2019 SENATE BILL 168

April 18, 2019 - Introduced by Senators WANGGAARD, L. TAYLOR, DARLING, FEYEN, JOHNSON, JACQUE and TIFFANY, cosponsored by Representatives SCHRAA, GOYKE, BOWEN, BILLINGS, BORN, BROOKS, CONSIDINE, CROWLEY, EDMING, EMERSON, FELZKOWSKI, HESSELBEIN, JAMES, KITCHENS, KNODL, KRUG, KULP, MILROY, MURSAU, MYERS, NOVAK, OHNSTAD, POPE, RAMTHUN, ROHRKASTE, SARGENT, SINICKI, SPIROS, STEFFEN, STUBBS, SUBECK, TAUCHEN, VINING and ZIMMERMAN. Referred to Committee on Judiciary and Public Safety.

AN ACT to repeal 46.22 (1) (b) 5m. d., 46.22 (2g) (d) 4., 46.23 (5) (n) 3. and 301.031;
to amend 13.94 (1) (v), 46.011 (1p), 46.21 (2) (j), 46.215 (3), 46.23 (5) (c) 3., 46.23 (5m) (c), 48.023 (4), 48.527, 48.66 (1) (b), 49.11 (1c), 49.45 (25) (bj), 101.123 (1) (ac) 2., 301.01 (1n), 301.027, 301.373, 938.02 (4), 938.02 (15g), 938.22 (1) (a), 938.22 (2) (d) 2., 938.33 (1) (c), 938.33 (3r), 938.34 (4m) (intro.), 938.34 (4n) (intro.), 938.355 (2) (b) 1., 938.355 (2) (b) 2., 938.355 (2) (b) 6m., 938.357 (3) (b) (intro.) and (c), 938.357 (4g) (a), 938.48 (3), 938.48 (4), 938.48 (4m) (b), 938.48 (5), 938.48 (6), 938.48 (14), 938.505 (1), 938.52 (2) (a) and (c), 938.53, 938.533 (2) (intro.), 938.54, 938.57 (4) and 938.78 (3); to repeal and recreate 938.34 (4m) (intro.); to create 46.057 (1m), 938.33 (6), 938.355 (2) (b) 2m., 938.355 (2) (b) 6n., 938.357 (3) (e) and (f) and 938.357 (4) (as) of the statutes; and to affect 2017 Wisconsin Act 185, section 38, 2017 Wisconsin Act 185, section 70, 2017 Wisconsin Act 185, section 110 (1) (a), 2017 Wisconsin Act 185, section 110 (2) (a), 2017 Wisconsin Act 185, section 110 (3) (c), 2017 Wisconsin Act 185, section...
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110 (4) (a) 1. c., 2017 Wisconsin Act 185, section 110 (4) (d), 2017 Wisconsin Act 185, section 110 (4) (e), 2017 Wisconsin Act 185, section 110 (4) (f), 2017 Wisconsin Act 185, section 110 (6) (e), 2017 Wisconsin Act 185, section 110 (7), 2017 Wisconsin Act 185, section 110 (7m) (b), 2017 Wisconsin Act 185, section 111 (3) and 2017 Wisconsin Act 185, section 112 (1); relating to: facilities for holding juveniles in secure custody.

Analysis by the Legislative Reference Bureau

This bill does all of the following:

1. 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.
2. Changes the closure date for the Lincoln Hills and Copper Lake Schools.
3. Modifies how juveniles who are transferred between an SRCCCY or a Type 1 juvenile correctional facility and the Mendota Juvenile Treatment Center (MJTC) are supervised and released.
4. Changes the provisions for grandfathering current juvenile detention programs and allows the temporary transfer of juveniles from Lincoln Hills and Copper Lake Schools into certain juvenile detention centers without a change-in-placement order.
5. Changes the requirements for the purchase of services between counties and the Department of Corrections.
6. Makes other changes to clarify the intent of Act 185.

