUENCY OF INSPECTIONS. The department shall inspect and investigate
4 each facility specified in sub. (1) at least annually and, when directed by the governor,
5 the department shall conduct a special investigation into such a facility's
6 management, or anything connected with its management, and report to the
7 governor the testimony taken, the facts found, and the conclusions drawn.

8 (4) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon request
9 of the department, the attorney general or the district attorney of the proper county
10 shall aid in any investigation, inspection, hearing, or trial held under the provisions
11 of this chapter relating to powers of the department, and shall institute and
12 prosecute all necessary actions or proceedings for the enforcement of those
13 provisions and for the punishment of violations of those provisions. The attorney
14 general or district attorney so requested shall report or confer with the department
15 regarding the request, within 30 days after the receipt of the request.

16 (5) OPPORTUNITY TO INSPECT. All trustees, managers, directors,
17 superintendents, and other officers or employees of a facility specified in sub. (1)
18 shall at all times afford to every member of the department and its agents
19 unrestrained facility access for inspection of and free access to all parts of the
20 buildings and grounds and to all books and papers of the facility, and shall give,
21 either verbally or in writing, such information as the department requires. Any
22 person who violates this subsection shall forfeit not less than \$10 nor more than
23 \$100.

24 (6) TESTIMONIAL POWER; EXPENSES. The department or any person delegated by
25 the department may administer oaths, take testimony, and cause depositions to be

SENATE BILL 378

1 taken. All expenses of the investigations, including fees of officers and witnesses,
2 shall be charged to the appropriation for the department.

3 (7) STATISTICS TO BE FURNISHED. Whenever the department is required to collect
4 statistics relating to a facility specified in sub. (1), the facility shall furnish the
5 required statistics on request.

6 **SECTION 228.** 938.227 of the statutes is created to read:

7 **938.227 Juvenile detention facilities; establishment, approval,**
8 **inspection.** (1) The department shall fix reasonable standards and regulations for
9 the design, construction, repair, and maintenance of juvenile detention facilities,
10 with respect to their adequacy and fitness for the needs that they are to serve.

11 (2) The selection and purchase of the site, and the plans, specifications, and
12 erection of buildings for juvenile detention facilities shall be subject to the review and
13 approval of the department. Department review shall include review of the proposed
14 program to be carried out by the juvenile detention facility.

15 (3) Before any juvenile detention facility is occupied, and at least annually
16 thereafter, the department shall inspect the juvenile detention facility, with respect
17 to safety, sanitation, adequacy, and fitness, report to the authorities managing the
18 juvenile detention facility any deficiency found, and order the necessary work to
19 correct that deficiency. If within 6 months after the inspection the work is not
20 commenced, or not completed within a reasonable period after commencement of the
21 work, to the satisfaction of the department, the department shall suspend the
22 allowance of state aid for, and prohibit the use of, the juvenile detention facility until
23 the order is complied with.

24 **SECTION 229.** 938.23 (1m) (a) of the statutes is amended to read:

SENATE BILL 378

1 938.23 **(1m)** (a) A juvenile alleged to be delinquent under s. 938.12 or held in
2 a juvenile detention facility shall be represented by counsel at all stages of the
3 proceedings. A juvenile 15 years of age or older may waive counsel if the court is
4 satisfied that the waiver is knowingly and voluntarily made and the court accepts
5 the waiver. If the waiver is accepted, the court may not place the juvenile in a juvenile
6 correctional facility or a secured residential care center for children and youth,
7 transfer supervision of the juvenile to the department of corrections for participation
8 in the serious juvenile offender program, or transfer jurisdiction over the juvenile to
9 adult court.

10 **SECTION 230.** 938.295 (2) (c) of the statutes is amended to read:

11 938.295 **(2)** (c) A county that pays the cost of an examination under par. (a) may
12 recover a reasonable contribution toward that cost from the juvenile's parent or
13 guardian, based on the ability of the parent or guardian to pay. If the examination
14 is provided or otherwise funded by the county department under s. 46.215, 46.22, or
15 46.23, the county department shall collect the contribution of the parent or guardian
16 as provided in s. ~~301.03 (18)~~ 49.32 (1). If the examination is provided or otherwise
17 funded by the county department under s. 51.42 or 51.437, the county department
18 shall collect the contribution of the parent or guardian as provided in s. 46.03 (18).

19 **SECTION 231.** 938.296 (6) of the statutes is amended to read:

20 938.296 **(6)** PAYMENT FOR TEST COSTS. The court may order the county to pay for
21 the cost of a test or series of tests ordered under sub. (4) or (5). This subsection does
22 not prevent recovery of reasonable contribution toward the cost of that test or series
23 of tests from the parent or guardian of the juvenile as the court may order based on
24 the ability of the parent or guardian to pay. This subsection is subject to s. ~~301.03~~
25 ~~(18)~~ 49.32 (1).

SENATE BILL 378

1 **SECTION 232.** 938.30 (6) (b) of the statutes is amended to read:

2 938.30 **(6)** (b) If it appears to the court that disposition of the case may include
3 placement of the juvenile outside the juvenile's home, the court shall order the
4 juvenile's parent to provide a statement of the income, assets, debts, and living
5 expenses of the juvenile and the juvenile's parent to the court or the designated
6 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
7 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
8 provide, without charge, to any parent ordered to provide that statement a document
9 setting forth the percentage standard established by the department of children and
10 families under s. 49.22 (9) and the manner of its application established by the
11 department of corrections under s. ~~301.12~~ 49.345 (14) (g) and listing the factors under
12 s. ~~301.12~~ 49.345 (14) (c).

13 **SECTION 233.** 938.31 (7) (b) of the statutes is amended to read:

14 938.31 **(7)** (b) If it appears to the court that disposition of the case may include
15 placement of the juvenile outside the juvenile's home, the court shall order the
16 juvenile's parent to provide a statement of the income, assets, debts, and living
17 expenses of the juvenile and the juvenile's parent, to the court or the designated
18 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
19 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
20 provide, without charge, to any parent ordered to provide the statement a document
21 setting forth the percentage standard established by the department of children and
22 families under s. 49.22 (9) and the manner of its application established by the
23 department of corrections under s. ~~301.12~~ 49.345 (14) (g) and listing the factors under
24 s. ~~301.12~~ 49.345 (14) (c).

25 **SECTION 234.** 938.33 (4m) (intro.) of the statutes is amended to read:

SENATE BILL 378

1 938.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In
2 making a recommendation for an amount of child support under sub. (3) or (4), the
3 agency shall consider the factors under s. ~~301.12~~ 49.345 (14) (c). At or before the
4 dispositional hearing under s. 938.335, the agency shall provide the juvenile's parent
5 with all of the following:

6 **SECTION 235.** 938.33 (4m) (b) of the statutes is amended to read:

7 938.33 (4m) (b) A written explanation of how the parent may request that the
8 court modify the amount of child support under s. ~~301.12~~ 49.345 (14) (c).

9 **SECTION 236.** 938.34 (2) (a) of the statutes is amended to read:

10 938.34 (2) (a) Place the juvenile under the supervision of an agency, the
11 department of corrections, if that the department approves, or a suitable adult,
12 including a friend of the juvenile, under conditions prescribed by the court, including
13 reasonable rules for the juvenile's conduct, designed for the physical, mental, and
14 moral well-being and behavior of the juvenile.

15 **SECTION 237.** 938.34 (2) (b) of the statutes is amended to read:

16 938.34 (2) (b) If the juvenile is placed in the juvenile's home under the
17 supervision of an agency or the department of corrections, order that agency or
18 department to provide specified services to the juvenile and the juvenile's family,
19 including individual, family, or group counseling, homemaker or parent aide
20 services, respite care, housing assistance, child care, or parent skills training.

