

**2019 DRAFTING REQUEST**

**Bill**

For: **Administration-Budget 7-0370** Drafter: **ewheeler**  
 By: **Michael** Secondary Drafters:  
 Date: **2/19/2019** 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:.....Michael, BB0440 -

**Topic:**

Act 185 changes

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 2/19/2019	anienaja 2/19/2019			
/P1		anienaja 2/21/2019	mbarman 2/19/2019		
/P2			mbarman 2/21/2019		

FE Sent For: **<END>**

## **Wheeler, Elizabeth**

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**From:** Hanaman, Cathlene  
**Sent:** Tuesday, February 19, 2019 2:47 PM  
**To:** Shea, Elisabeth; Wheeler, Elizabeth  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**From:** Schmidt, Michael - DOA <Michael2.Schmidt@wisconsin.gov>  
**Sent:** Tuesday, February 19, 2019 2:44 PM  
**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 Corrections

Tracking Code: BB0440

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: High

Intent:

Modify date references in 2017 Act 185 to refer only to the date described in Act 185, s. 110(2)(b). Modify the date that county grant applications are due to the Juvenile Corrections Grant Committee under Act 185, s. 110(4)(d) to June 30, 2019 and modification date from September 30, 2019. Modify the date that Juvenile Corrections Grant Committee's statewide plan for juvenile justice under Act 185, s. 110(4)(f) is due to joint finance committee October 1, 2019. Provide that grants to counties may be approved on rolling basis by submitting to joint finance committee for 14-day passive review. Of the Assembly Speaker and Senate Majority Leader appointments to the Juvenile Justice Study Committee and Juvenile Corrections Grant Committee created by Act 185, at least one member must be from the minority party.

Attachments: False

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



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-2156/PI  
EAW:amn

10/2/21

DOA:.....Michael, BB0440 - Act 185 changes

**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. Closing Lincoln Hills and Copper Lake schools**

This bill makes certain changes to the grant program for the design and construction of new secured residential care centers for children and youth (SRCCCYs) under 2017 Wisconsin Act 185. Act 185 created a grant program for counties to construct new SRCCCYs for the purpose of holding in secure custody juveniles who are adjudicated delinquent and given a correctional placement. Act 185 formed a juvenile corrections grant committee, including three members appointed from each house of the legislature. This bill requires that one member appointed from each house must be a member of the minority party. Under Act 185, grant applications are due by March 31, 2019, and plan recommendations must be submitted to the Joint Committee on Finance by July 1, 2019. This bill extends the grant program deadlines by three months, so that applications are due by June 30, 2019, and plan recommendations are due to the Joint Committee on Finance by October 1, 2019. Act 185 also required the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln Hills and Copper Lake schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county-run SRCCCYs or a new

state-run juvenile correctional facility, also funded by and required under Act 185. This bill removes the deadline for closing Lincoln Hills and Copper Lake schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility.

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.** 938.22 (2) (d) of the statutes, as affected by 2019 Wisconsin Act ...  
2 (this act), is repealed and recreated to read:

3           938.22 (2) (d) 1. Except as provided in subd. 2., a juvenile detention facility is  
4 authorized to accept juveniles for placement for more than 30 consecutive days under  
5 s. 938.34 (3) (f) 1. if all of the following apply:

6           a. The juvenile detention facility is operated by a county, the county board of  
7 supervisors of which has adopted a resolution under s. 938.34 (3) (f) 3., prior to  
8 January 1, 2018, authorizing placement of juveniles at the juvenile detention facility  
9 under s. 938.34 (3) (f) for more than 30 consecutive days.

10           b. The county that operates the juvenile detention facility is not awarded a  
11 grant under 2017 Wisconsin Act 185, section 110 (4).

12           2. After the effective date of this subdivision ... [LRB inserts date], the number  
13 of juveniles that may be housed at a juvenile detention facility under subd. 1. is  
14 limited to the number that are housed at the juvenile detention facility on that date,  
15 and the juvenile detention facility may not be altered or added to or repaired in excess  
16 of 50 percent of its assessed value. If a juvenile detention facility violates this  
17 subdivision, it is no longer authorized to accept juveniles for placement for more than  
18 30 consecutive days.