Changes to the Juvenile Corrections Grant Program

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. Under Act 185, grant applications are due to the juvenile corrections grant committee by March 31, 2019, and the committee is responsible for submitting a plan to the Joint Committee on Finance for which applications to fund no later than July 1, 2019. This bill provides a three-month extension to the timeline for submitting grant applications to the grant committee and for the grant committee to submit the plan for funding grant applications to JCF.

Under Act 185, a grant to construct a new SRCCCY covers 95 percent of the county’s cost for design and construction, except that the grant covers 100 percent of the county’s cost for design and construction for a girls-only facility. Act 185 also provided that DOC will reimburse a girls-only facility any net operating loss, as determined by the Legislative Audit Bureau. This bill changes the grant program so that 100 percent of the portion of any facility that is designed and constructed to hold female juveniles is paid for by the grant program, and that the net operating loss
reimbursement applies to any portion of a facility that houses female juveniles or any portion of services provided to female juveniles at the facility.

**Closure of Lincoln Hills and Copper Lake Schools**

Act 185 also requires the current juvenile correctional facility owned and operated by DOC (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 to be established by DOC under Act 185. This bill extends the timeline for closing Lincoln Hills and Copper Lake Schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility by six months, to July 1, 2021.

Act 185 also provides a youth aids bonus of 15 percent of the county’s annual youth aids payment or $750,000, whichever is less, to any county that agrees to operate a joint SRCCCY for two or more counties. This bill provides the youth aids bonus to any county that operates an SRCCCY that serves juveniles from more than one county.

**Transmission and Supervision of Juveniles between Facilities**

This bill specifies that when a juvenile is placed at MJTC under a change-in-placement order, the Department of Health Services is responsible for determining the date of the transfer and is responsible for determining whether to release a juvenile who has been placed there back to the county.

**Existing Juvenile Detention Programs**

Under Act 185, existing programs to hold juveniles in a juvenile detention facility for up to one year will be grandfathered in and allowed to hold a number of juveniles equal to the facility’s population on January 1, 2021. This bill changes the cap for the grandfathered juvenile detention programs under Act 185 to a number of juveniles equal to the three-year average daily population of the facility between July 1, 2018, and June 30, 2021. This bill also allows DOC to transfer juveniles from Lincoln Hills and Copper Lake Schools to the existing programs without a change-in-placement order. Under the bill, juveniles who are so transferred must be placed in an SRCCCY or Type 1 juvenile correctional facility by July 1, 2021.

**County Budgets**

This bill repeals the current law requirement for counties to submit an annual budget to DOC for the purchase of juvenile correctional services and the requirements for contracts between counties and DOC for the purchase of juvenile correctional services.

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

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*
**SECTION 1.** 13.94 (1) (v) of the statutes is amended to read:

13.94 (1) (v) Conduct an audit, at the request of the department of corrections, of a county's net operating costs for a secured residential care center for children and youth that holds only female juveniles for the purpose of determining the amount, if any, of a net operating loss to be reimbursed by the department of corrections to a county under s. 301.373. The bureau shall report the result of the audit to the department of corrections as soon as practicable.

**SECTION 2.** 46.011 (1p) of the statutes, as affected by 2017 Wisconsin Act 185, section 13, is amended to read:

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

**SECTION 3.** 46.057 (1m) of the statutes is created to read:

46.057 (1m) The director of the Mendota Mental Health Institute, or his or her designee, shall be responsible for decisions regarding admissions, treatment, and the release and return of juvenile offenders from the Mendota juvenile treatment center to county supervision.

**SECTION 4.** 46.21 (2) (j) of the statutes is amended to read:

46.21 (2) (j) May exercise approval or disapproval power over contracts and purchases of the director that are for $50,000 or more, except that the county board of supervisors may not exercise approval or disapproval power over any personal service contract or over any contract or purchase of the director that relates to community living arrangements, adult family homes, or foster homes and that was entered into pursuant to a contract under s. 46.031 (2g) or 301.031 49.325 (2g), regardless of whether the contract mentions the provider, except as provided in par.
(m). The county board of supervisors may not exercise approval or disapproval power over any contract relating to mental health or mental health institutions, programs, or services. This paragraph does not preclude the county board of supervisors from creating a central purchasing department for all county purchases that are not related to mental health.

