

1993 Senate Bill 810

Date of enactment: April 20, 1994

Date of publication: May 4, 1994

1993 Wisconsin Act 377 (Vetoed in Part)

AN ACT *to repeal* 48.45 (1m) (a) 2 and 3, 48.45 (2m) and 48.49 (3); *to renumber and amend* 48.45 (1m) (a) (intro.); *to amend* 20.435 (3) (hm), 20.866 (2) (ux), 20.866 (2) (v), ~~20.866 (2) (w)~~, 38.28 (1m) (a) 1, 46.03 (6) (a), 46.26 (3) (d), 46.26 (4) (a), 46.26 (4) (b) 1, 46.26 (4) (c), 46.26 (4) (cm) 1, ~~46.26 (4) (d) 3, 46.26 (4) (d) 4~~, 48.02 (15m), 48.02 (17), 48.065 (3) (f), 48.18 (5) (c), 48.19 (1) (d) 6, 48.205 (1) (c), 48.208 (1), 48.22 (2) (b), 48.22 (2) (c), 48.22 (3) (am), 48.22 (3) (ar), 48.23 (1) (a), 48.331, 48.34 (2), 48.34 (2m), 48.34 (6m), 48.34 (13), 48.345 (1) (a), 48.355 (1), 48.355 (4), 48.355 (7), 48.365 (7), 48.38 (3) (a), 48.45 (2), 48.49 (title), 48.49 (1), 48.49 (2), 48.51 (title), 48.51 (1) (intro.), 48.51 (1) (b) (intro.), 48.66, 48.78 (3), 118.125 (4), 119.04 (1), 227.03 (4), 301.28 (1), 304.06 (1) (b), 946.42 (1) (a), 946.42 (3) (c), 946.44 (1) (a), 946.44 (2) (d), 946.45 (1) and 946.45 (2) (d); *to repeal and recreate* 48.45 (1m) (b); and *to create* 20.255 (1) (eb), 20.292 (1) (ce), 20.410 (1) (am), 20.435 (3) (f), 20.435 (3) (k), 38.04 (20), 46.26 (4) (dr), 46.263, 48.18 (2m), 48.33 (1) (f), 48.33 (3m), 48.34 (4g), 48.537, 118.42 and 301.03 (9m) of the statutes, *relating to* a youthful offender program, juvenile court orders applicable to parents, guardians and legal custodians, juvenile boot camp planning, grants to vocational, technical and adult education districts for basic skills programs in jails, providing funds to a nonprofit corporation for a youth village program, providing funds to counties for capacity building for early and intensive intervention services, providing funds for the university of Wisconsin-Madison law school prosecution program, providing funds for the truancy abatement and burglary suppression program in the city of Milwaukee, construction of and contracting for juvenile secured correctional and mental health beds, the amount of public debt authorization, granting bonding authority, providing for a study of juvenile justice issues and a study of issues relating to children in need of protection or services, granting rule-making authority, ~~providing an exemption from emergency rule procedures~~ and making appropriations. **Vetoed in Part**

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

		<u>1993-94</u>	<u>1994-95</u>
20.255 Public instruction, department of			
(1) EDUCATIONAL LEADERSHIP			
(eb) Youth village program	GPR A	-0-	232,000
20.292 Technical college system, board of			
(1) TECHNICAL COLLEGE SYSTEM			
(ce) Basic skills grants	GPR A	-0-	100,000
20.410 Corrections, department of			
(1) CORRECTIONAL SERVICES			
(am) Youthful offender program	GPR A	-0-	-0-
20.435 Health and social services, department of			
(3) YOUTH SERVICES			
(f) Capacity building for early and intensive intervention services	GPR A	-0-	2,500,000

SECTION 2. 20.255 (1) (eb) of the statutes is created to read:

20.255 (1) (eb) *Youth village program*. The amounts in the schedule for the youth village program under s. 118.42.

SECTION 3. 20.292 (1) (ce) of the statutes is created to read:

20.292 (1) (ce) *Basic skills grants*. The amounts in the schedule for grants to technical college district boards for basic skills instruction in jails and prisons under s. 38.04 (20).

SECTION 4. 20.410 (1) (am) of the statutes is created to read:

20.410 (1) (am) *Youthful offender program*. The amounts in the schedule to administer the youthful offender program under s. 48.537.

SECTION 5. 20.435 (3) (f) of the statutes is created to read:

20.435 (3) (f) *Capacity building for early and intensive intervention services*. The amounts in the schedule for capacity building for early and intensive intervention services under s. 46.263.

SECTION 6. 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act 16, section 409g, is amended to read:

20.435 (3) (hm) *Juvenile correctional services*. Except as provided in pars. (ho) and (hr) and (k), the amounts in the schedule for juvenile correctional services specified in s. 46.26 (4) (c) and (d). All moneys transferred under s. 46.26 (4) (cm) 1, and, except as provided in par. (hr) and (k) and s. 20.410 (1) (hx), all moneys received in payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year institutional

costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement at juvenile correctional institutions. Counties shall use the funds for purposes specified in s. 46.26.

SECTION 7. 20.435 (3) (k) of the statutes is created to read:

20.435 (3) (k) *Youthful offender program*. All moneys received in payment for the youthful offender services specified in s. 46.26 (4) (dr) for the purposes for which received.

SECTION 8. 20.866 (2) (ux) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

20.866 (2) (ux) *Corrections; correctional facilities*. From the capital improvement fund, a sum sufficient for the department of corrections to acquire, construct, develop, enlarge or improve adult and juvenile correctional facilities. The state may contract public debt in an amount not to exceed ~~\$373,627,500~~ \$397,902,500 for this purpose.

SECTION 9. 20.866 (2) (v) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

20.866 (2) (v) *Health and social services; mental health facilities*. From the capital improvement fund, a sum sufficient for the department of health and social services to acquire, construct, develop, enlarge or extend mental health facilities. The state may contract public debt in an amount not to exceed ~~\$68,891,500~~ \$71,116,500 for this purpose.

Vetoed
in Part

~~SECTION 10. 20.866 (2) (w) of the statutes, as affected by 1993 Wisconsin Act 98, is amended to read:~~

~~20.866 (2) (w) *Health and social services: juvenile correctional facilities.* From the capital improvement fund, a sum sufficient for the department of health and social services to plan, acquire, construct, develop, enlarge or improve juvenile correctional facilities. The state may contract public debt in an amount not to exceed ~~\$14,443,200~~ \$14,752,300 for this purpose.~~

SECTION 11. 38.04 (20) of the statutes is created to read:

38.04 (20) BASIC SKILLS INSTRUCTION IN JAILS AND PRISONS. From the appropriation under s. 20.292 (1) (ce), the board shall award grants to district boards for providing basic skills instruction in jails and prisons.

