
AN ACT to repeal 20.410 (4) (bm) and 301.20; to renumber and amend 938.357 (3), 938.357 (4) (a) and 938.485 (5); to amend 16.99 (3b), 46.011 (1p), 46.057 (1), 46.20 (3), 46.22 (1) (a), 48.023 (4), 48.526 (2) (c), 48.526 (6) (b), 48.526 (7) (bm), 48.66 (1) (b), 49.11 (1c), 49.45 (25) (bj), 301.01 (1n), 301.03 (9), 301.03 (10) (d), 301.08 (1) (b) 3., 301.16 (1x), 301.37 (1), 938.02 (4), 938.02 (15g), 938.22 (1) (a), 938.22 (2) (a), 938.225, 938.34 (2) (a), 938.34 (2) (b), 938.34 (4m) (intro.), 938.357 (4) (am), 938.357 (4) (b) 1., 938.357 (4) (b) 2., 938.357 (4) (b) 4., 938.357 (4) (c) 1., 938.357 (4m), 938.48 (3), 938.48 (4), 938.48 (4m) (b), 938.48 (5), 938.48 (6), 938.48 (14), 938.49 (title), 938.49 (1), 938.49 (2) (intro.), 938.49 (2) (a), 938.505 (1), 938.52 (2) (a) and (c), 938.53, 938.535, 938.539 (2), 938.539 (3), 938.539 (4), 938.539 (5), 938.54, 938.59 (1) and 938.595; to repeal and recreate 938.357 (4) (title); and to create 20.410 (4) (bm), 46.20 (1m), 59.53 (8m), 301.16 (1w), 301.18 (1) (fm), 301.37 (1m), 938.357 (3) (a) and (b), 938.357 (4) (ab), 938.357 (4) (d) and 938.485 (5) (b) and (c) of the statutes; relating to: juvenile
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correctional facilities, youth aids, providing an exemption from emergency rule
procedures, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the state to close the Lincoln Hills School and Copper Lake School by July 1, 2020, requires the Department of Corrections to establish new Type 1 juvenile correctional facilities, and authorizes counties to establish secured residential care centers for children and youth. Once the secured residential care centers for children and youth are established, the bill transfers the supervision of a juvenile under a correctional placement to the county department of human services or social services (county department) of the county in which the juvenile was adjudicated delinquent. The bill creates a council to study juvenile corrections issues and a grant program under which counties may apply for state funding of 95 percent of the cost of establishing or constructing secured residential care centers for children and youth. The bill also expands the authorized uses of youth aids for program costs in juvenile detention facilities and secured residential care centers for children and youth.

New facilities for juveniles.

Under current law, DOC oversees all juvenile correctional services for juveniles who are under original adult court jurisdiction or who have been adjudged delinquent under the Juvenile Justice Code, placed under the supervision of DOC, and placed in a juvenile correctional facility, in the Serious Juvenile Offender Program (SJOP), or under community supervision. Under the bill, DOC maintains supervision over juveniles in SJOP, under community supervision, and under original adult court jurisdiction, but supervision over juveniles who are under any other correctional placement under the Juvenile Justice Code is transferred to county departments.

Under the bill, no later than July 1, 2020, the county board of supervisors of a county is required to ensure there is sufficient space in a secured residential care center for children and youth for all juveniles adjudicated delinquent by the county's circuit court and placed in a secured residential care center for children and youth. The bill authorizes a county to establish, or contract with a child welfare agency to establish, a secured residential care center for children and youth, on its own or jointly with one or more counties, or to contract with another county to place juveniles in that county's secured residential care center for children and youth. In addition, as in current law, the bill allows a child welfare agency to be licensed to operate a secured residential care center for children and youth. Also by July 1, 2020, the bill requires DOC to construct or establish one or more Type 1 juvenile correctional facilities with sufficient space for all juveniles placed in a Type 1 juvenile correctional facility.

The bill creates a Juvenile Corrections Study Committee, which is required to research and develop recommendations on all of the following:

1. Transfer of supervision of juveniles
2. Establishment of secured residential care centers
3. Expansion of youth aids funding
4. Council to study juvenile corrections issues
5. Grant program for establishing secured residential care centers

The bill also makes several technical and clarifying changes to existing law.
1. Optimal locations for the new Type 1 juvenile correctional facilities based on space and security needs, cost, proximity to the populations of juveniles the facilities would serve, and best practices for holding juveniles in secure custody. The bill requires the committee to favor the use of existing facilities and to conduct an inventory of existing state-owned facilities that have the capacity to be used as Type 1 juvenile correctional facilities. The bill requires the committee to submit its recommendations to DOC no later than November 1, 2018, and requires DOC to consider these recommendations in establishing the new facilities.

2. Rules governing the services and programming provided to juveniles in secured residential care centers for children and youth. The bill requires the committee to submit its findings and recommendations to the Department of Children and Families no later than September 1, 2018, and requires DCF to promulgate rules establishing standards for services in secured residential care centers for children and youth based on those recommendations. The bill requires DCF to promulgate emergency rules establishing these standards no later than December 31, 2018.

3. Updating DOC's rules governing juvenile detention centers. The bill requires the committee to submit these recommendations to DOC no later than July 1, 2020.

The committee is required under the bill to consult with the Council of State Governments, if it agrees, to aid the committee's research and development of recommendations. Under the bill, the committee terminates on July 1, 2020.

The bill requires the transfer from Lincoln Hills School and Copper Lake School of all juveniles who are under a correctional placement to the appropriate secured residential care center for children and youth and the transfer of all other juveniles to the new Type 1 juvenile correctional facilities. The bill then requires the closure of Lincoln Hills School and Copper Lake School once all juveniles have been transferred, but no later than July 1, 2020. By that date the bill also requires DOC to submit to the Joint Committee on Finance a report on the feasibility of converting the Lincoln Hills School and Copper Lake School facilities into an alcohol and other drug abuse treatment facility for adults or a correctional treatment facility for the treatment of substance abuse of inmates under the Wisconsin Substance Abuse Program.

Under the bill, once a juvenile is placed in a secured residential care center for children and youth under a correctional placement, or once a juvenile who was under a correctional placement at Lincoln Hills School or Copper Lake School is transferred to a secured residential care center for children and youth, the juvenile is under the supervision of the county department of the county in which the juvenile was adjudicated delinquent. Under the bill, DOC maintains supervision over juveniles in secured residential care centers for children and youth that are in SJOP or under original adult court jurisdiction.

The bill maintains DOC's authority under current law to license, supervise, and inspect secured residential care centers for children and youth. Under the bill, a county that proposes to construct or operate a secured residential care center for children and youth is required to submit its plans to DOC for approval.
Change of placement.

Under the bill, generally, a juvenile who is given a correctional placement under a county department’s supervision may only be placed in a secured residential care center for children and youth. However, if, after a placement in a secured residential care center for children and youth, the juvenile’s behavior presents a serious problem for the juvenile or others, the county department may place the juvenile in a different secured residential care center for children and youth that offers more appropriate care and services without a hearing. Similarly, if a juvenile is placed under DOC’s supervision in a secured residential care center for children and youth and the juvenile’s behavior presents a serious problem for the juvenile or others, DOC may place the juvenile in a different secured residential care center for children and youth without a hearing. Also under the bill, a juvenile in a secured residential care center for children and youth under the supervision of either DOC or a county department may be placed in a Type 1 juvenile correctional facility after a hearing if the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) finds that the juvenile’s behavior presents a serious problem for the juvenile or others in the secured residential care center and that all other placement options have been exhausted, including placement in at least one other secured residential care center for children and youth, if available.

