

1993 Senate Bill 548

Date of enactment: December 10, 1993
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1993 Wisconsin Act 98

(Vetoed in Part)

AN ACT *to repeal* 48.20 (1), 48.535, 161.14 (7) (a), 161.41 (1) (c), 161.41 (1m) (c) and 972.08 (3); *to renumber and amend* 48.18 (1), 48.366 (1), 48.396 (7), 125.12 (2) (a), 125.12 (4) (a) and 908.08 (5); *to amend* 20.435 (3) (a), ~~20.435 (3) (c), 20.455 (2) (Lm), 20.866 (2) (w), 46.025, 46.03 (1), 46.26 (4) (d) 3, 46.26 (4) (d) 4, 46.26 (7) (f), 48.02 (3m), 48.02 (15m), 48.067 (2), 48.069 (1) (b), 48.12 (1), 48.17 (2) (a) 1, 48.17 (2) (b) (intro.), 48.17 (2) (c), 48.18 (5) (a), 48.185 (1), 48.20 (7) (b), 48.20 (8), 48.209 (3), 48.245 (2) (a) (intro.), 48.273 (1), 48.275 (2) (a), 48.29 (1), 48.29 (2), 48.299 (1) (am), 48.32 (1), 48.34 (intro.), 48.34 (8), 48.34 (15) (title), 48.34 (15) (a) 1, 48.34 (15) (a) 2, 48.343 (2), 48.346 (1) (d) (intro.), 48.346 (1) (d) 1, 48.355 (6) (d) 3, 48.365 (6), 48.396 (2), 95.64 (2) (c) 3, 115.31 (1) (b), 115.361 (7) (a) (intro.), 115.361 (7) (a) 2, 125.12 (2) (b) 5, 125.12 (3), 161.16 (2) (b) 1, 161.41 (1) (b), 161.41 (1) (cm), 161.41 (1m) (b), 161.41 (1m) (cm), 161.41 (1r), 161.41 (1x), 161.41 (3m), 161.46 (3), 161.465 (2), 161.48 (2), 161.49 (1), 165.76 (3), 165.77 (2) (b), 165.77 (3), 175.40 (title), 230.36 (1), 230.36 (3) (c) (intro.), 301.135 (1), 814.04 (intro.), 823.113 (title), 823.115 (2) (a) and (b), 905.04 (4) (i), 941.21, 948.60 (2) (b), 948.60 (2) (c), 968.29 (3) (b), 970.035, 971.105, 971.17 (1), 971.365 (1) (a), 971.365 (1) (b), 971.365 (2), 973.047 (title), 973.047 (1) (a), 973.047 (1) (b) and 978.05 (6) (a); *to repeal and recreate* ~~46.26 (4) (d) 3, 46.264 and 157.065 (2) (a) 4. c.; and to create~~ 15.197 (23), 20.410 (1) (fm), 20.435 (3) (au), 20.435 (3) (bg), ~~20.455 (2) (Lm), 46.027, 46.48 (26), 48.18 (1) (a) 1 to 3, 48.183, 48.185 (3), 48.21 (4m), 48.24 (1m), 48.27 (4m), 48.275 (2) (dm), 48.29 (1g), 48.315 (1) (fm), 48.335 (3m), 48.34 (3g), 48.346 (1) (f), 48.346 (1) (g), 48.355 (6g), 48.366 (1) (b), 48.396 (7) (b), 48.532, 48.534 (3), 48.536, 51.20 (13) (cr), 111.335 (1) (cs), 125.12 (2) (ag) 5, 125.12 (2) (ag) 6, 125.12 (4) (ag) 7, 125.12 (4) (ag) 8, 161.41 (1) (cm) 5, 161.41 (1) (cm) 5, 165.765, 165.991, 175.40 (6), 175.45, 301.135 (3m), 301.35, 304.065, 823.113 (1m), 893.93 (1) (e), 895.77, 908.08 (5) (b), 908.08 (7), 939.22 (9), 939.22 (9g), 939.22 (21), 939.32 (1) (cm), 939.625, 939.635, 939.648, 941.296, 941.38, 970.03 (14), 970.032, 971.17 (1m) and 971.19 (9) of the statutes, relating to: gangs; crime; children; controlled sub-~~ **Vetoed in Part**~~

stances; law enforcement; substitution of judge; juvenile court jurisdiction, procedures, powers and duties; civil law and ordinance violations by children; programs to prevent delinquency; programs to supervise and rehabilitate delinquent children; creating a gang violence prevention council; establishing a task force on improving services to children and families; granting bonding authority; granting rule-making authority; making an appropriation; and providing a penalty.

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

SECTION 1. 15.197 (23) of the statutes is created to read:

15.197 (23) GANG VIOLENCE PREVENTION COUNCIL.
 (a) There is created a gang violence prevention council, attached to the department of health and social services under s. 15.03. The council shall consist of the following members:

1. One representative to the assembly appointed by the speaker of the assembly.
2. One senator appointed by the president of the senate.
3. Two representatives of local government in this state who occupy executive or legislative positions, appointed by the governor.
4. Two representatives of local law enforcement in this state, at least one of whom shall be a chief of police, appointed by the governor.
5. One district attorney holding office in this state, appointed by the governor.
6. The attorney general or a member of the attorney general's staff designated by the attorney general.

SECTION 2. 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>
20.410	Corrections, department of			
(1)	CORRECTIONAL SERVICES			
(fm)	Offender release information	GPR B	50,000	-0-
20.435	Health and social services,			
	Department of			
(3)	YOUTH SERVICES			
(au)	Intensive aftercare program	GPR A	100,000	200,000
(bg)	Intensive supervision grants	GPR A	-0-	100,000
20.455	Justice, department of			
(2)	LAW ENFORCEMENT SERVICES			
(ff)	Grant for police substations	GRR A	187,500	375,000

Vetoed in Part

SECTION 3. 20.410 (1) (fm) of the statutes is created to read:

20.410 (1) (fm) *Offender release information.* Biennially, the amounts in the schedule to obtain computer software and provide services under s. 304.065.

SECTION 4. 20.435 (3) (a) of the statutes is amended to read:

20.435 (3) (a) *General program operations.* The amounts in the schedule to operate juvenile correctional institutions and, to provide field services and administrative services and to provide for the operating costs of the gang violence prevention council.

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

7. The executive staff director of the office of justice assistance in the department of administration.

8. The administrator of the division of youth services in the department of health and social services, who shall serve as chairperson of the council.

9. One member who has knowledge of the problems of gang influence and gang violence in public schools, appointed by the state superintendent of public instruction.

10. Four members who are not public officers or employes and who have a recognized interest in and demonstrated knowledge of prevention and intervention strategies and programs that are effective in reducing gang influence and gang violence affecting children throughout this state, appointed by the governor.

(b) Except for the attorney general and the members specified in par. (a) 7 and 8, all members of the gang violence prevention council shall serve at the pleasure of the appointing authority.

20.435 (3) (au) *Intensive aftercare program.* The amounts in the schedule for the intensive aftercare program under s. 48.536.

SECTION 6. 20.435 (3) (bg) of the statutes is created to read:

20.435 (3) (bg) *Intensive supervision grants.* The amounts in the schedule for intensive supervision grants under s. 48.534 (3).

~~SECTION 7. 20.435 (3) (ej) of the statutes is amended to read:~~

~~20.435 (3) (ej) *Early intervention program.* The amounts in the schedule for the early intervention programs for high-risk youths under s. 46.264. No money may be encumbered from the appropriation under this paragraph after June 30, 1993 1995.~~

Vetoed in Part

Vetoed in Part SECTION 8. 20.455 (2) (ff) of the statutes is created to read:
~~20.455 (2) (ff) Grant for police substations. The amounts in the schedule for payments under s. 165.991.~~

SECTION 9. 20.455 (2) (Lm) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

20.455 (2) (Lm) *Deoxyribonucleic acid analysis.* All moneys received from deoxyribonucleic acid analysis surcharges authorized under s. 973.046 to provide deoxyribonucleic acid analysis, to administer s. 165.77, to pay for the salary and fringe benefits of one assistant district attorney for Milwaukee county who conducts prosecutions using deoxyribonucleic acid analysis, to pay for the costs of mailing and materials under s. 165.76 for the submission of biological specimens by the departments of corrections and health and social services and by county sheriffs and to provide statewide training regarding prosecutions using deoxyribonucleic acid analysis.

SECTION 10. 20.866 (2) (w) of the statutes, as affected by 1993 Wisconsin Act 16, 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 acquire, construct, develop, enlarge or improve juvenile correctional facilities. The state may contract public debt in an amount not to exceed ~~\$11,443,200~~ \$14,443,200 for this purpose.

SECTION 11. 46.025 of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

46.025 Division of youth services. The division of youth services shall exercise the powers and perform the duties of the department that relate to juvenile correctional services and institutions, juvenile offender review, aftercare, corrective sanctions, the juvenile boot camp program under s. 48.532 and youth aids.

SECTION 12. 46.027 of the statutes is created to read:

46.027 Gang violence prevention. The gang violence prevention council shall ~~conduct evaluations of the effectiveness of existing strategies and programs that are intended to promote the development of children and prevent children from becoming influenced by and involved with gangs, conduct public hearings and surveys to solicit the opinions and recommendations of citizens and public officials regarding strategies and programs to promote the development of children and prevent children from becoming influenced by and involved with gangs and, based on those evaluations, opinions and recommendations, submit an annual report to the appropriate standing committees of the legislature under s. 13.172 (3), the cochairpersons of the joint committee on finance and the secretary, and otherwise provide information and recommendations to interested persons, on ways to improve those existing strategies and programs and ways to establish~~

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new strategies and programs to ~~promote the development of children and prevent children from becoming influenced by and involved with gangs.~~ **Vetoed in Part**

SECTION 13. 46.03 (1) of the statutes is amended to read:

46.03 (1) INSTITUTIONS GOVERNED. Maintain and govern the ~~Ethan Allen school, the Lincoln Hills school, all secured correctional facilities, as defined in s. 48.02 (15m), that are operated by the department; the Mendota and the Winnebago mental health institutes; and the centers for the developmentally disabled.~~

~~SECTION 14. 46.26 (4) (d) 3 of the statutes, as affected by 1993 Wisconsin Act 16, section 920, is amended to read:~~ **Vetoed in Part**

~~46.26 (4) (d) 3. In calendar year 1994, the per person daily cost assessment to counties shall be ~~\$108.12~~ \$110.26 for care in a juvenile correctional institution, ~~\$108.12~~ \$110.26 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, \$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 and \$11.87 for departmental aftercare services.~~

~~SECTION 15. 46.26 (4) (d) 3 of the statutes, as affected by 1993 Wisconsin Act 16, section 920d, is repealed and recreated to read:~~

~~46.26 (4) (d) 3. In calendar year 1994, the per person daily cost assessment to counties shall be \$110.26 for care in a juvenile correctional institution, \$110.26 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, \$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 16. 46.26 (4) (d) 4 of the statutes, as affected by 1993 Wisconsin Act 16, 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 ~~\$114.42~~ \$118.60 for care in a juvenile correctional institution, ~~\$114.42~~ \$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, \$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 17. 46.26 (7) (f) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

Vetoed
in Part

46.26 (7) (f) For adjustments to have allocations to compensate for increases in per person daily cost assessments, amounts not to exceed \$216,400 for the last 6 months of 1993, ~~\$205,400~~ ~~\$1,530,600~~ for 1994 and ~~\$1,249,700~~ ~~\$1,873,700~~ for the first 6 months of 1995. The department shall allocate funds under this paragraph in accordance with the requirements of sub. (3) (d).

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SECTION 18. 46.264 of the statutes is repealed and recreated to read:

~~46.264 Early intervention program for high-risk youths. (1) DEFINITION. In this section, "high-risk youth" means a child who is at least 6 years of age but who has not attained the age of 17 and who meets all of the following requirements:~~

~~(a) Has been found to be delinquent or in need of protection or services for the commission of an act which, if committed by an adult, would be punishable by a sentence of 6 months or more.~~

~~(b) Receives a minimum score, as determined by the department, on a risk-assessment instrument specified by the department in consultation with the department of public instruction, by rule.~~

~~(2) RISK-ASSESSMENT INSTRUMENT. (a) The risk-assessment instrument under sub. (1) (b) shall be developed by the department in conjunction with the department of public instruction and shall be directed at identifying those youths who are at high risk of later involvement in gang activity and serious delinquent acts. The assessment shall look at all of the following factors:~~

~~1. Acts committed by the youth which are delinquent acts or which would be considered delinquent acts if the youth were age 12 or older.~~

~~2. The number of prior institutional commitments or placements of the youth for 30 days or more.~~

~~3. Demonstrated drug or alcohol abuse by the youth.~~

~~4. Inconsistent, ineffective or nonexistent parental control of the youth's behavior or a history of abuse or neglect of the youth.~~

~~5. Chronic school disciplinary problems, including truancy and behavior problems.~~

~~6. Peer relationships, including friends involved in delinquent behavior and gang activity.~~

~~7. The presence of older siblings in the youth's family who are serious juvenile offenders or adult criminal offenders.~~

~~8. The likelihood that the child will be susceptible to gang influence and gang involvement if not exposed to the programming and services specified in sub. (5).~~

~~(b) A county or nonprofit organization that administers the risk assessment may not disclose the results of the risk assessment to any other agency, including any law enforcement agency.~~

~~(3) GRANTS. From the appropriation under s. 20.435 (3) (ep), the department may award grants to counties or nonprofit organizations which meet the requirements under sub. (4) to provide early intervention programs for high-risk youths. The early intervention program shall provide school, school-related and after-school programs and activities to youths who are at high risk of later involvement in gang activity and serious delinquent acts, in order to reduce the likelihood of that later involvement.~~

~~(4) APPLICATION. (a) A county or nonprofit organization may apply to participate in the early intervention program by submitting to the department a joint letter of intent, with the school districts in the area served by the county or nonprofit organization, to participate. The joint letter shall include all of the following:~~