SECTION 12. 38.28 (1m) (a) 1 of the statutes, as affected by 1993 Wisconsin Acts 16 and (Senate Bill 510), is amended to read:

38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under subs. (6) and (7); ~~all receipts under s. and ss. 38.12 (9), all receipts under s. 38.14 (3) and (9), all receipts under s. 46.32, all receipts under s. 118.15 (2) (a), all receipts under s. 118.37, all receipts under s. and 146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11), 38.26, 38.27 and 38.38, all fees collected under s. 38.24 and driver education and chauffeur training aids.~~

SECTION 13. 46.03 (6) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

46.03 (6) (a) ~~Execute~~ Except as provided in s. 48.537, execute the laws relating to the detention, reformation and correction of delinquents.

SECTION 14. 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

46.26 (3) (d) Subject to pars. (dd), (de) and (dg), in addition to the funds allocated under par. (c), the department of health and social services shall allocate funds to counties under sub. (4) (b) 2 and shall consider each county's proportionate use of applicable services of the department of health and social services under ss. 48.34 and 48.366 or the department of corrections under ~~s. ss. 48.366 and 48.537~~ during previous calendar years.

SECTION 15. 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act 16, section 913, is amended to read:

46.26 (4) (a) Except as provided in pars. (c) and (cm), the department of health and social services shall bill counties or deduct from the allocations under s. 20.435 (3) (cd) for the costs of care, services and supplies purchased or provided by the department of health and social services for each person receiving services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections for each person receiving services under s. 48.366. The department of health and social services may not bill a county for or deduct from a county's allocation the cost of care, services and supplies provided to a person subject to an order under s. 48.366 after the person reaches 19 years of age or provided to a person subject to an order under s. 48.34 (4g). Payment shall be due within 60 days of the billing date. If any payment has not been received within 60 days, the department of health and social services may withhold aid payments in the amount due from the appropriation under s. 20.435 (3) (cd) or (7) (b).

SECTION 16. 46.26 (4) (b) 1 of the statutes, as affected by 1993 Wisconsin Act 16, section 915, is amended to read:

46.26 (4) (b) 1. Assessment of costs under par. (a) shall be made periodically on the basis of a per person per day cost estimate adjusted at least annually by the department. Except as provided in pars. (bm), (c) ~~and~~, (cm) ~~and~~ (dr), liability shall apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising jurisdiction under ch. 48 for each person receiving services from the department of health and social services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections under s. 48.366. Except as provided in pars. (bm), (c) ~~and~~, (cm) ~~and~~ (dr), in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) and (d) to the total applicable estimated costs of care, services and supplies provided by the department of health and social services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections under ~~ss. 48.34 (4g) and 48.366~~.

SECTION 17. 46.26 (4) (c) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

46.26 (4) (c) Notwithstanding pars. (a), (b) 1 and (bm), but subject to par. (dr), the department of health and social services shall pay, from the appropriation under s. 20.435 (3) (hm), the costs of care, services and supplies provided for each person receiving services under ss. 48.34, 48.366 and 51.35 (3) who was under the guardianship of the department pursuant to an order under ch. 48 at the time that the person was adjudicated delinquent.

SECTION 18. 46.26 (4) (cm) 1 of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

46.26 (4) (cm) 1. Notwithstanding pars. (a), (b) 1 and (bm), but subject to par. (dr), the department shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the appropriation under s. 20.435 (3) (hm) for the purpose of reimbursing juvenile correctional institutions for costs incurred beginning on January 1, 1995, for the care of any child who is placed in a juvenile correctional facility based on a delinquent act that is a violation of s. 940.01, 940.02, 940.03, 940.05, 940.225 (1) or 943.32 (2).

Vetoed
in Part

~~SECTION 19. 46.26 (4) (d) 3 of the statutes, as affected by 1993 Wisconsin Act 16, section 920d, is amended to read:~~

~~46.26 (4) (d) 3. In calendar year 1994, the per person daily cost assessment to counties shall be \$108.12 for care in a juvenile correctional institution, \$108.12 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by the department of corrections by rule for maintaining a prisoner in an adult correctional institution, \$141 for care in a child caring institution, \$169 for intensive residential aftercare in a child caring institution, \$98.47 for care in a group home for children, \$22.49 for care in a foster home, \$62.46 for care in a treatment foster home, \$59.95 for departmental corrective sanctions services and \$11.87 for departmental aftercare services.~~

~~SECTION 20. 46.26 (4) (d) 4 of the statutes, as affected by 1993 Wisconsin Act 98, is amended to read:~~

~~46.26 (4) (d) 4. Beginning January 1, 1995, and ending June 30, 1995, the per person daily cost assessment to counties shall be \$118.60 for care in a juvenile correctional institution, \$118.60 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by the department of corrections by rule for maintaining a prisoner in an adult correctional institution, \$145.99 for care in a child caring institution, \$169 for intensive residential aftercare in a child caring institution, \$101.92 for care in a group home for children, \$23.28 for care in a foster home, \$64.65 for care in a treatment foster home, \$59.95 for departmental corrective sanctions services and \$12.17 for departmental aftercare services.~~

SECTION 21. 46.26 (4) (dr) of the statutes is created to read:

46.26 (4) (dr) For youthful offender services provided by the department of health and social services under s. 48.34 (4g), all payments received from the department of corrections under s. 48.537 (6) shall be deposited in the appropriation account under s. 20.435 (3) (k).

SECTION 22. 46.263 of the statutes is created to read:

46.263 Capacity building for early and intensive intervention services. (1) From the appropriation under s. 20.435 (3) (f), the department shall distribute

\$2,500,000 in the first 6 months of 1995 to counties for early intervention services for first offenders and for intensive community-based intervention services for seriously chronic offenders.

(2) To determine eligibility for a payment under sub. (1), the department shall require a county to submit a plan for the expenditure of that payment that ensures that the county targets the programs to be funded under that payment appropriately and that ensures that the county maintains or increases its aggregate expenditures from sources other than that payment for juvenile delinquency-related services at or above the average level of those expenditures in the 2 years preceding the year in which the payment is made under sub. (1).

(3) The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the number of children who are taken into custody statewide for alleged violations that are punishable as a Class A or a Class B felony if committed by an adult, during the most recent 2-year period for which that information is available. The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the number of children statewide who are placed in a juvenile correctional institution, during the most recent 2-year period for which that information is available. The department shall distribute 34% of the amounts distributed under sub. (1) based on each county's proportion of the number of Part I juvenile offenses reported statewide under the uniform crime reporting system of the Wisconsin department of justice, during the most recent 2-year period for which that information is available.