If DOC places a juvenile at a secured residential care center for children and youth or if a county department places a juvenile at a secured residential care center for children and youth other than its own, the bill requires that the entity operating the receiving secured residential care center for children and youth agree to the placement and requires that care and services for that juvenile be provided under a contract.

Juvenile corrections grant program.

The bill creates in DOC a Juvenile Corrections Grant Committee, which is required to establish and administer a juvenile corrections grant program, under which counties may apply for a grant to pay 95 percent of the costs of establishing or constructing secured residential care centers for children and youth. The bill allows multiple counties to jointly submit a grant application for construction of a secured residential care center for children and youth that will hold juveniles from all of the cooperating counties. The bill requires the committee to establish requirements, guidelines, and criteria for the grant program but requires that, in developing a grant application, the applicant must consider best practices in designing and operating facilities that hold juveniles in secure custody and the feasibility of developing an existing facility, and must solicit input on the design of the facility from judges at the court assigned to exercise jurisdiction under the Children’s Code and the Juvenile Justice Code for each county participating in the grant application. The bill requires the committee to require that a proposed facility have the capacity to house no fewer than 24 juveniles. The bill also requires the committee to favor proposals that utilize existing facilities and to encourage multicounty coordination by favoring applications submitted jointly by multiple counties.
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Under the bill, grant applications are due March 31, 2019, but the committee is authorized to work with applicants between that date and June 30, 2019, to modify applications in order to increase the likelihood of being awarded a grant. The bill requires the committee, in consultation with DOC and DCF, to develop a statewide plan that recommends which of the grant applications to approve. The committee is prohibited from recommending approval of an application unless DOC approves the plans and specifications for the site and the design and construction of the facility.

The bill requires the Juvenile Corrections Grant Committee to submit its plan to the Joint Committee on Finance no later than July 1, 2019, to request approval to proceed with the plan under a passive review process. If approved, the bill requires DOC to implement the plan by awarding the grants under the plan, and requires the Juvenile Corrections Grant Committee to monitor the progress of the projects funded by the grants to ensure compliance with the grant program and completion in time for the deadline for transferring juveniles from Lincoln Hills School and Copper Lake School to the new Type 1 juvenile correctional facilities and secured residential care centers for children and youth. Under the bill, the Juvenile Corrections Grant Committee terminates on the earlier of the date on which all projects funded with the grants are completed or July 1, 2020.

Department of Corrections employees.

The bill authorizes some preferential treatment for employees of Lincoln Hills School or Copper Lake School in applying for open positions at the new Type 1 juvenile correctional facilities and secured residential care centers for children and youth. Under the bill, a classified employee who, on the date DOC begins accepting applications for a position at a Type 1 juvenile correctional facility is employed at the Lincoln Hills School or Copper Lake School may apply to DOC to transfer to a position at the Type 1 juvenile correctional facility and DOC is authorized to transfer such an employee to certain positions at a new Type 1 juvenile correctional facility without competitive procedures. Similarly, an applicant for a position at a secured residential care center for children and youth operated by a county who is employed at Lincoln Hills School or Copper Lake School on the date that the county begins accepting applications for the position may be selected by the county without regard to the requirements of any county civil service system that would otherwise apply. Finally, if, prior to July 1, 2020, a county enters into a contract with a child welfare agency under which the child welfare agency agrees to operate a new secured residential care center for children and youth, the county shall include in the contract a requirement that the child welfare agency grant an initial interview to any applicant for a position at the new secured residential care center for children and youth who is an employee of Lincoln Hills School or Copper Lake School on the date that the child welfare agency begins accepting applications for that position.

Youth aids funding.

Current law requires DCF to allocate to counties various state and federal moneys to pay for juvenile correctional services and community-based juvenile delinquency-related services (commonly referred to as “youth aids”). Under current law, youth aids funding may not be used to pay for land purchase, building
construction, or maintenance of county buildings, for reimbursement of costs relating to holding juveniles in secure custody, city lockups, or temporary shelter care. Under current law, youth aids may be used to reimburse costs of program services in juvenile detention facilities, except for the costs of basic care and supervision. The bill removes this exception, so that youth aids may be used to reimburse costs of basic care and supervision in juvenile detention facilities, and adds that youth aids may be used to reimburse costs of program services in secured residential care centers for children and youth.

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. 16.99 (3b) of the statutes is amended to read:

16.99 (3b) “Juvenile correctional facility” means the Copper Lake School and the Lincoln Hills School a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), but does not include the Mendota juvenile treatment center under s. 46.057.

SECTION 2. 20.410 (4) (bm) of the statutes is created to read:

20.410 (4) (bm) Juvenile corrections grant program. A sum sufficient to issue grants under Section 90 (4) of 2017 Wisconsin Act .... (this act).

SECTION 3. 20.410 (4) (bm) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is repealed.

SECTION 4. 46.011 (1p) of the statutes is amended to read:

46.011 (1p) “Juvenile correctional services” means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 5. 46.011 (1p) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:
46.011 (1p) “Juvenile correctional services” means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

**SECTION 6.** 46.057 (1) of the statutes is amended to read:

46.057 (1) The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities and whose mental health needs can be met at the center. With the approval of the department of health services, the department of corrections or a county department may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections or a county department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections or a county department transfers juveniles between other juvenile correctional facilities.

**SECTION 7.** 46.20 (1m) of the statutes is created to read:
46.20 (1m) Any 2 or more counties may jointly, by majority vote of all the members of each county board, provide for a secured residential care center for children and youth, as defined in s. 938.02 (15g). A secured residential care center for children and youth established under this section shall be the county secured residential care center for children and youth of each of the counties so joining.

SECTION 8. 46.20 (3) of the statutes is amended to read:

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

SECTION 9. 46.22 (1) (a) of the statutes is amended to read:

46.22 (1) (a) Creation. Except as provided under s. 46.23 (3) (b), the county board of supervisors of any county with a population of less than 500,000, or the county boards of 2 or more counties, shall establish a county department of social services on a single-county or multicounty basis. The county department of social services shall consist of a county social services board, a county social services director and necessary personnel.

SECTION 10. 48.023 (4) of the statutes is amended to read:

48.023 (4) The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m) or (4n), or
938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4d),
(4m), or (4n).

SECTION 11. 48.023 (4) of the statutes, as affected by 2017 Wisconsin Act ....
(this act), is amended to read:

48.023 (4) The rights and responsibilities of legal custody except when legal
custody has been vested in another person or when the child is under the supervision
of the department of corrections under s. 938.183, 938.34 (4h), (4m) or (4n), or
938.357 (4) or the supervision of a county department under s. 938.34 (4d), (4m), or
(4n).