~~1. A statement that the area served by the county or nonprofit organization has high-risk youths and a general description of the number and location of those high-risk youths.~~

~~2. A description of the programs, services and staffing related to high-risk youths and their families that the county or nonprofit organization intends to provide in accordance with sub. (5).~~

~~3. A statement that the county or nonprofit organization will give priority for programming and services to those youths receiving the highest scores on the risk-assessment instrument described in sub. (2).~~

~~4. A statement that describes how the county or nonprofit organization intends to coordinate the early intervention program with services administered by the department, other counties or nonprofit organizations, the department of public instruction and the school districts in the area served by the county or nonprofit organization, including the children at risk programs under s. 118.153.~~

~~(b) The grants shall be awarded to counties or nonprofit organizations, not to school districts. The department shall select counties or nonprofit organizations to participate in the program on the basis of criteria promulgated by rule.~~

~~(5) USE OF FUNDS. (a) A participating county or nonprofit organization shall use the funds allocated under this section to do all of the following:~~

~~1. Assess youths and their families to determine if the youths are high-risk youths who are eligible to participate in the early intervention program.~~

~~2. Provide for intensive school and school-related programming for participating high-risk youths and their families.~~

~~3. Provide for structured after-school, evening, weekend and summer activities, including school tutoring and other educational services, vocational training and counseling, alcohol and other drug abuse outpatient treatment and education, mental health counseling, family counseling, group counseling, employment services and recreational opportunities, for participating high-risk youths.~~

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~~4. Monitor the success of each participant in the program in avoiding delinquent behavior and gang activity until the participant ceases to be a participant in the program, graduates from high school or reaches 18 years of age.~~

~~(b) In providing programming and services under this subsection, a county or nonprofit organization shall give priority to those youths receiving the highest scores on the risk-assessment instrument described in sub. (2).~~

~~(6) EVALUATION. The department shall collect and analyze information concerning programs and high-risk youths served in programs funded under this section. By June 30, 1995, the department shall submit a report, with this information and an evaluation of the effectiveness of these programs, to the governor, the appropriate standing committees under s. 13.172 (3) and the joint committee on finance.~~

~~(7) SUNSET. This section does not apply after June 30, 1995.~~

SECTION 19. 46.48 (26) of the statutes is created to read:

46.48 (26) COMMUNITY IMPROVEMENT JOB TRAINING. The department shall award \$250,000 in each fiscal year, beginning in fiscal year 1994-95, as a grant to a city or a community organization to conduct a community improvement job training program which shall do all of the following:

(a) Provide job training, counseling and education for persons 16 to 23 years of age who reside in neighborhoods that have gang problems.

(b) Provide projects to rebuild and strengthen neighborhoods that have gang problems.

(c) Assist program participants who want to start their own small businesses by referring those participants to sources of grants, loans, venture capital and other funding and by assisting those participants with the funding application process.

(d) Encourage former gang members to participate in the program.

SECTION 20. 48.02 (3m) of the statutes is amended to read:

48.02 (3m) "Delinquent" means a child who is less than 18 years of age and 12 years of age or older who has violated any state or federal criminal law, except as provided in ss. 48.17 ~~and~~ 48.18 ~~and~~ 48.183, or who has committed a contempt of court, as defined in s. 785.01 (1), as specified in s. 48.355 (6g).

SECTION 21. 48.02 (15m) of the statutes is amended to read:

48.02 (15m) "Secured correctional facility" means a correctional institution operated or contracted for by the department 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 22. 48.067 (2) of the statutes is amended to read:

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48.067 (2) Interview, unless impossible, any child who is taken into physical custody and not released, and where appropriate interview other available concerned parties. If the child cannot be interviewed, the intake worker shall consult with the child's parent or a responsible adult. No child may be placed in a secure detention facility unless ~~and until he or she~~ the child has been interviewed in person by an intake worker, except that if the intake worker is in a place which is distant from the place where the child is or the hour is unreasonable, as defined by written court intake rules, ~~the intake worker may,~~ and if the child meets the criteria under s. 48.208, the intake worker, after consulting by telephone with the law enforcement officer who took the child into custody, may authorize the secure holding of the child while the intake worker is ~~enroute~~ en route to the in-person interview or until 8 a.m. of the morning after the night on which the child was taken into custody.

SECTION 23. 48.069 (1) (b) of the statutes is amended to read:

48.069 (1) (b) Offer individual and family counseling.

SECTION 23m. 48.12 (1) of the statutes is amended to read:

48.12 (1) The court has exclusive jurisdiction, except as provided in ss. 48.17 ~~and~~ 48.18 ~~and~~ 48.183, over any child 12 years of age or older who is alleged to be delinquent as defined in s. 48.02 (3m).

SECTION 24. 48.17 (2) (a) 1 of the statutes is amended to read:

48.17 (2) (a) 1. Except as provided in sub. (1), municipal courts have concurrent jurisdiction with the court assigned to exercise jurisdiction under this chapter in proceedings against children aged ~~14~~ 12 or older for violations of county, town or other municipal ordinances. If evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed, the municipal court specified in subd. 2 may exercise jurisdiction in proceedings against a child for a violation of an ordinance enacted under s. 118.163 regardless of the child's age and regardless of whether the court assigned to exercise jurisdiction under this chapter has jurisdiction under s. 48.13 (6).

SECTION 25. 48.17 (2) (b) (intro.) of the statutes is amended to read:

48.17 (2) (b) (intro.) When a child ~~14~~ 12 years of age or older is alleged to have violated a civil law punishable by a forfeiture or where a child is alleged to have violated a municipal ordinance but there is no municipal court in the municipality, the child may be:

SECTION 26. 48.17 (2) (c) of the statutes is amended to read:

48.17 (2) (c) The citation procedures described in ch. 800 shall govern proceedings involving children in municipal court, except that this chapter shall govern the taking and holding of a child in custody. When a child is before the court assigned to exercise jurisdiction

tion under this chapter upon a citation alleging the child to have violated a civil law or municipal ordinance, the procedures specified in s. 48.237 shall apply. If a citation is issued to a child, the issuing agency shall notify the child's parent or guardian within 7 days. The agency issuing a citation to a child who is ~~14 or~~ 12 to 15 years of age for a violation of s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 161.573 (2), 161.574 (2) or 161.575 (2) or an ordinance conforming to one of those statutes shall send a copy to an intake worker under s. 48.24 for informational purposes only.

SECTION 27. 48.18 (1) of the statutes is renumbered 48.18 (1) (a) (intro.) and amended to read:

48.18 (1) (a) (intro.) ~~If a child is alleged to have violated s. 940.01 or 940.02 on or after his or her 14th birthday or if a child is alleged to have violated any state criminal law on or after his or her 16th birthday, the~~ A child or district attorney may apply to the court to waive its jurisdiction under this chapter: in any of the following situations:

(b) The judge may also initiate a petition for waiver in any of the situations described in par. (a) if the judge disqualifies himself or herself from any future proceedings on the case.

SECTION 28. 48.18 (1) (a) 1 to 3 of the statutes are created to read:

48.18 (1) (a) 1. If the child is alleged to have attempted to violate s. 940.01 on or after the child's 14th birthday or is alleged to have violated s. 161.41 (1), 940.01, 940.02, 940.05, 940.06, 940.225 (1), 940.305, 940.31 or 943.10 (2) on or after the child's 14th birthday.

2. If the child is alleged to have committed, on or after the child's 14th birthday, a violation, at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would constitute a felony under ch. 161 or under chs. 939 to 948 if committed by an adult.

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 29. 48.18 (5) (a) of the statutes is amended to read:

48.18 (5) (a) The personality and prior record of the child, including whether the child is mentally ill or developmentally disabled, whether the court has previously waived its jurisdiction over the child, whether the child has been previously convicted following a waiver of the court's jurisdiction or has been previously found delinquent, whether such conviction or delinquency involved the infliction of serious bodily injury, the child's motives and attitudes, the child's physical and mental maturity, the child's pattern of living, prior offenses, prior treatment history and apparent potential for responding to future treatment.

SECTION 29m. 48.183 of the statutes is created to read:

48.183 Jurisdiction over children alleged to have committed assault or battery in a secured correctional facility. Notwithstanding ss. 48.12 (1) and 48.18, courts of criminal jurisdiction have exclusive original jurisdiction over a child who is alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional facility. Notwithstanding subchs. IV to VI, a child who is alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional facility is subject to the procedures specified in chs. 967 to 979 and the criminal penalties provided for those crimes, unless a court of criminal jurisdiction transfers jurisdiction under s. 970.032 to a court assigned to exercise jurisdiction under this chapter.

SECTION 30. 48.185 (1) of the statutes is amended to read:

48.185 (1) Venue Subject to sub. (3), venue for any proceeding under ss. 48.12, 48.125, 48.13, 48.135, 48.14 and 48.18 may be in any of the following: the county where the child resides, the county where the child is present or, in the case of a violation of a state law or a county, town or municipal ordinance, the county where the violation occurred. Venue for proceedings brought under subch. VIII is as provided in this subsection except where the child has been placed and is living outside the home of the child's parent pursuant to a dispositional order, in which case venue is as provided in sub. (2).

SECTION 31. 48.185 (3) of the statutes is created to read:

48.185 (3) Venue for a proceeding under s. 48.12 or 48.13 (12) based on an alleged violation of s. 175.45 (6) may be in the child's county of residence at the time that the petition is filed or, if the child does not have a county of residence in this state at the time that the petition is filed, any county in which the child has resided while subject to s. 175.45.

SECTION 32. 48.20 (1) of the statutes is repealed.

SECTION 33. 48.20 (7) (b) of the statutes is amended to read:

48.20 (7) (b) The intake worker shall review the need to hold the child in custody and shall make every effort to release the child from custody ~~under s. 48.205 and criteria promulgated as provided in par. (c).~~ The intake worker shall base his or her decision as to whether to release the child or to continue to hold the child in custody on the criteria specified in s. 48.205 and criteria established under s. 48.06 (1) or (2).

SECTION 34. 48.20 (8) of the statutes is amended to read:

48.20 (8) ~~The intake worker shall base his or her decision to hold a child in custody on the criteria specified in s. 48.205 and criteria promulgated under s. 48.06 (1) or (2).~~ If a child is held in custody, the intake worker shall notify the child's parent, guardian and legal custodian of the reasons for holding the child in custody and of the child's whereabouts unless there is reason to believe that notice would present imminent danger to the child. The parent, guardian and legal

custodian shall also be notified of the time and place of the detention hearing required under s. 48.21, the nature and possible consequences of that hearing, the right to counsel under s. 48.23 regardless of ability to pay, and the right to present and cross-examine witnesses at the hearing. If the parent, guardian or legal custodian is not immediately available, the intake worker or another person designated by the court shall provide notice as soon as possible. ~~Where~~ When the child is ~~possibly involved in a delinquent act, and where the child is~~ alleged to be in need of protection or services and is 12 years of age or older, or is alleged to have committed a delinquent act, the child shall receive the same notice about the detention hearing as the parent, guardian or legal custodian. The intake worker shall notify both the child and the child's parent, guardian or legal custodian.

SECTION 34r. 48.209 (3) of the statutes is amended to read:

48.209 (3) The restrictions of this section do not apply to the use of jail for a child who has been waived to adult court under s. 48.18 or who is under the jurisdiction of an adult court under s. 48.183.

SECTION 35. 48.21 (4m) of the statutes is created to read:

48.21 (4m) ELECTRONIC MONITORING. The judge or juvenile court commissioner may include in an order under sub. (4) (a) or (b) a condition that the child be monitored by an electronic monitoring system.

SECTION 36. 48.24 (1m) of the statutes is created to read:

48.24 (1m) As part of the intake inquiry, the intake worker shall inform the child and the child's parent, guardian and legal custodian that they may request counseling from a person designated by the court to provide dispositional services under s. 48.069.

SECTION 37. 48.245 (2) (a) (intro.) of the statutes is amended to read:

48.245 (2) (a) (intro.) Informal disposition may provide for any one or more of the following:

SECTION 38. 48.27 (4m) of the statutes is created to read:

48.27 (4m) The court shall also notify, under s. 48.273, any victim or alleged victim of the child's act or alleged act or a family member of a homicide victim of any hearing under s. 48.31 or 48.335 involving the child.

SECTION 39. 48.273 (1) of the statutes is amended to read:

48.273 (1) Service of summons or notice required by s. 48.27 may be made by mailing a copy thereof to the persons summoned or notified. If the persons, other than a person specified in s. 48.27 (4m), fail to appear at the hearing or otherwise to acknowledge service, a continuance shall be granted, except where the court determines otherwise because the child is in secure custody, and service shall be made personally by delivering to the persons a copy of the summons or

notice; except that if the court is satisfied that it is impracticable to serve the summons or notice personally, it may make an order providing for the service of the summons or notice by certified mail addressed to the last-known addresses of the persons. The court may refuse to grant a continuance when the child is being held in secure custody, but in such a case the court shall order that service of notice of the next hearing be made personally or by certified mail to the last-known address of the person who failed to appear at the hearing. Personal service shall be made at least 72 hours before the time of the hearing. Mail shall be sent at least 7 days before the time of the hearing, except where the petition is filed under s. 48.13 and the person to be notified lives outside the state, in which case the mail shall be sent at least 14 days before the time of the hearing.

SECTION 40. 48.275 (2) (a) of the statutes is amended to read:

48.275 (2) (a) If this state or a county provides legal counsel to a child subject to a proceeding under s. 48.12 or 48.13 ~~and if the court or the district attorney moves for such an order~~, the court shall order the parents or guardian to provide a statement of income, assets and living expenses to the county department and shall order the parents or guardian of the child to reimburse the state or county in accordance with par. (b) or (c). The court may not order reimbursement if a parent or guardian is the complaining or petitioning party or if the court finds that the interests of the parent or guardian and the interests of the child in the ~~proceedings~~ proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent or guardian. The court may not order reimbursement until ~~after the child is found to be delinquent under s. 48.12 or in need of protection and services under s. 48.13, or until after the completion of all court proceedings under this chapter~~ the proceeding or until the state or county is no longer providing the child with legal counsel in the proceeding.