SECTION 23. 48.02 (15m) of the statutes, as affected by 1993 Wisconsin Act 98, is amended to read:

48.02 (15m) "Secured correctional facility" means a correctional institution operated or contracted for by the department of health and social services or the department of corrections for holding in secure custody persons adjudged delinquent. "Secured correctional facility" includes the facility at which the juvenile boot camp program under s. 48.532 is operated.

SECTION 24. 48.02 (17) of the statutes is amended to read:

48.02 (17) "Shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the department under s. 48.66.

SECTION 25. 48.065 (3) (f) of the statutes is amended to read:

48.065 (3) (f) Make any dispositional order under s. 48.34 (4g) or (4m).

SECTION 26. 48.18 (2m) of the statutes is created to read:

48.18 (2m) If it appears that the child may be suitable for participation in the youthful offender pro-

gram under s. 48.537 or the adult intensive sanctions program under s. 301.048, the judge shall order the department of corrections to submit a written report analyzing the child's suitability for participation in those programs and recommending whether the child should be placed in either of those programs.

SECTION 27. 48.18 (5) (c) of the statutes is amended to read:

48.18 (5) (c) The adequacy and suitability of facilities, services and procedures available for treatment of the child and protection of the public within the juvenile justice system, and, where applicable, the mental health system and the suitability of the child for placement in the youthful offender program under s. 48.537 or the adult intensive sanctions program under s. 301.048.

SECTION 28. 48.19 (1) (d) 6 of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.19 (1) (d) 6. The child has violated the terms of court-ordered supervision or aftercare supervision administered by the department of health and social services or a county department ~~or of~~ corrective sanctions supervision administered by the department of health and social services or youthful offender supervision administered by the department of corrections.

SECTION 29. 48.205 (1) (c) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.205 (1) (c) Probable cause exists to believe that the child will run away or be taken away so as to be unavailable for proceedings of the court or its officers or proceedings of the division of hearings and appeals in the department of administration for revocation of aftercare ~~or~~ corrective sanctions or youthful offender supervision.

SECTION 30. 48.208 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.208 (1) Probable cause exists to believe that the child has committed a delinquent act and either presents a substantial risk of physical harm to another person or a substantial risk of running away as evidenced by a previous act or attempt so as to be unavailable for a court hearing or a revocation hearing for children on aftercare ~~or~~ corrective sanctions or youthful offender supervision. For children on aftercare ~~or~~ corrective sanctions or youthful offender supervision, the delinquent act referred to in this section may be the act for which the child was committed to a secured correctional facility.

SECTION 31. 48.22 (2) (b) of the statutes is amended to read:

48.22 (2) (b) If the department of corrections approves, ~~the~~ a secure detention facility or a holdover room may be a part of a public building in which there is a jail or other facility for the detention of adults if ~~it~~ the secure detention facility or holdover room is so physically segregated from the jail or other facility

that ~~it~~ the secure detention facility or holdover room may be entered without passing through areas where adults are confined and that children detained in the secure detention facility or holdover room cannot communicate with or view adults confined therein.

SECTION 32. 48.22 (2) (c) of the statutes is amended to read:

48.22 (2) (c) A shelter facility ~~shall not be in the same building as a facility for the detention of adults~~ and shall be used for the temporary care of children. A shelter care facility, other than a holdover room, may not be in the same building as a facility for the detention of adults.

SECTION 33. 48.22 (3) (am) of the statutes is amended to read:

48.22 (3) (am) If a secure detention facility or holdover room 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 or holdover room. 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 34. 48.22 (3) (ar) of the statutes is amended to read:

48.22 (3) (ar) Notwithstanding sub. (1) (b), if a secure detention facility or holdover room 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 or holdover room relating to security and emergency response and shall determine the procedures for implementing those policies.

SECTION 35. 48.23 (1) (a) of the statutes is amended to read:

48.23 (1) (a) Any child alleged to be delinquent under s. 48.12 or held in a secure detention facility shall be represented by counsel at all stages of the proceedings, but a child 15 years of age or older may waive counsel if the court is satisfied that the waiver is knowingly and voluntarily made and the court accepts the waiver. If the waiver is accepted, the court may not transfer legal custody of the child to the department of health and social services for placement in a secured correctional facility, transfer legal custody of the child to the department of corrections for participation in the youthful offender program or transfer jurisdiction over the child to adult court.

SECTION 36. 48.33 (1) (f) of the statutes is created to read:

48.33 (1) (f) If the agency is recommending that the court order the child's parent, guardian or legal custodian to participate in mental health treatment, anger management, individual or family counseling or parent training and education, a statement as to the avail-

ability of those services and as to the availability of funding for those services.

SECTION 37. 48.33 (3m) of the statutes is created to read:

48.33 (3m) **YOUTHFUL OFFENDER PROGRAM REPORTS.** In addition to the report under sub. (1), if it appears that a child may be suitable for participation in the youthful offender program under s. 48.537, the court shall order the department of corrections to submit a written report analyzing the child's suitability for participation in that program and recommending whether the child should be placed in that program.

SECTION 38. 48.331 of the statutes is amended to read:

48.331 Court reports; effect on victim. If the delinquent act would constitute a felony if committed by an adult, the person preparing the report under s. 48.33 (1) shall attempt to determine the economic, physical and psychological effect of the delinquent act on the victim. The person preparing the report may ask any appropriate person for information. This section does not preclude the person who prepares the report from including any information for the court concerning the impact of a delinquent act on the victim. If the delinquent act would not constitute a felony but a victim has suffered bodily harm or the act involved theft or damage to property, the person preparing the report is encouraged to seek the information described in this section.

SECTION 39. 48.34 (2) of the statutes is amended to read:

48.34 (2) Place the child under supervision of an agency, the department, if the department approves, or a suitable adult, including a friend of the child, under conditions prescribed by the judge including reasonable rules for the child's conduct ~~and the conduct of the child's parent, guardian or legal custodian,~~ designed for the physical, mental and moral well-being and behavior of the child.

SECTION 40. 48.34 (2m) of the statutes is amended to read:

48.34 (2m) Place the child in ~~his or her~~ the child's home under the supervision of an agency, as defined under s. 48.38 (1) (a), and order the agency to provide specified services to the child and the child's family, which may include but are not limited to individual, family or group counseling, homemaker or parent aide services, respite care, housing assistance, day care or parent skills training.

