



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1701(P3) P29  
EAW:cjs&ahe  
Stays

DOA:.....Schmidt, BB0235 - Age of juvenile court jurisdiction

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

INS  
DNOTE

1 AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

**1. Age of juvenile court jurisdiction**

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.

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.

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

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

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

2           48.02 (1d) "Adult" means a person who is 18 years of age or older, ~~except that~~  
3 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~  
4 ~~any state or federal criminal law or any civil law or municipal ordinance, "adult"~~  
5 ~~means a person who has attained 17 years of age.~~

6           **SECTION 2.** 48.02 (2) of the statutes is amended to read:

7           48.02 (2) "Child," when used without further qualification, means a person who  
8 is less than 18 years of age, ~~except that for purposes of investigating or prosecuting~~  
9 ~~a person who is alleged to have violated a state or federal criminal law or any civil~~  
10 ~~law or municipal ordinance, "child" does not include a person who has attained 17~~  
11 ~~years of age.~~

12           **SECTION 3.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes  
13 is amended to read:

14   **CHAPTER 48**

15   SUBCHAPTER IX

16   JURISDICTION OVER PERSON 17

17   OR OLDER ADULTS

18           **SECTION 4.** 48.44 of the statutes is amended to read:

1           **48.44 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. 48.133,  
3 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in  
4 this chapter.

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

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

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

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

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

23           **48.45 (3)** If it appears at a court hearing that any person ~~17 years of age or older~~  
24 adult has violated s. 948.40, the judge shall refer the record to the district attorney  
25 for criminal proceedings as may be warranted in the district attorney's judgment.

1 This subsection does not prevent prosecution of violations of s. 948.40 without the  
2 prior reference by the judge to the district attorney, as in other criminal cases.

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

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

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

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

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

12 125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty  
13 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

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

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

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

20 165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~  
21 ~~of 17~~ an adult and that is a felony or a misdemeanor.

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

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

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

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

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

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

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

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

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

1           938.02 (1) “Adult” means a person who is 18 years of age or older, ~~except that~~  
2           ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~  
3           ~~any state or federal criminal law or any civil law or municipal ordinance, “adult”~~  
4           ~~means a person who has attained 17 years of age.~~

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

6           938.02 (10m) “Juvenile,” when used without further qualification, means a  
7           person who is less than 18 years of age, ~~except that for purposes of investigating or~~  
8           ~~prosecuting a person who is alleged to have violated a state or federal criminal law~~  
9           ~~or any civil law or municipal ordinance, “juvenile” does not include a person who has~~  
10          ~~attained 17 years of age.~~

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

12          938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition  
13          alleging that a juvenile is delinquent is filed before the juvenile is 17 years of age  
14          becomes an adult, but the juvenile becomes 17 years of age an adult before admitting  
15          the facts of the petition at the plea hearing or, if the juvenile denies the facts, before  
16          an adjudication, the court retains jurisdiction over the case.

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

18          938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the  
19          district attorney or the juvenile or may be initiated by the court and shall contain a  
20          brief statement of the facts supporting the request for waiver. The petition for waiver  
21          of jurisdiction shall be accompanied by or filed after the filing of a petition alleging  
22          delinquency and shall be filed prior to the plea hearing, except that if the juvenile  
23          denies the facts of the petition and becomes 17 years of age an adult before an  
24          adjudication, the petition for waiver of jurisdiction may be filed at any time prior to

1 the adjudication. If the court initiates the petition for waiver of jurisdiction, the  
2 judge shall disqualify himself or herself from any future proceedings on the case.

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

4 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. When Subject to s. 973.013  
5 (3m), when a juvenile who is subject to a criminal penalty under sub. (1m) or s.  
6 938.183 (2), 2003 stats., attains the age of 17 years becomes an adult, the department  
7 of corrections may place the juvenile in a state prison named in s. 302.01, except that  
8 that department may not place any person under the age of 18 years in the  
9 correctional institution authorized in s. 301.16 (1n). A juvenile who is subject to a  
10 criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for an act  
11 committed before December 31, 1999, is eligible for parole under s. 304.06.