SECTION 12. 48.526 (2) (c) of the statutes is amended to read:

48.526 (2) (c) All funds to counties under this section shall be used to purchase
or provide community-based juvenile delinquency-related services, as defined in s.
46.011 (1c), and to purchase juvenile correctional services, as defined in s. 46.011
(1p), except that no funds to counties under this section may be used for purposes of
land purchase, building construction, or maintenance of buildings under s. 46.17,
46.175, or 301.37, for reimbursement of costs under s. 938.209, for city lockups, or
for reimbursement of care costs in temporary shelter care under s. 938.22. Funds to
counties under this section may be used for reimbursement of costs of program
services, other than including basic care and supervision costs, in juvenile detention
facilities and secured residential care centers for children and youth.

SECTION 13. 48.526 (6) (b) of the statutes is amended to read:

48.526 (6) (b) The criteria developed under par. (a) shall include performance
standards criteria to be used to determine whether counties are successfully
diverting juveniles from juvenile correctional facilities and secured residential care
centers for children and youth to less restrictive community programs and are
successfully rehabilitating juveniles who are adjudged delinquent. Counties shall provide information requested by the department in order to apply the criteria and assess their performances.

**SECTION 14.** 48.526 (7) (bm) of the statutes is amended to read:

48.526 (7) (bm) Of the amounts specified in par. (a), the department shall allocate $6,250,000 for the last 6 months of 2015, $12,500,000 for 2016, and $6,250,000 for the first 6 months of 2017 to counties based on each county’s proportion of the number of juveniles statewide who are placed in a juvenile correctional facility or a secured residential care center for children and youth during the most recent 3–year period for which that information is available.

**SECTION 15.** 48.66 (1) (b) of the statutes, as affected by 2017 Wisconsin Act 47, is amended to read:

48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections may license a child welfare agency to operate a secured residential care center for children and youth for holding in secure custody juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or (4m) and referred to the child welfare agency by the court, the county department, or the department of corrections and to provide supervision, care, and maintenance for those juveniles.

**SECTION 16.** 49.11 (1c) of the statutes is amended to read:

49.11 (1c) “Community-based juvenile delinquency-related services” means juvenile delinquency-related services provided under ch. 938 other than services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).
SECTION 17. 49.11 (1c) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

49.11 (1c) “Community-based juvenile delinquency-related services” means juvenile delinquency-related services provided under ch. 938 other than services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 18. 49.45 (25) (bj) of the statutes is amended to read:

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

SECTION 19. 49.45 (25) (bj) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

49.45 (25) (bj) The department of corrections may elect to provide case management services under this subsection to persons who are under the supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or more of the conditions specified in par. (am). The amount of the allowable charges for those services under the Medical Assistance program that is not provided by the federal government shall be paid from the appropriation account under s. 20.410 (3) (hm), (ho), or (hr).
SECTION 20. 59.53 (8m) of the statutes is created to read:

59.53 (8m) SECURED RESIDENTIAL CARE CENTER FOR CHILDREN AND YOUTH. The board shall ensure that there is sufficient space in a secured residential care center for children and youth for all juveniles adjudicated delinquent by the circuit court of the county and placed in a secured residential care center for children and youth, either by establishing or contracting with a child welfare agency to establish a secured residential care center for children and youth, on its own or jointly with one or more counties, under ss. 46.20 (1m) and 938.22 (1) (a), or by contracting with another county to place juveniles in that county's secured residential care center for children and youth. If a board contracts with another county to place a juvenile at that county's secured residential care center for children and youth, that secured residential care center for children and youth shall be the county secured residential care center for children and youth of the placing county with respect to the placed juvenile.

SECTION 21. 301.01 (1n) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

301.01 (1n) “Juvenile correctional services” means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 22. 301.01 (1n) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

301.01 (1n) “Juvenile correctional services” means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).
SECTION 23. 301.03 (9) of the statutes, as affected by 2015 Wisconsin Act 55, section 4227b, is amended to read:

301.03 (9) Supervise all persons placed in a state prison under s. 938.183, all persons placed under court-ordered departmental supervision under s. 938.34 (2), all persons placed in the serious juvenile offender program under s. 938.34 (4h), all persons placed in a juvenile correctional facility or a secured residential treatment center for children and youth under s. 938.34 (4m) or 938.357 (4), all persons placed under community supervision under s. 938.34 (4n) or 938.357 (4), and all persons placed in an experiential education program under the supervision of the department under s. 938.34 (7g) and all persons placed under the supervision of the department by the court under ch. 938.

SECTION 24. 301.03 (10) (d) of the statutes is amended to read:

301.03 (10) (d) Administer the office of juvenile offender review in the division of juvenile corrections in the department. The office shall be responsible for decisions regarding case planning and the release of juvenile offenders who are under the supervision of the department from juvenile correctional facilities or secured residential care centers for children and youth to aftercare or community supervision placements.

SECTION 25. 301.03 (10) (d) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

301.03 (10) (d) Administer the office of juvenile offender review in the division of juvenile corrections in the department. The office shall be responsible for decisions regarding case planning and the release of juvenile offenders who are under the supervision of the department from juvenile correctional facilities or secured
residential care centers for children and youth to aftercare or community supervision placements.

Section 26. 301.08 (1) (b) 3. of the statutes is amended to read:

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

Section 27. 301.16 (1w) of the statutes is created to read:

301.16 (1w) (a) The department shall construct or establish one or more Type 1 juvenile correctional facilities.

Section 28. 301.16 (1x) of the statutes is amended to read:

301.16 (1x) Inmates from the Wisconsin state prisons may be transferred to the institutions under this section and they, except that inmates may not be transferred to a Type 1 juvenile correctional facility established under sub. (1w) unless required under s. 973.013 (3m). Inmates transferred under this subsection shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the institutions shall be subject to the same laws as pertain to other
penal institutions. Inmates shall not be received on direct commitment from the courts.

**SECTION 29.** 301.18 (1) (fm) of the statutes is created to read:

301.18 (1) (fm) Provide the facilities necessary for any Type 1 juvenile correctional facility that is established by the department under s. 301.16 (1w).

**SECTION 30.** 301.20 of the statutes is repealed.

**SECTION 31.** 301.37 (1) of the statutes is amended to read:

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

**SECTION 32.** 301.37 (1m) of the statutes is created to read:

301.37 (1m) Subject to the rules promulgated by the department under sub. (1), a secured residential care center for children and youth may be located in a portion of a juvenile detention facility. A secured residential care center for children and youth that is located in a portion of a juvenile detention facility shall provide programming and services as required by the department of children and families under s. 938.485 (5).

**SECTION 33.** 938.02 (4) of the statutes is amended to read:
938.02 (4) “Department” means the department of children and families, except that with respect to a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4), “department” means the department of corrections.

SECTION 34. 938.02 (4) of the statutes, as affected by 2015 Wisconsin Act 55, section 4646b, and 2017 Wisconsin Act .... (this act), is amended to read:

938.02 (4) “Department” means the department of children and families, except that with respect to a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4), “department” means the department of corrections.

SECTION 35. 938.02 (15g) of the statutes is amended to read:

938.02 (15g) “Secured residential care center for children and youth” means a residential care center for children and youth facility operated by a county under ss. 46.20, 59.53 (8m), 301.26, 301.27, and 938.22 (1) (a) or by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged delinquent.