SECTION 41. 48.34 (4g) of the statutes is created to read:

48.34 (4g) Transfer legal custody to the department of corrections for participation in the youthful offender program under s. 48.537, but only if all of the following apply:

(a) The child is 16 years of age or over and has been adjudicated delinquent for committing an act that would be punishable as a Class A, B, C or D felony if

committed by an adult and the child has been adjudicated delinquent or found to be in need of protection or services previously for committing an act that would be a felony if committed by an adult.

(b) The child has been the subject of a previous dispositional order under this section or s. 48.345 and \$30,000 or more has been expended on providing services for the child under the previous dispositional order since the child attained the age of 12 years.

(c) The judge finds that the only other disposition that would be appropriate for the child would be placement of the child in a secured correctional facility.

(d) The report under s. 48.33 (3m) recommends placement of the child in the youthful offender program.

SECTION 42. 48.34 (6m) of the statutes is amended to read:

48.34 (6m) If the report prepared under s. 48.33 (1) recommends that the child is in need of an integrated service plan and if an integrated service program under s. 46.56 has been established in the county, the judge may order that an integrated service plan be developed and implemented.

SECTION 43. 48.34 (13) of the statutes is amended to read:

48.34 (13) **ALCOHOL OR DRUG TREATMENT OR EDUCATION.** (a) If the report prepared under s. 48.33 (1) recommends that the child is in need of treatment for the use or abuse of alcohol beverages or controlled substances and its medical, personal, family or social effects, the court may order the child to enter an outpatient alcohol and other drug abuse treatment program at an approved treatment facility. The approved treatment facility shall, under the terms of a service agreement between the county and the approved treatment facility, or with the written informed consent of the child or the child's parent if the child has not attained the age of 12, report to the agency primarily responsible for providing services to the child as to whether the child is cooperating with the treatment and whether the treatment appears to be effective.

(b) If the report prepared under s. 48.33 (1) recommends that the child is in need of education relating to the use of alcohol beverages or controlled substances, the court may order the child to participate in an alcohol or other drug abuse education program approved by the court. The person or agency that provides the education program shall, under the terms of a service agreement between the county and the education program, or with the written informed consent of the child or the child's parent if the child has not attained the age of 12, report to the agency primarily responsible for providing services to the child about the child's attendance at the program.

SECTION 44. 48.345 (1) (a) of the statutes is amended to read:

48.345 (1) (a) Transfer the custody of the child to the department of health and social services or the department of corrections.

SECTION 45. 48.355 (1) of the statutes is amended to read:

48.355 (1) INTENT. In any order under s. 48.34 or 48.345 the judge shall decide on a placement and treatment finding based on evidence submitted to the judge. The disposition shall employ those means necessary to maintain and protect the child's well-being which are the least restrictive of the rights of the parent or child and which assure the care, treatment or rehabilitation of the child and the family, consistent with the protection of the public. Wherever possible, and, in cases of child abuse and neglect, when it is consistent with the child's best interest in terms of physical safety and physical health the family unit shall be preserved and there shall be a policy of transferring custody from the parent only where there is no less drastic alternative. If information under s. 48.331 has been provided in a court report under s. 48.33 (1), the court shall consider that information when deciding on a placement and treatment finding.

SECTION 46. 48.355 (4) of the statutes is amended to read:

48.355 (4) TERMINATION OF ORDERS. (a) Except as provided under par. (b) or s. 48.362, all orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Except if s. 48.362 applies, extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. No extension under s. 48.365 of an original dispositional order may be granted for a child whose legal custody has been transferred to the department of corrections under s. 48.34 (4g) or to the department of health and social services under s. 48.34 (4m) if the child is 18 years of age or older when the original dispositional order terminates. Any order made before the child reaches the age of majority shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

(b) An order under s. 48.34 (4g) or (4m) for which a child has been adjudicated delinquent is subject to par. (a), except that the judge may make the an order under s. 48.34 (4m) apply for up to 2 years or until the child's 19th birthdate, whichever is earlier, and the judge shall make an order under s. 48.34 (4g) apply for 5 years, if the child is adjudicated delinquent for committing an act that would be punishable as a Class B, C or D felony if committed by an adult, or until the child reaches 25 years of age, if the child is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult.

SECTION 47. 48.355 (7) of the statutes is amended to read:

48.355 (7) ORDERS APPLICABLE TO PARENTS, GUARDIANS, LEGAL CUSTODIANS AND OTHER ADULTS. In addition

tion to any dispositional order entered under s. 48.34 (4s) or (13) or 48.345 for a child's use or abuse of a controlled substance or alcohol beverage, the court may enter an order applicable to a child's parent, guardian or legal custodian or to another adult, as provided under s. 48.45.

SECTION 48. 48.365 (7) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.365 (7) Nothing in this section may be construed to allow any changes in placement or revocation of aftercare ~~or~~, corrective sanctions or youthful offender supervision. Revocation and other changes in placement may take place only under s. 48.357 or, for a child who is a participant in the youthful offender program, s. 48.537.

SECTION 49. 48.38 (3) (a) of the statutes is amended to read:

48.38 (3) (a) If the child is alleged to be delinquent and is being held in a secure detention facility, juvenile portion of a county jail or shelter care facility, and the agency intends to recommend that custody of the child be transferred to the department of health and social services for placement in a secured correctional facility or the department of corrections intends to recommend that custody of the child be transferred to the department of corrections for participation in the youthful offender program, the agency is not required to submit the permanency plan unless the court does not accept the ~~agency's~~ recommendation of the agency or the department of corrections. If the court places the child in any facility outside of his or her home other than a secured correctional facility, the agency shall file the permanency plan with the court within 60 days after the date of disposition.

SECTION 50. 48.45 (1m) (a) (intro.) of the statutes is renumbered 48.45 (1m) (a) and amended to read:

48.45 (1m) (a) In a proceeding in which a child has been adjudicated delinquent ~~for the use or abuse of a controlled substance or alcohol beverage~~ or has been found to be in need of protection or services ~~for the use or abuse of a controlled substance or alcohol beverage~~, the judge may order the child's parent, guardian or legal custodian to ~~do any of the following if the child has received the disposition specified in s. 48.34 (13):~~ comply with any conditions determined by the judge to be necessary for the child's welfare. An order under this paragraph may include an order to participate in mental health treatment, anger management, individual or family counseling or parent training and education and to make a reasonable contribution, based on ability to pay, toward the cost of those services.

SECTION 51. 48.45 (1m) (a) 2 and 3 of the statutes are repealed.

SECTION 52. 48.45 (1m) (b) of the statutes, as affected by 1993 Wisconsin Act 118, is repealed and recreated to read:

48.45 (1m) (b) A judge may not order inpatient treatment under par. (a) for a child's parent, guardian or legal custodian. All inpatient treatment commitments or admissions must be conducted in accordance with ch. 51.

