2017 SENATE BILL 550

November 20, 2017 - Introduced by Senators PETROWSKI, L TAYLOR and JOHNSON, cosponsored by Representatives BORN, NYGREN, KESSLER, BERCEAU, BILLINGS, E. BROOKS, CROWLEY, GENRICH, GOYKE, HINTZ, KOLSTE, KULP, LOUDENBECK, MURSAU, NOVAK, QUINN, RIPP, ROHRKASTE, SHANKLAND, SPIROS, SPREITZER, SUBECK, C TAYLOR and TITTL. Referred to Committee on Judiciary and Public Safety.

AN ACT to renumber and amend 48.02 (1d), 48.02 (2), 938.02 (1), 938.02 (10m), 938.355 (4) (b), 948.01 (1), 990.01 (3) and 990.01 (20); to amend subchapter IX (title) of chapter 48 [precedes 48.44], 48.44, 48.45 (1) (a), 48.45 (1) (am), 48.45 (3) (d), 125.07 (4) (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1., 165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a), 302.31 (7), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4m) (a), 938.39, subchapter IX (title) of chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a), 938.45 (3), 938.48 (4m) (title), 938.48 (4m) (a), 938.48 (4m) (b), 938.48 (14), 938.57 (3) (title), 938.57 (3) (a) (intro.), 938.57 (3) (a) 1., 938.57 (3) (b), 939.632 (1) (e) 1., 939.632 (1) (e) 3., 946.50 (intro.), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (1), 961.46, 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2) and 961.575 (3); and to create 20.437 (1) (ck), 48.02 (1d) (a), 48.02 (1d) (b), 48.02 (2) (a), 48.02 (2) (b), 938.02 (1) (a), 938.02 (1) (b), 938.02 (10m) (a), 938.02 (10m) (b), 938.355 (4) (b) 2.,
SENATE BILL 550

938.487, 948.01 (1) (a), 948.01 (1) (b), 990.01 (3) (a), 990.01 (3) (b), 990.01 (20) (a) and 990.01 (20) (b) of the statutes; relating to: the age at which a person is subject to juvenile court jurisdiction and making appropriations.

Analysis by the Legislative Reference Bureau

This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code if the person has not been charged with committing certain violent offenses and has not, after previously being convicted of a crime or adjudicated delinquent, been charged with a crime.

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility.

The bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court if the person has not been alleged, in a complaint or citation filed with the court, to have violated a civil law or municipal ordinance after previously being convicted of a crime or adjudicated delinquent.

Under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code.

The bill appropriates $5,000,000 in fiscal year 2018-19 to the Department of Children and Families to reimburse counties for the cost of providing juvenile delinquency-related services to 17-year-olds and requires DCF to work with county departments to develop a plan to distribute the funds. The plan must be submitted to the Joint Committee on Finance for passive review. If the cost to counties exceeds $5,000,000, the bill requires DCF to request up to $5,000,000 in additional funding from JCF in fiscal year 2018-19. The bill also requires DCF, in collaboration with the counties, and by no later than October 30, 2019, to submit a report to JCF on the cost of providing juvenile delinquency-related services to 17-year-olds during the first year of implementation of the bill.
SENATE BILL 550

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:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

<table>
<thead>
<tr>
<th></th>
<th>2017-18</th>
<th>2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.437 (1) Children and families, department of (ck)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juvenile delinquency-related services for 17-year-olds</td>
<td>GPR A</td>
<td>-0- $5,000,000</td>
</tr>
</tbody>
</table>

SECTION 2. 20.437 (1) (ck) of the statutes is created to read:

20.437 (1) (ck) Juvenile delinquency-related services for 17-year-olds. The amounts in the schedule for reimbursement to counties under s. 938.487 for the cost of purchasing and providing juvenile delinquency-related services to 17-year-olds.

SECTION 3. 48.02 (1d) of the statutes is renumbered 48.02 (1d) (intro.) and amended to read:

48.02 (1d) (intro.) “Adult” means a person who is 18 years of age or older, except that, for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, “adult” means includes a person who has attained 17 years of age, for whom any of the following applies:

SECTION 4. 48.02 (1d) (a) of the statutes is created to read:
48.02 (1d) (a) The person is alleged, in a criminal complaint filed under s. 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d).

