

**2019 DRAFTING REQUEST****Bill**

For: **Administration-Budget 267-0370** Drafter: **ewheeler**  
 By: **Schmidt** Secondary Drafters:  
 Date: **1/29/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**  
**Elizabeth.Wheeler@legis.wisconsin.gov**  
**elisabeth.shea@legis.wisconsin.gov**

**Pre Topic:**

DOA:.....Schmidt, BB0235 -

**Topic:**

Age of juvenile court jurisdiction

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 2/10/2019	csicilia 2/12/2019			
/P1	eshea 2/20/2019	aernstr 2/20/2019	mbarman 2/12/2019		State S&L
/P2	ewheeler 2/21/2019	aernstr 2/21/2019	mbarman 2/20/2019		State S&L
/P3	ewheeler 2/27/2019	csicilia 2/27/2019	mbarman 2/21/2019		State S&L

Vers.    Drafted

Reviewed

Submitted

Jacketed

Required

/P4

dwalker  
2/27/2019

State  
S&L

FE Sent For:

<END>

## Wheeler, Elizabeth

---

**From:** Hanaman, Cathlene  
**Sent:** Tuesday, January 29, 2019 11:49 AM  
**To:** Shea, Elisabeth; Wheeler, Elizabeth  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Schmidt, Michael - DOA <Michael2.Schmidt@wisconsin.gov>  
**Sent:** Tuesday, January 29, 2019 11:42 AM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Cc:** Potts, Andrew - DOA <Andrew.Potts@wisconsin.gov>; Schmidt, Michael - DOA <Michael2.Schmidt@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Juvenile Court Jurisdiction

Tracking Code: BB0235

SBO Team: AEJ

SBO Analyst: Schmidt, Michael  
Phone: 608-267-0370  
E-mail: [michael2.schmidt@wisconsin.gov](mailto:michael2.schmidt@wisconsin.gov)

Agency Acronym: 410

Agency Number: 410

Priority: Medium

Intent:

Increase the upper age of juvenile court jurisdiction from 16 to 17 for persons alleged to have violated criminal law, civil law or municipal ordinance (i.e., 17-year olds alleged to have violated criminal, civil law or municipal ordinance are subject to procedures in Juvenile Justice Code). See e.g., 2005 AB 82. Effective date: January 1, 2021.

Attachments: False

Please send completed drafts to [SBOSatlanguage@spmail.enterprise.wistate.us](mailto:SBOSatlanguage@spmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

1701

LRB-0606/P1

EHS:cjs

EAW e

In: 2/8

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Stat comp   
SA

~~Q~~

do not get  
delete catalog

1 **AN ACT to amend** 48.02 (1d), 48.02 (2), subchapter IX (title) of chapter 48  
2 [precedes 48.44], 48.44, 48.45 (1) (a), 48.45 (1) (am), 48.45 (3), 118.163 (4),  
3 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1., 165.83 (1) (c)  
4 2., 301.12 (2m), 301.12 (14) (a), 302.31 (7), 938.02 (1), 938.02 (10m), 938.12 (2),  
5 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3),  
6 938.35 (1m), 938.355 (4) (b), 938.355 (4m) (a), 938.39, subchapter IX (title) of  
7 chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a), 938.45 (3), 938.48 (4m)  
8 (title), 938.48 (4m) (a), 938.48 (4m) (b), 938.48 (14), 938.57 (3) (title), 938.57 (3)  
9 (a) (intro.), 938.57 (3) (a) 1., 938.57 (3) (a) 3., 938.57 (3) (b), 939.632 (1) (e) 1.,  
10 939.632 (1) (e) 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1),  
11 948.60 (2) (d), 948.61 (4), 961.455 (title), 961.455 (1), 961.455 (2), 961.46,  
12 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2), 961.575 (3), 990.01 (3) and  
13 990.01 (20) of the statutes; **relating to:** the age at which a person who is alleged  
14 to have violated a criminal law, a civil law, or a municipal ordinance and who  
15 is not alleged to have committed certain violent offenses or has not previously

budget.

1           been convicted of a crime or adjudicated delinquent is subject to juvenile court  
2           jurisdiction.