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

13 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings  
14 under this chapter, other than a petition initiating proceedings under s. 938.12,  
15 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a  
16 person under the age of 18". A petition initiating proceedings under s. 938.12,  
17 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person  
18 under the age of 17". juvenile." A petition initiating proceedings under this chapter  
19 shall specify all of the following:

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

21 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
22 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.  
23 The maximum forfeiture that the court may impose under this subsection for a  
24 violation by a juvenile is the maximum amount of the fine that may be imposed on  
25 an adult for committing that violation or, if the violation is applicable only to a person

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

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

20 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
21 forfeiture that may be imposed on an adult for committing that violation or, if the  
22 violation is only applicable to ~~a person under 18 years of age juveniles~~, \$50. The  
23 order shall include a finding that the juvenile alone is financially able to pay and  
24 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,  
25 the court may suspend any license issued under ch. 29 or suspend the juvenile's



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

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

13 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have  
14 committed the violation is within 3 months of his ~~or her~~ 17th birthday becoming an  
15 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,  
16 at the request of the district attorney or on its own motion, dismiss the citation  
17 without prejudice and refer the matter to the district attorney for prosecution under  
18 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.  
19 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or  
20 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

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

22 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court  
23 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation  
24 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter  
25 in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This

1 subsection does not affect proceedings in criminal court that have been transferred  
2 under s. 938.18.

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

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

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



1 person ~~17 years of age or older~~ adult has been guilty of contributing to, encouraging,  
2 or tending to cause by any act or omission, ~~such~~ that condition of the juvenile, the  
3 court may make orders with respect to the conduct of that person in his or her  
4 relationship to the juvenile, including orders relating to determining the ability of  
5 the person to provide for the maintenance or care of the juvenile and directing when,  
6 how, and from where funds for the maintenance or care shall be paid.

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

8 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.  
9 If it appears at a court hearing that any person ~~17 years of age or older~~ adult has  
10 violated s. 948.40, the court shall refer the record to the district attorney. This  
11 subsection does not prohibit prosecution of violations of s. 948.40 without the prior  
12 reference by the court to the district attorney.

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

14 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17 WHO~~  
15 BECOME ADULTS.

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

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

18 **SECTION 36.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act  
19 185, section 82, is amended to read:

20 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,  
21 938.34 (4h) or (4n), or 938.357 (3) or (4) when the person ~~reached 17 years of age~~  
22 became an adult.

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

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1           **938.48 (14)** SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME  
2 ADULTS. Pay maintenance, tuition, and related expenses from the appropriation  
3 under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age became  
4 adults, were students regularly attending a school, college, or university or regularly  
5 attending a course of vocational or technical training designed to prepare them for  
6 gainful employment, and who upon attaining that age becoming adults were under  
7 the supervision of the department under s. 938.183, 938.34 (4h) or (4n), or 938.357  
8 (3) or (4) as a result of a judicial decision.

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

10           **938.57 (3)** (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME  
11 ADULTS.

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

13           **938.57 (3)** (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),  
14 counties may provide funding for the maintenance of any juvenile person who meets  
15 all of the following qualifications:

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

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

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

19           **938.57 (3)** (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to  
20 ~~his or her 17th birthday~~ becoming an adult.

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

22           **938.57 (3)** (b) The funding provided for the maintenance of a juvenile person  
23 under par. (a) shall be in an amount equal to that ~~to~~ which the juvenile person would  
24 receive under s. 48.569 (1) (d) if the person were a juvenile were 16 years of age.

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

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

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

8           939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32  
9 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

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

11          **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but  
12 who intentionally fails to appear before the court assigned to exercise jurisdiction  
13 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who  
14 does not return to that court for a dispositional hearing before attaining the age of  
15 17 years becoming an adult is guilty of the following:

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

17          948.01 (1) "Child" means a person who has not attained the age of 18 years,  
18 except that for purposes of prosecuting a person who is alleged to have violated a  
19 state or federal criminal law, "child" does not include a person who has attained the  
20 age of 17 years.