1           **SECTION 2.** 938.22 (2) (d) 1. of the statutes is renumbered 938.22 (2) (d), and  
2           938.22 (2) (d) (intro.), as renumbered, is amended to read:

3           938.22 (2) (d) (intro.) ~~Except as provided in subd. 2., a~~ A juvenile detention  
4           facility is authorized to accept juveniles for placement for more than 30 consecutive  
5           days under s. 938.34 (3) (f) 1. if all of the following apply:

6           **SECTION 3.** 938.22 (2) (d) 2. of the statutes is repealed.

7           **SECTION 4.** 938.34 (3) (f) 1. of the statutes is amended to read:

8           938.34 (3) (f) 1. The placement may be for any combination of single or  
9           consecutive days totalling not more than 365 in a juvenile detention facility under  
10          s. 938.22 (2) (d) ~~1.~~ and may be for no more than 30 consecutive days in any other  
11          juvenile detention facility, including any placement under pars. (a) to (e). The  
12          juvenile shall be given credit against the period of detention or nonsecure custody  
13          imposed under this paragraph for all time spent in secure detention in connection  
14          with the course of conduct for which the detention or nonsecure custody was imposed.

15          **SECTION 5.** 938.34 (3) (f) 1. of the statutes, as affected by 2019 Wisconsin Act  
16          .... (this act), is amended to read:

17          938.34 (3) (f) 1. The placement may be for any combination of single or  
18          consecutive days totalling not more than 365 in a juvenile detention facility under  
19          s. 938.22 (2) (d) 1. and may be for no more than 30 consecutive days in any other  
20          juvenile detention facility, including any placement under pars. (a) to (e). The  
21          juvenile shall be given credit against the period of detention or nonsecure custody  
22          imposed under this paragraph for all time spent in secure detention in connection  
23          with the course of conduct for which the detention or nonsecure custody was imposed.

24          **SECTION 6.** 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:

1 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type  
 2 1 juvenile correctional facilities under subsection (7) and the secured residential care  
 3 centers for children and youth under subsections (4) and (7m), the department of  
 4 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln  
 5 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional  
 6 facility or secured residential care center for children and youth. No juvenile may  
 7 be transferred to a Type 1 juvenile correctional facility until the department of  
 8 corrections determines the facility to be ready to accept juveniles, and no juvenile  
 9 may be transferred to a secured residential care center for children and youth until  
 10 the entity operating the facility determines it to be ready to accept juveniles. The  
 11 transfers may occur in phases. <sup>plain</sup> The department shall transfer all juveniles <sup>plain</sup> under  
 12 this subsection no later than January 1, 2021. <sup>plain</sup> as soon as a suitable placement that meets  
 13 the needs of that juvenile is ready

13 **SECTION 7.** 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

14 [2017 Wisconsin Act 185] Section 110 (2) (a) On the earlier of the date on which  
 15 all juveniles have been transferred to secured residential care centers for children  
 16 and youth and Type 1 juvenile correctional facilities under subsection (1) or January  
 17 1, 2021, the department of corrections shall permanently close the Type 1 juvenile  
 18 correctional facilities housed at the Lincoln Hills School and Copper Lake School in  
 19 the town of Birch, Lincoln County.

20 **SECTION 8.** 2017 Wisconsin Act 185, section 110 (3) (a) 4. and 5. are amended  
 21 to read:

22 [2017 Wisconsin Act 185] Section 110 (3) (a) 4. Three Two senators appointed  
 23 by the senate majority leader or the appointed senator's designee and one senator  
 24 appointed by the senate minority leader or the appointed senator's designee.

1           5. ~~Three~~ Two representatives to the assembly appointed by the speaker of the  
2 assembly or that appointed representative's designee and one representative to the  
3 assembly appointed by the assembly minority leader or the appointed  
4 representative's designee.