Head: CORRECTIONAL SYSTEM  
Sho: JUVENILE CORRECTIONAL SYSTEM

**Analysis by the Legislative Reference Bureau**

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code, if the person is not alleged to have committed certain violent offenses and has not previously been convicted of a crime or adjudicated delinquent. The bill, however, does not affect the age at which a person who is alleged to have committed certain violent offenses or who has previously been convicted of a crime or adjudicated delinquent is subject to those procedures and that sentencing.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, if the person has not previously been convicted of a crime or adjudicated delinquent. The bill, however, does not affect the age at which a person who has previously been convicted of a crime or adjudicated delinquent is subject to that jurisdiction and those procedures.

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

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

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



1 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in  
2 this chapter.

3 **SECTION 5.** 48.45 (1) (a) of the statutes is amended to read:

4 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition  
5 described in s. 48.13 it appears that any person ~~17 years of age or older~~ adult has been  
6 guilty of contributing to, encouraging, or tending to cause by any act or omission,  
7 ~~such that~~ that condition of the child, the judge may make orders with respect to the  
8 conduct of ~~such that~~ that person in his or her relationship to the child, including orders  
9 determining the ability of the person to provide for the maintenance or care of the  
10 child and directing when, how, and from where funds for the maintenance or care  
11 shall be paid.

12 **SECTION 6.** 48.45 (1) (am) of the statutes is amended to read:

13 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn  
14 child's expectant mother alleged to be in a condition described in s. 48.133 it appears  
15 that any person ~~17 years of age or over~~ adult has been guilty of contributing to,  
16 encouraging, or tending to cause by any act or omission, ~~such that~~ that condition of the  
17 unborn child and expectant mother, the judge may make orders with respect to the  
18 conduct of ~~such that~~ that person in his or her relationship to the unborn child and  
19 expectant mother.

20 **SECTION 7.** 48.45 (3) of the statutes is amended to read:

21 48.45 (3) If it appears at a court hearing that any person ~~17 years of age or older~~  
22 adult has violated s. 948.40, the judge shall refer the record to the district attorney  
23 for criminal proceedings as may be warranted in the district attorney's judgment.  
24 This subsection does not prevent prosecution of violations of s. 948.40 without the  
25 prior reference by the judge to the district attorney, as in other criminal cases.

1           **SECTION 8.** 118.163 (4) of the statutes is amended to read:

2           118.163 (4) A person who is ~~under 17 years of age~~ a minor on the date of  
3 disposition is subject to s. 938.342.

4           **SECTION 9.** 125.07 (4) (d) of the statutes is amended to read:

5           125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of  
6 disposition is subject to s. 938.344 unless proceedings have been instituted against  
7 the person in a court of civil or criminal jurisdiction after dismissal of the citation  
8 under s. 938.344 (3).

9           **SECTION 10.** 125.07 (4) (e) 1. of the statutes is amended to read:

10           125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty  
11 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

12           **SECTION 11.** 125.085 (3) (bt) of the statutes is amended to read:

13           125.085 (3) (bt) A person who is ~~under 17 years of age~~ a minor on the date of  
14 disposition is subject to s. 938.344 unless proceedings have been instituted against  
15 the person in a court of civil or criminal jurisdiction after dismissal of the citation  
16 under s. 938.344 (3).

17           **SECTION 12.** 165.83 (1) (c) 1. of the statutes is amended to read:

18           165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~  
19 ~~of 17~~ an adult and that is a felony or a misdemeanor.

20           **SECTION 13.** 165.83 (1) (c) 2. of the statutes is amended to read:

21           165.83 (1) (c) 2. An act that is committed by a ~~person~~ minor who has attained  
22 the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or  
23 misdemeanor if committed by an adult.

24           **SECTION 14.** 301.12 (2m) of the statutes is amended to read:



1           301.12 (2m) The liability specified in sub. (2) shall not apply to persons ~~17 and~~  
2 ~~older~~ adults receiving care, maintenance, services, and supplies provided by prisons  
3 named in s. 302.01.