SECTION 53. 48.45 (2) of the statutes is amended to read:

48.45 (2) No order to any person ~~18 or older~~ under sub. (1) (a) or (1m) (a) may be entered until the person who is the subject of the contemplated order is given an opportunity to be heard ~~upon the allegation against him or her and on the contemplated order of the court.~~ The court shall cause notice of the time, place and purpose of the hearing to be served on the person personally at least 10 days before the date of hearing. The procedure in these cases shall, as far as practicable, be the same as in other cases in the court, ~~and shall otherwise be the procedure followed in courts of equity.~~ At the hearing the person may be represented by counsel and may produce and cross-examine witnesses. Any person ~~18 or older~~ who fails to comply with any order issued by a court under sub. (1) (a) or (1m) (a) may be proceeded against for contempt of court. If the person's conduct involves a crime, the person may be proceeded against under the criminal law.

SECTION 54. 48.45 (2m) of the statutes is repealed.

SECTION 55. 48.49 (title) of the statutes is amended to read:

48.49 (title) Notification by court of transfer to department of health and social services or department of corrections; information for those departments.

SECTION 56. 48.49 (1) of the statutes is amended to read:

48.49 (1) When the court transfers legal custody of a child to the department of health and social services or the department of corrections, the court shall immediately notify the department to which the child's legal custody is transferred of that action. The court shall, in accordance with procedures established by the department to which the child's legal custody is transferred, provide transportation for the child to a receiving center designated by ~~the~~ that department or deliver the child to personnel of ~~the~~ that department.

SECTION 57. 48.49 (2) of the statutes is amended to read:

48.49 (2) When the court transfers legal custody of a child to the department of health and social services or the department of corrections, the court and all other public agencies shall also immediately transfer to the department to which the child's legal custody is transferred a copy of the report submitted to ~~it~~ the court under s. 48.33 and all other pertinent data in their possession and shall immediately notify the child's last school district in writing of its obligation under s. 118.125 (4).

SECTION 58. 48.49 (3) of the statutes is repealed.

SECTION 59. 48.51 (title) of the statutes is amended to read:

48.51 (title) Notification of release of child from correctional custody.

SECTION 60. 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.51 (1) (intro.) At least 15 days prior to the date of release of a child from its legal custody or release of a child to an aftercare ~~or corrective sanctions placement~~ or a placement in the community under the corrective sanctions program or the youthful offender program, the department of health and social services or the department of corrections shall:

SECTION 61. 48.51 (1) (b) (intro.) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.51 (1) (b) (intro.) Notify any known victim of an act for which the child has been found delinquent of the child's release ~~from departmental legal custody or release to an aftercare or corrective sanctions placement~~, if all of the following apply:

SECTION 62. 48.537 of the statutes is created to read:

48.537 Youthful offender program. (1) DEFINITION. In this section, "department" means the department of corrections.

(2) PROGRAM ADMINISTRATION AND DESIGN. The department shall administer a youthful offender program for children who have been adjudicated delinquent and ordered to participate in the program under s. 48.34 (4g). The department shall design the program to provide all of the following:

(a) Supervision, care and rehabilitation that is less costly than ordinary placement in a secured correctional facility under s. 48.34 (4m) and more restrictive than ordinary supervision in the community.

(b) Component phases that are intensive and highly structured.

(c) A series of component phases for each participant that is based on public safety considerations and the participant's need for supervision, care and rehabilitation.

(3) COMPONENT PHASES. (a) The department shall provide each participant with one or more of the following sanctions:

1. Subject to subd. 1m, placement in a secured correctional facility or, if the participant is 18 years of age or over, a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years.

1m. If the participant has been adjudicated delinquent for committing an act that would be a Class A felony if committed by an adult, placement in a secured correctional facility or, if the participant is 18 years of age or over, a Type 1 prison, as defined in s. 301.01 (5), until the participant reaches 25 years of age, unless the participant is released sooner, subject

to a mandatory minimum period of confinement of not less than one year.

2. Intensive or other field supervision.
3. Electronic monitoring.
4. Alcohol or other drug abuse outpatient treatment and services.
5. Mental health treatment and services.
6. Community service.
7. Restitution.
8. Transitional services for education and employment.
9. Other programs as prescribed by the department.

(b) The department may provide the sanctions under par. (a) in any order, may provide more than one sanction at a time and may return to a sanction that was used previously for a participant. Notwithstanding ss. 48.357 and 48.363, a participant is not entitled to a hearing regarding the department's exercise of authority under this subsection unless the department provides for a hearing by rule.

(4) **INSTITUTIONAL STATUS.** A participant in the youthful offender program is in the legal custody and under the control of the department and is subject to the rules and discipline of the department. Notwithstanding ss. 48.19 to 48.21, if a participant violates a condition of his or her participation in the program under sub. (3) (a) 2 to 9 the department may, without a hearing, take the participant into custody and return him or her to placement in a secured correctional facility or, if the participant is 18 years of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of a participant to remain within the extended limits of his or her placement while participating in the youthful offender program or to return within the time prescribed by the administrator of the division of intensive sanctions in the department is considered an escape under s. 946.42 (3) (c).

(5) **TRANSFERS AND DISCHARGE.** (a) The parole commission may grant a participant parole under s. 304.06 at any time after the participant has completed 2 years of participation in the youthful offender program. Parole supervision of the participant shall be provided by the department.

(b) The department may discharge a participant from participation in the youthful offender program and from departmental custody and control at any time after the participant has completed 3 years of participation in the youthful offender program.

(c) Sections 48.357 and 48.363 do not apply to changes of placement and revisions of orders for a child who is a participant in the youthful offender program.

(dm) The department of corrections may not transfer legal custody and control over a participant in the youthful offender program to the department of health and social services.

(6) **PURCHASE OF SERVICES.** The department of corrections may contract with the department of health

and social services, a county department or any public or private agency for the purchase of goods, care and services for participants in the youthful offender program. The department of corrections shall reimburse a person from whom it purchases goods, care or services under this subsection from the appropriation under s. 20.410 (1) (am).

(6m) **MINORITY HIRING.** (a) In this subsection:

1. "American Indian" means a person who is enrolled as a member of a federally recognized American Indian tribe or band or who possesses documentation of at least one-fourth American Indian ancestry or documentation of tribal recognition as an American Indian.

2. "Black" means a person whose ancestors originated in any of the black racial groups of Africa.

3. "Hispanic" means a person of any race whose ancestors originated in Mexico, Puerto Rico, Cuba, Central America or South America or whose culture or origin is Spanish.

4. "Minority group member" means a Black, a Hispanic or an American Indian.