5           **SECTION 9.** 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

6           [2017 Wisconsin Act 185] Section 110 (3) (c) *Termination.* The juvenile  
7 corrections grant committee terminates on the ~~earlier of the~~ date on which all  
8 projects funded with grants under subsection (4) are completed ~~or January 1, 2021.~~

9           **SECTION 10.** 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

10          [2017 Wisconsin Act 185] Section 110 (4) (d) *Deadline.* Grant applications are  
11 due no later than ~~March 31~~ June 30, 2019. Between that date and ~~June 30~~  
12 September 30, 2019, the juvenile corrections grant committee may work with  
13 applicants to modify their applications in order to increase the likelihood of being  
14 awarded a grant.

15          **SECTION 11.** 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

16          [2017 Wisconsin Act 185] Section 110 (4) (f) *Plan approval.* No later than ~~July~~  
17 October 1, 2019, the juvenile corrections grant committee shall submit the plan  
18 under paragraph (e) for approval to the joint committee on finance. The juvenile  
19 corrections grant committee and the department of corrections may not implement  
20 the plan until it is approved by the joint committee on finance, as submitted or as  
21 modified.

22          **SECTION 12.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

23          [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile  
24 corrections study committee terminates on ~~January 1, 2021~~ the date on which all  
25 projects funded with grants under subsection (4) are completed.

1           **SECTION 13.** 2017 Wisconsin Act 185, section 110 (7) is amended to read:

2           [2017 Wisconsin Act 185] Section 110 (7) **TYPE 1 JUVENILE CORRECTIONAL**  
3 **FACILITIES.** The department of corrections shall establish or construct the Type 1  
4 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes ~~no later~~  
5 ~~than January 1, 2021~~, subject to the approval of the joint committee on finance. The  
6 department shall consider the recommendations of the juvenile corrections study  
7 committee under subsection (6) (c) 2. in establishing or constructing these facilities.

8           **SECTION 14.** 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

9           [2017 Wisconsin Act 185] Section 110 (7m) (b) 1. Notwithstanding section  
10 938.22 (1) and (2) of the statutes, except as provided in subdivision 2., on ~~January~~  
11 ~~1, 2021~~ the effective date of this subdivision, the portion of an eligible juvenile  
12 detention facility that holds juveniles who are placed under section 938.34 (3) (f) of  
13 the statutes for more than 30 days is a secured residential care center for children  
14 and youth and juveniles may be placed there under section 938.34 (4m) of the  
15 statutes.

16           2. Notwithstanding subdivision 1., on ~~January 1, 2021~~ the effective date of this  
17 subdivision, the portion of an eligible juvenile detention facility that holds juveniles  
18 who are placed under section 938.34 (3) (f) of the statutes for more than 30 days is,  
19 with respect to a juvenile placed under section 938.34 (3) (f) of the statutes prior to  
20 ~~January 1, 2021~~ the effective date of this subdivision, a juvenile detention facility.

21           **SECTION 15.** 2017 Wisconsin Act 185, section 111 (3) is amended to read:

22           [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)  
23 1. of the statutes, with respect to an eligible juvenile detention facility under SECTION  
24 110 (7m), first applies to a juvenile adjudicated delinquent on ~~January 1, 2021~~ the  
25 effective date of this subsection.



1           **SECTION 16.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

2           [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)  
3 (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by  
4 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10)  
5 (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57)  
6 and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION  
7 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by  
8 SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96),  
9 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION  
10 107) of the statutes ~~takes~~ and SECTIONS 110 (7m) (b) and 111 (3) of this act take effect  
11 on the date specified in the notice under SECTION 110 (2) (b) or January 1, 2021,  
12 whichever is earlier.

13           **SECTION 9108. Nonstatutory provisions; Corrections.**

14           (1)        JUVENILE   CORRECTIONS   GRANT   COMMITTEE;   RECOMMENDATIONS.