21 **SECTION 238.** 938.34 (3) (f) (intro.) of the statutes is amended to read:

22 938.34 (3) (f) (intro.) A juvenile detention facility or juvenile portion of a county
23 jail that meets the standards promulgated by the department of corrections by rule,
24 or in a place of nonsecure custody designated by the court, subject to all of the
25 following:

SENATE BILL 378

1 **SECTION 239.** 938.34 (4m) (intro.) of the statutes is amended to read:

2 938.34 **(4m)** CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a juvenile
3 correctional facility or a secured residential care center for children and youth under
4 the supervision of the department of ~~corrections~~ if all of the following apply:

5 **SECTION 240.** 938.34 (4n) (intro.) of the statutes, as affected by 2015 Wisconsin
6 Act 55, section 4655bm, is amended to read:

7 938.34 **(4n)** COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION. (intro.) In the
8 case of a juvenile who has been placed in a juvenile correctional facility or a secured
9 residential care center for children and youth, designate the department of
10 ~~corrections~~ to provide community supervision for the juvenile following the juvenile's
11 release from that facility or center or, subject to any arrangement between the
12 department of ~~corrections~~ and a county department regarding the provision of
13 aftercare supervision for juveniles who have been released from a juvenile
14 correctional facility or a secured residential care center for children and youth,
15 designate one of the following to provide aftercare supervision for the juvenile
16 following the juvenile's release from that facility or center:

17 **SECTION 241.** 938.34 (6s) of the statutes is amended to read:

18 938.34 **(6s)** DRUG TESTING. If the report under s. 938.33 (1) indicates that the
19 juvenile is in need of treatment for the use or abuse of controlled substances or
20 controlled substance analogs, order the juvenile to submit to drug testing under a
21 drug testing program that the department of ~~corrections~~ shall promulgate by rule.

22 **SECTION 242.** 938.34 (8d) (c) of the statutes is amended to read:

23 938.34 **(8d)** (c) If a juvenile placed in a juvenile correctional facility or a secured
24 residential care center for children and youth fails to pay the surcharge under par.
25 (a), the department of ~~corrections~~ shall assess and collect the amount owed from the

SENATE BILL 378

1 juvenile's wages or other moneys. Any amount collected shall be transmitted to the
2 secretary of administration.

3 **SECTION 243.** 938.355 (6) (d) 1. of the statutes, as affected by 2015 Wisconsin
4 Act 55, is amended to read:

5 938.355 **(6)** (d) 1. Placement of the juvenile in a juvenile detention facility or
6 juvenile portion of a county jail that meets the standards promulgated by the
7 department of ~~corrections~~ by rule or in a place of nonsecure custody, for not more than
8 10 days and the provision of educational services consistent with his or her current
9 course of study during the period of placement. The juvenile shall be given credit
10 against the period of detention or nonsecure custody imposed under this subdivision
11 for all time spent in secure detention in connection with the course of conduct for
12 which the detention or nonsecure custody was imposed. If the court orders
13 placement of the juvenile in a place of nonsecure custody under the supervision of
14 the county department, the court shall order the juvenile into the placement and care
15 responsibility of the county department as required under 42 USC 672 (a) (2) and
16 shall assign the county department primary responsibility for providing services to
17 the juvenile.

18 **SECTION 244.** 938.355 (6d) (a) 1. of the statutes is amended to read:

19 938.355 **(6d)** (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
20 2g., 2m., and 2r., if a juvenile who has been adjudged delinquent violates a condition
21 specified in sub. (2) (b) 7., the juvenile's caseworker or any other person authorized
22 to provide or providing intake or dispositional services for the court under s. 938.067
23 or 938.069 may, without a hearing, take the juvenile into custody and place the
24 juvenile in a juvenile detention facility or juvenile portion of a county jail that meets
25 the standards promulgated by the department of ~~corrections~~ by rule or in a place of

SENATE BILL 378

1 nonsecure custody designated by that person for not more than 72 hours while the
2 alleged violation and the appropriateness of a sanction under sub. (6) are being
3 investigated.

4 **SECTION 245.** 938.355 (6d) (a) 2. of the statutes is amended to read:

5 938.355 (6d) (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
6 2g., 2m., and 2r., if a juvenile who has been adjudged delinquent violates a condition
7 specified in sub. (2) (b) 7., the juvenile's caseworker or any other person authorized
8 to provide or providing intake or dispositional services for the court under s. 938.067
9 or 938.069 may, without a hearing, take the juvenile into custody and place the
10 juvenile in a juvenile detention facility or juvenile portion of a county jail that meets
11 the standards promulgated by the department of ~~corrections~~ by rule or in a place of
12 nonsecure custody designated by that person for not more than 72 hours as a
13 consequence of that violation. A person who takes a juvenile into custody under this
14 subdivision shall permit the juvenile to make a written or oral statement concerning
15 the possible placement of the juvenile and the course of conduct for which the
16 juvenile was taken into custody. A person designated by the court or county
17 department who is employed in a supervisory position by a person authorized to
18 provide or providing intake or dispositional services under s. 938.067 or 938.069
19 shall review that statement and either approve the placement, modify the terms of
20 the placement, or order the juvenile to be released from custody.

21 **SECTION 246.** 938.355 (6d) (b) 1. of the statutes is amended to read:

22 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to subds.
23 2g., 2m., and 2r., if a juvenile who is on aftercare supervision violates a condition of
24 that supervision, the juvenile's caseworker or any other person authorized to provide
25 or providing intake or dispositional services for the court under s. 938.067 or 938.069

SENATE BILL 378

1 may, without a hearing, take the juvenile into custody and place the juvenile in a
2 juvenile detention facility or juvenile portion of a county jail that meets the
3 standards promulgated by the department of ~~corrections~~ by rule or in a place of
4 nonsecure custody designated by that person for not more than 72 hours while the
5 alleged violation and the appropriateness of revoking the juvenile's aftercare status
6 are being investigated.

7 **SECTION 247.** 938.355 (6d) (b) 2. of the statutes, as affected by 2015 Wisconsin
8 Act 55, section 4659bm, is amended to read:

9 938.355 (6d) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to subs.
10 2g., 2m., and 2r., if a juvenile who is on aftercare supervision violates a condition of
11 that supervision, the juvenile's caseworker or any other person authorized to provide
12 or providing intake or dispositional services for the court under s. 938.067 or 938.069
13 may, without a hearing, take the juvenile into custody and place the juvenile in a
14 juvenile detention facility or juvenile portion of a county jail that meets the
15 standards promulgated by the department of ~~corrections~~ by rule or in a place of
16 nonsecure custody designated by that person for not more than 72 hours as a
17 consequence of that violation. A person who takes a juvenile into custody under this
18 subdivision shall permit the juvenile to make a written or oral statement concerning
19 the possible placement of the juvenile and the course of conduct for which the
20 juvenile was taken into custody. A person designated by the court or the county
21 department who is employed in a supervisory position by a person authorized to
22 provide or providing intake or dispositional services under s. 938.067 or 938.069
23 shall review that statement and either approve the placement of the juvenile, modify
24 the terms of the placement, or order the juvenile to be released from custody.

25 **SECTION 248.** 938.355 (6m) (a) 1g. of the statutes is amended to read:

SENATE BILL 378

1 938.355 (6m) (a) 1g. Placement of the juvenile in a juvenile detention facility
2 or juvenile portion of a county jail that meets the standards promulgated by the
3 department of ~~corrections~~ by rule or in a place of nonsecure custody, for not more than
4 10 days and the provision of educational services consistent with his or her current
5 course of study during the period of placement. The juvenile shall be given credit
6 against the period of detention or nonsecure custody imposed under this subdivision
7 for all time spent in secure detention in connection with the course of conduct for
8 which the detention or nonsecure custody was imposed. The use of placement in a
9 juvenile detention facility or in a juvenile portion of a county jail as a sanction under
10 this subdivision is subject to the adoption of a resolution by the county board of
11 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.
12 If the court orders placement of the juvenile in a place of nonsecure custody under
13 the supervision of the county department, the court shall order the juvenile into the
14 placement and care responsibility of the county department as required under 42
15 USC 672 (a) (2) and shall assign the county department primary responsibility for
16 providing services to the juvenile.