4           **SECTION 15.** 301.12 (14) (a) of the statutes is amended to read:

5           301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person  
6 specified in sub. (2) or s. 301.03 (18) for care and maintenance of ~~persons under 17~~  
7 ~~years of age~~ minors in residential, nonmedical facilities such as group homes, foster  
8 homes, residential care centers for children and youth, and juvenile correctional  
9 institutions is determined in accordance with the cost-based fee established under  
10 s. 301.03 (18). The department shall bill the liable person up to any amount of  
11 liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party  
12 benefits, subject to rules that include formulas governing ability to pay promulgated  
13 by the department under s. 301.03 (18). Any liability of the resident not payable by  
14 any other person terminates when the resident ~~reaches age 17~~ becomes an adult,  
15 unless the liable person has prevented payment by any act or omission.

16           **SECTION 16.** 302.31 (7) of the statutes is amended to read:

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

23           **SECTION 17.** 938.02 (1) of the statutes is amended to read:

24           938.02 (1) "Adult" means a person who is 18 years of age or older, ~~except that~~  
25 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~

1 ~~any state or federal criminal law or any civil law or municipal ordinance, "adult"~~  
 2 ~~means (includes a person who has attained 17 years of age who has previously been~~  
 3 ~~convicted of a crime or adjudicated delinquent or who is alleged to have committed~~  
 4 ~~any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any misdemeanor under s.~~  
 5 ~~940.42, if the underlying crime is a felony, or s. 941.20 (1) (b), (bm), (c), or (d).~~

6 SECTION 18. 938.02 (10m) of the statutes is amended to read:

7 938.02 (10m) "Juvenile," when used without further qualification, means a  
 8 person who is less than 18 years of age, ~~except that for purposes of investigating or~~  
 9 ~~prosecuting a person who is alleged to have violated a state or federal criminal law~~  
 10 ~~or any civil law or municipal ordinance, "juvenile" does not include a person who has~~  
 11 ~~attained 17 years of age who has previously been convicted of a crime or adjudicated~~  
 12 ~~delinquent or who is alleged to have committed any violent crime specified in s.~~  
 13 ~~939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime~~  
 14 ~~is a felony, or s. 941.20 (1) (b), (bm), (c), or (d).~~

15 SECTION 19. 938.12 (2) of the statutes is amended to read:

16 938.12 (2) ~~SEVENTEEN-YEAR-OLDS JUVENILES WHO BECOME ADULTS.~~ If a petition  
 17 alleging that a juvenile is delinquent is filed before the juvenile is 17 years of age  
 18 becomes an adult, but the juvenile becomes 17 years of age an adult before admitting  
 19 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before  
 20 an adjudication, the court retains jurisdiction over the case.

21 SECTION 20. 938.18 (2) of the statutes is amended to read:

22 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the  
 23 district attorney or the juvenile or may be initiated by the court and shall contain a  
 24 brief statement of the facts supporting the request for waiver. The petition for waiver  
 25 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging

1 delinquency and shall be filed prior to the plea hearing, except that if the juvenile  
2 denies the facts of the petition and becomes ~~17 years of age~~ an adult before an  
3 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to  
4 the adjudication. If the court initiates the petition for waiver of jurisdiction, the  
5 judge shall disqualify himself or herself from any future proceedings on the case.

6 **SECTION 21.** 938.183 (3) of the statutes is amended to read:

7 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. ~~When~~ Subject to s. 973.013  
8 (3m), when a juvenile who is subject to a criminal penalty under sub. (1m) or s.  
9 938.183 (2), 2003 stats., ~~attains the age of 17 years~~ becomes an adult, the department  
10 of corrections may place the juvenile in a state prison named in s. 302.01, except that  
11 that department may not place any person under the age of 18 years in the  
12 correctional institution authorized in s. 301.16 (1n). A juvenile who is subject to a  
13 criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for an act  
14 committed before December 31, 1999, is eligible for parole under s. 304.06.

15 **SECTION 22.** 938.255 (1) (intro.) of the statutes is amended to read:

16 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings  
17 under this chapter, other than a petition initiating proceedings under s. 938.12,  
18 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a  
19 person under the age of 18". A petition initiating proceedings under s. 938.12,  
20 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a ~~person~~  
21 ~~under the age of 17". juvenile.~~" A petition initiating proceedings under this chapter  
22 shall specify all of the following:

23 **SECTION 23.** 938.34 (8) of the statutes is amended to read:

24 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
25 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.