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

22          948.11 (2) (am) (intro.) Any person who has attained the age of 17 and adult  
23 who, with knowledge of the character and content of the description or narrative  
24 account, verbally communicates, by any means, a harmful description or narrative

1 account to a child, with or without monetary consideration, is guilty of a Class I  
2 felony if any of the following applies:

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

4 948.45 (1) Except as provided in sub. (2), any person ~~17 years of age or older~~  
5 adult who, by any act or omission, knowingly encourages or contributes to the  
6 truancy, as defined under s. 118.16 (1) (c), of a person ~~17 years of age or under~~ child  
7 is guilty of a Class C misdemeanor.

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

9 948.60 (2) (d) A person ~~under 17 years of age~~ child who has violated this  
10 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under  
11 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction  
12 under s. 938.183.

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

14 948.61 (4) A person ~~under 17 years of age~~ child who has violated this section  
15 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18  
16 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.  
17 938.183.

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

19 **961.455 (title) Using a child minor for illegal drug distribution or**  
20 **manufacturing purposes.**

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

22 961.455 (1) Any person ~~who has attained the age of 17 years~~ adult who  
23 knowingly solicits, hires, directs, employs, or uses a person ~~who is under the age of~~  
24 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

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

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

6           **SECTION 54.** 961.46 of the statutes, as affected by 2019 Wisconsin Act .... (this  
7 act), is amended to read:

8           **961.46 Distribution to persons under age 18 minors.** If ~~a person 17 years~~  
9 ~~of age or over an adult~~ violates s. 961.41 (1), except s. 961.41 (1) (h) 1g., by distributing  
10 or delivering a controlled substance or a controlled substance analog to a ~~person 17~~  
11 ~~years of age or under~~ minor who is at least 3 years his or her junior, the applicable  
12 maximum term of imprisonment prescribed under s. 961.41 (1) for the offense may  
13 be increased by not more than 5 years.

\*\*\*\*NOTE: This is reconciled s. 961.46. This SECTION has been affected by drafts  
with the following LRB numbers: 1701/p2 and 1996/p2.

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

15           961.573 (2) Any ~~person~~ minor who violates sub. (1) ~~who is under 17 years of age~~  
16 is subject to a disposition under s. 938.344 (2e).

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

18           961.574 (2) Any ~~person~~ minor who violates sub. (1) ~~who is under 17 years of age~~  
19 is subject to a disposition under s. 938.344 (2e).

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

21           961.575 (1) Any ~~person 17 years of age or over~~ adult who violates s. 961.574 (1)  
22 by delivering drug paraphernalia to a ~~person 17 years of age or under~~ minor who is



1 at least 3 years younger than the violator may be fined not more than \$10,000 or  
2 imprisoned for not more than 9 months or both.

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

4 961.575 (2) Any person minor who violates this section who is under 17 years  
5 of age is subject to a disposition under s. 938.344 (2e).

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

7 961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)  
8 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor is guilty  
9 of a Class G felony.

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

11 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,  
12 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~  
13 ~~have violated any state or federal criminal law or any civil law or municipal~~  
14 ~~ordinance,~~ "adult" means a person who has attained the age of 17 years.

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

16 990.01 (20) MINOR. "Minor" means a person who has not attained the age of  
17 18 years, ~~except that for purposes of investigating or prosecuting a person who is~~  
18 ~~alleged to have violated a state or federal criminal law or any civil law or municipal~~  
19 ~~ordinance,~~ "minor" does not include a person who has attained the age of 17 years.

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

21 (1) AGE OF ADULT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), 48.44,  
22 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt),  
23 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m),  
24 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344  
25 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, 938.44, 938.45 (1) (a) and (3),

**SECTION 9308**

1 938.48 (4m) (title), (a), and (b) and (14), 938.57 (3) (title), (a) (intro.), 1., and 3., and  
2 (b), 939.632 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45  
3 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46 (by SECTION 54),  
4 961.573 (2), 961.574 (2), 961.575 (1), (2), and (3), and 990.01 (3) and (20), subch. IX  
5 (title) of ch. 48, and subch. IX (title) of ch. 938 first applies to a violation of a criminal  
6 law, civil law, or municipal ordinance allegedly committed on the effective date of this  
7 subsection.