17 **SECTION 249.** 938.357 (4) (a) of the statutes, as affected by 2015 Wisconsin Act
18 55, section 4662bm, is amended to read:

19 938.357 (4) (a) When the juvenile is placed with the department of ~~corrections~~,
20 ~~that, the~~ department may, after an examination under s. 938.50, place the juvenile
21 in a juvenile correctional facility or a secured residential care center for children and
22 youth or on community supervision or aftercare supervision, either immediately or
23 after a period of placement in a juvenile correctional facility or a secured residential
24 care center for children and youth. The department of ~~corrections~~ shall send written
25 notice of the change in placement to the parent, guardian, legal custodian, county

SENATE BILL 378

1 department designated under s. 938.34 (4n), if any, and committing court. If the
2 department of ~~corrections~~ places a juvenile in a Type 2 juvenile correctional facility
3 operated by a child welfare agency, ~~that~~ the department shall reimburse the child
4 welfare agency at the rate established under s. 49.343 that is applicable to the type
5 of placement that the child welfare agency is providing for the juvenile. A juvenile
6 who is placed in a Type 2 juvenile correctional facility or a secured residential care
7 center for children and youth remains under the supervision of the department of
8 ~~corrections~~, remains subject to the rules and discipline of ~~that~~ the department, and
9 is considered to be in custody, as defined in s. 946.42 (1) (a).

10 **SECTION 250.** 938.357 (4) (b) 1. of the statutes is amended to read:

11 938.357 (4) (b) 1. If a juvenile whom the department of ~~corrections~~ has placed
12 in a Type 2 juvenile correctional facility operated by a child welfare agency violates
13 a condition of his or her placement in the Type 2 juvenile correctional facility, the
14 child welfare agency operating the Type 2 juvenile correctional facility shall notify
15 the department of ~~corrections~~ and ~~that~~ the department, after consulting with the
16 child welfare agency, may place the juvenile in a Type 1 juvenile correctional facility
17 under the supervision of the department, without a hearing under sub. (1) (am) 2.

18 **SECTION 251.** 938.357 (4) (b) 2. of the statutes is amended to read:

19 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential
20 care center for children and youth under s. 938.34 (4d) violates a condition of his or
21 her placement in the Type 2 residential care center for children and youth, the child
22 welfare agency operating the Type 2 residential care center for children and youth
23 shall notify the county department that has supervision over the juvenile and, if the
24 county department agrees to a change in placement under this subdivision, the child
25 welfare agency shall notify the department of ~~corrections~~, and ~~that~~ the department,

SENATE BILL 378

1 after consulting with the child welfare agency, may place the juvenile in a Type 1
2 juvenile correctional facility under the supervision of the department of corrections,
3 without a hearing under sub. (1) (am) 2., for not more than 10 days. If a juvenile is
4 placed in a Type 1 juvenile correctional facility under this subdivision, the county
5 department that has supervision over the juvenile shall reimburse the child welfare
6 agency operating the Type 2 residential care center for children and youth in which
7 the juvenile was placed at the rate established under s. 49.343, and that child welfare
8 agency shall reimburse the department of ~~corrections~~ at the rate specified in s.
9 ~~301.26~~ 938.526 (4) (d) 2. or 3., whichever is applicable, for the cost of the juvenile's
10 care while placed in a Type 1 juvenile correctional facility.

11 **SECTION 252.** 938.357 (4) (b) 4. of the statutes is amended to read:

12 938.357 (4) (b) 4. A juvenile may seek review of a decision of the department
13 of ~~corrections~~ under subd. 1. or 2. only by the common law writ of certiorari.

14 **SECTION 253.** 938.357 (4) (c) 1. of the statutes is amended to read:

15 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility
16 operated by a child welfare agency under par. (a) and it appears that a less restrictive
17 placement would be appropriate for the juvenile, the department of ~~corrections~~, after
18 consulting with the child welfare agency that is operating the Type 2 juvenile
19 correctional facility, may place the juvenile in a less restrictive placement, and may
20 return the juvenile to the Type 2 juvenile correctional facility without a hearing
21 under sub. (1) (am) 2. The rate for each type of placement shall be established by the
22 department of ~~children and families~~, in consultation with the department of
23 ~~corrections~~, in the manner provided in s. 49.343.

24 **SECTION 254.** 938.357 (4) (c) 2. of the statutes is amended to read:

SENATE BILL 378

1 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for
2 children and youth under s. 938.34 (4d) and it appears that a less restrictive
3 placement would be appropriate for the juvenile, the child welfare agency operating
4 the Type 2 residential care center for children and youth shall notify the county
5 department that has supervision over the juvenile and, if the county department
6 agrees to a change in placement under this subdivision, the child welfare agency may
7 place the juvenile in a less restrictive placement. A child welfare agency may also,
8 with the agreement of the county department that has supervision over a juvenile
9 who is placed in a less restrictive placement under this subdivision, return the
10 juvenile to the Type 2 residential care center for children and youth without a
11 hearing under sub. (1) (am) 2. The rate for each type of placement shall be
12 established by the department of ~~children and families, in consultation with the~~
13 ~~department of corrections,~~ in the manner provided in s. 49.343.

14 **SECTION 255.** 938.357 (4) (c) 4. of the statutes is amended to read:

15 938.357 (4) (c) 4. A juvenile may seek review of a decision of the department
16 of ~~corrections~~ or county department under subd. 1. or 2. only by the common law writ
17 of certiorari.

18 **SECTION 256.** 938.357 (4g) (a) of the statutes, as affected by 2015 Wisconsin Act
19 55, section 4664bm, is amended to read:

20 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
21 is placed in a juvenile correctional facility or a secured residential care center for
22 children and youth, or within 30 days after the date on which the department of
23 ~~corrections~~ requests the community supervision or aftercare plan, whichever is
24 earlier, the community supervision or aftercare provider designated under s. 938.34
25 (4n) shall prepare a community supervision or aftercare plan for the juvenile. If the

SENATE BILL 378

1 juvenile is to be placed on aftercare supervision, the county department designated
2 as the aftercare provider shall submit the aftercare plan to the department of
3 ~~corrections~~ within the applicable period specified in this paragraph, unless the
4 department of ~~corrections~~ waives the period under par. (b).

5 **SECTION 257.** 938.357 (4g) (b) of the statutes, as affected by 2015 Wisconsin Act
6 55, section 4665bm, is amended to read:

7 938.357 (4g) (b) The department of ~~corrections~~ may waive the period within
8 which a community supervision plan or aftercare plan must be prepared and
9 submitted under par. (a) if ~~that~~ the department anticipates that the juvenile will
10 remain in the juvenile correctional facility or secured residential care center for
11 children and youth for a period exceeding 8 months or if the juvenile is subject to s.
12 938.183. If the department of ~~corrections~~ waives that period, the designated
13 community supervision or aftercare provider shall prepare the community
14 supervision or aftercare plan within 30 days after the date on which the department
15 of ~~corrections~~ requests the community supervision or aftercare plan.

16 **SECTION 258.** 938.357 (4m) of the statutes, as affected by 2015 Wisconsin Act
17 55, section 4671bm, is amended to read:

18 938.357 (4m) **RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.**
19 The department of ~~corrections~~ shall try to release a juvenile to community
20 supervision or aftercare supervision under sub. (4) within 30 days after the date on
21 which ~~that~~ the department determines the juvenile is eligible for the release.

22 **SECTION 259.** 938.357 (5) (a) of the statutes, as affected by 2015 Wisconsin Act
23 55, section 4673bm, is amended to read:

24 938.357 (5) (a) If a juvenile has been placed on community supervision, the
25 department of ~~corrections~~ may revoke the community supervision status of that

SENATE BILL 378

1 juvenile as provided in this subsection. If a juvenile has been placed on aftercare
2 supervision, the county department that has been designated as a juvenile's
3 aftercare provider may revoke the aftercare status of that juvenile as provided in this
4 subsection. Prior notice of a change in placement under sub. (1) (am) 1. is not
5 required.