**SECTION 5.** 46.215 (3) of the statutes is amended to read:

46.215 (3) **PROGRAM BUDGETS.** The county department of social services shall submit a final budget for authorized services to the department of health services under s. 46.031 (1), to the department of corrections under s. 301.031 (1), and to the department of children and families under s. 49.325 (1), for authorized services.

**SECTION 6.** 46.22 (1) (b) 5m. d. of the statutes is repealed.

**SECTION 7.** 46.22 (2g) (d) 4. of the statutes is repealed.

**SECTION 8.** 46.23 (5) (c) 3. of the statutes is amended to read:

46.23 (5) (c) 3. Shall monitor the performance of contracts for the purchase of juvenile correctional services. Contracts for the purchase of those services shall be subject to the conditions specified in s. 301.031.

**SECTION 9.** 46.23 (5) (n) 3. of the statutes is repealed.

**SECTION 10.** 46.23 (5m) (c) of the statutes is amended to read:

46.23 (5m) (c) Prepare, with the assistance of the county human services director under sub. (6m) (e), a proposed budget for submission to the county executive or county administrator; a final budget for submission to the department of health services in accordance with s. 46.031 (1) for authorized services, except services under ch. 48 and subch. III of ch. 49, community-based juvenile delinquency-related services, and juvenile correctional services; and a final budget for submission to the department of children and families in accordance with s. 49.325 for authorized
services under ch. 48 and subch. III of ch. 49 and for authorized community-based
juvenile delinquency-related services; and a final budget for submission to the
department of corrections in accordance with s. 301.031 for the purchase of
authorized juvenile correctional services.

SECTION 11. 48.023 (4) of the statutes, as affected by 2017 Wisconsin Act 185,
section 20, is amended to read:

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

SECTION 12. 48.527 of the statutes is amended to read:

48.527 Community youth and family aids; bonus for county facilities.
From the appropriation under s. 20.437 (1) (ck), the department shall allocate an
amount equal to 15 percent of a county’s allocation in the preceding fiscal year under
s. 48.526 or $750,000, whichever is less, in additional funds for a county that operates
a joint secured residential care center for children and youth under s. 46.20 (1m) that
was funded by a grant under 2017 Wisconsin Act 185, section 110 (4), and that serves
juveniles from more than one county.

SECTION 13. 48.66 (1) (b) of the statutes is amended to read:

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

SECTION 14. 49.11 (1c) of the statutes, as affected by 2017 Wisconsin Act 185,
3 section 27, is amended to read:
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5 49.11 (1c) “Community-based juvenile delinquency-related services” means
6 juvenile delinquency-related services provided under ch. 938 other than services
7 provided for a juvenile who is under the supervision of the department of corrections
8 under s. 938.183, 938.34 (4h), (4n), or (7g), or 938.357 (3) or (4).

SECTION 15. 49.45 (25) (bj) of the statutes, as affected by 2017 Wisconsin Act
10 185, section 29, is amended to read:
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12 49.45 (25) (bj) The department of corrections may elect to provide case
13 management services under this subsection to persons who are under the
14 supervision of that department under s. 938.183, 938.34 (4h) or (4n), or 938.357 (3)
15 or (4), who are Medical Assistance beneficiaries, and who meet one or more of the
16 conditions specified in par. (am). The amount of the allowable charges for those
17 services under the Medical Assistance program that is not provided by the federal
18 government shall be paid from the appropriation account under s. 20.410 (3) (hm),
19 (ho), or (hr).