(b) In the selection of classified service employes for a secured correctional facility operated by the department for the placement of program participants under this section, the appointing authority shall make every effort to use the expanded certification program under s. 230.25 (1n) or rules of the administrator of the division of merit recruitment and selection in the department of employment relations to ensure that the percentage of employes who are minority group members approximates the percentage of the children placed at that secured correctional facility who are minority group members. The administrator of the division of merit recruitment and selection in the department of employment relations shall provide guidelines for the administration of this selection procedure.

(7) **RULES.** The department shall promulgate rules to implement this section.

SECTION 63. 48.66 of the statutes is amended to read:

48.66 Licensing duties of the department. The department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 48.48 and day care centers, as required by s. 48.65. The department may license foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in ss. 48.67 to 48.74. The department may license a child welfare agency to hold in secure custody children who have been adjudicated delinquent under s. 48.34 (4m) and referred to the child welfare agency by the department under the intensive residential aftercare pilot program under 1993 Wisconsin Act ... (this act), section 9126 (3x), and to provide supervision, care and maintenance for those children.

SECTION 64. 48.78 (3) of the statutes, as affected by 1993 Wisconsin Acts 92 and 95, is amended to read:

48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 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), (1m) or (1r), 943.32 (2), 948.02, 948.03, 948.05, 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured correctional facility, has been allowed to leave a secured correctional facility for a specified time period and is absent from the facility for more than 12 hours after the expiration of the specified period or has run away from the child's placement in the community while under corrective sanctions or youthful offender supervision, the department of health and social services or the department of corrections may release the child's name and any information about the child ~~the department determines to be that is necessary for the protection of the public or to secure the child's return to the facility or placement.~~ The department of health and social services shall promulgate rules establishing guidelines for the release of the child's name or information about the child to the public, except that the department of corrections shall promulgate rules establishing guidelines for the release to the public of the name of a child, or information about a child, who is a participant in the youthful offender program.

SECTION 65. 118.125 (4) of the statutes is amended to read:

118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall transfer to another school or school district all pupil records relating to a specific pupil if the transferring school district has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that legal custody of the pupil has been transferred to the department of health and social services or the department of corrections for placement in a juvenile correctional facility. In this subsection, "school" and "school district" include any state juvenile correctional facility which provides an educational program for its residents instead of or in addition to that which is provided by public and private schools.

SECTION 66. 118.42 of the statutes is created to read:

118.42 Youth village program. (1) A nonprofit corporation may apply to the state superintendent for a grant to partially fund the costs of planning, developing and operating a youth village program that complies with all of the following:

(a) The program is designed to begin operating by July 1, 1996.

(b) The program is designed to provide an alternative education experience for pupils whose home or social environment seriously interferes with their educational progress and who are functioning below their grade level in basic academic skills, are behind in academic credits for their grade level or have a record of poor grades or attendance problems.

(c) The program is designed to be residential and to provide occupational training, academic instruction and personal support services.

(d) The program is designed to be established in cooperation with a school board and a county department of social services or human services.

(2) (a) The state superintendent shall review the applications and determine which of the applicants shall receive the grant. ~~An applicant that receives a grant shall provide matching funds equal to 50% of the requested funding.~~

Vetoed
in Part

(b) Notwithstanding sub. (1), up to \$150,000 of the amount awarded each school year may be used by the grant recipient for acquisition or renovation, or both, of a facility for the program if the grant recipient contributes an equal amount for that purpose from other sources.

(3) Any school board may contract with the grant recipient for the participation of pupils enrolled in the school district in the program. No pupil may be required to participate in the program without his or her approval, if the pupil is an adult, or the approval of his or her parents or legal guardian, if the pupil is a minor.

SECTION 67. 119.04 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.364, 115.366, 115.38 (2), 115.40, 115.45, 118.01 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to ~~118.40~~ 118.42, 120.12 (5) and (15) to (23), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26) and (34) and 120.14 are applicable to a 1st class city school district and board.

SECTION 68. 227.03 (4) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

227.03 (4) The provisions of this chapter relating to contested cases do not apply to proceedings involving the revocation of aftercare supervision under s. 48.357 (5) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5) or youthful offender supervision under s. 48.537 (4), the revocation of parole or probation, the grant of probation, prison discipline, mandatory release under s. 302.11 or any other proceeding involving the care and treatment of a resident or an inmate of a correctional institution.

SECTION 69. 301.03 (9m) of the statutes is created to read:

301.03 (9m) Supervise all persons placed in the youthful offender program under s. 48.537.

SECTION 70. 301.28 (1) of the statutes is amended to read:

301.28 (1) In this section, "correctional officer" means any person classified as a correctional officer employed by the state whose principal duty is the supervision of inmates at a prison, as defined in s. 302.01, or the supervision of children at a secured correctional facility, as defined in s. 48.02 (15m), operated by the department.

SECTION 71. 304.06 (1) (b) of the statutes, as affected by 1993 Wisconsin Acts 79 and 89, is amended to read:

304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2) or 302.045 (3), the parole commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. The parole commission may parole a participant in the youthful offender program under s. 48.537 when he or she has participated in that program for 2 years. Except as provided in s. 973.014, the parole commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension using the formulas under s. 302.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the parole commission shall not provide any convicted offender or other person sentenced to the department's custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

SECTION 72. 946.42 (1) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

946.42 (1) (a) "Custody" includes without limitation actual custody of an institution, including a secured juvenile correctional facility, a secure detention facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a peace officer or institution guard and constructive custody of prisoners and juveniles subject to an order under s. 48.34 (4m) temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to which the prisoner was transferred after conviction. "Custody" also includes the custody by the department of health and social services of a child who is placed in the community under corrective sanctions supervision under s. 48.533 and

custody by the department of corrections of a person who is placed in the community under youthful offender supervision under s. 48.537. It does not include the custody of a probationer or parolee by the department of corrections or a probation or parole officer or the custody of a person who has been released to aftercare supervision under ch. 48 unless the person is in actual custody.

SECTION 73. 946.42 (3) (c) of the statutes is amended to read:

946.42 (3) (c) Subject to a disposition under s. 48.34 (4g) or (4m).

SECTION 74. 946.44 (1) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

946.44 (1) (a) Any officer or employe of an institution where prisoners are detained or any officer or employe providing corrective sanctions supervision under s. 48.533 or youthful offender supervision under s. 48.537 who intentionally permits a prisoner in his custody to escape; or

SECTION 75. 946.44 (2) (d) of the statutes is amended to read:

946.44 (2) (d) "Prisoner" includes a person who is committed to the custody of the department of corrections under s. 48.34 (4g) or the department of health and social services under s. 48.34 (4m) or who is subject to an order under s. 48.366.