6 **SECTION 260.** 938.357 (5) (g) of the statutes, as affected by 2015 Wisconsin Act
7 55, section 4677bm, is amended to read:

8 938.357 (5) (g) The department of ~~corrections~~ shall promulgate rules setting
9 standards to be used by a hearing examiner to determine whether to revoke a
10 juvenile's community supervision or aftercare status. The standards shall specify
11 that the burden is on the department of ~~corrections~~ or county department seeking
12 revocation to show by a preponderance of the evidence that the juvenile violated a
13 condition of community supervision or aftercare supervision.

14 **SECTION 261.** 938.357 (5m) (a) of the statutes is amended to read:

15 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
16 placement from a placement in the juvenile's home to a placement outside the
17 juvenile's home, the court shall order the juvenile's parent to provide a statement of
18 the income, assets, debts, and living expenses of the juvenile and the juvenile's
19 parent to the court or the person or agency primarily responsible for implementing
20 the dispositional order by a date specified by the court. The clerk of court shall
21 provide, without charge, to any parent ordered to provide that statement a document
22 setting forth the percentage standard established by the department of ~~children and~~
23 ~~families~~ under s. 49.22 (9) and the manner of its application established by the
24 department of ~~corrections~~ under s. ~~301.12~~ 49.345 (14) (g) and listing the factors under
25 s. ~~301.12~~ 49.345 (14) (c). If the juvenile is placed outside the juvenile's home, the

SENATE BILL 378

1 court shall determine the liability of the parent in the manner provided in s. ~~301.12~~
2 49.345 (14).

3 **SECTION 262.** 938.36 (1) (a) of the statutes is amended to read:

4 938.36 (1) (a) If legal custody is transferred from the parent or guardian or the
5 court otherwise designates an alternative placement for the juvenile by a consent
6 decree under s. 938.32, a disposition made under s. 938.183, 938.34, or 938.345, or
7 a change in placement under s. 938.357, the duty of the parent or guardian to provide
8 support shall continue even though the legal custodian or the placement designee
9 may provide the support. A copy of the order transferring custody or designating
10 alternative placement for the juvenile shall be submitted to the agency or person
11 receiving custody or placement and the agency or person may apply to the court for
12 an order to compel the parent or guardian to provide the support. Support payments
13 for residential services, when purchased or otherwise funded or provided by the
14 department of corrections, or a county department under s. 46.215, 46.22 or 46.23,
15 shall be determined under s. ~~301.12~~ 49.345 (14). Support payments for residential
16 services, when purchased or otherwise funded by the department of health services,
17 or a county department under s. 51.42 or 51.437, shall be determined under s. 46.10
18 (14).

19 **SECTION 263.** 938.36 (2) of the statutes is amended to read:

20 938.36 (2) SERVICES OR TREATMENT; COUNTY PAYMENT; PARENTAL CONTRIBUTION. If
21 a juvenile whose legal custody has not been taken from a parent or guardian is given
22 educational and social services, or medical, psychological, or psychiatric treatment
23 by order of the court, the court may order the county to pay for those services or
24 treatment. This section does not prevent recovery of reasonable contribution toward
25 the costs from the parent or guardian of the juvenile as the court may order based

SENATE BILL 378

1 on the ability of the parent or guardian to pay. This subsection is subject to s. ~~301.03~~
2 ~~(18)~~ 49.32 (1).

3 **SECTION 264.** 938.363 (1) (c) of the statutes is amended to read:

4 938.363 (1) (c) If the proposed revision is for a change in the amount of child
5 support to be paid by a parent, the court shall order the juvenile's parent to provide
6 a statement of the income, assets, debts, and living expenses of the juvenile and the
7 juvenile's parent to the court and the person or agency primarily responsible for
8 implementing the dispositional order by a date specified by the court. The clerk of
9 court shall provide, without charge, to any parent ordered to provide that statement
10 a document setting forth the percentage standard established by the department of
11 ~~children and families~~ under s. 49.22 (9) and the manner of its application established
12 by the department of ~~corrections~~ under s. ~~301.12~~ 49.345 (14) (g) and listing the factors
13 under s. ~~301.12~~ 49.345 (14) (c).

14 **SECTION 265.** 938.363 (2) of the statutes is amended to read:

15 938.363 (2) REVISION OF SUPPORT. If the court revises the amount of child
16 support to be paid by a parent under the dispositional order for the care and
17 maintenance of the parent's juvenile who has been placed by a court order under this
18 chapter in a residential, nonmedical facility, the court shall determine the liability
19 of the parent under s. ~~301.12~~ 49.345 (14).

20 **SECTION 266.** 938.38 (1) (a) of the statutes is amended to read:

21 938.38 (1) (a) "Agency" means the department of children and families, ~~the~~
22 ~~department of corrections~~, a county department, or a licensed child welfare agency.

23 **SECTION 267.** 938.396 (2g) (b) 1. of the statutes is amended to read:

24 938.396 (2g) (b) 1. Upon request of the department of ~~corrections~~, ~~the~~
25 ~~department of children and families~~, or a federal agency to review court records for

SENATE BILL 378

1 the purpose of monitoring and conducting periodic evaluations of activities as
2 required by and implemented under 45 CFR 1355, 1356, and 1357, the court shall
3 open those records for inspection and copying by authorized representatives of the
4 requester. Those representatives shall keep those records confidential and may use
5 and further disclose those records only for the purpose for which those records were
6 requested.

7 **SECTION 268.** 938.48 (intro.) of the statutes is repealed.

8 **SECTION 269.** 938.48 (1) of the statutes is repealed.

9 **SECTION 270.** 938.48 (3) of the statutes is renumbered 938.485 (7).

10 **SECTION 271.** 938.48 (4) of the statutes is renumbered 938.485 (8).

11 **SECTION 272.** 938.48 (4m) of the statutes is renumbered 938.485 (9).

12 **SECTION 273.** 938.48 (5) of the statutes is renumbered 938.485 (11).

13 **SECTION 274.** 938.48 (6) of the statutes is renumbered 938.485 (12).

14 **SECTION 275.** 938.48 (13) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is renumbered 938.485 (13).

16 **SECTION 276.** 938.48 (14) of the statutes is renumbered 938.485 (14) and
17 amended to read:

18 938.485 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay
19 maintenance, tuition, and related expenses from the appropriation under s. ~~20.410~~
20 ~~(3)~~ 20.437 (4) (ho) for persons who, when they attained 17 years of age, were students
21 regularly attending a school, college, or university or regularly attending a course of
22 vocational or technical training designed to prepare them for gainful employment,
23 and who upon attaining that age were under the supervision of the department
24 under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of a judicial
25 decision.

SENATE BILL 378

1 **SECTION 277.** 938.48 (16) of the statutes is repealed.

2 **SECTION 278.** 938.485 (1) of the statutes is amended to read:

3 938.485 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws
4 relating to delinquent juveniles and juveniles in need of protection or services and
5 take the initiative in all matters involving the interests of those juveniles when
6 adequate provision for those matters is not made. This duty shall be discharged in
7 cooperation with the courts, ~~the department of corrections~~, county departments,
8 licensed child welfare agencies, parents, and other individuals interested in the
9 welfare of juveniles.

10 **SECTION 279.** 938.485 (4) of the statutes is amended to read:

11 938.485 (4) REIMBURSEMENT OF TRIBES AND COUNTIES FOR TRIBAL DELINQUENCY
12 PLACEMENTS. Reimburse Indian tribes and county departments, from the
13 appropriation under s. 20.437 ~~(1)~~ (4) (kp), for unexpected or unusually high-cost
14 out-of-home care placements of Indian juveniles who have been adjudicated
15 delinquent by tribal courts. In this subsection, “unusually high-cost out-of-home
16 care placements” means the amount by which the cost to an Indian tribe or to a
17 county department of out-of-home care placements of Indian juveniles who have
18 been adjudicated delinquent by tribal courts exceeds \$50,000 in a fiscal year.