SECTION 41. 48.275 (2) (dm) of the statutes is created to read:

48.275 (2) (dm) Within 30 days after each calendar quarter, the clerk of court for each county shall report to the state public defender all of the following:

1. The total amount of reimbursement determined or ordered under par. (b) or (c) for state-provided counsel during the previous calendar quarter.

2. The total amount collected under par. (d) for state-provided counsel during the previous calendar quarter.

SECTION 42. 48.29 (1) of the statutes is amended to read:

48.29 (1) ~~The~~ Except as provided in sub. (1g), the child, or the child's parent, guardian or legal custodian, either before or during the plea hearing, may file a written request with the clerk of the court or other person acting as the clerk for a substitution of the judge assigned to the proceeding. Upon filing the

written request, the filing party shall immediately mail or deliver a copy of the request to the judge named therein. In a proceeding under s. 48.12 or 48.13 (12), only the child may request a substitution of the judge. Whenever any person has the right to request a substitution of judge, that person's counsel or guardian ad litem may file the request. Not more than one such written request may be filed in any one proceeding, nor may any single request name more than one judge. This section shall not apply to proceedings under s. 48.21.

SECTION 43. 48.29 (1g) of the statutes is created to read:

48.29 (1g) The child may not request the substitution of a judge in a proceeding under s. 48.12 or 48.13 (12) that is commenced within one year after the entry of a dispositional order in another proceeding under this chapter in which the child requested the substitution of a judge.

SECTION 44. 48.29 (2) of the statutes is amended to read:

48.29 (2) If the request for substitution of a judge is made for the judge scheduled to conduct a waiver hearing under s. 48.18, the request shall be filed before the close of the working day preceding the day that the waiver hearing is scheduled. ~~However~~ Except as provided in sub. (1g), the judge may allow an authorized party to make a request for substitution on the day of the waiver hearing. If the request for substitution is made subsequent to the waiver hearing, the judge who conducted the waiver hearing may also conduct the plea hearing.

SECTION 45. 48.299 (1) (am) of the statutes is amended to read:

48.299 (1) (am) Subject to s. 906.15, if a public hearing is not held, in addition to persons permitted to attend under par. (a), ~~victims a victim~~ of a child's act or alleged act ~~shall have the right to~~ may attend a hearing under s. 48.31, a hearing under s. 48.335 and hearings any hearing by courts a court exercising jurisdiction under s. 48.17 (2), based upon the act or alleged act, except that a judge may exclude ~~victims a victim~~ from any portion of ~~the a~~ hearing which deals with sensitive personal matters of the child or the child's family and which ~~do~~ does not directly relate to the act or alleged act committed against the victim. A member of the victim's family and, at the request of the victim, a representative of an organization providing support services to the victim, may attend the hearing under this subsection.

SECTION 46. 48.315 (1) (fm) of the statutes is created to read:

48.315 (1) (fm) Any period of delay resulting from the inability of the court to provide the child with notice of an extension hearing under s. 48.365 due to the child having run away or otherwise having made himself or herself unavailable to receive that notice.

SECTION 47. 48.32 (1) of the statutes is amended to read:

48.32 (1) At any time after the filing of a petition for a proceeding relating to s. 48.12 or 48.13 and before the entry of judgment, the judge or juvenile court commissioner may suspend the proceedings and place the child under supervision in the child's own home or present placement. The court may establish terms and conditions applicable to the parent, guardian or legal custodian, and to the child, including any conditions specified in subs. (1d) ~~and~~, (1g) ~~or in sub. and~~ (1t). The order under this section shall be known as a consent decree and must be agreed to by the child if 12 years of age or older; the parent, guardian or legal custodian; and the person filing the petition under s. 48.25. If the consent decree includes any conditions specified in sub. (1g), the consent decree shall include provisions for payment of the services as specified in s. 48.361. The consent decree shall be reduced to writing and given to the parties.

SECTION 48. 48.335 (3m) of the statutes is created to read:

48.335 (3m) (a) Before imposing a disposition in a proceeding in which a child is adjudged to be delinquent under s. 48.12 or is found to be in need of protection or services under s. 48.13 (12) based on a violation that would be a felony if committed by an adult, the court shall allow a victim or a family member of a homicide victim to make a statement or to submit a written statement to be read to the court. The court may allow any other person to make or submit a statement under this paragraph. Any statement made under this paragraph must be relevant to the disposition.

(b) After a finding that a child is delinquent under s. 48.12 or in need of protection or services under s. 48.13 (12) based on a violation that would be a felony if committed by an adult, the district attorney or corporation counsel shall attempt to contact any known victim or family member of a homicide victim to inform that person of the right to make a statement under par. (a). The district attorney or corporation counsel may mail a letter or form to comply with this paragraph. Any failure to comply with this paragraph is not a ground for an appeal of a dispositional order or for any court to reverse or modify a dispositional order.

SECTION 49. 48.34 (intro.) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.34 Disposition of child adjudged delinquent. (intro.) If the judge adjudges a child delinquent, he or she shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan. Subsections (4m) and (8) are exclusive dispositions, except that either disposition may be combined with the disposition under sub. (4p), (5), (7m) or (15) ~~and the disposition under sub. (4m) may be combined with the disposition under sub. (5).~~ The dispositions under this section are:

SECTION 50. 48.34 (3g) of the statutes is created to read:

48.34 (3g) If the judge places the child in the community under sub. (2m), (2r), (3) or (10), the judge may order the child to be monitored by an electronic monitoring system.

SECTION 51. 48.34 (8) of the statutes is amended to read:

48.34 (8) If the judge finds that no other court services or alternative services are needed or appropriate ~~it~~, the judge may impose a maximum forfeiture of \$50 based upon a determination that this disposition is in the best interest of the child and in aid of rehabilitation, except that the court may raise the maximum ceiling on the amount of the forfeiture by \$50 for every subsequent adjudication of delinquency concerning an individual child. The maximum forfeiture that a judge may impose under this subsection for a violation by a child is the maximum amount of the fine that may be imposed on an adult for committing that violation. Any such order shall include a finding that the child alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the child fails to pay the forfeiture, the judge may vacate the forfeiture and order other alternatives under this section, in accordance with the conditions specified in this chapter; or the judge may suspend any license issued under ch. 29 for not less than 30 days nor more than 90 days, or suspend the child's operating privilege as defined in s. 340.01 (40) for not less than 30 days nor more than 90 days. If the judge suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with a notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the child.

SECTION 52. 48.34 (15) (title) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

48.34 (15) (title) DEOXYRIBONUCLEIC ACID ANALYSIS AND REPORTING REQUIREMENTS.

SECTION 53. 48.34 (15) (a) 1 of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

48.34 (15) (a) 1. If the child is adjudicated delinquent on the basis of a violation of s. 940.225 or 948.02 (1) or (2), the court shall require the child to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. If the violation is of s. 940.225 (1) or (2) or 948.02 (1) or (2), the court shall require the child to comply with the reporting requirements under s. 175.45. If the violation is of s. 940.225 (3) or (3m), the court may require the child to comply with the reporting requirements under s. 175.45 if the court determines that the underlying con-

duct was seriously sexually assaultive in nature and that it would be in the interest of public protection to have the child report under s. 175.45.

SECTION 54. 48.34 (15) (a) 2 of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

48.34 (15) (a) 2. Except as provided in subd. 1, if the child is adjudicated delinquent on the basis of any violation under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the child to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court may require the child to comply with the reporting requirements under s. 175.45 if the court determines that the underlying conduct was seriously sexually assaultive in nature and that it would be in the interest of public protection to have the child report under s. 175.45.

SECTION 55. 48.343 (2) of the statutes is amended to read:

48.343 (2) Impose a forfeiture not to exceed \$25 the maximum forfeiture that may be imposed on an adult for committing that violation. Any such order shall include a finding that the child alone is financially able to pay and shall allow up to 12 months for the payment. If a child fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or suspend the child's operating privilege as defined in s. 340.01 (40), for not less than 30 days nor more than 90 days. The court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which will thereupon return the license to the person.

SECTION 56. 48.346 (1) (d) (intro.) of the statutes is amended to read:

48.346 (1) (d) (intro.) Either of the following:

SECTION 57. 48.346 (1) (d) 1 of the statutes is amended to read:

48.346 (1) (d) 1. General information regarding any informal agreement under s. 48.245, any consent decree under s. 48.32 or any dispositional order under ss. 48.34 to 48.345. The information shall not include specific details of the order except for details relating to restitution or repair to property; ~~or~~. This subdivision does not affect the right of a victim to attend a dispositional hearing as provided in s. 48.299 (1) (am).

SECTION 58. 48.346 (1) (f) of the statutes is created to read:

48.346 (1) (f) The time and place of any hearing that the victim may attend under s. 48.299 (1) (am).

SECTION 59. 48.346 (1) (g) of the statutes is created to read:

48.346 (1) (g) The right to make a statement to the court as provided in s. 48.335 (3m), if the victim is a victim of a delinquent act that would be a felony if committed by an adult.

SECTION 60. 48.355 (6) (d) 3 of the statutes is amended to read:

48.355 (6) (d) 3. Detention in the child's home or current residence for a period of not more than 20 days under rules of supervision specified in the order. An order under this subdivision may require the child to be monitored by an electronic monitoring system.

SECTION 61. 48.355 (6g) of the statutes is created to read:

48.355 (6g) CONTEMPT FOR CONTINUED VIOLATION OF ORDER. (a) If a child upon whom the court has imposed a sanction under sub. (6) (d) commits a 2nd or subsequent violation of a condition specified in sub. (2) (b) 7, the district attorney may file a petition under s. 48.12 charging the child with contempt of court, as defined in s. 785.01 (1), and reciting the disposition under s. 48.34 sought to be imposed. The district attorney may bring the motion on his or her own initiative or on the request of the judge who imposed the condition specified in sub. (2) (b) 7 or who imposed the sanction under sub. (6) (d). If the district attorney brings the motion on the request of the judge who imposed the condition specified in sub. (2) (b) 7 or who imposed the sanction under sub. (6) (d), that judge is disqualified from holding any hearing on the contempt petition.

(b) The court may find a child in contempt of court, as defined in s. 785.01 (1), and order a disposition under s. 48.34 only if the court makes all of the following findings:

1. That the child has previously been sanctioned under sub. (6) (d) for violating a condition specified in sub. (2) (b) 7 and, subsequent to that sanction, has committed another violation of a condition specified in sub. (2) (b) 7.

2. That at the sanction hearing the court explained the conditions to the child and informed the child of a possible finding of contempt for a violation and the possible consequences of that contempt.

3. That the violation is egregious.

4. That the court has considered less restrictive alternatives and found them to be ineffective.

SECTION 62. 48.365 (6) of the statutes is amended to read:

48.365 (6) If a request to extend a dispositional order is made prior to the termination of the order, but the court is unable to conduct a hearing on the request prior to the termination date, the court may extend the order for a period of not more than 30 days, not including any period of delay resulting from any of the circumstances specified in s. 48.315 (1).

SECTION 62g. 48.366 (1) of the statutes is renumbered 48.366 (1) (a), and 48.366 (1) (a) 2, as renumbered, is amended to read:

48.366 (1) (a) 2. If the act for which the person was adjudged delinquent was any other violation specified in ~~sub. (1) this paragraph~~, the order shall remain in effect until the person reaches 21 years of age or until

the termination of the order under sub. (6), whichever occurs earlier.

SECTION 62h. 48.366 (1) (b) of the statutes is created to read:

48.366 (1) (b) If the person committed a crime specified in s. 940.20 (1) or 946.43 while placed in a secured correctional facility and is adjudged delinquent on that basis following transfer of jurisdiction under s. 970.032, the court shall enter an order extending its jurisdiction until the person reaches 21 years of age or until termination of the order under sub. (6), whichever occurs earlier.

SECTION 63. 48.396 (2) of the statutes is amended to read:

48.396 (2) Records of the court assigned to exercise jurisdiction under this chapter and of courts exercising jurisdiction under s. 48.16 or 48.17 (2) shall be entered in books or deposited in files kept for that purpose only. They shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction under this chapter or as permitted under s. 48.375 (7) (e). Upon request of the department to review court records for the purpose of monitoring and conducting periodic evaluations of activities as required by and implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records for inspection by authorized representatives of the department. Upon request of the federal government to review court records for the purpose of monitoring and conducting periodic evaluations of activities as required by and implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records for inspection by authorized representatives of the federal agency. Upon request of a law enforcement agency to review court records for the purpose of investigating a crime that might constitute criminal gang activity, as defined in s. 941.38 (1) (b), the court shall open for inspection by authorized representatives of the law enforcement agency the records of the court relating to any child who has been found to have committed a delinquent act at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been a felony under ch. 161 or under chs. 939 to 948 if committed by an adult.

SECTION 64. 48.396 (7) of the statutes is renumbered 48.396 (7) (a) and amended to read:

48.396 (7) (a) Notwithstanding sub. (2) and subject to par. (b), if a child is adjudged delinquent, the court clerk shall notify the school board of the school district in which the child is enrolled of the fact that the child has been adjudicated delinquent ~~unless the child's parent requests, in writing, that the information not be provided.~~

(c) No ~~other~~ information from the child's court records, other than information disclosed under par. (a) or (b), may be disclosed to the principal of the child's school or to the school board of the school district in which the child is enrolled except by order of

the court. Any information provided to the principal of the child's school or to the school board of the school district in which the child is enrolled under this subsection may be disclosed by the principal or by the school board only to employees of the school district who have been determined by the principal or by the school board to have legitimate educational interests in the information.