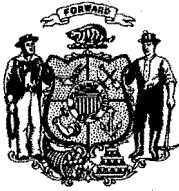
15       Notwithstanding 2017 Wisconsin Act 185, section 110 (4) (e) and (f), the juvenile  
16 corrections grant committee may submit an individual grant recommendation to the  
17 joint committee on finance for approval before the juvenile corrections grant  
18 committee submits the statewide plan to the joint committee on finance. If the  
19 cochairpersons of the joint committee on finance do not notify the juvenile corrections  
20 grant committee within 14 working days after the date that the grant  
21 recommendation was submitted that the joint committee on finance has scheduled  
22 a meeting for the purpose of reviewing the grant recommendation, the grant may be  
23 awarded as proposed by the juvenile corrections grant committee. If, within 14  
24 working days after the date the grant recommendation was submitted, the  
25 cochairpersons of the joint committee on finance notify the juvenile corrections grant

1 committee that the joint committee on finance has scheduled a meeting for the  
2 purpose of reviewing the grant recommendation, the grant may be awarded only  
3 upon approval of the joint committee on finance.

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

5 (1) GRANDFATHERED JUVENILE DETENTION FACILITIES. The treatment of ss. 938.22  
6 (2) (d) (by SECTION 1) and 938.34 (3) (f) 1. (by SECTION 5) takes effect on the date  
7 specified in the notice under 2017 Wisconsin Act 185, section 110 (2) (b).

8 (END)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-2156/P2  
EAW:amn

DOA:.....Michael, BB0440 - Act 185 changes

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

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

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***1. Closing Lincoln Hills and Copper Lake schools***

This bill makes certain changes to the grant program for the design and construction of new secured residential care centers for children and youth (SRCCCYs) under 2017 Wisconsin Act 185. Act 185 created a grant program for counties to construct new SRCCCYs for the purpose of holding in secure custody juveniles who are adjudicated delinquent and given a correctional placement. Act 185 formed a juvenile corrections grant committee, including three members appointed from each house of the legislature. This bill requires that one member appointed from each house must be a member of the minority party. Under Act 185, grant applications are due by March 31, 2019, and plan recommendations must be submitted to the Joint Committee on Finance by July 1, 2019. This bill extends the grant program deadlines by three months, so that applications are due by June 30, 2019, and plan recommendations are due to the Joint Committee on Finance by October 1, 2019. Act 185 also required the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln Hills and Copper Lake schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county-run SRCCCYs or a new

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7 supervisors of which has adopted a resolution under s. 938.34 (3) (f) 3., prior to  
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10           b. The county that operates the juvenile detention facility is not awarded a  
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15 and the juvenile detention facility may not be altered or added to or repaired in excess  
16 of 50 percent of its assessed value. If a juvenile detention facility violates this  
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7           **SECTION 4.** 938.34 (3) (f) 1. of the statutes is amended to read:

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11          juvenile detention facility, including any placement under pars. (a) to (e). The  
12          juvenile shall be given credit against the period of detention or nonsecure custody  
13          imposed under this paragraph for all time spent in secure detention in connection  
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1 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type  
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6 facility or secured residential care center for children and youth. No juvenile may  
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8 corrections determines the facility to be ready to accept juveniles, and no juvenile  
9 may be transferred to a secured residential care center for children and youth until  
10 the entity operating the facility determines it to be ready to accept juveniles. The  
11 transfers may occur in phases. The department shall transfer all juveniles a juvenile  
12 under this subsection no later than January 1, 2021 as soon as a substitute  
13 placement that meets the needs of that juvenile is ready.

14 **SECTION 7.** 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

15 [2017 Wisconsin Act 185] Section 110 (2) (a) On the earlier of the date on which  
16 all juveniles have been transferred to secured residential care centers for children  
17 and youth and Type 1 juvenile correctional facilities under subsection (1) ~~or January~~  
18 ~~1, 2021~~, the department of corrections shall permanently close the Type 1 juvenile  
19 correctional facilities housed at the Lincoln Hills School and Copper Lake School in  
20 the town of Birch, Lincoln County.