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

8  
9 (1) AGE OF ADULT JURISDICTION. <sup>H (CA)</sup> The treatment of ss. 48.02 (1d) and (2), 48.44,  
10 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt),  
11 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m),  
12 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344  
13 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), ~~938.39~~, 938.44, 938.45 (1) (a) and (3),  
14 938.48 (4m) (title), (a), and (b) and (14), <sup>INS 18-14</sup> 938.57 (3) (title), (a) (intro.), 1., and 3., and  
15 (b), 939.632 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45  
16 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46 (by SECTION 54),  
17 961.573 (2), 961.574 (2), 961.575 (1), (2), and (3), and 990.01 (3) and (20), subch. IX  
18 (title) of ch. 48, and subch. IX (title) of ch. 938 and SECTION 9308 (1) of this act take  
19 effect on January 1, 2021.

20

(END)

INS 18-20

2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1701/P4  
EAW:...


INS 12-18

**SECTION 1.** 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 became an adult.

**SECTION 2.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act 185, section 82, and 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

938.48 (4m) (b) Was under the supervision of the department under s. 938.183, 938.34 (4h) or (4n), or 938.357 (3) or (4) when the person became an adult.

 **SECTION 3.** 938.48 (14) of the statutes is amended to read:

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

**SECTION 4.** 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act 185, section 88, and 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

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

INS 18-14

*Not* (b) (by SECTION 1) and (14) (by SECTION 3)

INS 18-20

*#* (b) — (a) The treatment of ss. 938.48 (4m) (b) (by SECTION 2) and (14) (by SECTION 4) takes effect on the date specified in the notice under 2017 Wisconsin Act 185, section 110 (2) (b), or on January 1, 2021, whichever is later.

*\*\*\* NOTE: THIS IS RECONCILED SECTION 9408. It reconciles the effective date of LRB ~~#~~ 19 ~~1701/P3~~ and ~~2156/P2~~.*

*numbers*

*(1) AR*

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

LRB-1701/P4dn

EAW:cjs&ahe

*Stays*

*date*

This draft reconciles LRB-1701/p3 and LRB-2156/p2. Both LRB-1701 and LRB-2156 should continue to appear in the compiled bill.

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

LRB-1701/P4dn  
EAW:cjs

February 27, 2019

This draft reconciles LRB-1701/p3 and LRB-2156/p2. Both LRB-1701 and LRB-2156 should continue to appear in the compiled bill.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1701/P4  
EAW:cjs&ahe

DOA:.....Schmidt, BB0235 - Age of juvenile court jurisdiction

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

***1. Age of juvenile court jurisdiction***

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.

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





1           **48.44 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. 48.133,  
3 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in  
4 this chapter.

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

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

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

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

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

23           48.45 (3) If it appears at a court hearing that any person ~~17 years of age or older~~  
24 ~~adult~~ has violated s. 948.40, the judge shall refer the record to the district attorney  
25 for criminal proceedings as may be warranted in the district attorney's judgment.

1 This subsection does not prevent prosecution of violations of s. 948.40 without the  
2 prior reference by the judge to the district attorney, as in other criminal cases.

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

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

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

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

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

12 125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty  
13 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

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

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

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

20 165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~  
21 ~~of 17~~ an adult and that is a felony or a misdemeanor.

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

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

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

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

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

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

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

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

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

1           938.02 (1) “Adult” means a person who is 18 years of age or older, ~~except that~~  
2 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~  
3 ~~any state or federal criminal law or any civil law or municipal ordinance, “adult”~~  
4 ~~means a person who has attained 17 years of age.~~

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

6           938.02 (10m) “Juvenile,” when used without further qualification, means a  
7 person who is less than 18 years of age, ~~except that for purposes of investigating or~~  
8 ~~prosecuting a person who is alleged to have violated a state or federal criminal law~~  
9 ~~or any civil law or municipal ordinance, “juvenile” does not include a person who has~~  
10 ~~attained 17 years of age.~~

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

12           938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition  
13 alleging that a juvenile is delinquent is filed before the juvenile is 17 years of age  
14 becomes an adult, but the juvenile becomes 17 years of age an adult before admitting  
15 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before  
16 an adjudication, the court retains jurisdiction over the case.