SECTION 65. 48.396 (7) (b) of the statutes is created to read:

48.396 (7) (b) If a child is found to have committed a delinquent act at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been a felony under ch. 161 or under chs. 939 to 948 if committed by an adult and is adjudged delinquent on that basis, the court clerk shall notify the principal of the child's school and the school board of the school district in which the child is enrolled of the fact that the child has been adjudicated delinquent on that basis.

SECTION 66. 48.532 of the statutes is created to read:

Vetoed in Part **48.532 Juvenile boot camp program.** (1) PROGRAM. Beginning on January 1, 1995, the department shall provide a juvenile boot camp program for children selected to participate under sub. (2). **Vetoed in Part** The program shall provide participants with a structured and disciplined environment, productive programs and work activities, training in the skills needed to earn a lawful living, personal development and other counseling and substance abuse treatment and education in preparation for release on aftercare supervision or placement in the community under corrective sanctions supervision. The department shall design the program to involve a participant's parent, guardian, legal custodian or some other responsible adult from the participant's community in developing and implementing the participant's treatment plan under the program and shall work with that parent, guardian, legal custodian or responsible adult to prepare for the participant's return to the community. The department shall design the program to include not less than 40 participants at a time and so that a participant may complete the program in not more than 90 days. The department may restrict participant privileges as necessary to maintain discipline.

(2) PROGRAM ELIGIBILITY. The department may place in the juvenile boot camp program any child whose legal custody has been transferred to the department under s. 48.34 (4m) for placement in a secured correctional facility if the child meets all of the following criteria:

- (a) The child volunteers to participate in the program in lieu of being placed in a secured correctional facility other than the secured correctional facility in which the juvenile boot camp is operated.
- (b) The child has been adjudicated delinquent for a violation of a criminal law other than a criminal law

~~specified in ch. 940 or s. 948.02, 948.03, 948.05, 948.06, 948.07 or 948.08.~~ **Vetoed in Part**

~~(c) The department determines that the child has no psychological, physical or medical limitations that would preclude participation in the program.~~

~~(3) PLACEMENT FOLLOWING PARTICIPATION IN PROGRAM. (a) If the department determines that a child has successfully completed the juvenile boot camp program, the juvenile offender review program shall determine the level of supervision that the child needs and, based on that level, either release the child to aftercare supervision, or place the child in the community under corrective sanctions supervision, regardless of the time the child has been in secure custody.~~

~~(b) If the department determines that a child has not successfully completed the juvenile boot camp program, the juvenile offender review program shall place the child in a secured correctional facility other than the secured correctional facility in which the juvenile boot camp is operated, as provided in the child's dispositional order. A child who is placed in a secured correctional facility under this paragraph is eligible for placement in the community under corrective sanctions supervision.~~

SECTION 67. 48.534 (3) of the statutes is created to read:

48.534 (3) From the appropriation under s. 20.435 (3) (bg), the department shall award \$100,000 in fiscal year 1994-95 as grants to county departments to provide intensive supervision programs under this section.

SECTION 68. 48.535 of the statutes is repealed.

SECTION 69. 48.536 of the statutes is created to read:

48.536 Intensive aftercare program. (1) PURPOSE. The purpose of the intensive aftercare program is to reduce the rate of recidivism of children who have been released from secured correctional facilities and child caring institutions by determining the types and levels of intensity of programs, services and supervision that are effective in reducing the rate of recidivism for children on aftercare.

(2) INTENSIVE AFTERCARE PROGRAM ESTABLISHMENT. The department shall conduct an intensive aftercare program for children who have been adjudicated delinquent and placed in a secured correctional facility under s. 48.34 (4m) or a child caring institution and who have been released on aftercare from either of those placements.

(3) SELECTION OF GRANT RECIPIENTS. (a) From the appropriation under s. 20.435 (3) (au), the department shall award grants to counties that are selected to participate in the intensive aftercare program. The department may award grants to single counties or to counties that apply jointly to operate a single intensive aftercare program. The applications shall be submitted by, and the grants shall be awarded to, the county department in each county that administers community youth and family aids under s. 46.26. In awarding

grants under this paragraph, the department shall give preference to counties that operated intensive aftercare pilot programs under s. 48.535, 1991 stats., on January 1, 1993. No county may receive a grant or grants under this paragraph totaling more than \$75,000 in any year.

(b) The department shall select intensive aftercare program grant recipients based on applications submitted to the department. Applications and selection shall be in accordance with the request-for-proposal procedures established by the department. Each application shall do all of the following:

1. Identify the applicant's goals relating to recidivism for children participating in the intensive aftercare program.

2. Assure that the aftercare services available to the participants will include school tutoring and other educational services; vocational training and counseling; alcohol and other drug abuse outpatient treatment and education; family counseling; employment services; recreational opportunities; and assistance with independent-living arrangements.

3. Identify the manner in which the participants who are in need of various aftercare services will obtain or have access to those services.

4. If par. (c) 2 applies, identify the method for random selection of the intensive aftercare program participants. The random selection of participants shall operate to ensure that the intensive aftercare program participants are as representative as possible of the characteristics of the total population of children on aftercare in the geographic area designated under par. (c) 2.

5. Include proof that the applicant is able to provide matching funds for the applicant's program under this section from sources other than a grant awarded under par. (a) equal to 25% of the amount awarded under par. (a).

(c) 1. Except if subd. 2 applies, the application shall ensure that the intensive aftercare program will be provided to each child who is eligible under sub. (4) for the intensive aftercare program in the county or counties that the applicant or joint applicants represent.

2. If an applicant is a single county with a population of 500,000 or more, the application may specify a particular geographic area within the county in which the intensive aftercare program will be administered. The application shall ensure that the intensive aftercare program will be provided to each child who is in the geographic area and eligible under sub. (4) and who meets the random selection criteria established under par. (b) 4.

(4) ELIGIBILITY. A child who resides in a county that receives a grant to administer an intensive aftercare program is eligible for the intensive aftercare program if any of the following applies:

(a) The child is placed in a secured correctional facility or child caring institution as a result of an

adjudication of delinquency under s. 48.34 during the time in which the intensive aftercare program is administered.

(b) The child is released from a secured correctional facility or child caring institution on aftercare during the time in which the intensive aftercare program is being administered.

(5) COMPONENTS OF INTENSIVE AFTERCARE PROGRAM. Each grant recipient shall ensure that the intensive aftercare program will include all of the following components:

(a) That participants in the intensive aftercare program will receive not less than one ~~face-to-face~~ ^{Vetoed in Part} supervisory contact per day, for the first 60 days of participation in the program, with a person designated to provide aftercare services and that, after 60 days of participation in the program, participants may receive less than one ~~face-to-face~~ ^{Vetoed in Part} supervisory contact per day if all of the participant's aftercare services providers agree that a reduced level of supervisory contact is appropriate.

(b) That, if a child participating in the intensive aftercare program enters a secured correctional facility or a child caring institution as a result of an adjudication of delinquency under s. 48.34, the grant recipient will designate a case manager for that child. For any child who meets the criteria under sub. (4) (b), a case manager will be appointed at the earliest possible opportunity prior to the child's release. The case manager shall act as a liaison between the secured correctional facility or child caring institution and the intensive aftercare program and develop an intensive aftercare plan to be implemented upon the child's release from the secured correctional facility or child caring institution. The plan shall specify the number of contacts that the child shall receive under the intensive aftercare program, the programs and services to be provided to the child while on intensive aftercare, the planning and treatment goals of the child's participation in the intensive aftercare program and the estimated length of time that the child will participate in the intensive aftercare program. The plan shall be developed in consultation with representatives of the division of youth services in the department.

(c) That intensive aftercare will be provided to each child participating in the intensive aftercare program for a period of not less than 90 days from the date on which the child is released from the secured correctional facility or child caring institution. The participant may receive intensive aftercare programming and services after this minimum period if necessary to ensure that planning and treatment goals for the child are met.

(d) That the programs and services specified in sub. (3) (b) 2 will be provided, or made available, to an intensive aftercare program participant in accordance with the aftercare plan and the participant's needs. Grant recipients may provide these programs and ser-

vices directly or through a public or private provider under contract with the grant recipient.

(6) MINIMUM QUALIFICATIONS OF PROVIDERS. (a) A case manager providing services under sub. (5) (b) shall have at least a bachelor's degree and 2 years of experience in working with delinquent children, as specified by the department, or a master's degree.

(b) Persons engaging in the supervisory contacts under sub. (5) (a) shall have at least a bachelor's degree or a minimum of 2 years of experience in working with delinquent children, as specified by the department, or both.

SECTION 70. 51.20 (13) (cr) of the statutes is created to read:

51.20 (13) (cr) If the subject individual is before the court on a petition filed under a court order under s. 48.30 (5) (c) 1 and is found to have committed a violation of s. 940.225 (1) or (2) or 948.02 (1) or (2), the court shall require the individual to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis and to comply with the reporting and testing requirements of s. 175.45.

SECTION 71. 95.64 (2) (c) 3 of the statutes is amended to read:

95.64 (2) (c) 3. A statement of the quantity or proportion of any alcohol, morphine, opium, cocaine, ~~cocaine base~~, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substance contained therein;

SECTION 72. 111.335 (1) (cs) of the statutes is created to read:

111.335 (1) (cs) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to revoke, suspend or refuse to renew a license or permit under ch. 125 if the person holding or applying for the license or permit has been convicted of one or more of the following:

1. Manufacturing or delivering a controlled substance under s. 161.41 (1).
2. Possessing, with intent to manufacture or deliver, a controlled substance under s. 161.41 (1m).
3. Possessing, with intent to manufacture or deliver, or manufacturing or delivering a controlled substance under a federal law that is substantially similar to s. 161.41 (1) or (1m).
4. Possessing, with intent to manufacture or deliver, or manufacturing or delivering a controlled substance under the law of another state that is substantially similar to s. 161.41 (1) or (1m).

SECTION 73. 115.31 (1) (b) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

115.31 (1) (b) "Educational agency" means a school district, cooperative educational service agency, state correctional institution under s. 302.01, ~~the Ethan Allen school, the Lincoln Hills school~~ secured correctional facility, as defined in s. 48.02

(15m), the Wisconsin school for the visually handicapped, the Wisconsin school for the deaf, the Mendota mental health institute, the Winnebago mental health institute, a state center for the developmentally disabled, a private school or a private, nonprofit, nonsectarian agency under contract with a school board under s. 118.153 (3) (c).

SECTION 74. 115.361 (7) (a) (intro.) of the statutes is amended to read:

115.361 (7) (a) (intro.) Of the amount in the appropriation under s. 20.255 (2) (dm) ~~in the 1990-91 fiscal year and, annually thereafter,~~ the state superintendent shall allocate the following amounts for the following programs:

SECTION 75. 115.361 (7) (a) 2 of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

115.361 (7) (a) 2. For drug abuse resistance education grants under sub. (2), \$895,000 in the 1993-94 fiscal year and \$995,000 annually thereafter.

SECTION 76. 125.12 (2) (a) of the statutes is renumbered 125.12 (2) (ag) and amended to read:

125.12 (2) (ag) (title) *Complaint*. Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging that one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10;
2. The person keeps or maintains a disorderly or riotous, indecent or improper house;
3. The person has sold or given away alcohol beverages to known habitual drunkards ~~or~~;
4. The person does not possess the qualifications required under this chapter to hold the license.

(ar) (title) *Summons*. Upon the filing of the complaint, the municipal governing body or a duly authorized committee of a city council shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the municipal governing body or the committee on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 801 for service in civil actions in circuit court.

SECTION 77. 125.12 (2) (ag) 5 of the statutes is created to read:

125.12 (2) (ag) 5. The person has been convicted of manufacturing or delivering a controlled substance under s. 161.41 (1); of possessing, with intent to manufacture or deliver, a controlled substance under s.

161.41 (1m); or of possessing, with intent to manufacture or deliver, or of manufacturing or delivering a controlled substance under a substantially similar federal law or a substantially similar law of another state.

SECTION 78. 125.12 (2) (ag) 6 of the statutes is created to read:

125.12 (2) (ag) 6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture or deliver, or to manufacture or deliver a controlled substance.

SECTION 79. 125.12 (2) (b) 5 of the statutes is amended to read:

125.12 (2) (b) 5. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the municipal governing body finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The municipal governing body or the committee may require the complainant to provide security for such costs before issuing the summons under par. (a) (ar).

SECTION 80. 125.12 (3) of the statutes is amended to read:

125.12 (3) REFUSALS BY LOCAL AUTHORITIES TO RENEW LICENSES. A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2) (a) (ag). Prior to the time for the renewal of the license, the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2) (b) and judicial review shall be as provided in sub. (2) (d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2) (b) 3 and the city council shall follow the procedure specified under that subdivision in making its determination.

SECTION 81. 125.12 (4) (a) of the statutes is renumbered 125.12 (4) (ag) and amended to read:

125.12 (4) (ag) (title) *Complaint*. A duly authorized employe of the department may file a complaint with the clerk of circuit court for the jurisdiction in which the premises of a person holding a license issued under this chapter is situated, alleging that the one or more of the following about a licensee:

1. That the licensee has violated this chapter;
2. That the licensee keeps or maintains a disorderly or riotous, indecent or improper house;
3. That the licensee has sold alcohol beverages to known habitual drunkards;
4. That the licensee has failed to maintain the premises in accordance with the standards of sanitation

prescribed by the department of health and social services;

5. That the licensee has permitted known criminals or prostitutes to loiter on the licensed premises;

6. That the licensee does not possess the qualifications required under this chapter to hold the license.

(ar) (title) *Summons*. Upon the filing of the complaint, the clerk of the court shall issue a summons commanding the licensee to appear before the court not less than 20 days from its date of issuance and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served at least 20 days before the date on which the person is commanded to appear. Service shall be in the manner provided in ch. 801 for civil actions in circuit court.