SECTION 5. 48.02 (1d) (b) of the statutes is created to read:

48.02 (1d) (b) The person has previously been convicted of a crime or adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02 or under federal law to have committed a crime, alleged in a complaint filed under s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have violated a civil law punishable by a forfeiture, or alleged in a complaint or citation filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal ordinance.

SECTION 6. 48.02 (2) of the statutes is renumbered 48.02 (2) (intro.) and amended to read:

48.02 (2) (intro.) “Child,” when used without further qualification, means a person who is less than 18 years of age, except that, for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, “child” does not include a person who has attained 17 years of age, for whom any of the following applies:

SECTION 7. 48.02 (2) (a) of the statutes is created to read:

48.02 (2) (a) The person is alleged, in a criminal complaint filed under s. 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d).

SECTION 8. 48.02 (2) (b) of the statutes is created to read:
48.02 (2) (b) The person has previously been convicted of a crime or adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02 or under federal law to have committed a crime, alleged in a complaint filed under s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have violated a civil law punishable by a forfeiture, or alleged in a complaint or citation filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal ordinance.

SECTION 9. Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER IX

JURISDICTION OVER PERSON 17 OR OLDER ADULTS

SECTION 10. 48.44 of the statutes is amended to read:

48.44 Jurisdiction over persons 17 or older adults. The court has jurisdiction over persons 17 years of age or older adults as provided under ss. 48.133, 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in this chapter.

SECTION 11. 48.45 (1) (a) of the statutes is amended to read:

48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any person 17 years of age or older adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, such condition of the child, the judge may make orders with respect to the conduct of such person in his or her relationship to the child, including orders determining the ability of the person to provide for the maintenance or care of the
child and directing when, how, and from where funds for the maintenance or care shall be paid.

**SECTION 12.** 48.45 (1) (am) of the statutes is amended to read:

48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn child’s expectant mother alleged to be in a condition described in s. 48.133 it appears that any person 17 years of age or over adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, such that condition of the unborn child and expectant mother, the judge may make orders with respect to the conduct of such that person in his or her relationship to the unborn child and expectant mother.

**SECTION 13.** 48.45 (3) of the statutes is amended to read:

48.45 (3) If it appears at a court hearing that any person 17 years of age or older adult has violated s. 948.40, the judge shall refer the record to the district attorney for criminal proceedings as may be warranted in the district attorney’s judgment. This subsection does not prevent prosecution of violations of s. 948.40 without the prior reference by the judge to the district attorney, as in other criminal cases.

**SECTION 14.** 118.163 (4) of the statutes is amended to read:

118.163 (4) A person who is under 17 years of age a minor on the date of disposition is subject to s. 938.342.

**SECTION 15.** 125.07 (4) (d) of the statutes is amended to read:

125.07 (4) (d) A person who is under 17 years of age a minor on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

**SECTION 16.** 125.07 (4) (e) 1. of the statutes is amended to read:
SENATE BILL 550

125.07 (4) (e) 1. In this paragraph, “defendant” means a person found guilty of violating par. (a) or (b) who is 17, 18, 19 or 20 an adult under 21 years of age.

SECTION 17. 125.085 (3) (bt) of the statutes is amended to read:

125.085 (3) (bt) A person who is under 17 years of age a minor on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

SECTION 18. 165.83 (1) (c) 1. of the statutes is amended to read:

165.83 (1) (c) 1. An act that is committed by a person who has attained the age of 17 an adult and that is a felony or a misdemeanor.

SECTION 19. 165.83 (1) (c) 2. of the statutes is amended to read:

165.83 (1) (c) 2. An act that is committed by a person minor who has attained the age of 10 but who has not attained the age of 17 and that would be a felony or misdemeanor if committed by an adult.

SECTION 20. 301.12 (2m) of the statutes is amended to read:

301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 18 and older receiving care, maintenance, services, and supplies provided by prisons named in s. 302.01.