19 **SECTION 280.** 938.485 (5) of the statutes is amended to read:

20 938.485 (5) STANDARDS FOR SERVICES. ~~Establish~~ Based on research into effective
21 correctional programs and practices, establish and enforce standards for services
22 under s. 938.183, 938.34, or 938.345, ~~other than juvenile correctional services.~~

23 **SECTION 281.** 938.485 (10) (title) of the statutes is created to read:

24 938.485 (10) (title) JUVENILES UNDER DEPARTMENT JURISDICTION.

25 **SECTION 282.** 938.485 (18) of the statutes is created to read:

SENATE BILL 378

1 938.485 **(18)** PURCHASE OF CARE AND SERVICES. (a) Contract with public or
2 voluntary agencies or others for the following purposes:

3 1. To purchase in full or in part care and services that the department is
4 authorized by any statute to provide as an alternative to providing that care and
5 those services itself.

6 2. To purchase or provide in full or in part the care and services that county
7 agencies may provide or purchase under any statute and to sell to county agencies
8 such portions of that care and those services as the county agency may desire to
9 purchase.

10 3. To sell services, under contract, that the department is authorized to provide
11 by statute, to any federally recognized tribal governing body.

12 **SECTION 283.** 938.49 (title) of the statutes is amended to read:

13 **938.49 (title) Notification by court of placement with department of**
14 **corrections; transfer of reports and records.**

15 **SECTION 284.** 938.49 (1) of the statutes is amended to read:

16 938.49 **(1)** NOTICE TO DEPARTMENT OF CORRECTIONS OF PLACEMENT. When a court
17 places a juvenile in a juvenile correctional facility or secured residential care center
18 for children and youth under the supervision of the department of corrections, the
19 court shall immediately notify ~~that~~ the department of that action. The court shall,
20 in accordance with procedures established by the department of corrections, provide
21 transportation for the juvenile to a receiving center designated by ~~that~~ the
22 department or deliver the juvenile to personnel of ~~that~~ the department.

23 **SECTION 285.** 938.49 (2) (intro.) of the statutes is amended to read:

24 938.49 **(2)** TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court
25 places a juvenile in a juvenile correctional facility or a secured residential care center

SENATE BILL 378

1 for children and youth under the supervision of the department of ~~corrections~~, the
2 court and all other public agencies shall immediately do all of the following:

3 **SECTION 286.** 938.49 (2) (a) of the statutes is amended to read:

4 938.49 (2) (a) Transfer to the department of ~~corrections~~ a copy of the report
5 submitted to the court under s. 938.33 or, if the report was presented orally, a
6 transcript of the report and all other pertinent data in their possession.

7 **SECTION 287.** 938.50 of the statutes, as affected by 2015 Wisconsin Act 55,
8 section 4703bm, is amended to read:

9 **938.50 Examination of juveniles under supervision of department [~~of~~**
10 **~~corrections~~].** The department of ~~corrections~~ shall examine every juvenile who is
11 placed under its supervision to determine the type of placement best suited to the
12 juvenile and to the protection of the public. The examination shall include an
13 investigation of the personal and family history of the juvenile and his or her
14 environment, any physical or mental examinations necessary to determine the type
15 of placement appropriate for the juvenile, and an evaluation under s. 938.533 (3) (a)
16 to determine the appropriate level of supervision and services based on the juvenile's
17 risks and needs. The department of ~~corrections~~ shall screen a juvenile who is
18 examined under this section to determine whether the juvenile is in need of special
19 treatment or care because of alcohol or other drug abuse, mental illness, or severe
20 emotional disturbance. In making the examination the department of ~~corrections~~
21 may use any facilities, public or private, that offer assistance in determining the
22 correct placement for the juvenile.

23 **SECTION 288.** 938.505 (1) of the statutes is amended to read:

24 938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF ~~CORRECTIONS~~ OR COUNTY
25 DEPARTMENT. When a juvenile is placed under the supervision of the department of

SENATE BILL 378

1 ~~corrections~~ under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4) or (5) (e) or under
2 the supervision of a county department under s. 938.34 (4n), the department of
3 ~~corrections~~ or county department, whichever has supervision over the juvenile, shall
4 have the right and duty to protect, train, discipline, treat, and confine the juvenile
5 and to provide food, shelter, legal services, education, and ordinary medical and
6 dental care for the juvenile, subject to the rights, duties, and responsibilities of the
7 guardian of the juvenile and subject to any residual parental rights and
8 responsibilities and the provisions of any court order.

9 **SECTION 289.** 938.505 (2) (a) (intro.) of the statutes is amended to read:

10 938.505 (2) (a) (intro.) If a juvenile 14 years of age or older is under the
11 supervision of the department of ~~corrections~~ or a county department as described in
12 sub. (1), is not residing in his or her home, and wishes to be administered
13 psychotropic medication but a parent with legal custody or the guardian refuses to
14 consent to the administration of psychotropic medication or cannot be found, or if
15 there is no parent with legal custody, the department of ~~corrections~~ or county
16 department acting on the juvenile's behalf may petition the court assigned to
17 exercise jurisdiction under this chapter and ch. 48 in the county in which the juvenile
18 is located for permission to administer psychotropic medication to the juvenile. A
19 copy of the petition and a notice of hearing shall be served upon the parent or
20 guardian at his or her last-known address. If, after hearing, the court determines
21 that all of the following apply, the court shall grant permission for the department
22 of ~~corrections~~ or county department to administer psychotropic medication to the
23 juvenile without the parent's or guardian's consent:

24 **SECTION 290.** 938.505 (2) (b) of the statutes is amended to read:

SENATE BILL 378

1 938.505 (2) (b) The court may, at the request of the department of ~~corrections~~
2 or county department, temporarily approve the administration of psychotropic
3 medication, for not more than 10 days after the date of the request, pending the
4 hearing on the petition. The hearing shall be held within that 10-day period.

5 **SECTION 291.** 938.51 (1) (intro.) of the statutes is amended to read:

6 938.51 (1) **RELEASE FROM SECURED FACILITY OR SUPERVISION.** (intro.) At least 15
7 days prior to the date of release from a juvenile correctional facility or a secured
8 residential care center for children and youth of a juvenile who has been adjudicated
9 delinquent and at least 15 days prior to the release from the supervision of the
10 department of ~~corrections~~ or a county department of a juvenile who has been
11 adjudicated delinquent, the department of ~~corrections~~ or county department,
12 whichever has supervision over the juvenile, shall make a reasonable attempt to do
13 all of the following:

14 **SECTION 292.** 938.51 (1d) (intro.) of the statutes is amended to read:

15 938.51 (1d) **RELEASE FROM NONSECURED RESIDENTIAL CARE CENTER.** (intro.) At
16 least 15 days prior to the release from a nonsecured residential care center for
17 children and youth of a juvenile who has either been adjudicated delinquent under
18 s. 48.12, 1993 stats., or s. 938.12 or been found to be in need of protection or services
19 under s. 48.13 (12), 1993 stats., or s. 938.13 (12) and who has been found to have
20 committed a violation of ch. 940 or of s. 948.02, 948.025, 948.03, or 948.085 (2), and
21 at least 15 days prior to the release from a nonsecured residential care center for
22 children and youth of a juvenile who has been found to be in need of protection or
23 services under s. 48.13 (14), 1993 stats., or s. 938.13 (14), the department of
24 ~~corrections~~ or county department, whichever has supervision over the juvenile, shall
25 notify all of the following persons of the juvenile's release:

SENATE BILL 378

1 **SECTION 293.** 938.51 (1m) of the statutes, as affected by 2015 Wisconsin Act 55,
2 section 4704bm, is amended to read:

3 **938.51 (1m) NOTIFICATION OF LOCAL AGENCIES.** The department of ~~corrections~~
4 or county department, whichever has supervision over a juvenile described in sub.
5 (1), shall determine the local agencies that it will notify under sub. (1) (a) based on
6 the residence of the juvenile's parents or on the juvenile's intended residence
7 specified in the juvenile's community supervision plan or aftercare supervision plan
8 or, if those methods do not indicate the community in which the juvenile will reside
9 following release from a juvenile correctional facility or a secured residential care
10 center for children and youth or from the supervision of the department of ~~corrections~~
11 or county department, the community in which the juvenile states that he or she
12 intends to reside.