SECTION 82. 125.12 (4) (ag) 7 of the statutes is created to read:

125.12 (4) (ag) 7. That the licensee has been convicted of manufacturing or delivering a controlled substance under s. 161.41 (1); of possessing, with intent to manufacture or deliver, a controlled substance under s. 161.41 (1m); or of possessing, with intent to manufacture or deliver, or of manufacturing or delivering a controlled substance under a substantially similar federal law or a substantially similar law of another state.

SECTION 83. 125.12 (4) (ag) 8 of the statutes is created to read:

125.12 (4) (ag) 8. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture or deliver, or to manufacture or deliver a controlled substance.

SECTION 84. 157.065 (2) (a) 4. c. of the statutes is repealed and recreated to read:

157.065 (2) (a) 4. c. A secured correctional facility, as defined in s. 48.02 (15m).

SECTION 85. 161.14 (7) (a) of the statutes is repealed.

SECTION 86. 161.16 (2) (b) 1 of the statutes is amended to read:

161.16 (2) (b) 1. Cocaine, ~~except as specified in s. 161.14 (7) (a).~~

SECTION 87. 161.41 (1) (b) of the statutes is amended to read:

161.41 (1) (b) Except as provided in pars. (e), (cm) and (e) to (h), any other controlled substance classified in schedule I, II or III, may be fined not more than \$15,000 or imprisoned for not more than 5 years or both;

SECTION 88. 161.41 (1) (c) of the statutes is repealed.

SECTION 89g. 161.41 (1) (cm) of the statutes is amended to read:

161.41 (1) (cm) A controlled substance under s. ~~161.14 (7) (a)~~ 161.16 (2) (b) is subject to the following penalties:

1. If the amount manufactured or delivered is 3 5 grams or less, the person shall be fined not ~~less than \$1,000~~ nor more than \$500,000 and shall be imprisoned for not ~~less than one year~~ nor more than 15 10 years.

2. If the amount manufactured or delivered is more than 3 5 grams but not more than 10 15 grams, the person shall be fined not ~~less than \$1,000~~ nor more than \$500,000 and shall be imprisoned for not less than 3 years one year nor more than 15 years.

3. If the amount manufactured or delivered is more than 10 15 grams but not more than 40 grams, the person shall be fined not ~~less than \$1,000~~ nor more than \$500,000 and shall be imprisoned for not less than 5 3 years nor more than 30 20 years.

4. If the amount manufactured or delivered is more than 40 grams but not more than 100 grams, the person shall be fined not ~~less than \$25,000~~ nor more than \$1,000,000 \$500,000 and shall be imprisoned for not less than 10 5 years nor more than 30 years.

SECTION 89m. 161.41 (1) (cm) 5 of the statutes is created to read:

161.41 (1) (cm) 5. If the amount manufactured or delivered is more than 100 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than 10 years nor more than 30 years.

SECTION 94. 161.41 (1m) (b) of the statutes is amended to read:

161.41 (1m) (b) Except as provided in pars. (e), (cm) and (e) to (h), any other controlled substance classified in schedule I, II or III, may be fined not more than \$15,000 or imprisoned for not more than 5 years or both;

SECTION 95. 161.41 (1m) (c) of the statutes is repealed.

SECTION 96g. 161.41 (1m) (cm) of the statutes is amended to read:

161.41 (1m) (cm) A controlled substance under s. ~~161.14 (7) (a)~~ 161.16 (2) (b) is subject to the following penalties:

1. If the amount possessed, with intent to manufacture or deliver, is 3 5 grams or less, the person shall be fined not ~~less than \$1,000~~ nor more than \$500,000 and shall be imprisoned for not ~~less than one year~~ nor more than 15 10 years.

2. If the amount possessed, with intent to manufacture or deliver, is more than 3 5 grams but not more than 10 15 grams, the person shall be fined not ~~less than \$1,000~~ nor more than \$500,000 and shall be imprisoned for not less than 3 years one year nor more than 15 years.

3. If the amount possessed, with intent to manufacture or deliver, is more than 10 15 grams but not more than 40 grams, the person shall be fined not ~~less than \$1,000~~ nor more than \$500,000 and shall be imprisoned for not less than 5 3 years nor more than 30 20 years.

4. If the amount possessed, with intent to manufacture or deliver, is more than 40 grams but not more than 100 grams, the person shall be fined not ~~less than \$25,000~~ nor more than \$1,000,000 \$500,000 and shall be imprisoned for not less than 10 5 years nor more than 30 years.

SECTION 96m. ~~161.41 (1) (cm) 5 of the statutes is created to read:~~ Vetoed
in Part

~~161.41 (1) (cm) 5. If the amount possessed, with intent to manufacture or deliver, is more than 100 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than 10 years nor more than 30 years.~~ Vetoed
in Part

SECTION 101. 161.41 (1r) of the statutes is amended to read:

161.41 (1r) In determining amounts under subs. (1) and (1m) and s. 161.49 (2) (b), an amount includes the weight of the controlled substance included under s. ~~161.14 (7) (a) or 161.16 (2) (b)~~, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine or tetrahydrocannabinols together with any compound, mixture, diluent or other substance mixed or combined with the controlled substance. In addition, in determining amounts under subs. (1) (h) and (1m) (h), the amount of tetrahydrocannabinols means anything covered under s. 161.14 (4) (t) and includes the weight of any marijuana.

SECTION 102. 161.41 (1x) of the statutes is amended to read:

161.41 (1x) Any person who conspires, as specified in s. 939.31, to commit a crime under sub. (1) ~~(e)~~ (cm) to (h) or (1m) ~~(e)~~ (cm) to (h) is subject to the applicable penalties under sub. (1) ~~(e)~~ (cm) to (h) or (1m) ~~(e)~~ (cm) to (h).

SECTION 103. 161.41 (3m) of the statutes is amended to read:

161.41 (3m) It is unlawful for any person to possess or attempt to possess a controlled substance included under s. ~~161.14 (7) (a) or 161.16 (2) (b)~~, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection shall be fined not ~~less than \$250~~ nor more than \$5,000 and may be imprisoned for not more than one year in the county jail.

SECTION 104. 161.46 (3) of the statutes is amended to read:

161.46 (3) If any person 18 years of age or over violates s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) by distributing a controlled substance included under s. ~~161.14 (7) (a) or 161.16 (2) (b)~~, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine or any form of tetrahydrocannabinols to a person under 18 years of age who is at least 3 years his or her junior, any applicable minimum and maximum fines and minimum

and maximum periods of imprisonment under s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) are doubled.

SECTION 105. 161.465 (2) of the statutes is amended to read:

161.465 (2) If a person violates s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) or (1m) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) by delivering or possessing with intent to deliver a controlled substance included under s. ~~161.14 (7)(a) or~~ 161.16 (2) (b), heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine or any form of tetrahydrocannabinols to a prisoner within the precincts of any prison, jail or house of correction, any applicable minimum and maximum fines and minimum and maximum periods of imprisonment under s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) or (1m) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) are doubled.

SECTION 106. 161.48 (2) of the statutes is amended to read:

161.48 (2) If any person is convicted of a 2nd or subsequent offense under this chapter that is specified in s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h), (1m) ~~(e)~~, (cm), (d), (e), (f), (g) or (h), (2r) (b), (3m), (3n) or (3r), any applicable minimum and maximum fines and minimum and maximum periods of imprisonment under s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h), (1m) ~~(e)~~, (cm), (d), (e), (f), (g) or (h), (2r) (b), (3m), (3n) or (3r) are doubled. A 2nd or subsequent offense under s. 161.41 (3m), (3n) or (3r) is a felony and the person may be imprisoned in state prison.

SECTION 107. 161.49 (1) of the statutes is amended to read:

161.49 (1) If any person violates s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) by distributing, or violates s. 161.41 (1m) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) by possessing with intent to deliver, a controlled substance included under s. ~~161.14 (7)(a) or~~ 161.16 (2) (b), heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine or any form of tetrahydrocannabinols while in or otherwise within 1,000 feet of a state, county, city, village or town park, a swimming pool open to members of the public, a youth center or a community center, while on or otherwise within 1,000 feet of any private or public school premises or while on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

SECTION 109. 165.76 (3) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

165.76 (3) If a person is required to submit a biological specimen under s. 48.34 (15), 51.20 (13) (cr), 971.17 (1m) or 973.047, he or she shall comply with that requirement and is not required to comply with this section.

SECTION 110. 165.765 of the statutes is created to read:

165.765 Biological specimen; penalty and immunity.

(1) Whoever intentionally fails to comply with a requirement to submit a biological specimen under s. 48.34 (15), 165.76 or 973.047 may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(2) (a) Any physician, registered nurse, medical technologist, physician's assistant or person acting under the direction of a physician who obtains a biological specimen under s. 48.34 (15), 165.76 or 973.047 is immune from any civil or criminal liability for the act, except for civil liability for negligence in the performance of the act.

(b) Any employer of the physician, nurse, technologist, assistant or person under par. (a) or any hospital where blood is withdrawn by that physician, nurse, technologist, assistant or person has the same immunity from liability under par. (a).

SECTION 111. 165.77 (2) (b) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

165.77 (2) (b) Paragraph (a) does not apply to specimens received under s. 48.34 (15), 51.20 (13) (cr), 165.76, 971.17 (1m) or 973.047.

SECTION 112. 165.77 (3) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

165.77 (3) If the laboratories receive a human biological specimen under s. 48.34 (15), 51.20 (13) (cr), 165.76, 971.17 (1m) or 973.047, the laboratories shall analyze the deoxyribonucleic acid in the specimen. The laboratories shall maintain a data bank based on data obtained from deoxyribonucleic acid analysis of those specimens. The laboratories may compare the data obtained from one specimen with the data obtained from other specimens. The laboratories may make data obtained from any analysis and comparison available to law enforcement agencies in connection with criminal or delinquency investigations and, upon request, to any prosecutor, defense attorney or subject of the data. The data may be used in criminal and delinquency actions and proceedings. In this state, the use is subject to s. 972.11 (5). The laboratories shall destroy specimens obtained under this subsection after analysis has been completed and the applicable court proceedings have concluded.

~~SECTION 113. 165.991 of the statutes is created to read:~~

~~165.991 Grant for police substations. (1) The department of justice shall provide grants to the city of Milwaukee from the appropriation under s. 20.455 (2) (ff) for the payment of costs under sub. (2). The city may submit a proposed plan for the expenditure of the grant moneys to the department. The department shall review any proposed plan and, after approval of any such plan, provide the grant moneys.~~

~~(2) The city of Milwaukee may apply to the department of justice for a grant to maintain 2 permanent police substations that meet all of the following criteria:~~

Vetoed
in Part

Vetoed
in Part

~~(a) The substations are located in areas of the city that have high rates of crime and homicides.~~

~~(b) Each substation is the headquarters for beat patrol officers serving the area for which the substation is responsible.~~

SECTION 114. 175.40 (title) of the statutes is amended to read:

175.40 (title) Arrests; assistance.

SECTION 115. 175.40 (6) of the statutes is created to read:

175.40 (6) (a) A peace officer outside of his or her territorial jurisdiction may arrest a person or provide aid or assistance anywhere in the state if the criteria under subs. 1 to 3 are met:

1. The officer is in uniform, on duty and on official business. If the officer is using a vehicle, that vehicle is a marked police vehicle.

2. The officer is taking action that he or she would be authorized to take under the same circumstances in his or her territorial jurisdiction.

3. The officer is acting to respond to any of the following:

a. An emergency situation that poses a significant threat to life or of bodily harm.

b. Acts that the officer believes, on reasonable grounds, constitute a felony.

(b) A peace officer specified in par. (a) has the additional arrest and other authority under this subsection only if the peace officer's supervisory agency has adopted policies under par. (d) and the officer complies with those policies.

(c) For purposes of civil and criminal liability, any peace officer outside of his or her territorial jurisdiction acting under par. (a) is considered to be acting in an official capacity.

(d) In order to allow a peace officer to exercise authority under par. (a), the peace officer's supervisory agency must adopt and implement written policies regarding the arrest and other authority under this subsection, including at least a policy on notification to and cooperation with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken in the other jurisdiction.

SECTION 116. 175.45 of the statutes is created to read:

175.45 Sex offender registration. (1) WHO IS COVERED. A person shall comply with the reporting requirements under this section if he or she meets any of the following criteria:

(a) Is convicted, adjudicated delinquent or found in need of protection or services on or after the effective date of this paragraph [revisor inserts date], for any violation of s. 940.225 (1) or (2) or 948.02 (1) or (2).

(b) Is in prison or a secured correctional facility or on probation, parole, supervision or aftercare supervision on or after the effective date of this paragraph [revisor inserts date], for any violation of s. 940.225 (1) or (2) or 948.02 (1) or (2).

(c) Is found not guilty or not responsible by reason of mental disease or defect on or after the effective date of this paragraph [revisor inserts date], and committed under s. 51.20 or 971.17 for any violation of s. 940.225 (1) or (2) or 948.02 (1) or (2).

(d) Is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 on or after the effective date of this paragraph [revisor inserts date], for any violation of s. 940.225 (1) or (2) or 948.02 (1) or (2).

(e) Is ordered by a court under s. 48.34 (15), 51.20 (13) (cr) or 973.047 to comply with the reporting requirements under this section.

(2) WHAT MUST BE PROVIDED. A person subject to sub. (1) shall provide information about his or her home address, place of school enrollment, place of employment and employment duties to the department of justice in accordance with the rules under sub. (8).

(3) ANNUAL REGISTRATION REQUIREMENTS. (a) A person covered under sub. (1) is subject to the annual registration requirements under par. (b) as follows:

1. If the person has been placed on probation or supervision, he or she is subject to this subsection after he or she is discharged from probation or supervision.

2. If the person has been sentenced to prison or placed in a secured correctional facility, he or she is subject to this subsection after he or she is discharged from parole or aftercare supervision.