SECTION 16. 101.123 (1) (ac) 2. of the statutes is amended to read:
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21 101.123 (1) (ac) 2. A juvenile detention facility, as defined in s. 938.02 (10r), a
22 secured residential care center for children and youth, as defined in s. 938.02 (15g),
23 or a juvenile correctional facility, as defined in s. 938.02 (10p), except a juvenile
24 correctional facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5)
25 if the facility is a private residence in which the juvenile is placed and no one is
26 employed there to ensure that the juvenile remains in custody.
**SECTION 17.** 301.01 (1n) of the statutes, as affected by 2017 Wisconsin Act 185, section 35, is amended to read:

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

**SECTION 18.** 301.027 of the statutes is amended to read:

> 301.027 Treatment program at one or more juvenile correctional facilities. The department shall maintain an intensive alcohol and other drug abuse program at one or more juvenile correctional facilities.

**SECTION 19.** 301.031 of the statutes is repealed.

**SECTION 20.** 301.373 of the statutes is amended to read:

> 301.373 Operating loss reimbursement program. The department shall reimburse a county that operates a secured residential care center for children and youth that holds only female juveniles in secure custody and that was established using funding from the grant program under 2017 Wisconsin Act 185, section 110 (4), for any annual net operating loss for the services and facilities offered to female juveniles. A county seeking reimbursement under this section shall submit its request and supporting financial statements for the prior fiscal year to the department and the legislative audit bureau in a format prescribed by the department. The department shall reimburse the county for the amount of the net operating loss, as determined by the legislative audit bureau under s. 13.94 (1) (v), from the appropriation under s. 20.410 (3) (f). The department may pay for the cost of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the appropriation under s. 20.410 (3) (f).
SECTION 21. 938.02 (4) of the statutes, as affected by 2017 Wisconsin Act 185, section 50, is amended to read:

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

SECTION 22. 938.02 (15g) of the statutes is amended to read:

938.02 (15g) “Secured residential care center for children and youth” means a facility operated by an Indian tribe or a county under ss. 46.20, 59.53 (8m), 301.26, 301.27, 301.36, 301.37, and 938.22 (1) (a) or by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged delinquent.

SECTION 23. 938.22 (1) (a) of the statutes is amended to read:

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

**SECTION 24.** 938.22 (2) (d) 2. of the statutes is amended to read:

938.22 (2) (d) 2. After January July 1, 2021, the number of juveniles that may
be housed at a juvenile detention facility under subd. 1. is limited to the number that
are housed at is equal to the average daily population of juveniles housed under subd.
1., rounded up to the nearest whole number, of the juvenile detention facility on
January 1 between July 1, 2018, and June 30, 2021, excluding any juveniles placed
there under 2019 Wisconsin Act .... (this act), section 67 (1), and the juvenile
detention facility may not be altered or added to or repaired in excess of 50 percent
of its assessed value. If a juvenile detention facility violates this subdivision, it is no
longer authorized to accept juveniles for placement for more than 30 consecutive
days.

**SECTION 25.** 938.33 (1) (c) of the statutes is amended to read:

938.33 (1) (c) A description of the specific services or continuum of services that
the agency is recommending the court to order for the juvenile or family, the persons
or agencies that would be primarily responsible for providing those services, and the
identity of the person or agency that would provide case management or coordination
of services, if any, and whether or not the juvenile should receive a coordinated
services plan of care.

**SECTION 26.** 938.33 (3r) of the statutes is amended to read:
938.33 (3r) Serious juvenile offender report. If a juvenile has been adjudicated delinquent for committing a violation for which the juvenile may be placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report shall be in writing and, in addition to the information specified in sub. (1) and in sub. (3) or (4), if applicable, shall include an analysis of the juvenile’s suitability for placement in the serious juvenile offender program under s. 938.34 (4h) or in a juvenile correctional facility, a secured residential care center for children and youth under s. 938.34 (4m), a placement specified in s. 938.34 (3), or placement in the juvenile’s home with supervision and community-based programming and a recommendation as to the type of placement for which the juvenile is best suited.