1 The maximum forfeiture that the court may impose under this subsection for a  
2 violation by a juvenile is the maximum amount of the fine that may be imposed on  
3 an adult for committing that violation or, if the violation is applicable only to ~~a person~~  
4 ~~under 18 years of age~~ juveniles, \$100. The order shall include a finding that the  
5 juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months  
6 for payment. If the juvenile fails to pay the forfeiture, the court may vacate the  
7 forfeiture and order other alternatives under this section; or the court may suspend  
8 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or  
9 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
10 than 2 years. If the court suspends any license under this subsection, the clerk of the  
11 court shall immediately take possession of the suspended license if issued under ch.  
12 29 or, if the license is issued under ch. 343, the court may take possession of, and if  
13 possession is taken, shall destroy, the license. The court shall forward to the  
14 department ~~which~~ that issued the license a notice of suspension stating that the  
15 suspension is for failure to pay a forfeiture imposed by the court, together with any  
16 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
17 paid during the period of suspension, the suspension shall be reduced to the time  
18 period ~~which~~ that has already elapsed and the court shall immediately notify the  
19 department, which shall then, if the license is issued under ch. 29, return the license  
20 to the juvenile. Any recovery under this subsection shall be reduced by the amount  
21 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

22 **SECTION 24.** 938.343 (2) of the statutes is amended to read:

23 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
24 forfeiture that may be imposed on an adult for committing that violation or, if the  
25 violation is only applicable to ~~a person under 18 years of age~~ juveniles, \$50. The

1 order shall include a finding that the juvenile alone is financially able to pay and  
2 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,  
3 the court may suspend any license issued under ch. 29 or suspend the juvenile's  
4 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court  
5 shall immediately take possession of the suspended license if issued under ch. 29 or,  
6 if the license is issued under ch. 343, the court may take possession of, and if  
7 possession is taken, shall destroy, the license. The court shall forward to the  
8 department ~~which~~ that issued the license the notice of suspension stating that the  
9 suspension is for failure to pay a forfeiture imposed by the court, together with any  
10 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
11 paid during the period of suspension, the court shall immediately notify the  
12 department, which shall, if the license is issued under ch. 29, return the license to  
13 the person. Any recovery under this subsection shall be reduced by the amount  
14 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

15 **SECTION 25.** 938.344 (3) of the statutes is amended to read:

16 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have  
17 committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an  
18 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,  
19 at the request of the district attorney or on its own motion, dismiss the citation  
20 without prejudice and refer the matter to the district attorney for prosecution under  
21 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.  
22 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or  
23 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

24 **SECTION 26.** 938.35 (1m) of the statutes is amended to read:

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

7           **SECTION 27.** 938.355 (4) (b) of the statutes is amended to read:

8           938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)  
9 or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years  
10 after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday,  
11 whichever is earlier, unless the court specifies a shorter period of time or the court  
12 terminates the order sooner. If the order does not specify a termination date, it shall  
13 apply for one year after the date on which the order is granted or until the juvenile's  
14 ~~18th~~ 19th birthday, whichever is earlier, unless the court terminates the order  
15 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before  
16 the juvenile attains 18 years of age shall apply for 5 years after the date on which the  
17 order is granted, if the juvenile is adjudicated delinquent for committing a violation  
18 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C  
19 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the  
20 juvenile is adjudicated delinquent for committing an act that would be punishable  
21 as a Class A felony if committed by an adult. Except as provided in s. 938.368, an  
22 extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile  
23 ~~attains 17 years of age~~ becomes an adult shall terminate at the end of one year after  
24 the date on which the order is granted unless the court specifies a shorter period of  
25 time or the court terminates the order sooner. No extension under s. 938.365 of an

1 original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted  
2 for a juvenile who is ~~17 years of age or older when~~ becomes an adult by the time the  
3 original dispositional order terminates.