SECTION 76. 946.45 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

946.45 (1) Any officer or employe of an institution where prisoners are detained or any officer or employe providing corrective sanctions supervision under s. 48.533 or youthful offender supervision under s. 48.537 who, through his or her neglect of duty, allows a prisoner in his or her custody to escape is guilty of a Class B misdemeanor.

SECTION 77. 946.45 (2) (d) of the statutes is amended to read:

946.45 (2) (d) "Prisoner" includes a person who is committed to the custody of the department of corrections under s. 48.34 (4g) or the department of health and social services under s. 48.34 (4m) or who is subject to an order under s. 48.366.

~~SECTION 9101. Nonstatutory provisions; administration.~~

~~(1z) JUVENILE SECURED CORRECTIONAL PROGRAM BEDS.~~

~~(a) In awarding contracts for construction work as defined in section 16.87 (1) (a) of the statutes, for the juvenile secured correctional program beds in southeastern Wisconsin authorized under SECTION 9108 (1) (a) of this act, the department of administration shall attempt to ensure to the fullest extent possible that at least 50% of the total amount expended is awarded to contractors and subcontractors which are disadvantaged businesses, as defined in section 84.076 (1) (b) of the statutes. Notwithstanding section 16.855 (1) of the~~

Vetoed
in Part

Vetoed
in Part

~~statutes, the department may award any contract for that construction work to a disadvantaged business that submits a qualified responsible bid that is no more than 5% higher than the apparent low bid.~~

~~(b) Upon completion of each contract specified in paragraph (a), the contractor shall report to the department of administration any amount of the con-~~

~~tract that was subcontracted to disadvantaged businesses.~~

~~(c) The department of administration shall maintain and annually publish data on contracts awarded to disadvantaged businesses under this subsection during construction of the facilities specified in paragraph (a).~~

Vetoed
in Part

SECTION 9108. Nonstatutory provisions; building commission.

(1) 1993-95 STATE BUILDING PROGRAM ADDITIONS. In 1993 Wisconsin Act 16, section 9108 (1), the following projects are added to the 1993-95 state building program and the appropriate totals are increased by the amounts shown:

- (a) In paragraph (c) 1, under projects financed by general fund supported borrowing:
 - 250 juvenile secured correctional program beds addressing such issues as mental health, alcohol or other drug abuse and violence, of which 200 are to be located in the southeastern part of the state and 50 are to be located in the rest of the state \$ 24,275,000
- (b) In paragraph (e) 1, under projects financed by general fund supported borrowing:
 - Mendota mental health institute - Lorenz hall construction \$ 2,000,000
 - Mendota mental health institute - Goodland hall remodeling \$ 225,000
 - Juvenile assessment and evaluation center planning \$ 309,100

Vetoed
in Part

~~(2) JUVENILE ASSESSMENT AND EVALUATION CENTER PLANNING. The juvenile assessment and evaluation center planning under subsection (1) (b) shall be based on the findings of the juvenile justice study committee under SECTION 9126 (1) (d) of this act.~~

the court assigned to exercise jurisdiction under chapter 48 of the statutes in Milwaukee county.

2. One legislative member who is appointed as are members of standing committees in the senate.

3. One legislative member who is appointed by the senate minority leader.

4. One legislative member who is appointed as are members of standing committees in the assembly.

5. One legislative member who is appointed by the assembly minority leader.

6. The secretary of health and social services or his or her designee.

7. The secretary of corrections or his or her designee.

8. The attorney general or his or her designee.

9. Three members who are appointed by the members appointed under subdivisions 1 to 8 at the first meeting of the committee.

(bm) The members appointed under paragraph (b) 6 to 8 are nonvoting members.

(c) The governor shall appoint the chairperson of the committee.

(cm) The department of health and social services may contract with a public or private entity or a person outside of the department of health and social services to assist the committee in preparing the study under this subsection. Applications and selection for the contract shall be in accordance with the request-

SECTION 9126. Nonstatutory provisions; health and social services.

(1) STUDY ON JUVENILE JUSTICE ISSUES.

(a) There is created a committee to study all of the following:

1. Chapter 48 of the statutes and the resources of the state and counties to determine the effectiveness of that chapter and those resources in providing responses to delinquent behavior by children that promote public safety, accountability and rehabilitation.

2. Methods to increase the stability of funding levels for community-based, nonresidential programs for children who have been adjudicated delinquent that provide early intervention services for first offenders and intensive, highly structured intervention services and supervision for repeat offenders.

3. Study the role of assessment and evaluation in the placement of children who have been adjudicated delinquent.

(b) The committee shall consist of the following members:

1. Four public members who are nominated by the governor, and with the advice and consent of the senate appointed, one of whom shall be the chief judge of

for-proposal procedures established by the department of health and social services.

(d) The committee shall report its findings and recommendations, including recommended legislation and recommendations regarding the delivery and funding of services for delinquent children and their families, to the speaker of the assembly, to the president of the senate, to the building commissioner and to the governor by December 1, 1994.

Vetoed
in Part

(2) JUVENILE CORRECTIONAL FACILITY AND PROGRAMMING REVIEW POSITION. The authorized FTE positions for the department of health and social services are increased by 1.0 GPR project position, for the period beginning on May 1, 1994, and ending on May 31, 1996, to review what types of juvenile secured correctional facilities, as defined in section 48.02 (15m) of the statutes, and juvenile secured correctional programming are needed in this state, to be funded from the appropriation under section 20.435 (3) (a) of the statutes.

(3x) INTENSIVE RESIDENTIAL AFTERCARE PILOT PROGRAM.

Vetoed
in Part

~~(a) If the appropriation under section 20.435 (3) (ho) of the statutes is supplemented under section 13.101 or 16.515 of the statutes for purposes of the intensive residential aftercare pilot program under this subsection, the department of health and social services shall allocate the amount supplemented in fiscal year 1994-95 to provide payments for intensive residential aftercare services under that pilot program, beginning on July 1, 1994, to serve an average daily population of not more than 40 children who have been released from a secured correctional facility, as defined in section 48.02 (15m) of the statutes, and referred to a child welfare agency by that department for intensive residential aftercare in a child caring institution. The intensive residential aftercare provided under this subsection may include the temporary placement of a child in locked confinement according to the rules promulgated by the department of health and social services under paragraph (b).~~

Vetoed
in Part

~~(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules to implement this subsection, including rules specifying procedures and criteria to ensure the security of the child caring institutions in which children participating in the program under this subsection are placed and procedures and criteria regarding any physical modifications of the facilities of those child caring institutions that may be necessary. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.~~

SECTION 9133. Nonstatutory provisions; joint committee on finance.

