

1991 Senate Bill 582

Date of enactment: **June 9, 1992**  
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# 1991 WISCONSIN ACT 319

AN ACT *to renumber and amend* 48.17 (1); *to amend* 48.22 (1) (b) and 48.22 (3) (a); and *to create* 48.17 (1) (b), 48.17 (1) (c), 48.22 (3) (am) and 48.22 (3) (ar) of the statutes, **relating to:** holding a child in a secure detention facility, the incarceration of a child who has committed a traffic or boating violation, the appointment of secure detention facility superintendents and the determination of the policies of secure detention facilities.

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

**SECTION 1.** 48.17 (1) of the statutes is renumbered 48.17 (1) (intro.) and amended to read:

48.17 (1) (intro.) Except for ss. 342.06 (2) and 344.48 (1), and ss. 30.67 (1) and 346.67 when death or injury occurs, courts of criminal and civil jurisdiction shall have exclusive jurisdiction in proceedings against children 16 or older for violations of ss. 30.50 to 30.80, of chs. 341 to 351, and of traffic regulations as defined in s. 345.20 and nonmoving traffic violations as defined in s. 345.28 (1). A child charged with a traffic or boating offense in a court of criminal or civil jurisdiction shall be treated as an adult before the trial of the proceeding except that the child may be held in secure custody only in a secure detention facility. A child convicted of a traffic or boating offense in a court of criminal or civil jurisdiction shall be treated as an adult for sentencing purposes except ~~that~~ as follows:

(a) The court may disregard any minimum period of incarceration specified for the offense.

**SECTION 2.** 48.17 (1) (b) of the statutes is created to read:

48.17 (1) (b) If the court orders the child to serve a period of incarceration of less than 6 months, the child may serve that period of incarceration only in a secure detention facility.

**SECTION 3.** 48.17 (1) (c) of the statutes is created to read:

48.17 (1) (c) If the court of civil or criminal jurisdiction orders the child to serve a period of incarceration of 6 months or more, that court shall petition the court assigned to exercise jurisdiction under this chapter to order one or more of the dispositions provided in s. 48.34, including placement of the child in a secured correctional facility under s. 48.34 (4m), if appropriate.

**SECTION 4.** 48.22 (1) (b) of the statutes is amended to read:

48.22 (1) (b) ~~In~~ Subject to sub. (3) (ar), in counties having a population of less than 500,000, the policies of the secure detention facility or shelter care facility shall be determined by the judge of the court assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district or, in the case of a secure detention facility or shelter care facility established by 2 or more counties, by a committee of the judges of the courts in the participating counties assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district.

**SECTION 5.** 48.22 (3) (a) of the statutes is amended to read:

48.22 (3) (a) In counties having a population of less than 500,000, public secure detention facilities and public shelter care facilities shall be in the charge of a superintendent. The judge of the court assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district or, where 2 or more counties operate joint public secure

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detention facilities or public shelter care facilities, the committee of judges of the courts assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district shall appoint the superintendent and other necessary personnel for the care and education of the children in secure detention or shelter care facilities, subject to par. (am) and to civil service regulations in counties having civil service.

**SECTION 6.** 48.22 (3) (am) of the statutes is created to read:

48.22 (3) (am) If a secure detention facility is part of a public building in which there is a jail or other facility for the detention of adults, the sheriff or other keeper of the jail or other facility for the detention of adults may nominate persons to be considered under par. (a) for the

position of superintendent of the secure detention facility. Nominees under this paragraph shall have demonstrated administrative abilities and a demonstrated interest in the problems of juvenile justice and the welfare of children.

**SECTION 7.** 48.22 (3) (ar) of the statutes is created to read:

48.22 (3) (ar) Notwithstanding sub. (1) (b), if a secure detention facility is part of a public building in which there is a jail or other facility for the detention of adults, the sheriff or other keeper of the jail or other facility for the detention of adults shall determine the policies of that secure detention facility relating to security and emergency response and shall determine the procedures for implementing those policies.

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