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

18           938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the  
19 district attorney or the juvenile or may be initiated by the court and shall contain a  
20 brief statement of the facts supporting the request for waiver. The petition for waiver  
21 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging  
22 delinquency and shall be filed prior to the plea hearing, except that if the juvenile  
23 denies the facts of the petition and becomes 17 years of age an adult before an  
24 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to

1 the adjudication. If the court initiates the petition for waiver of jurisdiction, the  
2 judge shall disqualify himself or herself from any future proceedings on the case.

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

4 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. ~~When Subject to s. 973.013~~  
5 ~~(3m), when~~ a juvenile who is subject to a criminal penalty under sub. (1m) or s.  
6 938.183 (2), 2003 stats., ~~attains the age of 17 years becomes an adult~~, the department  
7 of corrections may place the juvenile in a state prison named in s. 302.01, except that  
8 that department may not place any person under the age of 18 years in the  
9 correctional institution authorized in s. 301.16 (1n). A juvenile who is subject to a  
10 criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for an act  
11 committed before December 31, 1999, is eligible for parole under s. 304.06.

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

13 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings  
14 under this chapter, other than a petition initiating proceedings under s. 938.12,  
15 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a  
16 person under the age of 18". A petition initiating proceedings under s. 938.12,  
17 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person  
18 under the age of 17". ~~juvenile.~~ A petition initiating proceedings under this chapter  
19 shall specify all of the following:

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

21 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
22 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.  
23 The maximum forfeiture that the court may impose under this subsection for a  
24 violation by a juvenile is the maximum amount of the fine that may be imposed on  
25 an adult for committing that violation or, if the violation is applicable only to a person

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

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

20 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
21 forfeiture that may be imposed on an adult for committing that violation or, if the  
22 violation is only applicable to ~~a person under 18 years of age~~ juveniles, \$50. The  
23 order shall include a finding that the juvenile alone is financially able to pay and  
24 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,  
25 the court may suspend any license issued under ch. 29 or suspend the juvenile's

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

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

13 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have  
14 committed the violation is within 3 months of his or her ~~17th birthday~~ becoming an  
15 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,  
16 at the request of the district attorney or on its own motion, dismiss the citation  
17 without prejudice and refer the matter to the district attorney for prosecution under  
18 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.  
19 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or  
20 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

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

22 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court  
23 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation  
24 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter  
25 in criminal court when the juvenile attains ~~17 years of age~~ becomes an adult. This

1 subsection does not affect proceedings in criminal court that have been transferred  
2 under s. 938.18.

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

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

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





1 person ~~17 years of age or older~~ adult has been guilty of contributing to, encouraging,  
2 or tending to cause by any act or omission, ~~such~~ that condition of the juvenile, the  
3 court may make orders with respect to the conduct of that person in his or her  
4 relationship to the juvenile, including orders relating to determining the ability of  
5 the person to provide for the maintenance or care of the juvenile and directing when,  
6 how, and from where funds for the maintenance or care shall be paid.

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

8 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.

9 If it appears at a court hearing that any ~~person 17 years of age or older~~ adult has  
10 violated s. 948.40, the court shall refer the record to the district attorney. This  
11 subsection does not prohibit prosecution of violations of s. 948.40 without the prior  
12 reference by the court to the district attorney.

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

14 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17 WHO~~  
15 BECOME ADULTS.

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

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

18 **SECTION 36.** 938.48 (4m) (b) of the statutes is amended to read:

19 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,  
20 938.34 (4h), (4m), or (4n) or 938.357 (3) or (4) when the person reached ~~17 years of~~  
21 age became an adult.

22 **SECTION 37.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act

23 185, section 82, and 2019 Wisconsin Act .... (this act), is repealed and recreated to  
24 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 became an adult.

3           **SECTION 38.** 938.48 (14) of the statutes is amended to read:

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

12          **SECTION 39.** 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act 185,  
13          section 88, and 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

14          938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES WHO BECOME ADULTS. Pay  
15          maintenance, tuition, and related expenses from the appropriation under s. 20.410  
16          (3) (ho) for persons who, when they became adults, were students regularly attending  
17          a school, college, or university or regularly attending a course of vocational or  
18          technical training designed to prepare them for gainful employment, and who upon  
19          becoming adults were under the supervision of the department under s. 938.183,  
20          938.34 (4h) or (4n), or 938.357 (3) or (4) as a result of a judicial decision.