SECTION 21. 301.12 (14) (a) of the statutes is amended to read:

301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17 18 years of age in residential, nonmedical facilities such as group homes, foster homes, residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost-based fee established under s. 301.03 (18). The department shall bill the liable person up to any amount of
liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party benefits, subject to rules that include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident reaches age 17 unless the liable person has prevented payment by any act or omission.

**SECTION 22.** 302.31 (7) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

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

**SECTION 23.** 938.02 (1) of the statutes is renumbered 938.02 (1) (intro.) and amended to read:

938.02 (1) (intro.) “Adult” means a person who is 18 years of age or older, except that, for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, “adult” means includes a person who has attained 17 years of age, for whom any of the following applies:

**SECTION 24.** 938.02 (1) (a) of the statutes is created to read:

938.02 (1) (a) The person is alleged, in a criminal complaint filed under s. 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d).
SECTION 25. 938.02 (1) (b) of the statutes is created to read:

938.02 (1) (b) The person has previously been convicted of a crime or adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02 or under federal law to have committed a crime, alleged in a complaint filed under s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have violated a civil law punishable by a forfeiture, or alleged in a complaint or citation filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal ordinance.

SECTION 26. 938.02 (10m) of the statutes is renumbered 938.02 (10m) (intro.) and amended to read:

938.02 (10m) (intro.) “Juvenile,” when used without further qualification, means a person who is less than 18 years of age, except that, for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, “juvenile” does not include a person who has attained 17 years of age, for whom any of the following applies:

SECTION 27. 938.02 (10m) (a) of the statutes is created to read:

938.02 (10m) (a) The person is alleged, in a criminal complaint filed under s. 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d).

SECTION 28. 938.02 (10m) (b) of the statutes is created to read:

938.02 (10m) (b) The person has previously been convicted of a crime or adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02 or under federal law to have committed a crime, alleged in a complaint filed under s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have
violated a civil law punishable by a forfeiture, or alleged in a complaint or citation
filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal
ordinance.

SECTION 29. 938.12 (2) of the statutes is amended to read:

938.12 (2) SEVENTEEN-YEAR-OLDS JUVENILES WHO BECOME ADULTS. If a petition
alleging that a juvenile is delinquent is filed before the juvenile is 17 years of age
becomes an adult, but the juvenile becomes 17 years of age an adult before admitting
the facts of the petition at the plea hearing or, if the juvenile denies the facts, before
an adjudication, the court retains jurisdiction over the case.

SECTION 30. 938.18 (2) of the statutes is amended to read:

938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the
district attorney or the juvenile or may be initiated by the court and shall contain a
brief statement of the facts supporting the request for waiver. The petition for waiver
of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
delinquency and shall be filed prior to the plea hearing, except that if the juvenile
denies the facts of the petition and becomes 17 years of age an adult before an
adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
the adjudication. If the court initiates the petition for waiver of jurisdiction, the
judge shall disqualify himself or herself from any future proceedings on the case.

SECTION 31. 938.183 (3) of the statutes is amended to read:

938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. When a juvenile who is subject
to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., attains the age
of 17 years becomes an adult, the department of corrections may place the juvenile
in a state prison named in s. 302.01, except that that department may not place any
person under the age of 18 years in the correctional institution authorized in s.
301.16 (1m) or under s. 938.183 (2), 2003 stats., for an act committed before December 31, 1999, is eligible for parole under s. 304.06.

**SECTION 32.** 938.255 (1) (intro.) of the statutes is amended to read:

938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings under this chapter, other than a petition initiating proceedings under s. 938.12, 938.125, or 938.13 (12), shall be entitled, “In the interest of (juvenile’s name), a person under the age of 18.” A petition initiating proceedings under s. 938.12, 938.125, or 938.13 (12) shall be entitled, “In the interest of (juvenile’s name), a juvenile.” A petition initiating proceedings under this chapter shall specify all of the following:

**SECTION 33.** 938.34 (8) of the statutes is amended to read:

938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and the juvenile’s rehabilitation. The maximum forfeiture that the court may impose under this subsection for a violation by a juvenile is the maximum amount of the fine that may be imposed on an adult for committing that violation or, if the violation is applicable only to juveniles, $100. The order shall include a finding that the juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order other alternatives under this section; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile’s operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license if issued under ch.
29 or, if the license is issued under ch. 343, the court may take possession of, and if
possession is taken, shall destroy, the license. The court shall forward to the
department which that issued the license a notice of suspension stating that the
suspension is for failure to pay a forfeiture imposed by the court, together with any
license issued under ch. 29 of which the court takes possession. If the forfeiture is
paid during the period of suspension, the suspension shall be reduced to the time
period which that has already elapsed and the court shall immediately notify the
department, which shall then, if the license is issued under ch. 29, return the license
to the juvenile. Any recovery under this subsection shall be reduced by the amount
recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

**SECTION 34.** 938.343 (2) of the statutes is amended to read:

938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
forfeiture that may be imposed on an adult for committing that violation or, if the
violation is only applicable to a person under 18 years of age juveniles, $50. The
order shall include a finding that the juvenile alone is financially able to pay and
shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,
the court may suspend any license issued under ch. 29 or suspend the juvenile’s
operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court
shall immediately take possession of the suspended license if issued under ch. 29 or,
if the license is issued under ch. 343, the court may take possession of, and if
possession is taken, shall destroy, the license. The court shall forward to the
department which that issued the license the notice of suspension stating that the
suspension is for failure to pay a forfeiture imposed by the court, together with any
license issued under ch. 29 of which the court takes possession. If the forfeiture is
paid during the period of suspension, the court shall immediately notify the
department, which shall, if the license is issued under ch. 29, return the license to
the person. Any recovery under this subsection shall be reduced by the amount
recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

SECTION 35. 938.344 (3) of the statutes is amended to read:

938.344 (3) Prosecution in Adult Court. If the juvenile alleged to have
committed the violation is within 3 months of his or her 17th birthday becoming an
adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,
at the request of the district attorney or on its own motion, dismiss the citation
without prejudice and refer the matter to the district attorney for prosecution under
s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.
This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or
961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

SECTION 36. 938.35 (1m) of the statutes is amended to read:

938.35 (1m) Future Criminal Proceedings Barred. Disposition by the court
assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter
in criminal court when the juvenile attains 17 years of age becomes an adult. This
subsection does not affect proceedings in criminal court that have been transferred
under s. 938.18.

SECTION 37. 938.355 (4) (b) of the statutes is renumbered 938.355 (4) (b) 1. and
amended to read:

938.355 (4) (b) 1. Except as provided in s. 938.368, an order under s. 938.34 (4d)
or (4m) made before the juvenile attains 18 17 years of age may apply for up to 2 years
after the date on which the order is granted or until the juvenile’s 18th birthday,
whichever is earlier, unless the court specifies a shorter period of time or the court
terminates the order sooner. If the order does not specify a termination date, it shall apply for one year after the date on which the order is granted or until the juvenile’s 18th birthday, whichever is earlier, unless the court terminates the order sooner.

3. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the juvenile attains 18 years of age shall apply for 5 years after the date on which the order is granted, if the juvenile is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult.

4. Except as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile attains 17 years of age shall terminate at the end of one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner. No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when the original dispositional order terminates.

SECTION 38. 938.355 (4) (b) 2. of the statutes is created to read:

938.355 (4) (b) 2. Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made while the juvenile is 17 years of age may apply for up to 2 years after the date on which the order is granted or until the juvenile’s 19th birthday, whichever is earlier, unless the court specifies a shorter period of time or the court terminates the order. If the order does not specify a termination date, it shall apply for one year after the date on which the order is granted or until the juvenile’s 19th birthday, whichever is earlier, unless the court terminates the order sooner.
SECTION 39. 938.355 (4m) (a) of the statutes is amended to read:

938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 may, on attaining 17 years of age becoming an adult, petition the court to expunge the court’s record of the juvenile's adjudication. Subject to par. (b), the court may expunge the record if the court determines that the juvenile has satisfactorily complied with the conditions of his or her dispositional order and that the juvenile will benefit from, and society will not be harmed by, the expungement.