SECTION 36. 938.22 (1) (a) of the statutes is amended to read:

938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of a county may establish a juvenile detention facility or secured residential care center for children and youth in accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or more counties may jointly establish a juvenile detention facility or secured residential care center for children and youth in accordance with ss. 46.20, 59.53 (8m), 301.36, and 301.37. The county board of supervisors of a county may establish a shelter care facility in accordance with ss. 48.576 and 48.578 or the county boards of supervisors for 2 or more counties may jointly establish a shelter.
care facility in accordance with ss. 46.20, 48.576, and 48.578. A private entity may
establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and
contract with one or more county boards of supervisors under s. 938.222 to hold
juveniles in the private juvenile detention facility. Subject to ss. 48.66 (1) (b), 301.36,
and 301.37, a child welfare agency may establish a secured residential care center
for children and youth and contract with one or more county boards of supervisors
to hold juveniles in the secured residential care center for children and youth.

SECTION 37. 938.22 (2) (a) of the statutes is amended to read:

938.22 (2) (a) Counties shall submit plans for a juvenile detention facility,
secured residential care center for children and youth, or juvenile portion of the
county jail to the department of corrections and submit plans for a shelter care
facility to the department of children and families. A private entity that proposes to
establish a juvenile detention facility or a child welfare agency that proposes to
establish a secured residential care center for children and youth shall submit plans
for the facility to the department of corrections. The applicable department shall
review the submitted plans. A county or a private entity, or child welfare agency
may not implement a plan unless the applicable department has approved the plan.
The department of corrections shall promulgate rules establishing minimum
requirements for the approval and operation of juvenile detention facilities, secured
residential care centers for children and youth, and the juvenile portion of county
jails. The plans and rules shall be designed to protect the health, safety, and welfare
of the juveniles placed in those facilities.

SECTION 38. 938.225 of the statutes is amended to read:

938.225 Statewide plan for juvenile detention and correctional
facilities. The department of corrections shall assist counties in establishing
juvenile detention facilities and secured residential care centers for children and youth under s. 938.22 by developing and promulgating a statewide plan for the establishment and maintenance of suitable juvenile detention facilities reasonably accessible to each court and secured residential care centers for children and youth reasonably accessible to each county.

**SECTION 39.** 938.34 (2) (a) of the statutes is amended to read:

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

**SECTION 40.** 938.34 (2) (a) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

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

**SECTION 41.** 938.34 (2) (b) of the statutes is amended to read:

938.34 (2) (b) If the juvenile is placed in the juvenile’s home under the supervision of an agency, the county department, or the department of corrections, order that agency or department to provide specified services to the juvenile and the juvenile’s family, including individual, family, or group counseling, homemaker or parent aide services, respite care, housing assistance, child care, or parent skills training.
**SECTION 42.** 938.34 (2) (b) of the statutes, as affected by 2017 Wisconsin Act ..., is amended to read:

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

**SECTION 43.** 938.34 (4m) (intro.) of the statutes is amended to read:

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

**SECTION 44.** 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

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

**SECTION 45.** 938.357 (3) of the statutes is renumbered 938.357 (3) (intro.) and amended to read:

938.357 (3) **PLACEMENT IN JUVENILE CORRECTIONAL FACILITY.** (intro.) Subject to subs. (4) (b) and (c), and (d), and (5) (e), if the proposed change in placement would involve placing a juvenile in a juvenile correctional facility or a secured residential care center for children and youth, notice shall be given as provided in sub. (1) (am)
1. A hearing shall be held, unless waived by the juvenile, parent, guardian, and legal
custodian, before the court makes a decision on the request. The juvenile is entitled
to counsel at the hearing, and any party opposing or favoring the proposed new
placement may present relevant evidence and cross-examine witnesses. The
proposed new placement may be approved only if the court finds, on the record, that
the conditions set forth in s. 938.34 (4m) (a) and (b) have been met. Notwithstanding
s. 938.34 (4m), the court may order placement in a Type 1 juvenile correctional
facility, for a juvenile who was adjudicated delinquent under s. 938.34 (4m), if the
court finds that all of the following apply:

**SECTION 46.** 938.357 (3) (a) and (b) of the statutes are created to read:

938.357 (3) (a) The juvenile is placed at a secured residential care center for
children and youth and his or her behavior presents a serious problem for the
juvenile or others in the secured residential care center for children and youth.

(b) All other placement options have been exhausted, including placement in
at least one other secured residential care center for children and youth, if available.

**SECTION 47.** 938.357 (4) (title) of the statutes is repealed and recreated to read:

938.357 (4) (title) CHANGE IN PLACEMENT WITHOUT A HEARING.

**SECTION 48.** 938.357 (4) (a) of the statutes is renumbered 938.357 (4) (am) and
amended to read:

938.357 (4) (am) When the juvenile is placed with the department of
corrections, that department may, after an examination under s. 938.50, place the
juvenile in a juvenile correctional facility or a secured residential care center for
children and youth or on community supervision or aftercare supervision, either
immediately or after a period of placement in a juvenile correctional facility or a
secured residential care center for children and youth. The department of
corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If the department of corrections places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare agency, that department shall reimburse the child welfare agency at the rate established under s. 49.343 that is applicable to the type of placement that the child welfare agency is providing for the juvenile. If the department of corrections places a juvenile in a secured residential care center for children and youth under this paragraph, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. A juvenile who is placed in a Type 2 juvenile correctional facility or a secured residential care center for children and youth under this paragraph remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

**SECTION 49.** 938.357 (4) (ab) of the statutes is created to read:

938.357 (4) (ab) In this subsection, “operating entity” means either the county department or the child welfare agency, whichever entity operates a secured residential care center for children and youth.

**SECTION 50.** 938.357 (4) (am) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.357 (4) (am) When the juvenile is placed with the department of corrections, that department may, after an examination under s. 938.50, place the juvenile in a juvenile correctional facility or a secured residential care center for children and youth or on community supervision or aftercare supervision, either immediately or after a period of placement in a juvenile correctional facility or a
secured residential care center for children and youth. The department of corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If the department of corrections places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare agency, that department shall reimburse the child welfare agency at the rate established under s. 49.343 that is applicable to the type of placement that the child welfare agency is providing for the juvenile. If the department of corrections places a juvenile in a secured residential care center for children and youth under this paragraph, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.09. A juvenile who is placed in a Type 2 juvenile correctional facility or a secured residential care center for children and youth under this paragraph remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

**SECTION 51.** 938.357 (4) (b) 1. of the statutes is amended to read:

938.357 (4) (b) 1. If a juvenile whom the department of corrections has placed in a Type 2 juvenile correctional facility operated by a child welfare agency violates a condition of his or her placement in the Type 2 juvenile correctional facility, the child welfare agency operating the Type 2 juvenile correctional facility shall notify the department of corrections and that department, after consulting with the child welfare agency, may place the juvenile in a Type 1 juvenile correctional facility or secured residential care center for children and youth under the supervision of the department, without a hearing under sub. (1) (am) 2.