13 **SECTION 294.** 938.51 (2) of the statutes is amended to read:

14 **938.51 (2) NOTIFICATION REQUEST CARDS.** The department of ~~corrections~~ shall
15 design and prepare cards for any person specified in sub. (1) (b), (c), (cm), or (d) to
16 send to the department of ~~corrections~~ or county department, whichever has
17 supervision over a juvenile described in sub. (1), (1d), or (1g). The cards shall have
18 space for the person's name, telephone number and mailing address, the name of the
19 applicable juvenile, and any other information that the department of ~~corrections~~
20 determines is necessary. The cards shall advise a victim who is under 18 years of age
21 that he or she may complete a card requesting notification under sub. (1) (b), (1d),
22 or (1g) if the notification occurs after the victim attains 18 years of age and advising
23 the parent or guardian of a victim who is under 18 years of age that the parent or
24 guardian may authorize on the card direct notification of the victim under sub. (1)
25 (b), (1d), or (1g) if the notification occurs after the victim attains 18 years of age. The

SENATE BILL 378

1 department of ~~corrections~~ shall provide the cards, without charge, to district
2 attorneys. District attorneys shall provide the cards, without charge, to persons
3 specified in sub. (1) (b) to (d). These persons may send completed cards to the
4 department of ~~corrections~~ or county department, whichever has supervision over the
5 juvenile. Department of ~~corrections~~ and county department records or portions of
6 records that relate to telephone numbers and mailing addresses of these persons are
7 not subject to inspection or copying under s. 19.35 (1).

8 **SECTION 295.** 938.51 (3) of the statutes is amended to read:

9 938.51 (3) RELEASE NOT AFFECTED BY FAILURE TO NOTIFY. Timely release of a
10 juvenile specified in sub. (1), (1d), or (1g) shall not be prejudiced by the fact that the
11 department of ~~corrections~~ or county department, whichever has supervision over the
12 juvenile, did not provide notification as required under sub. (1), (1d), or (1g),
13 whichever is applicable.

14 **SECTION 296.** 938.51 (4) (intro.) of the statutes is amended to read:

15 938.51 (4) NOTIFICATION IF ESCAPE OR ABSENCE. (intro.) If a juvenile described
16 in sub. (1), (1d), or (1g) escapes from a juvenile correctional facility, residential care
17 center for children and youth, inpatient facility, juvenile detention facility, or
18 juvenile portion of a county jail, or from the custody of a peace officer or a guard of
19 such a facility, center, home, or jail, or has been allowed to leave a juvenile
20 correctional facility, residential care center for children and youth, inpatient facility,
21 juvenile detention facility, or juvenile portion of a county jail for a specified period
22 of time and is absent from the facility, center, home, or jail for more than 12 hours
23 after the expiration of the specified period, as soon as possible after the department
24 of ~~corrections~~ or county department, whichever has supervision over the juvenile,

SENATE BILL 378

1 discovers the escape or absence, the department of ~~corrections~~ or county department
2 shall make a reasonable attempt to notify by telephone all of the following persons:

3 **SECTION 297.** 938.52 (title) of the statutes is amended to read:

4 **938.52 (title) Facilities for care of juveniles in care of department of**
5 **corrections.**

6 **SECTION 298.** 938.52 (1) (intro.) of the statutes is amended to read:

7 938.52 (1) FACILITIES MAINTAINED OR USED FOR JUVENILES. (intro.) The
8 department of ~~corrections~~ may maintain or use the following facilities for juveniles
9 in its care:

10 **SECTION 299.** 938.52 (1) (f) of the statutes is amended to read:

11 938.52 (1) (f) Other facilities that the department of ~~corrections~~ considers to
12 be appropriate for the juvenile, except that no state funds may be used for the
13 maintenance of a juvenile in the home of a parent or relative who would be eligible
14 for aid under s. 49.19, but for s. 49.19 (20), if such funds would reduce federal funds
15 to this state.

16 **SECTION 300.** 938.52 (2) of the statutes is amended to read:

17 938.52 (2) USE OF OTHER FACILITIES. (a) In addition to facilities and services
18 under sub. (1), the department of ~~corrections~~ may use other facilities and services
19 under its jurisdiction. The department of ~~corrections~~ may contract for and pay for
20 the use of other public facilities or private facilities for the care and treatment of
21 juveniles in its care. Placement of a juvenile in a private or public facility that is not
22 under the jurisdiction of the department of ~~corrections~~ does not terminate ~~that the~~ the
23 department's supervision over the juvenile under s. 938.183, 938.34 (4h), (4m), or
24 (4n), or 938.357 (4). Placements in institutions for persons with a mental illness or

SENATE BILL 378

1 development disability shall be made in accordance with ss. 48.14 (5), 48.63, and
2 938.34 (6) (am) and ch. 51.

3 (b) Public facilities shall accept and care for persons placed in those facilities
4 by the department of ~~corrections~~ in the same manner as those facilities would be
5 required to do had the legal custody of those persons been transferred by a court of
6 competent jurisdiction. Nothing in this subsection requires any public facility to
7 serve the department of ~~corrections~~ in a manner that is inconsistent with the
8 facility's functions or with the laws and regulations governing its activities or gives
9 the department of ~~corrections~~ the authority to use any private facility without its
10 consent.

11 (c) The department of ~~corrections~~ may inspect any facility it is using and
12 examine and consult with persons under its supervision under s. 938.183, 938.34
13 (4h), (4m), or (4n), or 938.357 (4) who have been placed in the facility.

14 **SECTION 301.** 938.52 (4) of the statutes is amended to read:

15 938.52 (4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department of
16 ~~corrections~~ may establish and maintain coeducational programs and institutions
17 under this chapter.

18 **SECTION 302.** 938.53 of the statutes is amended to read:

19 **938.53 Duration of control of department of ~~corrections~~ over**
20 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent
21 who has been placed under the supervision of the department of ~~corrections~~ under
22 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) shall be discharged as soon as ~~that~~
23 the department determines that there is a reasonable probability that departmental
24 supervision is no longer necessary for the rehabilitation and treatment of the
25 juvenile or for the protection of the public.

SENATE BILL 378

1 **SECTION 303.** 938.533 (2) (intro.) of the statutes, as affected by 2015 Wisconsin
2 Act 55, section 4707bm, is amended to read:

3 **938.533 (2) COMMUNITY SUPERVISION SERVICES.** (intro.) From the appropriation
4 under s. ~~20.410 (3)~~ 20.437 (4) (hr), the department of ~~corrections~~ shall purchase or
5 provide community supervision services for juveniles who have been placed under
6 the community supervision of the department of ~~corrections~~ under s. 938.34 (4n),
7 938.357 (4), or 938.538 (3) (a) 2. For each juvenile who is placed under community
8 supervision, the department of ~~corrections~~ may purchase or provide any of the
9 following services:

10 **SECTION 304.** 938.533 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
11 section 4709bm, is amended to read:

12 **938.533 (3) INSTITUTIONAL STATUS.** (a) The office of juvenile offender review in
13 the division of juvenile corrections in the department of ~~corrections~~ shall evaluate
14 each juvenile who is placed under community supervision and may place such a
15 juvenile in Type 2 status. A juvenile who is placed in Type 2 status is under the
16 supervision of the department of ~~corrections~~, is subject to the rules and discipline of
17 ~~that~~ the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
18 Notwithstanding ss. 938.19 to 938.21, if a juvenile who is placed in Type 2 status
19 violates a condition of his or her participation in community supervision, the
20 department of ~~corrections~~ may, without a hearing, take the juvenile into custody and
21 place the juvenile in a juvenile detention facility or return the juvenile to placement
22 in a Type 1 juvenile correctional facility or a secured residential care center for
23 children and youth. This paragraph does not preclude a juvenile who has violated
24 a condition of his or her participation in community supervision from being taken
25 into and held in custody under ss. 938.19 to 938.21.