SECTION 40. 938.39 of the statutes is amended to read:

938.39 Disposition by court bars criminal proceeding. Disposition by the court of any violation of state law within its jurisdiction under s. 938.12 bars any future criminal proceeding on the same matter in circuit court when the juvenile reaches the age of 17 becomes an adult. This section does not affect criminal proceedings in circuit court that were transferred under s. 938.18.

SECTION 41. Subchapter IX (title) of chapter 938 [precedes 938.44] of the statutes is amended to read:

CHAPTER 938

SUBCHAPTER IX

JURISDICTION OVER PERSONS 17 OR OLDER ADULTS

SECTION 42. 938.44 of the statutes is amended to read:

938.44 Jurisdiction over persons 17 or older adults. The court has jurisdiction over persons 17 years of age or older adults as provided under ss. 938.355 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

SECTION 43. 938.45 (1) (a) of the statutes is amended to read:
938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent under s. 938.12 or in need of protection or services under s. 938.13 it appears that any person 17 years of age or older adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, such condition of the juvenile, the court may make orders with respect to the conduct of that person in his or her relationship to the juvenile, including orders relating to determining the ability of the person to provide for the maintenance or care of the juvenile and directing when, how, and from where funds for the maintenance or care shall be paid.

**SECTION 44.** 938.45 (3) of the statutes is amended to read:

938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE. If it appears at a court hearing that any person 17 years of age or older adult has violated s. 948.40, the court shall refer the record to the district attorney. This subsection does not prohibit prosecution of violations of s. 948.40 without the prior reference by the court to the district attorney.

**SECTION 45.** 938.48 (4m) (title) of the statutes is amended to read:

938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES OVER 17 WHO BECOME ADULTS.

**SECTION 46.** 938.48 (4m) (a) of the statutes is amended to read:

938.48 (4m) (a) Is at least 17 years of age an adult.

**SECTION 47.** 938.48 (4m) (b) of the statutes is amended to read:

938.48 (4m) (b) Was under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) when the person reached 17 years of age became an adult.

**SECTION 48.** 938.48 (14) of the statutes is amended to read:
938.48 (14) School-related expenses for juveniles over 17 who become adults. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age became adults, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon attaining that age becoming adults were under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of a judicial decision.

SECTION 49. 938.487 of the statutes is created to read:

938.487 Reimbursements to counties for juvenile delinquency-related services for 17-year-olds. From the appropriation under s. 20.437 (1) (ck), the department shall distribute the amounts necessary to reimburse counties for the costs counties incur in purchasing or providing juvenile delinquency-related services for 17-year-olds, including the costs for community-based juvenile delinquency-related services, juvenile correctional services, or services provided in juvenile detention facilities, county jails, municipal lockup facilities, or temporary shelter care facilities. Funds to counties under this subsection may not be used for the purposes of land purchase, building construction, or maintenance of buildings under s. 46.17, 46.175, or 301.37.

SECTION 50. 938.57 (3) (title) of the statutes is amended to read:

938.57 (3) (title) Continuing maintenance for juveniles over 17 who become adults.

SECTION 51. 938.57 (3) (a) (intro.) of the statutes is amended to read:
938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d), counties may provide funding for the maintenance of any juvenile person who meets all of the following qualifications:

**SECTION 52.** 938.57 (3) (a) 1. of the statutes is amended to read:

938.57 (3) (a) 1. Is 17 years of age or older an adult.

**SECTION 53.** 938.57 (3) (a) 3. of the statutes is amended to read:

938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to his or her 17th birthday becoming an adult.

**SECTION 54.** 938.57 (3) (b) of the statutes is amended to read:

938.57 (3) (b) The funding provided for the maintenance of a juvenile person under par. (a) shall be in an amount equal to that to which the juvenile person would receive under s. 48.569 (1) (d) if the person were a juvenile were 16 years of age.