4 **SECTION 28.** 938.355 (4m) (a) of the statutes is amended to read:

5 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,  
6 1993 stats., or s. 938.12 may, on ~~attaining 17 years of age~~ becoming an adult, petition  
7 the court to expunge the court's record of the juvenile's adjudication. Subject to par.  
8 (b), the court may expunge the record if the court determines that the juvenile has  
9 satisfactorily complied with the conditions of his or her dispositional order and that  
10 the juvenile will benefit from, and society will not be harmed by, the expungement.

11 **SECTION 29.** 938.39 of the statutes is amended to read:

12 **938.39 Disposition by court bars criminal proceeding.** Disposition by the  
13 court of any violation of state law within its jurisdiction under s. 938.12 bars any  
14 future criminal proceeding on the same matter in circuit court when the juvenile  
15 ~~reaches the age of 17~~ becomes an adult. This section does not affect criminal  
16 proceedings in circuit court that were transferred under s. 938.18.

17 **SECTION 30.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the  
18 statutes is amended to read:

19 **CHAPTER 938**

20 **SUBCHAPTER IX**

21 **JURISDICTION OVER PERSONS 17**

22 **OR OLDER ADULTS**

23 **SECTION 31.** 938.44 of the statutes is amended to read:

1           **938.44 Jurisdiction over persons ~~17 or older~~ adults.** The court has  
2 jurisdiction over persons ~~17 years of age or older~~ adults as provided under ss. 938.355  
3 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

4           **SECTION 32.** 938.45 (1) (a) of the statutes is amended to read:

5           938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent  
6 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any  
7 person ~~17 years of age or older~~ adult has been guilty of contributing to, encouraging,  
8 or tending to cause by any act or omission, ~~such~~ that condition of the juvenile, the  
9 court may make orders with respect to the conduct of that person in his or her  
10 relationship to the juvenile, including orders relating to determining the ability of  
11 the person to provide for the maintenance or care of the juvenile and directing when,  
12 how, and from where funds for the maintenance or care shall be paid.

13           **SECTION 33.** 938.45 (3) of the statutes is amended to read:

14           938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.  
15 If it appears at a court hearing that any person ~~17 years of age or older~~ adult has  
16 violated s. 948.40, the court shall refer the record to the district attorney. This  
17 subsection does not prohibit prosecution of violations of s. 948.40 without the prior  
18 reference by the court to the district attorney.

19           **SECTION 34.** 938.48 (4m) (title) of the statutes is amended to read:

20           938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO  
21 BECOME ADULTS.

22           **SECTION 35.** 938.48 (4m) (a) of the statutes is amended to read:

23           938.48 (4m) (a) Is ~~at least 17 years of age~~ an adult.

24           **SECTION 36.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act  
25 185, section 82, is amended to read:



1           938.48 (4m) (b) Was under the supervision of the department under s. 938.183,  
2           938.34 (4h) or (4n), or 938.357 (3) or (4) when the person reached ~~17~~ years of age  
3           became an adult.

4           **SECTION 37.** 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act 185,  
5           section 88, is amended to read:

6           938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME  
7           ADULTS. Pay maintenance, tuition, and related expenses from the appropriation  
8           under s. 20.410 (3) (ho) for persons who, when they attained ~~17~~ years of age became  
9           adults, were students regularly attending a school, college, or university or regularly  
10          attending a course of vocational or technical training designed to prepare them for  
11          gainful employment, and who upon ~~attaining that age~~ becoming adults were under  
12          the supervision of the department under s. 938.183, 938.34 (4h) or (4n), or 938.357  
13          (3) or (4) as a result of a judicial decision.

14          **SECTION 38.** 938.57 (3) (title) of the statutes is amended to read:

15          938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME  
16          ADULTS.

17          **SECTION 39.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

18          938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),  
19          counties may provide funding for the maintenance of any juvenile person who meets  
20          all of the following qualifications:

21          **SECTION 40.** 938.57 (3) (a) 1. of the statutes is amended to read:

22          938.57 (3) (a) 1. Is ~~17~~ years of age or older an adult.

23          **SECTION 41.** 938.57 (3) (a) 3. of the statutes is amended to read:

24          938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to  
25          ~~his or her 17th birthday~~ becoming an adult.