SENATE BILL 378

1 (b) The department of ~~corrections~~ shall operate community supervision for a
2 juvenile who is placed in Type 2 status as a Type 2 juvenile correctional facility. The
3 secretary may allocate and reallocate existing and future facilities as part of the Type
4 2 juvenile correctional facility. The Type 2 juvenile correctional facility is subject to
5 ~~s. 301.02 the governance of the department.~~ Construction or establishment of a Type
6 2 juvenile correctional facility shall be in compliance with all state laws except s.
7 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or
8 establishment of a Type 2 juvenile correctional facility is not subject to the
9 ordinances or regulations relating to zoning, including zoning under ch. 91, of the
10 county and city, village, or town in which the construction or establishment takes
11 place and is exempt from the investigations permitted under s. 46.22 (1) (c) 1. b.

12 **SECTION 305.** 938.533 (4) of the statutes is amended to read:

13 938.533 (4) RULES. The department of ~~corrections~~ shall promulgate rules to
14 implement this section.

15 **SECTION 306.** 938.534 (1) (b) 1. of the statutes is amended to read:

16 938.534 (1) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
17 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
18 policies adopted by the county board relating to the taking into custody and
19 placement of a juvenile under this subdivision, if a juvenile violates a condition of his
20 or her participation in the program, the juvenile's caseworker or any other person
21 authorized to provide or providing intake or dispositional services for the court under
22 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
23 the juvenile in a juvenile detention facility or juvenile portion of a county jail that
24 meets the standards promulgated by the department of ~~corrections~~ by rule or in a
25 place of nonsecure custody designated by that person for not more than 72 hours

SENATE BILL 378

1 while the alleged violation and the appropriateness of a sanction under s. 938.355
2 (6) or a change in the conditions of the juvenile's participation in the program are
3 being investigated. Short-term detention under this subdivision may be imposed
4 only if at the dispositional hearing the court explained those conditions to the
5 juvenile and informed the juvenile of that possible placement or if before the
6 violation the juvenile has acknowledged in writing that he or she has read, or has had
7 read to him or her, those conditions and that possible placement and that he or she
8 understands those conditions and that possible placement.

9 **SECTION 307.** 938.534 (1) (b) 2. of the statutes is amended to read:

10 938.534 (1) (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
11 general written policies adopted by the court under s. 938.06 (1) or (2) and to any
12 policies adopted by the county board relating to the taking into custody and
13 placement of a juvenile under this subdivision, if a juvenile violates a condition of the
14 juvenile's participation in the program, the juvenile's caseworker or any other person
15 authorized to provide or providing intake or dispositional services for the court under
16 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
17 the juvenile in a juvenile detention facility or juvenile portion of a county jail that
18 meets the standards promulgated by the department of corrections by rule or in a
19 place of nonsecure custody designated by that person for not more than 72 hours as
20 a consequence of that violation. Short-term detention under this subdivision may
21 be imposed only if at the dispositional hearing the court explained those conditions
22 to the juvenile and informed the juvenile of that possible placement or if before the
23 violation the juvenile has acknowledged in writing that he or she has read, or has had
24 read to him or her, those conditions and that possible placement and that he or she
25 understands those conditions and that possible placement. A person who takes a

SENATE BILL 378

1 juvenile into custody under this subdivision shall permit the juvenile to make a
2 written or oral statement concerning the possible placement of the juvenile and the
3 course of conduct for which the juvenile was taken into custody. A person designated
4 by the court or the county department who is employed in a supervisory position by
5 a person authorized to provide or providing intake or dispositional services under s.
6 938.067 or 938.069 shall review that statement and either approve the placement,
7 modify the terms of the placement, or order the juvenile to be released from custody.

8 **SECTION 308.** 938.534 (2) of the statutes is amended to read:

9 938.534 (2) RULES FOR INTENSIVE SUPERVISION PROGRAM. The department of
10 ~~corrections~~ shall promulgate rules specifying the requirements for an intensive
11 supervision program under this section. The rules shall include provisions
12 governing the use of placement in a juvenile detention facility, juvenile portion of a
13 county jail, or place of nonsecure custody for not more than 72 hours under sub. (1)
14 (b) and the use of placement in a place of nonsecure custody for not more than 30 days
15 under sub. (1) (c).

16 **SECTION 309.** 938.535 of the statutes is amended to read:

17 **938.535 Early release and intensive supervision program; limits.** The
18 department of ~~corrections~~ may establish a program for the early release and
19 intensive supervision of juveniles who have been placed in a juvenile correctional
20 facility or a secured residential care center for children and youth under s. 938.183
21 or 938.34 (4m). The program may not include any juveniles who have been placed
22 in a juvenile correctional facility or a secured residential care center for children and
23 youth as a result of a delinquent act involving the commission of a violent crime as
24 defined in s. 969.035, but not including the crime specified in s. 948.02 (1).

25 **SECTION 310.** 938.538 (2) (intro.) of the statutes is amended to read:

SENATE BILL 378

1 938.538 (2) PROGRAM ADMINISTRATION AND DESIGN. (intro.) The department of
2 ~~corrections~~ shall administer a serious juvenile offender program for juveniles who
3 have been adjudicated delinquent and ordered to participate in the program under
4 s. 938.34 (4h). The department of ~~corrections~~ shall design the program to provide all
5 of the following:

6 **SECTION 311.** 938.538 (3) (a) (intro.) of the statutes is amended to read:

7 938.538 (3) (a) (intro.) The department of ~~corrections~~ shall provide each
8 participant with one or more of the following sanctions:

9 **SECTION 312.** 938.538 (3) (a) 9. of the statutes is amended to read:

10 938.538 (3) (a) 9. Other programs as prescribed by the department of
11 ~~corrections~~.

12 **SECTION 313.** 938.538 (4) of the statutes is amended to read:

13 938.538 (4) INSTITUTIONAL STATUS. (a) A participant in the program under this
14 section is under the supervision and control of the department of ~~corrections~~, is
15 subject to the rules and discipline of ~~that~~ the department, and is considered to be in
16 custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a
17 participant violates a condition of his or her participation in the program under sub.
18 (3) (a) 2. to 9. while placed in a Type 2 juvenile correctional facility the department
19 of ~~corrections~~ may, without a hearing, take the participant into custody and return
20 him or her to placement in a Type 1 juvenile correctional facility or a secured
21 residential care center for children and youth. Any intentional failure of a
22 participant to remain within the extended limits of his or her placement while
23 participating in the serious juvenile offender program or to return within the time
24 prescribed by the administrator of the division of intensive sanctions in the
25 department of ~~corrections~~ is considered an escape under s. 946.42 (3) (c). This

SENATE BILL 378

1 paragraph does not preclude a juvenile who has violated a condition of the juvenile's
2 participation in the program under sub. (3) (a) 2. to 9. from being taken into and held
3 in custody under ss. 938.19 to 938.21.

4 (b) The department of ~~corrections~~ shall operate the component phases of the
5 program specified in sub. (3) (a) 2. to 9. as a Type 2 juvenile correctional facility. The
6 secretary of ~~corrections~~ children and families may allocate and reallocate existing
7 and future facilities as part of the Type 2 juvenile correctional facility. The Type 2
8 juvenile correctional facility is subject to s. ~~301.02~~ the governance of the department.

9 Construction or establishment of a Type 2 juvenile correctional facility shall be in
10 compliance with all state laws except s. 32.035 and ch. 91. In addition to the
11 exemptions under s. 13.48 (13), construction or establishment of a Type 2 juvenile
12 correctional facility is not subject to the ordinances or regulations relating to zoning,
13 including zoning under ch. 91, of the county and city, village, or town in which the
14 construction or establishment takes place and is exempt from inspections required
15 under s. ~~301.36~~ 938.226.