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

22          938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES OVER 17 WHO BECOME  
23          ADULTS.

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

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

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

5           938.57 (3) (a) 1. Is 17 years of age or older an adult.

6           **SECTION 43.** 938.57 (3) (a) 3. of the statutes is amended to read:

7           938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to  
8 ~~his or her 17th birthday~~ becoming an adult.

9           **SECTION 44.** 938.57 (3) (b) of the statutes is amended to read:

10           938.57 (3) (b) The funding provided for the maintenance of a juvenile person  
11 under par. (a) shall be in an amount equal to that to which the juvenile person would  
12 receive under s. 48.569 (1) (d) if the person were a juvenile were ~~16 years of age~~.

13           **SECTION 45.** 939.632 (1) (e) 1. of the statutes is amended to read:

14           939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
15 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,  
16 940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)  
17 or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055,  
18 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1.  
19 b. applies.

20           **SECTION 46.** 939.632 (1) (e) 3. of the statutes is amended to read:

21           939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), ~~940.32~~  
22 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

23           **SECTION 47.** 946.50 (intro.) of the statutes is amended to read:

24           **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but  
25 who intentionally fails to appear before the court assigned to exercise jurisdiction

1 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who  
2 does not return to that court for a dispositional hearing before ~~attaining the age of~~  
3 ~~17 years~~ becoming an adult is guilty of the following:

4 **SECTION 48.** 948.01 (1) of the statutes is amended to read:

5 948.01 (1) "Child" means a person who has not attained the age of 18 years,  
6 ~~except that for purposes of prosecuting a person who is alleged to have violated a~~  
7 ~~state or federal criminal law, "child" does not include a person who has attained the~~  
8 ~~age of 17 years.~~

9 **SECTION 49.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

10 948.11 (2) (am) (intro.) ~~Any person who has attained the age of 17 and adult~~  
11 ~~who, with knowledge of the character and content of the description or narrative~~  
12 ~~account, verbally communicates, by any means, a harmful description or narrative~~  
13 ~~account to a child, with or without monetary consideration, is guilty of a Class I~~  
14 ~~felony if any of the following applies:~~

15 **SECTION 50.** 948.45 (1) of the statutes is amended to read:

16 948.45 (1) ~~Except as provided in sub. (2), any person 17 years of age or older~~  
17 ~~adult~~ who, by any act or omission, knowingly encourages or contributes to the  
18 truancy, as defined under s. 118.16 (1) (c), of a ~~person 17 years of age or under~~ child  
19 ~~is guilty of a Class C misdemeanor.~~

20 **SECTION 51.** 948.60 (2) (d) of the statutes is amended to read:

21 948.60 (2) (d) ~~A person under 17 years of age~~ child who has violated this  
22 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under  
23 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction  
24 under s. 938.183.

25 **SECTION 52.** 948.61 (4) of the statutes is amended to read:

1           948.61 (4) A ~~person under 17 years of age~~ child who has violated this section  
2 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18  
3 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.  
4 938.183.

5           **SECTION 53.** 961.455 (title) of the statutes is amended to read:

6           **961.455 (title) Using a child minor for illegal drug distribution or**  
7 **manufacturing purposes.**

8           **SECTION 54.** 961.455 (1) of the statutes is amended to read:

9           961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who  
10 knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of~~  
11 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

12           **SECTION 55.** 961.455 (2) of the statutes is amended to read:

13           961.455 (2) The knowledge requirement under sub. (1) does not require proof  
14 of knowledge of the age of the child minor. It is not a defense to a prosecution under  
15 this section that the actor mistakenly believed that the person solicited, hired,  
16 directed, employed, or used under sub. (1) had attained the age of 18 years, even if  
17 the mistaken belief was reasonable.