SECTION 27. 938.33 (6) of the statutes is created to read:

938.33 (6) Retention. Reports submitted under this section shall be retained in the record of the pending action, which shall be made available to the agency that is designated to supervise the juvenile under a disposition under s. 938.34 or a change of placement order under s. 938.357.

SECTION 28. 938.34 (4m) (intro.) of the statutes is amended to read:

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

SECTION 29. 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin Act 185, section 62, is repealed and recreated to read:
938.34 (4m) **CORRECTIONAL PLACEMENT.** (intro.) Place the juvenile under the supervision of the county department in a secured residential care center for children and youth identified by the county department if all of the following apply:

**SECTION 30.** 938.34 (4n) (intro.) of the statutes is amended to read:

938.34 (4n) **COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.** (intro.) In the case of a juvenile who has received a correctional placement under sub. (4m), designate the county department one of the following to provide aftercare supervision for the juvenile following the juvenile's release from a secured residential care center for children and youth or Type 1 juvenile correctional facility.

In the case of a juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections, designate the department of corrections to provide community supervision for the juvenile following the juvenile's release from that facility or center or, subject to any arrangement between the department of corrections and a county department regarding the provision of aftercare supervision for juveniles who have been released from a juvenile correctional facility or a secured residential care center for children and youth, designate one of the following to provide aftercare supervision for the juvenile following the juvenile's release from that facility or center:

**SECTION 31.** 938.355 (2) (b) 1. of the statutes is amended to read:

938.355 (2) (b) 1. **The specific services to be provided to the juvenile and the juvenile’s family, and, if custody is to be transferred to effect the treatment plan, the identity of the legal custodian.**

**SECTION 32.** 938.355 (2) (b) 2. of the statutes is amended to read:
938.355 (2) (b) 2. If the juvenile is placed outside the home under s. 938.34 (3) or (4d), the name of the place or facility, including transitional placements, where the juvenile shall be cared for or treated, except that if the placement is a foster home and the name and address of the foster parent is not available at the time of the order, the name and address of the foster parent shall be furnished to the court and the parent within 21 days after the order. If, after a hearing on the issue with due notice to the parent or guardian, the court finds that disclosure of the identity of the foster parent would result in imminent danger to the juvenile or the foster parent, the court may order the name and address of the prospective foster parents withheld from the parent or guardian.

Section 33. 938.355 (2) (b) 2m. of the statutes is created to read:

938.355 (2) (b) 2m. If the juvenile is placed outside the home under s. 938.34 (4m), the name of the county department that will provide supervision and determine placement for the juvenile.

Section 34. 938.355 (2) (b) 6m. of the statutes is amended to read:

938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement under s. 938.34 (3) or (4d) recommended by the agency designated under s. 938.33 (1), a statement that the court approves the placement recommended by the agency or, if the juvenile is placed outside the home in a placement other than a placement recommended by that agency, a statement that the court has given bona fide consideration to the recommendations made by the agency and all parties relating to the juvenile's placement.

Section 35. 938.355 (2) (b) 6n. of the statutes is created to read:

938.355 (2) (b) 6n. If the juvenile is placed outside the home under s. 938.34 (4m), a statement that the court has given bona fide consideration to the
recommendations made by the agency and all parties relating to the juvenile's placement.

**SECTION 36.** 938.357 (3) (b) (intro.) and (c) of the statutes are amended to read:

938.357 (3) (b) (intro.) Notwithstanding s. 938.34 (4m) and subject to par. (c), the court may order placement in a Type 1 juvenile correctional facility under supervision of operated by the department of corrections for a juvenile who was adjudicated delinquent under s. 938.34 (4m) if the court finds, after a hearing under this section, that any of the following apply:

(c) Upon Notwithstanding s. 938.34 (4m), upon the recommendation of the department of health services, the court may order the placement of a juvenile under par. (b) who was adjudicated delinquent under s. 938.34 (4m) at the Mendota juvenile treatment center if par. (b) 1. a. to c. are met. The department of health services shall determine the date for the actual transfer of the juvenile to the Mendota juvenile treatment center, and no change of placement to the Mendota juvenile treatment center may be ordered without the prior agreement of the department of health services to admit the juvenile. No further hearing or court order is necessary for the department of health services to transfer the juvenile back to the supervision of the county department.