16 **SECTION 314.** 938.538 (5) (a) of the statutes, as affected by 2015 Wisconsin Act
17 55, section 4712bm, is amended to read:

18 938.538 (5) (a) The office of juvenile offender review in the division of juvenile
19 corrections in the department of ~~corrections~~ may release a participant to community
20 supervision under s. ~~301.03~~ 938.485 (10) (d) at any time after the participant has
21 completed 2 years of participation in the serious juvenile offender program.
22 Community supervision of the participant shall be provided by the department of
23 ~~corrections~~.

24 **SECTION 315.** 938.538 (5) (b) of the statutes is amended to read:

SENATE BILL 378

1 938.538 (5) (b) The department of corrections may discharge a participant from
2 participation in the serious juvenile offender program and from departmental
3 supervision and control at any time after he or she has completed 3 years in the
4 serious juvenile offender program.

5 **SECTION 316.** 938.538 (6) of the statutes is amended to read:

6 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract
7 with the department of health services, the department of children and families, a
8 county department, or any public or private agency for the purchase of goods, care,
9 and services for participants in the program under this section. The department of
10 corrections shall reimburse a person from whom it purchases goods, care, or services
11 under this subsection from the appropriation under s. ~~20.410 (3)~~ 20.437 (4) (cg).

12 **SECTION 317.** 938.538 (7) of the statutes is amended to read:

13 938.538 (7) RULES. The department of corrections shall promulgate rules to
14 implement this section.

15 **SECTION 318.** 938.539 (2) of the statutes is amended to read:

16 938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT OF CORRECTIONS
17 CONTROL. A juvenile who is placed in a Type 2 juvenile correctional facility under s.
18 938.357 (4) (a) or who, having been so placed, is replaced in a less restrictive
19 placement under s. 938.357 (4) (c) is under the supervision and control of the
20 department of corrections, is subject to the rules and discipline of ~~that~~ the
21 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

22 **SECTION 319.** 938.539 (6) of the statutes is amended to read:

23 938.539 (6) RULE-MAKING. The department of corrections shall promulgate
24 rules to implement this section.

SENATE BILL 378

1 **SECTION 320.** 938.54 of the statutes is renumbered 938.54 (1) and amended to
2 read:

3 938.54 (1) RECORDS GENERALLY. ~~The department of corrections~~ shall keep a
4 complete record on each juvenile under its supervision under s. 938.183, 938.34 (4h),
5 (4m), or (4n) or 938.357 (4). This record shall include the information received from
6 the court, the date of reception, all available data on the personal and family history
7 of the juvenile, the results of all tests and examinations given the juvenile, and a
8 complete history of all placements of the juvenile while under the supervision of the
9 department of ~~corrections~~.

10 **SECTION 321.** 938.549 (1) (intro.) of the statutes is amended to read:

11 938.549 (1) CLASSIFICATION SYSTEM; CONTENT. (intro.) The department of
12 ~~children and families, in consultation with the department of corrections,~~ shall make
13 available to all counties a juvenile classification system that includes at least all of
14 the following:

15 **SECTION 322.** 938.57 (1) (g) of the statutes is amended to read:

16 938.57 (1) (g) Upon request of the department of ~~corrections,~~ provide service
17 for any juvenile in the care of ~~that~~ the department.

18 **SECTION 323.** 938.57 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
19 section 4714bm, is amended to read:

20 938.57 (4) AFTERCARE SUPERVISION. A county department may provide aftercare
21 supervision under s. 938.34 (4n) for juveniles who are released from juvenile
22 correctional facilities or secured residential care centers for children and youth. If
23 a county department intends to change its policy regarding whether the county
24 department will provide aftercare supervision for juveniles released from juvenile
25 correctional facilities or secured residential care centers for children and youth or the

SENATE BILL 378

1 department of ~~corrections~~ will provide community supervision for those juveniles,
2 the county executive or county administrator, or, if the county has no county
3 executive or county administrator, the chairperson of the county board of
4 supervisors, or, for multicounty departments, the chairpersons of the county boards
5 of supervisors jointly, shall submit a letter to the department of ~~corrections~~ stating
6 that intent before July 1 of the year preceding the year in which the policy change
7 will take effect.

8 **SECTION 324.** 938.78 (1) of the statutes is amended to read:

9 938.78 (1) DEFINITION. In this section, unless otherwise qualified, “agency”
10 means the department of children and families, ~~the department of corrections~~, a
11 county department, or a licensed child welfare agency.

12 **SECTION 325.** 938.78 (3) of the statutes is amended to read:

13 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile
14 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
15 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
16 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
17 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26,
18 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04,
19 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
20 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped
21 from a juvenile correctional facility, residential care center for children and youth,
22 inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile
23 portion of a county jail, or from the custody of a peace officer or a guard of such a
24 facility, center, or jail, or has been allowed to leave a juvenile correctional facility,
25 residential care center for children and youth, inpatient facility, juvenile detention

SENATE BILL 378

1 facility, or juvenile portion of a county jail for a specified time period and is absent
2 from the facility, center, home, or jail for more than 12 hours after the expiration of
3 the specified period, the department of ~~corrections~~ or county department, whichever
4 has supervision over the juvenile, may release the juvenile's name and any
5 information about the juvenile that is necessary for the protection of the public or to
6 secure the juvenile's return to the facility, center, home, or jail. The department of
7 ~~corrections~~ shall promulgate rules establishing guidelines for the release of the
8 juvenile's name or information about the juvenile to the public.

SECTION 326. Nonstatutory provisions.

10 (1) TRANSFER OF JUVENILE CORRECTIONAL SERVICES.

11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
12 liabilities of the department of corrections that are primarily related to the provision
13 of juvenile correctional services, as determined by the secretary of administration,
14 shall become the assets and liabilities of the department of children and families.

15 (b) *Positions and employees.* On the effective date of this paragraph, all
16 positions and all incumbent employees holding those positions in the department of
17 corrections performing duties that are primarily related to the provision of juvenile
18 correctional services, as determined by the secretary of administration, are
19 transferred to the department of children and families.

20 (c) *Employee status.* Employees transferred under paragraph (b) have all the
21 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
22 statutes in the department of children and families that they enjoyed in the
23 department of corrections immediately before the transfer. Notwithstanding section
24 230.28 (4) of the statutes, no employee so transferred who has attained permanent
25 status in class is required to serve a probationary period.

SENATE BILL 378

1 (d) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of corrections that
3 is primarily related to the provision of juvenile correctional services, as determined
4 by the secretary of administration, is transferred to the department of children and
5 families.

6 (e) *Pending matters.* Any matter pending with the department of corrections
7 on the effective date of this paragraph that is primarily related to the provision of
8 juvenile correctional services, as determined by the secretary of administration, is
9 transferred to the department of children and families. All materials submitted to
10 or actions taken by the department of corrections with respect to the pending matter
11 are considered as having been submitted to or taken by the department of children
12 and families.

13 (f) *Contracts.* All contracts entered into by the department of corrections in
14 effect on the effective date of this paragraph that are primarily related to the
15 provision of juvenile correctional services, as determined by the secretary of
16 administration, remain in effect and are transferred to the department of children
17 and families. The department of children and families shall carry out any obligations
18 under those contracts unless modified or rescinded by the department of children
19 and families to the extent allowed under the contract.

20 (g) *Rules and orders.* All rules promulgated by the department of corrections
21 in effect on the effective date of this paragraph that are primarily related to the
22 provision of juvenile correctional services, as determined by the secretary of
23 administration, remain in effect until their specified expiration dates or until
24 amended or repealed by the department of children and families. All orders issued
25 by the department of corrections in effect on the effective date of this paragraph that

SENATE BILL 378

1 are primarily related to the provision of juvenile correctional services, as determined
2 by the secretary of administration, remain in effect until their specified expiration
3 dates or until modified or rescinded by the department of children and families.

4 **SECTION 327. Effective date.**

5 (1) TRANSFER OF JUVENILE CORRECTIONAL SERVICES. This act takes effect on the
6 first day of the 6th month beginning after publication, or on the 2nd day after
7 publication of the 2017 biennial budget act, whichever is later.

8 (END)