21 **SECTION 8.** 2017 Wisconsin Act 185, section 110 (3) (a) 4. and 5. are amended  
22 to read:

23 [2017 Wisconsin Act 185] Section 110 (3) (a) 4. ~~Three~~ Two senators appointed  
24 by the senate majority leader or the appointed senator's designee and one senator  
25 appointed by the senate minority leader or the appointed senator's designee.

1           5. ~~Three~~ Two representatives to the assembly appointed by the speaker of the  
2 assembly or that appointed representative's designee and one representative to the  
3 assembly appointed by the assembly minority leader or the appointed  
4 representative's designee.

5           **SECTION 9.** 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

6           [2017 Wisconsin Act 185] Section 110 (3) (c) *Termination.* The juvenile  
7 corrections grant committee terminates on the ~~earlier of the date on which all~~  
8 projects funded with grants under subsection (4) are completed ~~or January 1, 2021.~~

9           **SECTION 10.** 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:

10          [2017 Wisconsin Act 185] Section 110 (4) (d) *Deadline.* Grant applications are  
11 due no later than ~~March 31~~ June 30, 2019. Between that date and ~~June 30~~  
12 September 30, 2019, the juvenile corrections grant committee may work with  
13 applicants to modify their applications in order to increase the likelihood of being  
14 awarded a grant.

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19 corrections grant committee and the department of corrections may not implement  
20 the plan until it is approved by the joint committee on finance, as submitted or as  
21 modified.

22          **SECTION 12.** 2017 Wisconsin Act 185, section 110 (6) (e) is amended to read:

23          [2017 Wisconsin Act 185] Section 110 (6) (e) *Termination.* The juvenile  
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12 detention facility that holds juveniles who are placed under section 938.34 (3) (f) of  
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22           [2017 Wisconsin Act 185] Section 111 (3) The treatment of section 938.34 (3) (f)  
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25 effective date of this subsection.



1           **SECTION 16.** 2017 Wisconsin Act 185, section 112 (1) is amended to read:

2           [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)  
3 (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by  
4 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.03 (10)  
5 (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57)  
6 and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4) (am) (by SECTION  
7 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by  
8 SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96),  
9 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION  
10 107) of the statutes ~~takes~~ and SECTIONS 110 (7m) (b) and 111 (3) of this act take effect  
11 on the date specified in the notice under SECTION 110 (2) (b) or January 1, 2021,  
12 whichever is earlier.

13           **SECTION 9108. Nonstatutory provisions; Corrections.**

14           (1)       JUVENILE CORRECTIONS GRANT COMMITTEE; RECOMMENDATIONS.

15       Notwithstanding 2017 Wisconsin Act 185, section 110 (4) (e) and (f), the juvenile  
16 corrections grant committee may submit an individual grant recommendation to the  
17 joint committee on finance for approval before the juvenile corrections grant  
18 committee submits the statewide plan to the joint committee on finance. If the  
19 cochairpersons of the joint committee on finance do not notify the juvenile corrections  
20 grant committee within 14 working days after the date that the grant  
21 recommendation was submitted that the joint committee on finance has scheduled  
22 a meeting for the purpose of reviewing the grant recommendation, the grant may be  
23 awarded as proposed by the juvenile corrections grant committee. If, within 14  
24 working days after the date the grant recommendation was submitted, the  
25 cochairpersons of the joint committee on finance notify the juvenile corrections grant

1 committee that the joint committee on finance has scheduled a meeting for the  
2 purpose of reviewing the grant recommendation, the grant may be awarded only  
3 upon approval of the joint committee on finance.

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

5 (1) GRANDFATHERED JUVENILE DETENTION FACILITIES. The treatment of ss. 938.22  
6 (2) (d) (by SECTION 1) and 938.34 (3) (f) 1. (by SECTION 5) takes effect on the date  
7 specified in the notice under 2017 Wisconsin Act 185, section 110 (2) (b).

8 (END)