**SECTION 55.** 939.632 (1) (e) 1. of the statutes is amended to read:

939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31, 940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

**SECTION 56.** 939.632 (1) (e) 3. of the statutes is amended to read:

939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

**SECTION 57.** 946.50 (intro.) of the statutes is amended to read:

946.50 **Absconding.** (intro.) Any person who is adjudicated delinquent, but who intentionally fails to appear before the court assigned to exercise jurisdiction
under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
does not return to that court for a dispositional hearing before attaining the age of
17 years becoming an adult is guilty of the following:

**SECTION 58.** 948.01 (1) of the statutes is renumbered 948.01 (1) (intro.) and
amended to read:

948.01 (1) (intro.) “Child” means a person who has not attained the age of 18
years, except that, for purposes of prosecuting a person who is alleged to have
violated a state or federal criminal law, “child” does not include a person who has
attained the age of 17 years, of age for whom any of the following apply:

**SECTION 59.** 948.01 (1) (a) of the statutes is created to read:

948.01 (1) (a) The person is alleged, in a criminal complaint filed under s.
968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or
any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)
(b), (bm), (c), or (d).

**SECTION 60.** 948.01 (1) (b) of the statutes is created to read:

948.01 (1) (b) The person has previously been convicted of a crime or
adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02
or under federal law to have committed a crime.

**SECTION 61.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

948.11 (2) (am) (intro.) Any person who has attained the age of 17 and adult
who, with knowledge of the character and content of the description or narrative
account, verbally communicates, by any means, a harmful description or narrative
account to a child, with or without monetary consideration, is guilty of a Class I
felony if any of the following applies:

**SECTION 62.** 948.45 (1) of the statutes is amended to read:
948.45 (1) Except as provided in sub. (2), any person 17 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy, as defined under s. 118.16 (1) (c), of a person 17 years of age or under child is guilty of a Class C misdemeanor.

SECTION 63. 948.60 (2) (d) of the statutes is amended to read:

948.60 (2) (d) A person under 17 years of age child who has violated this subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

SECTION 64. 948.61 (4) of the statutes is amended to read:

948.61 (4) A person under 17 years of age child who has violated this section is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

SECTION 65. 961.455 (1) of the statutes is amended to read:

961.455 (1) Any person who has attained the age of 17 years adult who knowingly solicits, hires, directs, employs, or uses a person who is under the age of 17 years of age or under for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

SECTION 66. 961.46 of the statutes is amended to read:

961.46 Distribution to persons under age 18. If a person 17 years of age or over an adult violates s. 961.41 (1) by distributing or delivering a controlled substance or a controlled substance analog to a person 17 years of age or under who is at least 3 years his or her junior, the applicable maximum term of imprisonment
prescribed under s. 961.41 (1) for the offense may be increased by not more than 5 years.

**Section 67.** 961.573 (2) of the statutes is amended to read:

961.573 (2) Any person **minor** who violates sub. (1) **who is under 17 years of age** is subject to a disposition under s. 938.344 (2e).

**Section 68.** 961.574 (2) of the statutes is amended to read:

961.574 (2) Any person **minor** who violates sub. (1) **who is under 17 years of age** is subject to a disposition under s. 938.344 (2e).

**Section 69.** 961.575 (1) of the statutes is amended to read:

961.575 (1) Any person **17 years of age or over adult** who violates s. 961.574 (1) by delivering drug paraphernalia to a person 17 years of age or under who is at least 3 years younger than the violator may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

**Section 70.** 961.575 (2) of the statutes is amended to read:

961.575 (2) Any person **minor** who violates this section **who is under 17 years of age** is subject to a disposition under s. 938.344 (2e).

**Section 71.** 961.575 (3) of the statutes is amended to read:

961.575 (3) Any person **17 years of age or over adult** who violates s. 961.574 (3) by delivering drug paraphernalia to a person 17 years of age or under is guilty of a Class G felony.

**Section 72.** 990.01 (3) of the statutes is renumbered 990.01 (3) (intro.) and amended to read:

990.01 (3) **Adult.** (intro.) “Adult” means a person who has attained the age of 18 years, except that, for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal
ordinance, “adult” means includes a person who has attained the age of 17 years of 
age for whom any of the following applies:

SECTION 73. 990.01 (3) (a) of the statutes is created to read:

990.01 (3) (a) The person is alleged, in a criminal complaint filed under s. 
968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or 
any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) 
(b), (bm), (c), or (d).

