

1993 Senate Bill 395

Date of enactment: April 8, 1994
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1993 WISCONSIN ACT 244

AN ACT to amend 48.18 (1) (a) (intro.), 48.18 (1) (a) 3 and 48.18 (6) of the statutes, relating to: jurisdiction over a child who is accused of violating a state criminal law after the juvenile court has waived its jurisdiction over the child for a previous violation.

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

SECTION 1. 48.18 (1) (a) (intro.) of the statutes, as affected by 1993 Wisconsin Act 98, is amended to read:

48.18 (1) (a) (intro.) ~~A~~ Subject to s. 48.183, a child or district attorney may apply to the court to waive its jurisdiction under this chapter in any of the following situations:

SECTION 2. 48.18 (1) (a) 3. of the statutes, as created by 1993 Wisconsin Act 98, is amended to read:

48.18 (1) (a) 3. If the child is alleged to have violated any state criminal law, ~~other than s. 940.20 (1) or 946.43 while placed in a secured correctional facility,~~ on or after the child's 16th birthday.

SECTION 2m. 48.18 (6) of the statutes is amended to read:

48.18 (6) After considering the criteria under sub. (5), the judge shall state his or her finding with respect to the criteria on the record, and, if the judge determines on the record that it is established by clear and convincing evidence that it would be contrary to the best interests of

the child or of the public to hear the case, the judge shall enter an order waiving jurisdiction and referring the matter to the district attorney for appropriate criminal proceedings in the circuit court, and the circuit court thereafter has exclusive jurisdiction. In the absence of evidence to the contrary, the judge shall presume that it would be contrary to the best interests of the child and of the public to hear the case if the child is alleged to have violated any state criminal law on or after the child's 16th birthday and if the court has waived its jurisdiction over the child for a previous violation.

SECTION 10. Initial applicability. This act first applies to offenses allegedly committed by a child on the effective date of this SECTION, but does not preclude the counting of a waiver of juvenile court jurisdiction under section 48.18 of the statutes granted before the effective date of this SECTION for the purpose of waiving juvenile court jurisdiction over a child under section 48.18 of the statutes, as affected by this act.

SECTION 11. Effective date. This act takes effect on January 1, 1995.