**SECTION 52.** 938.357 (4) (b) 2. of the statutes is amended to read:
938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential care center for children and youth under s. 938.34 (4d) violates a condition of his or her placement in the Type 2 residential care center for children and youth, the child welfare agency operating the Type 2 residential care center for children and youth shall notify the county department that has supervision over the juvenile and, if the county department agrees to a change in placement under this subdivision, the child welfare agency shall notify the department of corrections, and that. The county department, after consulting with the child welfare agency, may place the juvenile in a Type 1 juvenile correctional facility under the supervision of the department of corrections secured residential care center for children and youth, without a hearing under sub. (1) (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 juvenile correctional facility under this subdivision, the county department that has supervision over the juvenile shall reimburse the child welfare agency operating the Type 2 residential care center for children and youth in which the juvenile was placed at the rate established under s. 49.343, and that child welfare agency shall reimburse the department of corrections at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the juvenile’s care while placed in a Type 1 juvenile correctional facility.

Section 53. 938.357 (4) (b) 4. of the statutes is amended to read:

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

Section 54. 938.357 (4) (c) 1. of the statutes is amended to read:

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

SECTION 55. 938.357 (4) (d) of the statutes is created to read:

938.357 (4) (d) 1. If a juvenile under the supervision of the department of corrections is placed in a secured residential care center for children and youth and the juvenile's behavior presents a serious problem for the juvenile or others in the secured residential care center for children and youth, the operating entity shall notify the department of corrections and the department of corrections, after consulting with the operating entity, may place the juvenile in a secured residential care center for children and youth that offers more appropriate care and services without a hearing under sub. (1) (am) 2. if the receiving operating entity agrees. The department of corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If the department of corrections places a juvenile in a secured residential care center for children and youth under this subdivision, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. A juvenile who is placed in a secured residential care center for children and youth under this subdivision remains under the supervision of the department of corrections, remains subject to the rules and
discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

2. If a juvenile under the supervision of a county department is placed in a secured residential care center for children and youth and the juvenile’s behavior presents a serious problem for the juvenile or others in the secured residential care center for children and youth, the supervising county department, after consulting with the operating entity, may transfer the juvenile to a different secured residential care center for children and youth that offers more appropriate care and services without a hearing under sub. (1) (am) 2. if the receiving operating entity agrees. The supervising county department shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. If a county department places a juvenile in a secured residential care center for children and youth under this subdivision, the county department shall contract with the operating entity for the care and services provided. If a county department places a juvenile in a secured residential care center for children and youth under this subdivision, the juvenile remains under the supervision of the placing county department, remains subject to the rules and discipline of that county department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

3. A juvenile may seek review of a decision by the department of corrections or county department under subd. 1. or 2. only by the common law writ of certiorari.

SECTION 56. 938.357 (4m) of the statutes, as affected by 2015 Wisconsin Act 55, section 4671bm, is amended to read:

938.357 (4m) Release to community supervision or aftercare supervision. The department of corrections shall try to release a juvenile to community
supervision or and the county department shall try to release a juvenile to aftercare supervision under sub. (4) within 30 days after the date on which that the department of corrections or county department determines the juvenile is eligible for the release.

**SECTION 57.** 938.48 (3) of the statutes is amended to read:

938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not direct the department to administer psychotropic medications to juveniles who receive special treatment or care under this subsection.

**SECTION 58.** 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act ..., (this act), is amended to read:

938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not direct the department to administer psychotropic medications to juveniles who receive special treatment or care under this subsection.

**SECTION 59.** 938.48 (4) of the statutes is amended to read:

938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4), including serving those juveniles in their own homes, placing them in licensed foster homes or licensed group homes under s. 48.63 or in independent living situations as provided in s. 938.34 (3) (e), contracting for their
care by licensed child welfare agencies, or replacing them in juvenile correctional
facilities or secured residential care centers for children and youth in accordance
with rules promulgated under ch. 227, except that the department may not purchase
the educational component of private day treatment programs for a juvenile in its
custody unless the department, the school board, as defined in s. 115.001 (7), and the
state superintendent of public instruction all determine that an appropriate public
education program is not available for the juvenile. Disputes between the
department and the school district shall be resolved by the state superintendent of
public instruction.

**SECTION 60.** 938.48 (4) of the statutes, as affected by 2017 Wisconsin Act ....
(this act), is amended to read:

**938.48 (4) CARE, TRAINING, AND PLACEMENT.** Provide appropriate care and
training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or
(4n), or 938.357 (3) or (4), including serving those juveniles in their own homes,
placing them in licensed foster homes or licensed group homes under s. 48.63 or in
independent living situations as provided in s. 938.34 (3) (e), contracting for their
care by licensed child welfare agencies, or replacing them in juvenile correctional
facilities or secured residential care centers for children and youth in accordance
with rules promulgated under ch. 227, except that the department may not purchase
the educational component of private day treatment programs for a juvenile in its
custody unless the department, the school board, as defined in s. 115.001 (7), and the
state superintendent of public instruction all determine that an appropriate public
education program is not available for the juvenile. Disputes between the
department and the school district shall be resolved by the state superintendent of
public instruction.
**SECTION 61.** 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 (3) or (4) when the person reached 17 years of age.

**SECTION 62.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act .... (this act), 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 (3) or (4) when the person reached 17 years of age.

**SECTION 63.** 938.48 (5) of the statutes is amended to read:

938.48 (5) **MORAL AND RELIGIOUS TRAINING.** Provide for the moral and religious training of a juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the juvenile's parents.

**SECTION 64.** 938.48 (5) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 (5) **MORAL AND RELIGIOUS TRAINING.** Provide for the moral and religious training of a juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the juvenile's parents.

**SECTION 65.** 938.48 (6) of the statutes is amended to read:

938.48 (6) **EMERGENCY SURGERY.** Consent to emergency surgery under the direction of a licensed physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) upon notification by a licensed physician or surgeon of the need for the surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the juvenile's parent or guardian.
SECTION 66. 938.48 (6) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 (6) EMERGENCY SURGERY. Consent to emergency surgery under the direction of a licensed physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) upon notification by a licensed physician or surgeon of the need for the surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the juvenile’s parent or guardian.

SECTION 67. 938.48 (14) of the statutes is amended to read:

938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. 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, 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 were under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) as a result of a judicial decision.

SECTION 68. 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. 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, 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 were under the supervision of the department under s.
938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) as a result of a judicial decision.

**SECTION 69.** 938.485 (5) of the statutes is renumbered 938.485 (5) (a) and amended to read:

938.485 (5) (a) Establish and enforce standards for services under s. 938.183, 938.34, or 938.345, other than juvenile correctional services provided by the department of corrections.

**SECTION 70.** 938.485 (5) (b) and (c) of the statutes are created to read:

938.485 (5) (b) The standards established by the department under par. (a) shall include monthly and annual reporting requirements by counties on population data, performance measures including recidivism, costs, and other appropriate data for secured residential care centers for children and youth.

(c) The department shall base the standards it establishes for services for juveniles in secured residential care centers for children and youth on the recommendations provided by the juvenile corrections study committee under section 90 (6) (c) 1. of 2017 Wisconsin Act .... (this act).