3. If the person has been committed under s. 51.20 or 971.17, he or she is subject to this subsection after he or she is terminated under s. 971.17 (5) or discharged under s. 51.35 (4) or 971.17 (6).

4. If subd. 1, 2 or 3 does not apply, the person is subject to this subsection after he or she is sentenced or receives a disposition.

(b) A person who is subject to par. (a) shall notify the department of justice once each calendar year, as directed by the department, of his or her current information specified in sub. (2). The department shall annually notify registrants of their need to comply with this requirement. Also, probation and parole agents, aftercare agents and agencies providing supervision shall notify any client who is covered under sub. (1) of this requirement prior to the client's expected date of discharge from probation, parole, supervision or aftercare supervision. Failure to receive this notice from the department, a probation and parole agent, an aftercare agent or an agency providing supervision is not a defense to liability under sub. (6).

(4) UPDATED INFORMATION. In addition to the requirements under sub. (3), whenever any of the information under sub. (2) changes, the person shall provide the department of justice with the updated information within 14 days after the change occurs.

(5) RELEASE FROM REQUIREMENTS. A person who is covered under sub. (1) no longer has to comply with this section when the following applicable criterion is met:

(a) If the person has been placed on probation or supervision, 15 years after discharge from probation or supervision.

(b) If the person has been sentenced to prison or placed in a secured correctional facility, 15 years after discharge from parole or aftercare supervision.

(c) If the person has been committed to the department of health and social services under s. 51.20 or 971.17 and is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17, 15 years after termination under s. 971.17 (5) or discharge under s. 51.35 (4) or 971.17 (6).

(d) If par. (a), (b) or (c) does not apply, 15 years after the date of conviction or disposition.

(6) PENALTY. (a) Whoever intentionally fails to comply with any requirement to provide information under subs. (2) to (4) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. Subject to s. 971.19 (9), a district attorney or, upon the request of a district attorney, the department of justice may prosecute a violation of this subsection. If the department of justice determines that there is probable cause to believe that a person has intentionally failed to comply with any requirement to provide information under subs. (2) to (4), the department shall forward a certified copy of all pertinent departmental information to the applicable district attorney. The department shall certify the copy in accordance with s. 889.08.

(b) Whoever knowingly fails to keep information confidential as required under sub. (7) may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(7) DEPARTMENT OF JUSTICE; INFORMATION. (a) The department of justice shall maintain information provided under sub. (2). The department shall keep the information confidential except as needed for law enforcement purposes.

(b) The department shall not charge a fee for providing information under this subsection.

(c) A person who has provided information under sub. (2) may request expungement of all pertinent departmental information on the grounds that his or her conviction, delinquency adjudication, finding of need of protection or services or commitment has been reversed, set aside or vacated. The department shall purge all of that information if the department receives all of the following:

1. The person's written request for expungement.

2. A certified copy of the court order reversing, setting aside or vacating the conviction, delinquency adjudication, finding of need of protection or services or commitment.

(8) RULES. The department of justice shall promulgate rules necessary to carry out its duties under this section.

(9) COOPERATION. The departments of corrections and health and social services shall cooperate with the

department of justice in obtaining information under this section.

SECTION 117. 230.36 (1) of the statutes is amended to read:

230.36 (1) If a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, state forest ranger, conservation field employe of the department of natural resources who is subject to call for fire control duty, member of the state patrol, state motor vehicle inspector, lifeguard, excise tax investigator employed by the department of revenue, special criminal investigation agent employed by the department of justice, special tax agent, state drivers' license examiner, member of the state fair police department, university of Wisconsin system police officer and other state facilities police officer and patrol officer, security officer, watcher, engineer, engineering aide, building construction superintendent, fire fighter employed at the Wisconsin veterans home, or guard or institutional aide or a state probation and parole officer or any other employe whose duties include supervision and discipline of inmates or wards of the state at a state penal institution, including ~~the Ethan Allen school~~ a secured correctional facility, as defined in s. 48.02 (15m), or while on parole supervision outside of the confines of the institutions, or supervision of persons placed on probation by a court of record, or supervision and care of patients at a state mental institution, and university of Wisconsin hospital and clinics suffers injury while in the performance of his or her duties, as defined in subs. (2) and (3); or any other state employe who is ordered by his or her appointing authority to accompany any employe listed in this subsection while the listed employe is engaged in the duties defined in sub. (3), or any other state employe who is ordered by his or her appointing authority to perform the duties, when permitted, in lieu of the listed employe and while so engaged in the duties defined in sub. (3), suffers injury as defined in sub. (2) the employe shall continue to be fully paid by the employing agency upon the same basis as paid prior to the injury, with no reduction in sick leave credits, compensatory time for overtime accumulations or vacation and no reduction in the rate of earning sick leave credit or vacation. The full pay shall continue while the employe is unable to return to work as the result of the injury or until the termination of his or her employment upon recommendation of the appointing authority. At any time during the employe's period of disability the appointing authority may order physical or medical examinations to determine the degree of disability at the expense of the employing agency.

SECTION 118. 230.36 (3) (c) (intro.) of the statutes is amended to read:

230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the university of Wisconsin hospital and clinics or at a state penal ~~and~~ or mental institutions, including the ~~Ethan Allen school~~ institution,

including a secured correctional facility, as defined in s. 48.02 (15m), and a state probation and parole officers officer, at all times while:

SECTION 119. 301.135 (1) of the statutes is amended to read:

301.135 (1) The department may contract with counties to provide electronic monitoring services relating to criminal offenders and to children who are placed on electronic monitoring under s. 48.21 (4m), 48.34 (3g) or 48.355 (6) (d) 3. The department shall charge a fee to counties for providing these services.

SECTION 120. 301.135 (3m) of the statutes is created to read:

301.135 (3m) The department may not charge a fee to a child who is placed on electronic monitoring under s. 48.21 (4m), 48.34 (3g) or 48.355 (6) (d) 3 to cover the cost of electronic monitoring of that child.

SECTION 121. 301.35 of the statutes is created to read:

301.35 Law enforcement officer access to department records. (1) In this section:

(a) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(b) "Record" has the meaning given in s. 19.32 (2).

(2) The department shall allow a law enforcement officer access to a departmental record if the record pertains to any of the following persons who resides or is planning to reside in the officer's territorial jurisdiction:

(a) A probationer.

(b) A parolee.

(c) A prisoner confined under s. 301.046.

(d) A participant in the intensive sanctions program under s. 301.048.

SECTION 122. 304.065 of the statutes is created to read:

304.065 Offender release information. The department shall obtain computer software and use the software to provide local law enforcement agencies with information regarding offenders who have been released to or placed in the agencies' jurisdictions.

SECTION 123. 814.04 (intro.) of the statutes is amended to read:

814.04 Items of costs. (intro.) Except as provided in ss. 93.20, 101.22 (6) (i) and (6m) (a), 814.025, 814.245, 895.035 (4), 895.75 (3), ~~895.77 (2)~~, 943.212 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as follows:

SECTION 124. 823.113 (title) of the statutes is amended to read:

823.113 (title) Drug or criminal gang house a public nuisance.

SECTION 125. 823.113 (1m) of the statutes is created to read:

823.113 (1m) (a) In this subsection, "criminal gang" has the meaning given in s. 939.22 (9):

(b) Any building or structure that is used as a meeting place of a criminal gang or that is used to facilitate

the activities of a criminal gang, is a public nuisance and may be proceeded against under this section.

SECTION 126. 823.115 (2) (a) and (b) of the statutes are amended to read:

823.115 (2) (a) The law enforcement agency of the city, town or village that brought the action, to be used for gang-related and drug-related law enforcement activities.

(b) The treasurer of the city, town or village that brought the action, to be placed in a fund that is used to provide grants to organizations for gang abatement and drug and alcohol treatment programs for residents of the city, town or village that brought the action.

SECTION 127. 893.93 (1) (e) of the statutes is created to read:

893.93 (1) (e) An action under s. 895.77.

SECTION 128. 895.77 of the statutes is created to read:

895.77 Injury caused by criminal gang activity. (1) DEFINITIONS. In this section:

(a) "Criminal gang" has the meaning given in s. 939.22 (9).

(b) "Criminal gang activity" has the meaning given in s. 941.38 (1) (b).

(c) "Political subdivision" means a city, village, town or county.

(2) CIVIL CAUSE OF ACTION. (a) The state, a school district or a political subdivision may bring an action in circuit court for any expenditure of money for the allocation or reallocation of law enforcement, fire fighting, emergency or other personnel or resources if the expenditure of money by the state, a school district or a political subdivision is the result of criminal gang activity.

(b) Any person who suffers physical injury or incurs property damage or loss resulting from any criminal gang activity has a cause of action for ~~times~~ the actual damages sustained. The burden of proof in a civil action under this paragraph rests with the person who suffers the physical injury or property damage or loss to prove his or her case by a preponderance of the credible evidence.

(c) The action may be brought against the criminal gang or against any member, leader, officer or organizer of a criminal gang who participates in a criminal gang activity or who authorizes, causes, orders, ratifies, requests or suggests a criminal gang activity. An action brought under this subsection shall also name as defendants the criminal gang and any criminal gang members that participated in the criminal gang activity. An action brought under this subsection may name, as a class of defendants, all unknown criminal gang members.

(d) The plaintiff may bring a civil action under this subsection regardless of whether there has been a criminal action related to the injury, property damage

Vetoed
in Part

or loss or expenditure of money under par. (a) or (b) and regardless of the outcome of that criminal action.

(3) SERVICE OF PROCESS. A summons may be served individually upon any member, leader, officer or organizer of a criminal gang by service as provided under s. 801.11 (1), (2), (5) or (6) where the claim sued upon arises out of or relates to criminal gang activity within this state sufficient to subject a defendant to personal jurisdiction under s. 801.05 (2) to (10). A judgment rendered after service under this subsection is a binding adjudication against the criminal gang as to its

Vetoed ~~assets anywhere.~~
in Part

(4) INJUNCTIVE RELIEF, DAMAGES, COSTS AND FEES.
(a) The court, upon the request of the state, a school district or a political subdivision, may grant an injunction restraining an individual from committing an act that would injure the state, a school district or a political subdivision or may order such other relief as the court determines is proper.

(b) The court may order a criminal gang member to divest himself or herself of any interest or involvement in any criminal gang activity and may restrict a criminal gang member from engaging in any future criminal gang activity.

(c) In addition to the costs allowed under s. 814.04, a final judgment in an action under sub. (2) (a) in favor of the plaintiff shall include compensatory damages for the expenditure of money for the allocation or reallocation of law enforcement, fire fighting, emergency or other personnel or resources caused by the criminal gang activity and compensation for the costs of the investigation and prosecution and reasonable attorney fees.

(d) In addition to the costs allowed under s. 814.04, a final judgment in an action under sub. (2) (b) in favor of the plaintiff shall include attorney fees and the costs of the investigation and litigation.

(e) The final judgment in favor of the plaintiff in an action under sub. (2) (a) or (b) may include punitive damages assessed against a criminal gang leader, officer, organizer or member who is found to have participated in criminal gang activity.

SECTION 129. 905.04 (4) (i) of the statutes, as created by 1991 Wisconsin Act 160, is amended to read:

905.04 (4) (i) *Providing services to court in juvenile matters.* There is no privilege regarding information obtained by an intake worker or dispositional staff in the provision of services under s. 48.067 or 48.069. An intake worker or dispositional staff member may disclose information obtained while providing services under s. 48.067 or 48.069 only as provided in s. 48.78.

SECTION 130. 908.08 (5) of the statutes is renumbered 908.08 (5) (a) and amended to read:

908.08 (5) (a) If the court or hearing examiner admits a videotape statement under this section, the party who has offered the statement into evidence may nonetheless call the child to testify immediately after the videotape statement is shown to the trier of fact. If

Except as provided in par. (b), if that party does not call the child, the court or hearing examiner, upon request by any other party, shall order that the child be produced immediately following the showing of the videotape statement to the trier of fact for cross-examination.

SECTION 131. 908.08 (5) (b) of the statutes is created to read:

908.08 (5) (b) If a videotape statement under this section is shown at a preliminary examination under s. 970.03 and the party who offers the statement does not call the child to testify, the court may not order under par. (a) that the child be produced for cross-examination at the preliminary examination.

SECTION 132. 908.08 (7) of the statutes is created to read:

908.08 (7) At a trial or hearing under sub. (1), a court or a hearing examiner may also admit into evidence a videotape oral statement of a child that is hearsay and is admissible under this chapter as an exception to the hearsay rule.

SECTION 133. 939.22 (9) of the statutes is created to read:

939.22 (9) "Criminal gang" means an ongoing organization, association or group of 3 or more persons, whether formal or informal, that has as one of its primary activities the commission of one or more of the criminal acts, or acts that would be criminal if the actor were an adult, specified in s. 939.22 (21) (a) to (s); that has a common name or a common identifying sign or symbol; and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

SECTION 134. 939.22 (9g) of the statutes is created to read:

939.22 (9g) "Criminal gang member" means any person who participates in criminal gang activity, as defined in s. 941.38 (1) (b), with a criminal gang.

SECTION 135. 939.22 (21) of the statutes is created to read:

939.22 (21) "Pattern of criminal gang activity" means the commission of, attempt to commit or solicitation to commit 2 or more of the following crimes, or acts that would be crimes if the actor were an adult, at least one of those acts or crimes occurs after the effective date of this subsection [revisor inserts date], the last of those acts or crimes occurred within 3 years after a prior act or crime, and the acts or crimes are committed, attempted or solicited on separate occasions or by 2 or more persons:

(a) Manufacture or delivery of a controlled substance, as prohibited in s. 161.41 (1).

(b) First-degree intentional homicide, as prohibited in s. 940.01.

(c) Second-degree intentional homicide, as prohibited in s. 940.05.

(d) Battery or aggravated battery, as prohibited in s. 940.19.