1 SECTION 42. 938.57 (3) (b) of the statutes is amended to read:

2 938.57 (3) (b) The funding provided for the maintenance of a juvenile person  
3 under par. (a) shall be in an amount equal to that to which the juvenile person would  
4 receive under s. 48.569 (1) (d) if the person were a juvenile were 16 years of age.

5 SECTION 43. 939.632 (1) (e) 1. of the statutes is amended to read:

6 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
7 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,  
8 940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)  
9 or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055,  
10 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1.  
11 b. applies.

12 SECTION 44. 939.632 (1) (e) 3. of the statutes is amended to read:

13 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32  
14 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

15 SECTION 45. 946.50 (intro.) of the statutes is amended to read:

16 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but  
17 who intentionally fails to appear before the court assigned to exercise jurisdiction  
18 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who  
19 does not return to that court for a dispositional hearing before attaining the age of  
20 17 years becoming an adult is guilty of the following:

21 SECTION 46. 948.01 (1) of the statutes is amended to read:

22 948.01 (1) "Child" means a person who has not attained the age of 18 years,  
23 ~~except that for purposes of prosecuting a person who is alleged to have violated a~~  
24 ~~state or federal criminal law, "child" does not include a person who has attained the~~  
25 age of 17 years of age who has previously been convicted of a crime or adjudicated

1 delinquent or who is alleged to have committed any violent crime specified in s.  
2 939.632 (1) (e) 1. or 2. or any misdemeanor under s. 940.42, if the underlying crime  
3 is a felony, or s. 941.20 (1) (b), (bm), (c), or (d).

4 **SECTION 47.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

5 948.11 (2) (am) (intro.) Any ~~person who has attained the age of 17 and~~ adult  
6 who, with knowledge of the character and content of the description or narrative  
7 account, verbally communicates, by any means, a harmful description or narrative  
8 account to a child, with or without monetary consideration, is guilty of a Class I  
9 felony if any of the following applies:

10 **SECTION 48.** 948.45 (1) of the statutes is amended to read:

11 948.45 (1) Except as provided in sub. (2), any ~~person 17 years of age or older~~  
12 adult who, by any act or omission, knowingly encourages or contributes to the  
13 truancy, as defined under s. 118.16 (1) (c), of a ~~person 17 years of age or under~~ child  
14 is guilty of a Class C misdemeanor.

15 **SECTION 49.** 948.60 (2) (d) of the statutes is amended to read:

16 948.60 (2) (d) A ~~person under 17 years of age~~ child who has violated this  
17 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under  
18 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction  
19 under s. 938.183.

20 **SECTION 50.** 948.61 (4) of the statutes is amended to read:

21 948.61 (4) A ~~person under 17 years of age~~ child who has violated this section  
22 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18  
23 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.  
24 938.183.

25 **SECTION 51.** 961.455 (title) of the statutes is amended to read:

1           **961.455 (title) Using a child minor for illegal drug distribution or**  
2 **manufacturing purposes.**

3           **SECTION 52.** 961.455 (1) of the statutes is amended to read:

4           961.455 (1) ~~Any person who has attained the age of 17 years~~ adult who  
5 knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of~~  
6 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

7           **SECTION 53.** 961.455 (2) of the statutes is amended to read:

8           961.455 (2) The knowledge requirement under sub. (1) does not require proof  
9 of knowledge of the age of the ~~child~~ minor. It is not a defense to a prosecution under  
10 this section that the actor mistakenly believed that the person solicited, hired,  
11 directed, employed, or used under sub. (1) had attained the age of 18 years, even if  
12 the mistaken belief was reasonable.

13           **SECTION 54.** 961.46 of the statutes is amended to read:

14           **961.46 Distribution to persons under age 18 minors.** ~~If a person 17 years~~  
15 ~~of age or over~~ an adult violates s. 961.41 (1) by distributing or delivering a controlled  
16 substance or a controlled substance analog to a ~~person 17 years of age or under~~ minor  
17 who is at least 3 years his or her junior, the applicable maximum term of  
18 imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not  
19 more than 5 years.

20           **SECTION 55.** 961.573 (2) of the statutes is amended to read:

21           961.573 (2) ~~Any person~~ minor who violates sub. (1) ~~who is under 17 years of age~~  
22 is subject to a disposition under s. 938.344 (2e).