**SECTION 71.** 938.49 (title) of the statutes is amended to read:

938.49 (title) **Notification by court of placement with a county department or the department of corrections; transfer of reports and records.**

**SECTION 72.** 938.49 (1) of the statutes is amended to read:

938.49 (1) **Notice to county department or department of corrections of placement.** When a court places a juvenile in a juvenile correctional facility under the supervision of a county department or the department of corrections or a secured residential care center for children and youth under the supervision of the
department of corrections a county department, the court shall immediately notify that the county department or the department of corrections of that action. The court shall, in accordance with procedures established by the department of corrections, provide transportation for the juvenile to a receiving center designated by that the county department or the department of corrections or deliver the juvenile to personnel of that the county department or the department of corrections.

SECTION 73. 938.49 (2) (intro.) of the statutes is amended to read:

938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court places a juvenile in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections or a county department, the court and all other public agencies shall immediately do all of the following:

SECTION 74. 938.49 (2) (a) of the statutes is amended to read:

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

SECTION 75. 938.505 (1) of the statutes is amended to read:

938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT. When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (3) or (4) or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary
medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

**SECTION 76.** 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act ..., (this act), is amended to read:

938.505 (1) **RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT.** When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m) or (4n), or 938.357 (3), (4), or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

**SECTION 77.** 938.52 (2) (a) and (c) of the statutes are amended to read:

938.52 (2) (a) **In addition to facilities and services under sub. (1), the department of corrections may use other facilities and services under its jurisdiction.** The department of corrections may contract for and pay for the use of other public facilities or private facilities for the care and treatment of juveniles in its care. Placement of a juvenile in a private or public facility that is not under the jurisdiction of the department of corrections does not terminate that department's supervision over the juvenile under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4). Placements in institutions for persons with a mental illness or development
disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am) and ch. 51.

(c) The department of corrections may inspect any facility it is using and examine and consult with persons under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) who have been placed in the facility.

SECTION 78. 938.52 (2) (a) and (c) of the statutes, as affected by 2017 Wisconsin Act .... (this act), are amended to read:

938.52 (2) (a) In addition to facilities and services under sub. (1), the department of corrections may use other facilities and services under its jurisdiction. The department of corrections may contract for and pay for the use of other public facilities or private facilities for the care and treatment of juveniles in its care. Placement of a juvenile in a private or public facility that is not under the jurisdiction of the department of corrections does not terminate that department’s supervision over the juvenile under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4). Placements in institutions for persons with a mental illness or development disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am) and ch. 51.

(c) The department of corrections may inspect any facility it is using and examine and consult with persons under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) who have been placed in the facility.

SECTION 79. 938.53 of the statutes is amended to read:

938.53 Duration of control of department of corrections over delinquents. Except as provided under s. 938.183, a juvenile adjudged delinquent who has been placed under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) shall be discharged as soon
as that department determines that there is a reasonable probability that
departmental supervision is no longer necessary for the rehabilitation and
treatment of the juvenile or for the protection of the public.

SECTION 80. 938.53 of the statutes, as affected by 2017 Wisconsin Act .... (this
act), is amended to read:

938.53 Duration of control of department of corrections over
delinquents. Except as provided under s. 938.183, a juvenile adjudged delinquent
who has been placed under the supervision of the department of corrections under
s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) shall be discharged as soon
as that department determines that there is a reasonable probability that
departmental supervision is no longer necessary for the rehabilitation and
treatment of the juvenile or for the protection of the public.

SECTION 81. 938.535 of the statutes is amended to read:

938.535 Early release and intensive supervision program; limits. The
department of corrections or a county department may establish a program for the
early release and intensive supervision of juveniles who have been placed in a
juvenile correctional facility or a secured residential care center for children and
youth under s. 938.183 or s. 938.34 (4m), or 938.357 (3). The program may not include
any juveniles who have been placed in a juvenile correctional facility or a secured
residential care center for children and youth as a result of a delinquent act involving
the commission of a violent crime as defined in s. 969.035, but not including the crime
specified in s. 948.02 (1).

SECTION 82. 938.539 (2) of the statutes is amended to read:

938.539 (2) Type 2 juvenile correctional facility, department of corrections
control. A juvenile who is placed in a Type 2 juvenile correctional facility under s.
938.357 (4) (am) or who, having been so placed, is replaced in a less restrictive placement under s. 938.357 (4) (c) is under the supervision and control of the department of corrections, is subject to the rules and discipline of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

**SECTION 83.** 938.539 (3) of the statutes is amended to read:

938.539 (3) **VIOLATION OF CONDITION OF PLACEMENT.** Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a Type 2 residential care center for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 juvenile correctional facility under s. 938.357 (4) (am) or (c) violates a condition of his or her placement in the center or facility, the juvenile may be placed in a Type 1 juvenile correctional facility as provided in s. 938.357 (4) (b) 1. or in a secured residential care center for children and youth as provided in s. 938.357 (4) (b) 2. This subsection does not preclude a juvenile who has violated a condition of the juvenile’s placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth from being taken into and held in custody under ss. 938.19 to 938.21.

**SECTION 84.** 938.539 (4) of the statutes is amended to read:

938.539 (4) **ESCAPE OR ABSENCE.** A juvenile placed in a Type 2 residential care center for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 juvenile correctional facility under s. 938.357 (4) (am) or (c) who intentionally fails to remain within the extended limits of his or her placement or to return within the time prescribed by the administrator of the center or facility is considered an escape under s. 946.42 (3) (c).

**SECTION 85.** 938.539 (5) of the statutes is amended to read:

938.539 (5) **OPERATION AS TYPE 2 PLACEMENT.** With respect to a juvenile who is placed in a secured residential care center for children and youth under s. 938.34 (4d)
or 938.357 (4) (a) (am) or in a less restrictive placement under s. 938.357 (4) (c), the
child welfare agency operating the center in which the juvenile is placed, and the
person operating any less restrictive placement in which the juvenile is placed, shall
operate that center or less restrictive placement as a Type 2 residential care center
for children and youth or a Type 2 juvenile correctional facility. This subsection does
not preclude a child welfare agency or other person from placing in a residential care
center for children and youth or less restrictive placement in which a juvenile is
placed under s. 938.34 (4d) or 938.357 (4) (a) (am) or (c) a juvenile who is not placed
under s. 938.34 (4d) or 938.357 (4) (a) (am) or (c).

SECTION 86. 938.54 of the statutes is amended to read:

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

SECTION 87. 938.54 of the statutes, as affected by 2017 Wisconsin Act .... (this
act), is amended to read:

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

SECTION 88. 938.59 (1) of the statutes is amended to read:

938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall
investigate the personal and family history and environment of any juvenile
transferred to its legal custody or placed under its supervision under s. 938.34 (2),
(4d), (4m), or (4n) and make any physical or mental examinations of the juvenile
considered necessary to determine the type of care necessary for the juvenile. The
county department shall screen a juvenile who is examined to determine whether the
juvenile is in need of special treatment or care because of alcohol or other drug abuse,
mental illness, or severe emotional disturbance. The county department shall keep
a complete record of the information received from the court, the date of reception,
all available data on the personal and family history of the juvenile, the results of all
tests and examinations given the juvenile, and a complete history of all placements
of the juvenile while in the legal custody or under the supervision of the county
department.