**SECTION 37.** 938.357 (3) (e) and (f) of the statutes are created to read:

938.357 (3) (e) A juvenile who is placed in a Type 1 juvenile correctional facility under par. (b) is under the supervision of the department of corrections. The change of placement order shall designate the department of corrections to provide community supervision or the county department to provide aftercare supervision for the juvenile following the juvenile’s release from the Type 1 juvenile correctional facility.
(f) A juvenile who is placed at the Mendota juvenile treatment center under par. (c) is under the supervision of the department of health services until the juvenile is released back to the supervision of the county department.

**SECTION 38.** 938.357 (4) (as) of the statutes is created to read:

> 938.357 (4) (as) When a juvenile is placed under the supervision of a county department, that department may place the juvenile in a secured residential care center for children and youth or on aftercare supervision, either immediately or after a period of placement in a secured residential care center for children and youth. The county department shall send written notice of any change in placement to the parent, guardian, legal custodian, if any, and the court. The county department shall be responsible for decisions regarding the release of a juvenile who is under its supervision.

**SECTION 39.** 938.357 (4g) (a) of the statutes is amended to read:

> 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile is placed in a juvenile correctional facility or a secured residential care center for children and youth, or within 30 days after the date on which the department of corrections requests the community supervision or aftercare plan, whichever is earlier, the community supervision provider or the aftercare provider designated under s. 938.34 (4n) shall prepare a community supervision or aftercare plan for the juvenile. If the juvenile is to be placed on aftercare supervision, the county department designated as the aftercare provider shall submit the aftercare plan to the department of corrections within the applicable period specified in this paragraph, unless the department of corrections waives the period under par. (b).

**SECTION 40.** 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act 185, section 78, is amended to read:
938.48 (3) Supervision and special treatment or care. Accept supervision over juveniles transferred to it by the court under s. 938.183, 938.34 (4h) or (4n), or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not direct the department to administer psychotropic medications to juveniles who receive special treatment or care under this subsection.

Section 41. 938.48 (4) of the statutes, as affected by 2017 Wisconsin Act 185, section 80, is amended to read:

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

Section 42. 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act 185, section 82, is amended to read:
938.48 (4m) (b) Was under the supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3) or (4) when the person reached 17 years of age.

**SECTION 43.** 938.48 (5) of the statutes, as affected by 2017 Wisconsin Act 185, section 84, is amended to read:

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

**SECTION 44.** 938.48 (6) of the statutes, as affected by 2017 Wisconsin Act 185, section 86, is amended to read:

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

**SECTION 45.** 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act 185, section 88, is amended to read:

938.48 (14) **SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17.** Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon attaining that age were under the supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3) or (4) as a result of a judicial decision.
SECTION 46. 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act 185, section 96, is amended to read:

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

SECTION 47. 938.52 (2) (a) and (c) of the statutes, as affected by 2017 Wisconsin Act 185, section 98, are amended to read:

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

SECTION 48. 938.53 of the statutes, as affected by 2017 Wisconsin Act 185, section 100, is amended to read:

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

SECTION 49. 938.533 (2) (intro.) of the statutes is amended to read:

938.533 (2) Community supervision services. (intro.) From the appropriation under s. 20.410 (3) (hr), the department of corrections shall purchase or provide community supervision services for juveniles who have been placed under the community supervision of the department of corrections under s. 938.183, 938.34 (4n) (4h), 938.357 (3) or (4), or 938.538 (3) (a) 2. For each juvenile who is placed under community supervision, the department of corrections may purchase or provide any of the following services:

SECTION 50. 938.54 of the statutes, as affected by 2017 Wisconsin Act 185, section 107, is amended to read:

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

**SECTION 51.** 938.57 (4) of the statutes is amended to read:

938.57 (4) **AftERCARE SUPERVISION.** A county department may provide aftercare
supervision under s. 938.34 (4n) for juveniles who are released from juvenile
correctional facilities or secured residential care centers for children and youth. If
a county department intends to change its policy regarding whether the county
department will provide aftercare supervision for juveniles released from juvenile
correctional facilities or secured residential care centers for children and youth or the
department of corrections will provide community supervision for those juveniles,
the county executive or county administrator, or, if the county has no county
executive or county administrator, the chairperson of the county board of
supervisors, or, for multicounty departments, the chairpersons of the county boards
of supervisors jointly, shall submit a letter to the department of corrections stating
that intent before July 1 of the year preceding the year in which the policy change
will take effect.

**SECTION 52.** 938.78 (3) of the statutes is amended to read:

938.78 (3) **Release of information when escape or absence; rules.** If a juvenile
adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
of protection or services under s. 48.13 (12) or (14), 1993 stats., or s. 938.13 (12) or
(14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11,
941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.23, 941.25, 941.28, 941.295, 941.298,
941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g),
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943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or
948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional
facility, residential care center for children and youth, secured residential care center
for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile
detention facility, or juvenile portion of a county jail, or from the custody of a peace
officer or a guard of such a facility, center, or jail, or has been allowed to leave a
Juvenile correctional facility, residential care center for children and youth, secured
residential care center for children and youth, inpatient facility, juvenile detention
facility, or juvenile portion of a county jail for a specified time period and is absent
from the facility, center, home, or jail for more than 12 hours after the expiration of
the specified period, the department of corrections or county department, whichever
has supervision over the juvenile, may release the juvenile’s name and any
information about the juvenile that is necessary for the protection of the public or to
secure the juvenile’s return to the facility, center, home, or jail. The department of
corrections shall promulgate rules establishing guidelines for the release of the
juvenile’s name or information about the juvenile to the public.

SECTION 53. 2017 Wisconsin Act 185, section 38 is repealed.

SECTION 54. 2017 Wisconsin Act 185, section 70 is repealed.

SECTION 55. 2017 Wisconsin Act 185, section 110 (1) (a) is amended to read:
[2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type
1 juvenile correctional facilities under subsection (7) and the secured residential care
centers for children and youth under subsections (4) and (7m), the department of
corrections shall begin to transfer each juvenile held in secure custody at the Lincoln
Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional
facility or secured residential care center for children and youth. No juvenile may
be transferred to a Type 1 juvenile correctional facility until the department of
corrections determines the facility to be ready to accept juveniles, and no juvenile
may be transferred to a secured residential care center for children and youth until
the entity operating the facility determines it to be ready to accept juveniles. The
transfers may occur in phases. The department shall transfer all juveniles under
this subsection no later than January July 1, 2021.

SECTION 56. 2017 Wisconsin Act 185, section 110 (2) (a) is amended to read:

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

SECTION 57. 2017 Wisconsin Act 185, section 110 (3) (c) is amended to read:

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

SECTION 58. 2017 Wisconsin Act 185, section 110 (4) (a) 1. c. is amended to read:

[2017 Wisconsin Act 185] Section 110 (4) (a) 1. c. A grant to pay 100 percent of
the costs of designing and constructing a secured residential care center for children
and youth only for female juveniles or any portion thereof that is only intended
primarily for the holding and treatment of female juveniles.

SECTION 59. 2017 Wisconsin Act 185, section 110 (4) (d) is amended to read:
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[2017 Wisconsin Act 185] Section 110 (4) (d) Deadline. Grant applications are due no later than March 31, June 30, 2019. Between that date and June 30 September 30, 2019, the juvenile corrections grant committee may work with applicants to modify their applications in order to increase the likelihood of being awarded a grant.