23           **SECTION 56.** 961.574 (2) of the statutes is amended to read:

24           961.574 (2) ~~Any person~~ minor who violates sub. (1) ~~who is under 17 years of age~~  
25 is subject to a disposition under s. 938.344 (2e).

1 SECTION 57. 961.575 (1) of the statutes is amended to read:

2 961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)  
3 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor who is  
4 at least 3 years younger than the violator may be fined not more than \$10,000 or  
5 imprisoned for not more than 9 months or both.

6 SECTION 58. 961.575 (2) of the statutes is amended to read:

7 961.575 (2) Any person minor who violates this section ~~who is under 17 years~~  
8 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

9 SECTION 59. 961.575 (3) of the statutes is amended to read:

10 961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)  
11 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor is guilty  
12 of a Class G felony.

13 SECTION 60. 990.01 (3) of the statutes is amended to read:

14 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,  
15 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~  
16 ~~have violated any state or federal criminal law or any civil law or municipal~~  
17 ~~ordinance,~~ "adult" means includes a person who has attained the age of 17 years of  
18 age who has previously been convicted of a crime or adjudicated delinquent or who  
19 is alleged to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2.  
20 or any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20  
21 (1) (b), (bm), (c), or (d).

22 SECTION 61. 990.01 (20) of the statutes is amended to read:

23 990.01 (20) MINOR. "Minor" means a person who has not attained the age of  
24 18 years, ~~except that for purposes of investigating or prosecuting a person who is~~  
25 ~~alleged to have violated a state or federal criminal law or any civil law or municipal~~

1 ordinance, ~~“minor” does not include a person who has attained the age of 17 years~~  
 2 of age who has previously been convicted of a crime or adjudicated delinquent or who  
 3 is alleged to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2.  
 4 or any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20  
 5 (1) (b), (bm), (c), or (d).

6 **SECTION 62. Initial applicability.**

*Corrections*

7 (1) AGE OF ADULT JURISDICTION. This act first applies to a violation of a criminal  
 8 law, civil law, or municipal ordinance allegedly committed on the effective date of this  
 9 subsection.

10 **SECTION 63. Effective date.**

11 (1) This act takes effect on <sup>dates</sup> January 1, 2021.

12 **\*\*\*NOTE:** I changed the effective date from January 1, 2017, under the 2015 draft to January 1, 2021. If you would like a sooner effective date, additional drafting relating to s. 938.48 (4m) (b) and (14) will be necessary to account for changes that go into effect on January 1, 2021, under 2017 Wis. Act 185.

(END)

*Corrections*

INS  
X

9308

9408

and subch.  
IX (title) of  
ch. 48 5  
and subch IX  
(title) of  
ch. 938

INS X

**SECTION 9308. Initial applicability; Corrections.**

(1) AGE OF ADULT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), subchapter IX (title) of chapter 48 [precedes 48.44], 48.44, 48.45 (1) (a) and (am), 48.45 (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, subchapter IX (title) of chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a) and (3), 938.48 (4m) (title), (a), and (b), 938.48 (14), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b), 939.632 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46, 961.573 (2), 961.574 (2), 961.575 (1), (2), and (3), 990.01 (3) and 990.01 (20) first applies to a violation of a criminal law, civil law, or municipal ordinance allegedly committed on the effective date of this subsection.

**SECTION 9408. Effective dates; Corrections.**

(1) AGE OF ADULT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), subchapter IX (title) of chapter 48 [precedes 48.44], 48.44, 48.45 (1) (a) and (am), 48.45 (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, subchapter IX (title) of chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a) and (3), 938.48 (4m) (title), (a), and (b), 938.48 (14), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b), 939.632 (1) (e) 1. and 3., 946.50 (intro.),

948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title),  
(1), and (2), 961.46, 961.573 (2), 961.574 (2), 961.575 (1), (2), and (3), 990.01 (3) and  
990.01 (20) takes effect on January 1, 2021. and

subch. IX (title) of ch. 48 ↗  
and subch. IX (title) of ch. 938 ↗  
and ES SECTION 9308 (\*)  
↗ of this act