SECTION 89. 938.595 of the statutes is amended to read:

938.595 Duration of control of county departments over delinquents.
A juvenile who has been adjudged delinquent and placed under the supervision of
a county department under s. 938.34 (2), (4d), (4m), or (4n) shall be discharged as
soon as the county department determines that there is a reasonable probability that
it is no longer necessary either for the rehabilitation and treatment of the juvenile
or for the protection of the public that the county department retain supervision.

SECTION 90. Nonstatutory provisions.

(1) Transfer of juveniles.
(a) Upon the establishment of the Type 1 juvenile correctional facilities under subsection (7) and the secured residential care centers for children and youth under subsection (4), the department of corrections shall begin to transfer each juvenile held in secure custody at the Lincoln Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional facility or secured residential care center for children and youth. No juvenile may be transferred to a Type 1 juvenile correctional facility until the department of corrections determines the facility to be ready to accept juveniles, and no juvenile may be transferred to a secured residential care center for children and youth until the entity operating the facility determines it to be ready to accept juveniles. The transfers may occur in phases. The department shall transfer all juveniles under this subsection no later than July 1, 2020.

(b) On July 1, 2020, all juveniles that were under the supervision of the department of corrections under section 938.34 (2) or (4m) of the statutes are under the supervision of the county department of the county of the court that adjudicated the juvenile delinquent under section 938.34 (2) or (4m) of the statutes.

(2) Closure and conversion of facilities. Upon the earlier of the date that all juveniles have been transferred to secured residential care centers for children and youth and Type 1 juvenile correctional facilities under subsection (1) and July 1, 2020, the department of corrections shall permanently close the Type 1 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake School in the town of Irma, Lincoln County. No later than July 1, 2020, the department of corrections shall submit a report to the joint committee on finance on the feasibility of converting these facilities into an alcohol and other drug abuse treatment facility for adults or a correctional treatment facility for the treatment of substance abuse.
of inmates transferred from Wisconsin state prisons under section 302.05 of the statutes.

(3) JUVENILE CORRECTIONS GRANT COMMITTEE.

(a) Committee; members. There is created in the department of corrections a juvenile corrections grant committee consisting of the following members:

1. The governor, or his or her designee.
2. The secretary of corrections, or his or her designee.
3. The secretary of children and families, or his or her designee.
4. Three senators appointed by the president of the senate or the appointed senator’s designee.
5. Three representatives to the assembly appointed by the speaker of the assembly or that appointed representative’s designee.
6. One representative of a nonprofit that focuses on best practices for holding juveniles in secure custody, appointed by the governor.

(b) Duties. The juvenile corrections grant committee shall establish and administer the juvenile corrections grant program under subsection (4).

(c) Termination. The juvenile corrections grant committee terminates on the earlier of the date on which all projects funded with grants under subsection (4) are completed or on July 1, 2020.

(4) JUVENILE CORRECTIONS GRANT PROGRAM.

(a) Grants. Under the juvenile corrections grant program, a county may apply to the juvenile corrections grant committee for a grant to pay 95 percent of the costs of establishing or constructing a secured residential care center for children and youth, including expanding or remodeling an existing facility into a secured residential care center for children and youth.
(b) Multicounty coordination. Multiple counties may coordinate to submit one
grant application for construction or establishment of a secured residential care
center for children and youth that will hold juveniles from all of the cooperating
counties.

(c) Requirements. The juvenile corrections grant committee shall establish
requirements, guidelines, and criteria for the grant proposals and for awarding the
grants. The committee shall require that, in developing a grant application, the
county or counties consider best practices in designing and operating facilities that
hold juveniles in secure custody and the feasibility of developing an existing facility
into the secured residential care center for children and youth, and solicit input on
the design of the secured residential care center for children and youth from judges
at the court assigned to exercise jurisdiction under chapters 48 and 938 of the
statutes for that county or, for multicounty grant applications under par. (b), at the
court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes for
each county. The juvenile corrections grant committee shall favor proposals that
utilize existing facilities that consider proximity to the populations of juveniles the
facility would serve and shall encourage multicounty coordination by favoring
applications under paragraph (b).

(d) Deadline. Grant applications are due no later than March 31, 2019.
Between that date and June 30, 2019, the juvenile corrections grant committee may
work with applicants to modify their applications in order to increase the likelihood
of being awarded a grant.

(e) Statewide plan. The juvenile corrections grant committee shall develop a
statewide plan that recommends which grant applications to approve. The
committee shall consult with the departments of corrections and children and
families on the statewide plan and may not recommend approval of an application
unless the department of corrections approves the plans and specifications for the
site and the design and construction of the proposed secured residential care center
for children and youth under section 301.37 of the statutes.

(f) Plan approval. No later than July 1, 2019, the juvenile corrections grant
committee shall submit the plan under paragraph (e) to the joint committee on
finance. If the cochairpersons of the joint committee on finance do not notify the
juvenile corrections grant committee secretary that the joint committee on finance
has scheduled a meeting for the purpose of reviewing the plan to be held within 14
working days after the date of submittal, the juvenile corrections grant committee
and the department of corrections shall implement the plan. If the cochairpersons
of the joint committee on finance notify the juvenile corrections grant committee that
the joint committee on finance has scheduled a meeting for the purpose of reviewing
the plan to be held within 14 working days after the date of the submittal, the
juvenile corrections grant committee may not implement the plan until it is approved
by the joint committee on finance, as submitted or as modified.

(g) Grant issuance. In implementing the plan under paragraph (e), the
department of corrections shall award the grants under the plan and the juvenile
corrections grant committee shall monitor the progress of the projects funded by the
grants to ensure compliance with the grant program and completion in time for the
deadline for transferring juveniles under subsection (1).

(5) EMERGENCY RULE MAKING.

(a) Department of corrections.

1. Using the procedure under section 227.24 of the statutes, the department of
corrections shall promulgate emergency rules under section 938.22 (2) (a) and 301.37
(1) of the statutes as needed to establish standards for the approval, design, construction, repair, maintenance, and operation of secured residential care centers for children and youth. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect for 2 years after the date they become effective, or until the date on which permanent rules take effect, whichever is sooner, and the effective period may not be further extended under section 227.24 (2) of the statutes.

2. The department of corrections shall present the statement of scope of the rules required under subdivision 1. to the department of administration for gubernatorial approval under section 227.135 (2) of the statutes no later than than August 24, 2018. Notwithstanding section 227.24 (1) (e) 1d. of the statutes, if the governor does not disapprove the statement of scope of the rules under this paragraph by the 7th day after the department presents the statement to the governor, the statement is considered approved by the governor.

3. The department of corrections shall submit to the governor the rules required under subdivision 1. in final draft form no later than December 17, 2018. Notwithstanding section 227.24 (1) (e) 1g. of the statutes, if the governor does not reject the rules under this paragraph by the 14th day after the rules are submitted to the governor in final draft form, the rules are considered to be approved by the governor.

(b) *Department of children and families.*
1. Using the procedure under section 227.24 of the statutes, the department of children and families shall promulgate emergency rules under section 938.485 (5) of the statutes to establish standards for services provided for juveniles in secured residential care centers for children and youth. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subdivision as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this paragraph remain in effect for 2 years after the date they become effective, or until the date on which permanent rules take effect, whichever is sooner, and the effective period may not be further extended under section 227.24 (2) of the statutes.