SECTION 60. 2017 Wisconsin Act 185, section 110 (4) (e) is amended to read:

[2017 Wisconsin Act 185] Section 110 (4) (e) Wisconsin model of juvenile justice; statewide plan. The juvenile corrections grant committee shall develop a statewide plan that recommends which grant applications to approve, based on an overall view toward a Wisconsin model of juvenile justice. The committee shall consult with the departments of corrections and children and families on the statewide plan and may not recommend approval of an application unless the department of corrections approves the plans and specifications for the site and the design and construction of the proposed secured residential care center for children and youth under section 301.37 of the statutes.

SECTION 61. 2017 Wisconsin Act 185, section 110 (4) (f) is amended to read:

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

SECTION 62. 2017 Wisconsin Act 185, section 110 (6) (e) Termination. The juvenile corrections study committee terminates on January July 1, 2021.
SECTION 63. 2017 Wisconsin Act 185, section 110 (7) is amended to read:

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

SECTION 64. 2017 Wisconsin Act 185, section 110 (7m) (b) is amended to read:

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

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

SECTION 65. 2017 Wisconsin Act 185, section 111 (3) is amended to read:

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

SECTION 66. 2017 Wisconsin Act 185, section 112 (1) is amended to read:
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[2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p) (by Section 13), 46.057 (1) (by Section 15), 48.023 (4) (by Section 20), 49.11 (1c) (by Section 27), 49.45 (25) (bj) (by Section 29), 301.01 (1n) (by Section 35), 301.20, 938.02 (4) (by Section 50), 938.34 (2) (a) (by Section 57) and (b) (by Section 59) and (4m) (intro.) (by Section 62), 938.48 (3) (by Section 78), (4) (by Section 80), (4m) (b) (by Section 82), (5) (by Section 84), (6) (by Section 86), and (14) (by Section 88), 938.505 (1) (by Section 96), 938.52 (2) (a) and (c) (by Section 98), 938.53 (by Section 100), and 938.54 (by Section 107) of the statutes takes effect on the date specified in the notice under Section 110 (2) (b) or January 1, 2021, whichever is earlier.

SECTION 67. Nonstatutory provisions.

(1) Temporary change in placement without a hearing.

(a) The department of corrections may, using the procedure set forth in s. 938.357 (4) (am), place a juvenile who is placed in the Type 1 juvenile correctional facility known as Lincoln Hills School or Copper Lake School on the effective date of this paragraph in a juvenile detention facility under s. 938.22 (2) (d) 1. If the department of corrections places a juvenile in a juvenile detention facility under this paragraph, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08.

(b) Notwithstanding s. 938.34 (3) (f) 1., a juvenile may be placed in a juvenile detention facility under par. (a) for a period longer than 365 days, and shall be transferred out of the juvenile detention facility using the procedure and by the date required under 2017 Wisconsin Act 185, section 110 (1). The department of corrections shall transfer all juveniles placed in a juvenile detention facility under par. (a) out of the juvenile detention facility no later than July 1, 2021.

SECTION 68. Initial applicability.
(1) The treatment of ss. 938.33 (3r), 938.34 (4m) (intro.) (by Section 28) and (4n) (intro.), and 938.357 (3) (b) (intro.), (c), (e), and (f) and (4) (as), with respect to a county department's supervision of a juvenile, first applies to a juvenile adjudicated delinquent and placed under the supervision of the county under s. 938.34 (4m).

SECTION 69. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of ss. 46.011 (1p), 48.023 (4), 49.11 (1c), 49.45 (25) (bj), 301.01 (1n), 938.02 (4), 938.34 (4m) (intro.) (by Section 29) and (4n) (intro.), 938.357 (4g) (a), 938.48 (3), (4), (4m) (b), (5), (6), and (14), 938.505 (1), 938.52 (2) (a) and (c), 938.53, 938.533 (2) (intro.), and 938.54 takes effect on the date specified in the notice under 2017 Wisconsin Act 185, Section 110 (2) (b), or July 1, 2021, whichever is earlier.

(END)