- (e) Battery, special circumstances, as prohibited in s. 940.20.
- (f) Mayhem, as prohibited in s. 940.21.
- (g) Sexual assault, as prohibited in s. 940.225.
- (h) False imprisonment, as prohibited in s. 940.30.
- (i) Taking hostages, as prohibited in s. 940.305.
- (j) Kidnapping, as prohibited in s. 940.31.
- (k) Intimidation of witnesses, as prohibited in s. 940.42 or 940.43.
- (L) Intimidation of victims, as prohibited in s. 940.44 or 940.45.
- (m) Criminal damage to property, as prohibited in s. 943.01.
- (n) Arson of buildings or damage by explosives, as prohibited in s. 943.02.
- (o) Burglary, as prohibited in s. 943.10.
- (p) Theft, as prohibited in s. 943.20.
- (q) Taking, driving or operating a vehicle, or removing a part or component of a vehicle, without the owner's consent, as prohibited in s. 943.23.
- (r) Robbery, as prohibited in s. 943.32.
- (s) Sexual assault of a child, as prohibited in s. 948.02.

SECTION 136. 939.32 (1) (cm) of the statutes is created to read:

939.32 (1) (cm) Whoever attempts to commit a crime under s. 941.21 is subject to the penalty provided in that section for the completed act.

SECTION 137. 939.625 of the statutes is created to read:

939.625 Increased penalty for criminal gang crimes.

(1) (a) If a person is convicted of a crime under ch. 161 or under chs. 939 to 948 committed for the benefit of, at the direction of or in association with any criminal gang, with the specific intent to promote, further or assist in any criminal conduct by criminal gang members, the penalties for the underlying crime are increased as provided in par. (b).

(b) If par. (a) applies:

1. The maximum term of imprisonment for a misdemeanor may be increased by not more than 6 months. This subdivision does not change the status of the crime from a misdemeanor to a felony.

2. If the maximum term of imprisonment for a felony is more than 5 years or is a life term, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

3. If the maximum term of imprisonment for a felony is more than 2 years, but not more than 5 years, the maximum term of imprisonment for the felony may be increased by not more than 4 years.

4. The maximum term of imprisonment for a felony not specified in subd. 2 or 3 may be increased by not more than 3 years.

(2) The court shall direct that the trier of fact find a special verdict as to whether the underlying crime was

committed for the benefit of, at the direction of or in association with any criminal gang, with the specific intent to promote, further or assist in any criminal conduct by criminal gang members.

SECTION 137m. 939.635 of the statutes is created to read:

939.635 Penalties; assault or battery in secured juvenile correctional facility. (1) Except as provided in sub. (2), if a person is convicted of violating s. 940.20 (1) while placed in a secured correctional facility, as defined in s. 48.02 (15m), the court shall sentence the person to not less than 3 years of imprisonment. Except as provided in sub. (2), if a person is convicted of violating s. 946.43 while placed in a secured correctional facility, as defined in s. 48.02 (15m), the court shall sentence the person to not less than 5 years of imprisonment.

(2) Notwithstanding sub. (1), a court may place a person who is subject to sub. (1) on probation or impose on that person a sentence that is less than the applicable presumptive minimum sentence specified in sub. (1) only if the court makes all of the following findings of fact and places on the record its reasons for imposing probation or that lesser sentence:

(a) That placing the person on probation or imposing a lesser sentence would not depreciate the seriousness of the offense.

(b) That imposing the applicable presumptive minimum sentence specified in sub. (1) is not necessary to deter the person or other persons from committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed in a secured correctional facility, as defined in s. 48.02 (15m).

SECTION 138. 939.648 of the statutes is created to read:

939.648 Penalty; terrorism. (1) In this section, "governmental unit" means the United States; the state; any county, city, village or town; or any political subdivision, department, division, board or agency of the United States, the state or any county, city, village or town.

(2) If a person does all of the following, the penalties for the underlying felony are increased as provided in sub. (3):

(a) Commits a felony under chs. 939 to 951.

(b) Commits the felony under any of the following circumstances:

1. The person causes bodily harm, great bodily harm or death to another.

2. The person causes damage to the property of another and the total property damaged is reduced in value by \$25,000 or more. For the purposes of this subdivision, property is reduced in value by the amount that it would cost either to repair or replace it, whichever is less.

3. The person uses force or violence or the threat of force or violence.

(c) Commits the felony with the intent to influence the policy of a governmental unit or to punish a governmental unit for a prior policy decision.

(3) The maximum fine prescribed by law for the felony may be increased by not more than \$50,000 and the maximum period of imprisonment prescribed by law for the felony may be increased by not more than 10 years.

(4) This section provides for the enhancement of the penalties applicable for the underlying felony. The court shall direct that the trier of fact find a special verdict as to all of the issues specified in sub. (2).

(5) (a) In this subsection, "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employe.

(b) This section does not apply to conduct arising out of or in connection with a labor dispute.

SECTION 139. 941.21 of the statutes is amended to read:

941.21 Disarming a peace officer. Whoever intentionally disarms a peace officer who is acting in his or her official capacity by taking a ~~firearm~~ dangerous weapon from the officer without his or her consent is guilty of a Class E felony. This section applies to any ~~firearm which~~ dangerous weapon that the officer is carrying or ~~which that~~ is in an area within the officer's immediate presence.

SECTION 140. 941.296 of the statutes is created to read:

941.296 Use or possession of a handgun and an armor-piercing bullet during crime. (1) In this section:

(a) "Armor-piercing bullet" means a bullet meeting any of the following criteria: any projectile or projectile core that may be fired from any handgun and that is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium.

(b) "Handgun" has the meaning given in s. 175.35 (1) (b).

(2) Whoever uses or possesses a handgun during the commission of a crime under chs. 161 or 939 to 948 is guilty of a Class E felony under any of the following circumstances.

(a) The handgun is loaded with an armor-piercing bullet or a projectile or projectile core that may be fired from the handgun with a muzzle velocity of 1,500 feet per second or greater.

(b) The person possesses an armor-piercing bullet capable of being fired from the handgun.

(3) A court shall impose a sentence under this section consecutive to any sentence previously imposed

or that may be imposed for the crime that the person committed while using or possessing the handgun.

SECTION 141. 941.38 of the statutes is created to read:

941.38 Criminal gang member solicitation and contact. (1) In this section:

(a) "Child" means a person who has not attained the age of 18 years.

(b) "Criminal gang activity" means the commission of, attempt to commit or solicitation to commit one or more of the following crimes, or acts that would be crimes if the actor were an adult, committed for the benefit of, at the direction of or in association with any criminal gang, with the specific intent to promote, further or assist in any criminal conduct by criminal gang members:

1. Manufacture or delivery of a controlled substance, as prohibited in s. 161.41 (1).

2. First-degree intentional homicide, as prohibited in s. 940.01.

3. Second-degree intentional homicide, as prohibited in s. 940.05.

4. Battery or aggravated battery, as prohibited in s. 940.19.

5. Battery, special circumstances, as prohibited in s. 940.20.

6. Mayhem, as prohibited in s. 940.21.

7. Sexual assault, as prohibited in s. 940.225.

8. False imprisonment, as prohibited in s. 940.30.

9. Taking hostages, as prohibited in s. 940.305.

10. Kidnapping, as prohibited in s. 940.31.

11. Intimidation of witnesses, as prohibited in s. 940.42 or 940.43.

12. Intimidation of victims, as prohibited in s. 940.44 or 940.45.

13. Criminal damage to property, as prohibited in s. 943.01.

14. Arson of buildings or damage by explosives, as prohibited in s. 943.02.

15. Burglary, as prohibited in s. 943.10.

16. Theft, as prohibited in s. 943.20.

17. Taking, driving or operating a vehicle, or removing a part or component of a vehicle, without the owner's consent, as prohibited in s. 943.23.

18. Robbery, as prohibited in s. 943.32.

19. Sexual assault of a child, as prohibited in s. 948.02.

(2) Whoever intentionally solicits a child to participate in criminal gang activity is guilty of a Class E felony.

(3) Whoever intentionally violates, under all of the following circumstances, a court order to refrain from contacting a criminal gang member is guilty of a Class A misdemeanor:

(a) The court finds that the person who is subject to the court order is a criminal gang member.

(b) The court informs the person of the contact restriction orally and in writing.

(c) The order specifies how long the contact restriction stays in effect.

SECTION 142. 948.60 (2) (b) of the statutes is amended to read:

948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells, loans or gives a dangerous weapon to a child is guilty of a Class A ~~misdemeanor~~ E felony.

SECTION 143. 948.60 (2) (c) of the statutes is amended to read:

948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~E D~~ D felony if the child under par. (b) discharges the firearm and the discharge causes death to himself, herself or another.

SECTION 144. 968.29 (3) (b) of the statutes is amended to read:

968.29 (3) (b) In addition to the disclosure provisions of par. (a), any person who has received, in the manner described under s. 968.31 (2) (b), any information concerning a wire, electronic or oral communication or evidence derived therefrom, may disclose the contents of that communication or that derivative evidence while giving testimony under oath or affirmation in any proceeding described in par. (a) in which a person is accused of any act constituting a felony under ch. 161 or s. 939.30 or 939.31, and only if the party who consented to the interception is available to testify at the proceeding or if another witness is available to authenticate the recording.

SECTION 145. 970.03 (14) of the statutes is created to read:

970.03 (14) (a) In this subsection, "child" means a person who is younger than 16 years old when the preliminary examination commences.

(b) At any preliminary examination, the court shall admit a videotape statement under s. 908.08 upon making the findings required under s. 908.08 (3). The child who makes the statement need not be called as a witness and, under the circumstances specified in s. 908.08 (5) (b), may not be compelled to undergo cross-examination.

SECTION 145m. 970.032 of the statutes is created to read:

970.032 Preliminary examination; child accused of committing assault or battery in a secured correctional facility. (1) Notwithstanding s. 970.03, if a preliminary examination is held regarding a child who is accused of violating s. 940.20 (1) or 946.43 while placed in a secured correctional facility, as defined in s. 48.02 (15m), the court shall first determine whether there is probable cause to believe that the child has committed a violation of s. 940.20 (1) or 946.43 while placed in a secured correctional facility, as defined in s. 48.02 (15m). If the court does not make that finding, the court shall order that the child be discharged

but proceedings may be brought regarding the child under ch. 48.

(2) If the court finds probable cause as specified in sub. (1), the court shall determine whether to retain jurisdiction or to transfer jurisdiction to the court assigned to exercise jurisdiction under ch. 48. The court shall retain jurisdiction unless the court finds all of the following:

(a) That, if convicted, the child could not receive adequate treatment in the criminal justice system.

(b) That transferring jurisdiction to the court assigned to exercise jurisdiction under ch. 48 would not depreciate the seriousness of the offense.

(c) That retaining jurisdiction is not necessary to deter the child or other children from committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed in a secured correctional facility, as defined in s. 48.02 (15m).

SECTION 146. 970.035 of the statutes is amended to read:

970.035 Preliminary examination; child younger than 16 years old. Notwithstanding s. 970.03, if a preliminary examination under s. 970.03 is held regarding a child who was waived under s. 48.18 for a violation which is alleged to have occurred prior to his or her 16th birthday, the court may bind the child over for trial only if there is probable cause to believe that a crime under s. 940.01 ~~or has been attempted or committed, that a crime under s. 161.41 (1), 940.02, 940.05, 940.06, 940.225 (1), 940.305, 940.31 or 943.10 (2) has been committed or that a crime that would constitute a felony under ch. 161 or under chs. 939 to 948 if committed by an adult has been committed at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9).~~ If the court does not make ~~that finding any of those findings,~~ the court shall order that the child be discharged but proceedings may be brought regarding the child under ch. 48.

SECTION 147. 971.105 of the statutes is amended to read:

971.105 Child victims and witnesses; duty to expedite proceedings. In all criminal cases ~~and~~ juvenile fact-finding hearings under s. 48.31 ~~and juvenile dispositional hearings under s. 48.335~~ involving a child victim or witness, as defined in s. 950.02, the court and the district attorney shall take appropriate action to ensure a speedy trial in order to minimize the length of time the child must endure the stress of ~~his or her~~ the child's involvement in the proceeding. In ruling on any motion or other request for a delay or continuance of proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a child victim or witness.

SECTION 147r. 971.17 (1) of the statutes is amended to read:

971.17 (1) **COMMITMENT PERIOD.** When a defendant is found not guilty by reason of mental disease or mental defect, the court shall commit the person to the

department of health and social services for a specified period not exceeding two-thirds of the maximum term of imprisonment that could be imposed under s. 973.15 (2) (a) against an offender convicted of the same crime or crimes, including imprisonment authorized by ss. 161.48, 939.62, 939.621, 939.63, 939.635, 939.64, 939.641 and 939.645 and other penalty enhancement statutes, as applicable, subject to the credit provisions of s. 973.155. If the maximum term of imprisonment is life, the commitment period specified by the court may be life, subject to termination under sub. (5).

SECTION 148. 971.17 (1m) of the statutes is created to read:

971.17 (1m) **SEXUAL ASSAULT; REGISTRATION AND TESTING.** If the defendant under sub. (1) is found not guilty by reason of mental disease or defect for a violation of s. 940.225 (1) or (2) or 948.02 (1) or (2), the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis and to comply with the reporting requirements of s. 175.45.

SECTION 149. 971.19 (9) of the statutes is created to read:

971.19 (9) In an action under s. 175.45 (6), the defendant may be tried in the defendant's county of residence at the time that the complaint is filed or, if the defendant does not have a county of residence in this state at the time that the complaint is filed, any county in which he or she has resided while subject to s. 175.45.