2. The department of children and families shall present the statement of scope of the rules required under subdivision 1. to the department of administration for gubernatorial approval under section 227.135 (2) of the statutes no later than August 24, 2018. Notwithstanding section 227.24 (1) (e) 1d. of the statutes, if the governor does not disapprove the statement of scope of the rules under this paragraph by the 7th day after the department presents the statement to the governor, the statement is considered approved by the governor.

3. The department of children and families shall submit to the governor the rules required under subdivision 1. in final draft form no later than December 17, 2018. Notwithstanding section 227.24 (1) (e) 1g. of the statutes, if the governor does not reject the rules under this paragraph by the 14th day after the rules are
submitted to the governor in final draft form, the rules are considered to be approved
by the governor.

(6) **Juvenile Corrections Study Committee.**

(a) *Committee; members.* There is created in the department of children and
families a juvenile corrections study committee consisting of all of the following
members:

1. The secretary of corrections, or his or her designee.
2. The secretary of children and families, or his or her designee.
3. The secretary of health services, or his or her designee.
4. The superintendent of public instruction, or his or her designee.
5. The state public defender, or his or her designee.
6. Three representatives to the assembly appointed by the speaker of the
assembly or the appointed representative’s designee.
7. Three senators appointed by the president of the senate or the appointed
senator’s designee.
8. Two circuit court judges, appointed by the governor.
9. Two district attorneys, appointed by the governor.
10. Two representatives of law enforcement agencies in this state, appointed
by the governor.
11. One representative of a national organization that focuses on eliminating
race-based discrimination, appointed by the governor.
12. One representative of a nonprofit that focuses on issues relating to juvenile
justice, appointed by the governor.
13. One representative of a nonprofit that focuses on best practices for holding
juveniles in secure custody, appointed by the governor.
14. One representative of the county department of social services or human
services in the county with the highest percentage of juveniles under the supervision
of either the department of corrections or a county department under ch. 938,
appointed by the governor.

15. One representative of a county department of social services or human
services of a county not described in subdivision 14, appointed by the governor.

16. One citizen who either has been under the supervision of the department
of corrections under chapter 938 of the statutes or has had a close family member who
has been under the supervision of the department of corrections under chapter 938
of the statutes, appointed by the governor.

(b) Staff. The state agencies with membership on the committee shall provide
adequate staff to conduct the functions of the committee.

(c) Duties.

1. The juvenile corrections study committee shall research and develop
recommendations for rules governing the services and programming provided to
juveniles in secured residential care centers for children and youth. The committee
shall submit to the department of children and families its findings and
recommendations no later than September 1, 2018.

2. The juvenile corrections study committee shall study and develop
recommendations for the location of Type 1 juvenile correctional facilities under
section 301.16 (1w) (a) of the statutes based on space and security needs, cost,
proximity to the populations of juveniles the facilities would serve, and best practices
for holding juveniles in secure custody. In developing these recommendations, the
committee shall conduct an inventory of existing state-owned facilities that have the
capacity be used as Type 1 juvenile correctional facilities and shall favor the use of
existing facilities. The committee shall submit to the department of corrections its
recommendations for these facilities no later than November 1, 2018.

3. The juvenile corrections study committee shall review and make
recommendations for updating chapter DOC 346 of the Wisconsin Administrative
Code. The committee shall submit these recommendations to the department of
corrections no later than September 1, 2018.

(d) Consultation. The juvenile corrections study committee shall consult with
the Council of State Governments, if it agrees, to aid the committee’s research and
development of recommendations under paragraph (c).

(e) Termination. The juvenile corrections study committee terminates on July
1, 2020.

7) Type 1 Juvenile Correctional Facilities. The department of corrections
shall establish or construct the Type 1 juvenile correctional facilities under section
301.16 (1w) (a) of the statutes no later than July 1, 2020. The department shall
consider the recommendations of the juvenile corrections study committee under
subsection (6) (c) 2. in establishing or constructing these facilities.

8) Employees of Lincoln Hills School and Copper Lake School.

(a) Type 1 juvenile correctional facility. A classified employee who, on the date
the department of corrections begins accepting applications for a position at a Type
1 juvenile correctional facility established under subsection (7), is employed at the
Lincoln Hills School or Copper Lake School may apply to the department of
corrections to transfer to a position at the Type 1 juvenile correctional facility.
Notwithstanding section 230.29 of the statutes, the department of corrections may
transfer a classified employee who applies for a transfer under this paragraph to any
of the following positions without competitive procedures:
1. A position assigned to a class having the same or counterpart pay rate or pay range as a class to which any of the employee's current positions at Lincoln Hills School or Copper Lake School is assigned.

2. A position in a class having a lower pay rate or pay range maximum for which the person is qualified to perform the work after the customary orientation provided to newly hired workers in the position.

(b) Secured residential care center for children and youth established by a county. An applicant for a position at a secured residential care center for children and youth operated by a county who is employed at Lincoln Hills School or Copper Lake School on the date that the county begins accepting applications for the position may be selected by the county without regard to the requirements of any civil service system under section 59.52 (8) of the statutes or subchapter I of chapter 63 of the statutes that would otherwise apply to such employees or applicants.

(c) Secured residential care center for children and youth established by a child welfare agency. If, prior to July 1, 2020, a county enters into a contract with a child welfare agency under which the child welfare agency agrees to operate a new secured residential care center for children and youth established under section 59.53 (8m) of the statutes, the county shall include in the contract a requirement that the child welfare agency grant an initial interview to any applicant for a position at the new secured residential care center for children and youth who is an employee of Lincoln Hills School or Copper Lake School on the date that the child welfare agency begins accepting applications for that position.

SECTION 91. Initial applicability.

(1) The treatment of sections 938.34 (4m) (intro.) and 938.357 (4) (a), (ab), (b) 1., 2., and 4., (c) 1. and 4., and (d) of the statutes, the renumbering and amendment
of section 938.357 (3) of the statutes, and the creation of section 938.357 (3) (a) and (b) of the statutes with respect to a county department’s supervision of a juvenile, first applies to a juvenile adjudicated delinquent by the court of the county and placed at that county’s secured residential care center for children and youth under section 938.34 (4m) of the statutes.

**SECTION 92. Effective dates.** This act takes effect on the day after publication, except as follows:

1. The treatment of sections 46.011 (1p) (by Section 5), 48.023 (4) (by Section 11), 49.11 (1c) (by Section 17), 49.45 (25) (bj) (by Section 19), 301.01 (1n) (by Section 22), 301.03 (10) (d) (by Section 25), 301.20, 938.02 (4) (by Section 34), 938.34 (2) (a) (by Section 40) and (b) (by Section 42) and (4m) (intro.) (by Section 44), 938.357 (4) (am) (by Section 50), 938.48 (3) (by Section 58), (4) (by Section 60), (4m) (b) (by Section 62), (5) (by Section 64), (6) (by Section 66), and (14) (by Section 68), 938.505 (1) (by Section 76), 938.52 (2) (a) and (c) (by Section 78), 938.53 (by Section 80), and 938.54 (by Section 87) of the statutes and the repeal of section 20.410 (4) (bm) of the statutes takes effect on July 1, 2020.

(END)