18           **SECTION 56.** 961.46 of the statutes, as affected by 2019 Wisconsin Act .... (this  
19 act), is amended to read:

20           **961.46 Distribution to persons under age 18 minors.** If a ~~person 17 years~~  
21 ~~of age or over~~ an adult violates s. 961.41 (1), except s. 961.41 (1) (h) 1g., by distributing  
22 or delivering a controlled substance or a controlled substance analog to a ~~person 17~~  
23 ~~years of age or under~~ minor who is at least 3 years his or her junior, the applicable  
24 maximum term of imprisonment prescribed under s. 961.41 (1) for the offense may  
25 be increased by not more than 5 years.

\*\*\*\*NOTE: This is reconciled s. 961.46. This SECTION has been affected by drafts with the following LRB numbers: 1701/p2 and 1996/p2.

1           **SECTION 57.** 961.573 (2) of the statutes is amended to read:

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

4           **SECTION 58.** 961.574 (2) of the statutes is amended to read:

5           961.574 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~  
6 is subject to a disposition under s. 938.344 (2e).

7           **SECTION 59.** 961.575 (1) of the statutes is amended to read:

8           961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)  
9 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor who is  
10 at least 3 years younger than the violator may be fined not more than \$10,000 or  
11 imprisoned for not more than 9 months or both.

12           **SECTION 60.** 961.575 (2) of the statutes is amended to read:

13           961.575 (2) Any person minor who violates this section ~~who is under 17 years~~  
14 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

15           **SECTION 61.** 961.575 (3) of the statutes is amended to read:

16           961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)  
17 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor is guilty  
18 of a Class G felony.

19           **SECTION 62.** 990.01 (3) of the statutes is amended to read:

20           990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,  
21 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~  
22 ~~have violated any state or federal criminal law or any civil law or municipal~~  
23 ~~ordinance, "adult" means a person who has attained the age of 17 years.~~

1           **SECTION 63.** 990.01 (20) of the statutes is amended to read:

2           **990.01 (20) MINOR.** “Minor” means a person who has not attained the age of  
3 18 years, ~~except that for purposes of investigating or prosecuting a person who is~~  
4 ~~alleged to have violated a state or federal criminal law or any civil law or municipal~~  
5 ~~ordinance, “minor” does not include a person who has attained the age of 17 years.~~

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

7           (1) AGE OF ADULT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), 48.44,  
8 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt),  
9 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m),  
10 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344  
11 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, 938.44, 938.45 (1) (a) and (3),  
12 938.48 (4m) (title), (a), and (b) and (14), 938.57 (3) (title), (a) (intro.), 1., and 3., and  
13 (b), 939.632 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45  
14 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46 (by SECTION 56),  
15 961.573 (2), 961.574 (2), 961.575 (1), (2), and (3), and 990.01 (3) and (20), subch. IX  
16 (title) of ch. 48, and subch. IX (title) of ch. 938 first applies to a violation of a criminal  
17 law, civil law, or municipal ordinance allegedly committed on the effective date of this  
18 subsection.

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

20           (1) AGE OF ADULT JURISDICTION.

21           (a) The treatment of ss. 48.02 (1d) and (2), 48.44, 48.45 (1) (a) and (am) and (3),  
22 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1. and 2., 301.12  
23 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m), 938.12 (2), 938.18 (2), 938.183 (3),  
24 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b)  
25 and (4m) (a), 938.39, 938.44, 938.45 (1) (a) and (3), 938.48 (4m) (title), (a), and (b) (by



1 SECTION 36) and (14) (by SECTION 38), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b),  
2 939.632 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1),  
3 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46 (by SECTION 56), 961.573  
4 (2), 961.574 (2), 961.575 (1), (2), and (3), and 990.01 (3) and (20), subch. IX (title) of  
5 ch. 48, and subch. IX (title) of ch. 938 and SECTION 9308 (1) of this act take effect on  
6 January 1, 2021.

7 (b) The treatment of ss. 938.48 (4m) (b) (by SECTION 37) and (14) (by SECTION  
8 39) takes effect on the date specified in the notice under 2017 Wisconsin Act 185,  
9 section 110 (2) (b), or on January 1, 2021, whichever is later.

\*\*\*NOTE: This is reconciled SECTION 9408 (1). It reconciles the effective date of LRB  
numbers 1701/p3 and 2156/p2.

10

**(END)**