SECTION 74. 990.01 (3) (b) of the statutes is created to read:

990.01 (3) (b) The person has previously been convicted of a crime or 
adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02 
or under federal law to have committed a crime, alleged in a complaint filed under 
s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have 
violated a civil law punishable by a forfeiture, or alleged in a complaint or citation 
filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal 
ordinance.

SECTION 75. 990.01 (20) of the statutes is renumbered 990.01 (20) (intro.) and 
amended to read:

990.01 (20) MINOR. (intro.) “Minor” means a person who has not attained the 
age of 18 years, except that, for purposes of investigating or prosecuting a person who 
is alleged to have violated a state or federal criminal law or any civil law or municipal 
ordinance, “minor” does not include a person who has attained the age of 17 years of 
age for whom any of the following applies:

SECTION 76. 990.01 (20) (a) of the statutes is created to read:

990.01 (20) (a) The person is alleged, in a criminal complaint filed under s. 
968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or
any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)
(b), (bm), (c), or (d).

**SECTION 77.** 990.01 (20) (b) of the statutes is created to read:

990.01 (20) (b) The person has previously been convicted of a crime or
adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02
or under federal law to have committed a crime, alleged in a complaint filed under
s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have
violated a civil law punishable by a forfeiture, or alleged in a complaint or citation
filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal
ordinance.

**SECTION 78. Nonstatutory provisions.**

(1) **Payment plan.**

(a) No later than July 1, 2018, the department of children and families, in
consultation with the county departments, as defined under section 938.02 (2g) of the
statutes, shall submit a plan to the joint committee on finance outlining how funds
will be distributed under section 938.487 of the statutes.

(b) If the cochairpersons of the joint committee on finance do not notify the
department of children and families within 14 working days after the date of the
submittal of the plan under paragraph (a) that the committee has scheduled a
meeting to review the plan, the department shall implement the plan. If, within 14
working days after the date of the submittal of the plan, the cochairpersons of the
joint committee on finance notify the department of children and families that the
committee has scheduled a meeting to review the plan, the department may not
implement the plan unless the committee approves or modifies the plan. If the
committee modifies the plan, the department of children and families may implement the plan only as modified by the committee.

(2) Supplemental Funds. If costs described in section 938.487 of the statutes exceed the moneys available under section 20.437 (1) (ck) of the statutes for fiscal year 2018-19, the department shall request the joint committee on finance to increase the appropriation under section 20.437 (1) (ck) of the statutes for up to an additional $5,000,000 under section 13.101 of the statutes. The requirement of a finding of emergency under section 13.101 (3) (a) 1. of the statutes does not apply to such a request.

(3) Report.

(a) No later than September 30, 2019, each county department that provides juvenile delinquency-related services to 17-year-olds shall submit a report to the department of children and families on all of the following for the preceding fiscal year:

1. The number and demographics of 17-year-olds for which the county department provided services.

2. The types of offenses committed or alleged to be committed by the 17-year-olds under subdivision 1.

3. The cost to the county department for providing delinquency-related services to 17-year-olds.

(b) No later than 30 days after receipt of the information under paragraph (a), the department of children and families shall submit a report on the information it receives from the county departments to the joint committee on finance.

SECTION 79. Fiscal changes.
(1) Reimbursements to counties for juvenile delinquency-related services; appropriation increase. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, the dollar amount for fiscal year 2018–19 is increased by $5,000,000 to grant a request by the department of children and families for an appropriation increase to reimburse counties for the costs counties incur in purchasing or providing juvenile delinquency-related services for 17-year-olds.

**SECTION 80. Initial applicability.**

(1) Age of adult jurisdiction. This act first applies to a violation of a criminal law, civil law, or municipal ordinance allegedly committed on the effective date of this subsection.

**SECTION 81. Effective dates.** This act takes effect on July 1, 2018, except as follows:

(1) Section 78 of this act takes effect on the day after publication.