(1t) INTENSIVE RESIDENTIAL AFTERCARE SUPPLEMENT. Of the moneys appropriated to the joint committee on finance under section 20.865 (4) (a) of the statutes for fiscal year 1994-95, \$200,000, plus any other moneys

in the balance of that appropriation account that have been provided by that committee for juvenile justice purposes, up to \$500,000, is allocated to compensate counties under section 46.26 (7) (f) of the statutes for the amount by which the per person daily cost assessment under the intensive residential aftercare pilot program under SECTION 9126 (3x) of this act exceeds the per person daily cost assessment under section 46.26 (4) (d) 3 and 4 of the statutes, as affected by this act, for care in a child caring institution or for expansion of the average daily population of the corrective sanctions program under section 48.533 (2) of the statutes, as determined by the joint committee on finance under section 13.101 or 16.515 of the statutes.

Vetoed
in Part

Vetoed
in Part

SECTION 9137. Nonstatutory provisions; legislature.

(1) STUDY ON CHILDREN IN NEED OF PROTECTION OR SERVICES. The legislative council is requested to study chapter 48 of the statutes and the resources of the state and counties to determine the effectiveness of that chapter and those resources in providing for the needs of children in need of protection and services and their families, methods to increase the stability of funding levels for community-based, nonresidential programs for children in need of protection or services and their families and the role of assessment and evaluation in the placement of children in need of protection or services. By December 1, 1994, the legislative council shall submit its findings, conclusions and recommendations to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor.

SECTION 9145. Nonstatutory provisions; public instruction.

(1) YOUTH VILLAGE PROGRAM. In the 1994-95 fiscal year, the state superintendent of public instruction shall award the amount in the appropriation under section 20.255 (1) (eb) of the statutes, as created by this act, as provided under section 118.42 of the statutes, as created by this act, no later than September 1, 1994.

SECTION 9226. Appropriation changes; health and social services.

(1) JUVENILE CORRECTIONAL FACILITY AND PROGRAMMING REVIEW POSITION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$8,300 for fiscal year 1993-94 and the dollar amount is increased by \$42,300 for fiscal year 1994-95 to fund the GPR FTE project position authorized in SECTION 9126 (2) of this act.

(1gt) JUVENILE JUSTICE STUDY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$75,000 for fiscal year 1994-95 to fund

the expenses of the juvenile justice study committee under SECTION 9126 (1) of this act.

(1m) JUVENILE BOOT CAMP PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$87,100 for fiscal year 1994-95 to increase the authorized FTE positions for the department by 2.0 GPR positions for the planning and implementation of the juvenile boot camp program under section 48.532 of the statutes.

SECTION 9233. Appropriation changes; joint committee on finance.

(1v) INTENSIVE RESIDENTIAL AFTERCARE SUPPLEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$200,000 for fiscal year 1994-95 to provide funding for the intensive residential aftercare pilot program under SECTION 9126 (3x) of this act.

SECTION 9245. Appropriation changes; public instruction.

(1g) YOUTH SERVICE CENTERS, TRUANCY ABATEMENT AND BURGLARY SUPPRESSION PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (2) (ed) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$88,000 for fiscal year 1994-95 to provide additional funding for the board of school directors of the Milwaukee public schools to contract for the operation of the youth service centers established under 1993 Wisconsin Act 16, section 9145 (1t) (a).

SECTION 9256. Appropriation changes; university of Wisconsin system.

(1) UNIVERSITY OF WISCONSIN-MADISON LAW SCHOOL PROSECUTION PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the university of Wisconsin system under section 20.285 (1) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$40,000 for fiscal year 1994-95 to provide funding for the university of Wisconsin-Madison law school prosecution program.

SECTION 9312. Initial applicability; corrections.

(1) YOUTHFUL OFFENDER PROGRAM. The treatment of sections 48.34 (4g) and 48.537 of the statutes first applies to delinquent acts committed on the effective date of this subsection.

SECTION 9400. Effective dates; general statement. Except as otherwise provided in SECTIONS 9412 to

9458 of this act, this act takes effect on December 1, 1995.

SECTION 9412. Effective dates; corrections.

(1) CORRECTIONS BONDING AUTHORITY. The treatment of section 20.866 (2) (ux) of the statutes and SECTIONS ~~9101 (xz) and 9102 (yz)~~ and 9108 (1) (a) of this act take effect in Part on the day after publication. **Vetoed in Part**

SECTION 9426. Effective dates; health and social services.

(1) CAPACITY BUILDING FOR COMMUNITY-BASED INTERVENTION SERVICES. The treatment of sections 20.435 (3) (f) and 46.263 of the statutes takes effect on January 1, 1995.

(2) HEALTH AND SOCIAL SERVICES BONDING AND CONTRACTING AUTHORITY. The treatment of sections 20.866 (2) (v) and ~~yy~~ and 48.66 of the statutes and SECTION 9108 (1) (b) and ~~zz~~ of this act take effect on the day after publication. **Vetoed in Part**

(3) JUVENILE JUSTICE STUDY COMMITTEE. SECTIONS 9126 (1) and 9226 (1gt) of this act take effect on the day after publication.

(4) JUVENILE ~~CORRECTIONAL FACILITY AND PROGRAMMING REVIEW~~ POSITION. SECTIONS 9126 (2) and 9226 (1) of this act take effect on the day after publication. **Vetoed in Part**

(5v) INTENSIVE RESIDENTIAL AFTERCARE PILOT PROGRAM. The treatment of section ~~46.2674 (cc) and 4~~ of the statutes and SECTIONS 9126 (3x), 9133 (1t) and 9233 (1v) of this act take effect on July 1, 1994. **Vetoed in Part**

SECTION 9437. Effective dates; legislature.

(1) LEGISLATIVE COUNCIL STUDY COMMITTEE ON CHILDREN IN NEED OF PROTECTION OR SERVICES. SECTION 9137 (1) of this act takes effect on the day after publication.

SECTION 9445. Effective dates; public instruction.

(1) YOUTH VILLAGE PROGRAM. The treatment of sections 20.255 (1) (eb), 118.42 and 119.04 (1) of the statutes and SECTION 9145 (1) of this act take effect on July 1, 1994.

SECTION 9456. Effective dates; university of Wisconsin system.

(1) UNIVERSITY OF WISCONSIN-MADISON LAW SCHOOL PROSECUTION PROGRAM. SECTION 9256 (1) of this act takes effect on July 1, 1994.

SECTION 9458. Effective dates; vocational, technical and adult education.

(1) JAIL LITERACY. The treatment of sections 20.292 (1) (ce), 38.04 (20) and 38.28 (1m) (a) 1 of the statutes takes effect on July 1, 1994.