SECTION 150. 971.365 (1) (a) of the statutes is amended to read:

971.365 (1) (a) In any case under s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h) involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

SECTION 151. 971.365 (1) (b) of the statutes is amended to read:

971.365 (1) (b) In any case under s. 161.41 (1m) ~~(e)~~ (cm), (d), (e), (f), (g) or (h) involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

SECTION 152. 971.365 (2) of the statutes is amended to read:

971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent prosecution for any acts in violation of s. 161.41 (1) ~~(e)~~, (cm), (d), (e), (f), (g) or (h), (1m) ~~(e)~~, (cm), (d), (e), (f), (g) or (h), (2r) (b), (3m), (3n) or (3r) on which no evidence was received at the trial on the original charge.

SECTION 153. 972.08 (3) of the statutes is repealed.

SECTION 154. 973.047 (title) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

973.047 (title) Deoxyribonucleic acid analysis and reporting requirements.

SECTION 155. 973.047 (1) (a) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

973.047 (1) (a) If a court imposes a sentence or places a person on probation for a violation of s. 940.225 or 948.02 (1) or (2), the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. If the violation is of s. 940.225 (1) or (2) or 948.02 (1) or (2), the court shall require the person to comply with the reporting requirements under s. 175.45. If the violation is of s. 940.225 (3) or (3m), the court may require the person to comply with the reporting requirements under s. 175.45 if the court determines that the underlying conduct was seriously sexually assaultive in nature and that it would be in the interest of public protection to have the person report under s. 175.45.

SECTION 156. 973.047 (1) (b) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

973.047 (1) (b) Except as provided in par. (a), if a court imposes a sentence or places a person on probation for any violation under chs. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court may require the person to comply with the reporting requirements under s. 175.45 if the court determines that the underlying conduct was seriously sexually assaultive in nature and that it would be in the interest of public protection to have the person report under s. 175.45.

SECTION 158. 978.05 (6) (a) of the statutes is amended to read:

978.05 (6) (a) Institute, commence or appear in all civil actions or special proceedings under and perform the duties set forth for the district attorney under ss. 17.14, 30.03 (2), 48.09 (1), (2) and (5), 48.18, 48.355 (6) (b) and (6g) (a), 59.073, 59.77, 70.36, 103.50 (8), 103.92 (4), 109.09, 161.55 (5), 343.305 (9) (a), 453.08, 806.05, 946.86, 946.87, 971.14 and 973.075 to 973.077, perform any duties in connection with court proceedings in a court assigned to exercise jurisdiction under ch. 48 as the judge may request and perform all appropriate duties and appear if the district attorney is designated in specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this paragraph limits the authority of the county board to designate, under s. 48.09 (2) or (5), that the corporation counsel provide representation as specified in s. 48.09 (2) or (5) or to designate, under s. 48.09 (6), the district attorney as an appropriate person to represent the interests of the public under s. 48.14.

SECTION 9108. Nonstatutory provisions; building commission.

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

(a) In paragraph (e) 1, under projects financed by general fund supported borrowing:

Juvenile boot camp

\$3,000,000

SECTION 9126. Nonstatutory provisions; health and social services.

(1) JUVENILE BOOT CAMP PROGRAM.

(a) Subject to paragraph (b), from the appropriation under section 20.435 (3) (hm) of the statutes, the department of health and social services may expend not more than ~~\$1,250,000~~ in fiscal year 1994-95 for the juvenile boot camp program under section 48.532 of the statutes, as created by this act. ~~\$624,000~~

(b) The secretary of administration may not waive submission of expenditure estimates under section 16.50 (1) of the statutes and shall withhold approval of expenditure estimates under section 16.50 (2) of the statutes for all expenditures authorized under paragraph (a) until the department of health and social services submits expenditure estimates to the secretary of administration for the expenditures authorized under paragraph (a) and the secretary of administration determines that the proposed plan of program execution under the expenditure estimates reflects the intent of the joint committee on finance, the governor and the legislature.

(2) TASK FORCE ON IMPROVING SERVICES TO CHILDREN AND FAMILIES.

(a) The secretary of health and social services shall establish a committee under section 15.04 (1) (c) of the statutes to be known as the task force on improving services to children and families. The task force on improving services to children and families shall consist of all of the following:

1. The secretary of health and social services or that secretary's designee, who shall chair the task force.

2. The state superintendent of public instruction or the state superintendent's designee.

3. The administrators of the divisions of community services, economic support, health and youth services within the department of health and social services or those administrators' designees.

4. The administrator of the division for handicapped children and pupil services within the department of public instruction or that administrator's designee.

(b) By October 1, 1994, the task force on improving services to children and families shall submit recommendations to the governor on how to accomplish the following:

1. Improve state programs that support collaboration between schools and social services agencies by using existing state and federal resources.

2. Coordinate state agency operations and revise administrative rules to reduce barriers to collaboration between schools and social services agencies.

3. Deliver services efficiently to children and families by reducing duplication of effort.

(c) By January 1, 1995, the task force on improving services to children and families shall submit a report to the governor, and to the legislature in the manner provided under section 13.172 (2) of the statutes, that does all of the following:

1. Describes the barriers to collaboration between schools and social services agencies in serving children and families.

2. Analyzes the need for federal waivers and state law revisions that would enable schools and social services agencies to increase their collaboration in serving children and families.

3. Identifies state and federal programs and funding sources that serve children and families.

SECTION 9159. Nonstatutory provisions; other.

(1) CRIMINAL GANGS.

(a) *Findings.* The legislature finds all of the following:

1. The state of Wisconsin is in a state of crisis that has been caused by violent criminal gangs, as defined in section 939.22 (9) of the statutes, as created by this act, whose members threaten, terrorize and commit many crimes against peaceful citizens.

2. The previously described activities of criminal gangs, both individually and collectively, present a clear and present danger to public order and safety.

(b) *Intent.* By enacting sections 939.625 and 941.38 of the statutes, as created by this act, the legislature intends to seek the eradication of criminal activity by criminal gangs by focusing upon criminal gang activity, as defined in section 941.38 (1) (b) of the statutes, as created by this act, and upon the organized nature of criminal gangs, which together are the chief source of terror created by criminal gangs. By enacting sections 939.625 and 941.38 of the statutes, as created by this act, the legislature does not intend to interfere with the exercise of the constitutionally protected rights of freedom of expression and freedom of association. The legislature recognizes the constitutional right of every citizen to harbor and lawfully express beliefs, to lawfully associate with others who share similar beliefs, to petition any lawfully constituted authority for a redress of perceived grievances and to lawfully participate in the electoral process.

SECTION 9226. Appropriation changes; health and social services.

(1) YOUTH AIDS. 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) (cd) of the statutes, as affected by the acts of

Vetoed
in Part

Vetoed in Part 1993, the dollar amount is increased by \$312,600 for fiscal year 1993-94 and the dollar amount is increased by \$936,600 for fiscal year 1994-95 to provide funding to distribute to counties for their use of the services provided by the department under the juvenile boot camp program under section 48.532 of the statutes, as created by this act. \$624,000

Vetoed in Part (2) JUVENILE CORRECTIONAL SERVICES. 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) (hm) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$1,250,000 for fiscal year 1994-95 to provide funding for the juvenile boot camp program under section 48.532 of the statutes, as created by this act. \$624,000

Vetoed in Part (3) COMMUNITY IMPROVEMENT JOB TRAINING. 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 (7) (bc) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$250,000 for fiscal year 1994-95 to provide funds for the awarding of grants under section 46.48 (26) of the statutes, as created by this act, to a community organization to conduct a community improvement job training program.

(4) GANG VIOLENCE PREVENTION COUNCIL. 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 \$50,000 for fiscal year 1994-95 to provide for the operating costs of the gang violence prevention council under section 15.197 (23) of the statutes, as created by this act, and to increase the authorized FTE positions for the department by 1.0 GPR position on July 1, 1994, to assist the council in performing its duties under section 46.027 of the statutes, as created by this act.

Vetoed in Part (5) EARLY INTERVENTION PROGRAM FOR HIGH-RISK YOUTHS. 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) (ej) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$200,000 for fiscal year 1993-94 and the dollar amount is increased by \$200,000 for fiscal year 1994-95 to provide funding for the early intervention program for high-risk youths under section 46.264 of the statutes, as affected by this act.

SECTION 9236. Appropriation changes; justice.

(1) SEX OFFENDER REGISTRATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$77,200 for fiscal year 1993-94 and the dollar amount is increased by \$144,700 for fiscal year 1994-95 to administer sex offender registration and to increase the authorized

FTE positions for the department by 4.0 GPR positions.

SECTION 9245. Appropriation changes; public instruction.

(1) DRUG ABUSE RESISTANCE EDUCATION. 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) (dm) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$100,000 for fiscal year 1994-95 to provide additional funds for grants to school districts for drug abuse resistance education programs.

SECTION 9310. Initial applicability; circuit courts.

(1) JUVENILE WAIVER TO ADULT COURT. The treatment of sections 48.18 (1) and (5) and 970.035 of the statutes and the creation of section 48.18 (1) (a) 1, 2 and 3 of the statutes first apply to offenses allegedly committed by a child on the effective date of this subsection.

(2) JUVENILE RESTITUTION. The treatment of sections 48.245 (2) (a) (intro.), 48.32 (1) and 48.34 (intro) of the statutes first applies to informal dispositions, consent decrees and dispositional orders made on the effective date of this subsection.

(3) VICTIM ATTENDANCE AT JUVENILE AND MUNICIPAL COURT HEARINGS. The treatment of sections 48.27 (4m), 48.273 (1), 48.299 (1) (am), 48.335 (3m), 48.346 (1) (d) (intro.) and 1, (f) and (g) and 971.105 of the statutes first applies to acts committed by a child on the effective date of this subsection.

(4) JUVENILE ELECTRONIC MONITORING. The treatment of section 48.21 (4m) of the statutes first applies to orders under section 48.21 (4) (a) or (b) of the statutes made on the effective date of this subsection; the treatment of section 48.34 (3g) of the statutes first applies to offenses committed on the effective date of this subsection; and the treatment of section 48.355 (6) (d) 3 of the statutes first applies to a child with respect to whom a dispositional hearing is held on the effective date of this subsection.

(5) MANDATORY REIMBURSEMENT FOR JUVENILE CASES. The treatment of section 48.275 (2) (a) of the statutes first applies to proceedings commenced on the effective date of this subsection.

(6) REPORTS ON REIMBURSEMENT FOR JUVENILE CASES. The treatment of section 48.275 (2) (dm) of the statutes first applies to amounts of reimbursement for legal counsel determined or ordered under section 48.275 (2) (b) or (cr) of the statutes and the amounts collected under section 48.275 (2) (d) of the statutes during the calendar quarter ending on December 31, 1993.

(7) TIME LIMITS IN JUVENILE COURT PROCEEDINGS. The treatment of sections 48.315 (1) (fm) and 48.365 (6) of the statutes first applies to dispositional orders that expired 30 days before the effective date of this subsection.

(8) JUDGE SUBSTITUTION. The treatment of section 48.29 (1), (1g) and (2) of the statutes first applies to

proceedings commenced on the effective date of this subsection.

(8d) JUVENILE CONTEMPT. The treatment of sections 48.02 (3m) and 48.355 (6g) of the statutes first applies to children who receive a sanction under section 48.355 (6) (d) of the statutes and who receive the warning under section 48.355 (6g) (b) 2 of the statutes, as created by this act, on the effective date of this subsection.

(8m) JUVENILE FORFEITURES. The treatment of sections 48.34 (8) and 48.343 (2) of the statutes first applies to violations committed on the effective date of this subsection.

(9g) CIVIL LAW AND ORDINANCE VIOLATIONS. The treatment of section 48.17 (2) (a) 1, (b) (intro.) and (c) of the statutes first applies to civil law and ordinance violations committed on the effective date of this subsection.

(10x) ASSAULT OR BATTERY IN SECURED CORRECTIONAL FACILITY. The treatment of sections 48.183, 48.366 (1) (b), 939.635, 970.032 and 971.17 (1) of the statutes first applies to acts allegedly committed on the effective date of this subsection.

SECTION 9359. Initial applicability; other.

(1) ALCOHOL BEVERAGE LICENSE AND PERMIT REVOCATION. The treatment of section 125.12 (2) (a) and (ag) 5, (3) and (4) (a) and (ag) 7 of the statutes first applies to persons against whom a judgment of conviction is entered on the effective date of this subsection.

(2) ARREST OR ASSISTANCE. The treatment of section 175.40 (title) and (6) of the statutes first applies to

acts by peace officers on the effective date of this subsection.

(3) COCAINE PENALTIES. The treatment of sections 95.64 (2) (c) 3, 161.14 (7) (a), 161.16 (2) (b) 1, 161.41 (1) (b), (c) and (cm), (1m) (b), (c) and (cm), (1r), (1x) and (3m), 161.46 (3), 161.465 (2), 161.48 (2), 161.49 (1) and 971.365 (1) (a) and (b) and (2) and the creation of section 161.41 (1) (cm) 5 ~~and (1m) (cm) 5~~ of the statutes first apply to offenses occurring on the effective date of this subsection. **Vetoed in Part**

(4) DISARMING A PEACE OFFICER. The treatment of sections 939.32 (1) (cm) and 941.21 of the statutes first applies to offenses occurring on the effective date of this subsection.

(6) FAILURE OR REFUSAL TO TESTIFY. The treatment of section 972.08 (3) of the statutes first applies to failures or refusals to testify occurring on the effective date of this subsection.

(7) DISCLOSURE OF RECORDED COMMUNICATIONS. The treatment of section 968.29 (3) (b) of the statutes first applies to communications occurring on the effective date of this subsection.

SECTION 9400. Effective dates. This act takes effect on the day after publication, except as follows:

~~(1) YOUTH AIDS RATES. The repeal and recreation of section 46.26 (4) (d) 3 of the statutes takes effect on July 1, 1994.~~ **Vetoed in Part**

(2) GANG VIOLENCE PREVENTION COUNCIL. The treatment of sections 15.197 (23) and 46.027 of the statutes takes effect on July 1, 1994.