

State of Wisconsin



1997 Assembly Bill 113

Date of enactment: April 28, 1998

Date of publication*: May 12, 1998

1997 WISCONSIN ACT 207

AN ACT to *renumber and amend* 938.51 (1) (c); to *amend* 48.78 (2) (a), 938.51 (title), 938.51 (1) (intro.), 938.51 (1) (b) (intro.), 938.51 (1) (b) 3., 938.51 (1m), 938.51 (1r), 938.51 (2), 938.51 (3), 938.51 (4) (intro.), 938.51 (4) (a), 938.51 (4) (b) and 938.78 (3); and to *create* 938.51 (1) (c) 1., 938.51 (1) (c) 2., 938.51 (1) (c) 3., 938.51 (1) (cm), 938.51 (1d) and 938.51 (1g) of the statutes; **relating to:** notification of victims, witnesses and the public when a juvenile who has committed a delinquent act or who is not competent to proceed escapes, is absent from or is released from a nonsecured child caring institution or inpatient facility.

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

SECTION 1. 48.78 (2) (a) of the statutes is amended to read:

48.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d), 48.432, 48.433, 48.93 or 48.981 (7), 938.51 or 938.78 or by order of the court.

SECTION 2. 938.51 (title) of the statutes is amended to read:

938.51 (title) Notification of release or escape of juvenile from correctional custody or supervision.

SECTION 3m. 938.51 (1) (intro.) of the statutes is amended to read:

938.51 (1) (intro.) At least 15 days prior to the date of release of a juvenile from a secured correctional facility or a secured child caring institution of a juvenile who has been adjudicated delinquent and at least 15 days prior to the release of a juvenile from the supervision of the department or a county department of a juvenile who has

been adjudicated delinquent, the department or county department having supervision over the juvenile shall do all of the following:

SECTION 4b. 938.51 (1) (b) (intro.) of the statutes is amended to read:

938.51 (1) (b) (intro.) Notify Subject to pars. (c) and (cm), notify any known victim of an the act for which the juvenile has been found delinquent of the juvenile's release, if all of the following apply:

SECTION 4c. 938.51 (1) (b) 3. of the statutes is amended to read:

938.51 (1) (b) 3. The victim has sent in a request card under sub. (2) or, if the victim was under 18 years of age when his or her parent sent in a request card under sub. (2), the parent or guardian authorized on the request card direct notification of the victim after the victim attains 18 years of age.

SECTION 4d. 938.51 (1) (c) of the statutes is renumbered 938.51 (1) (c) (intro.) and amended to read:

938.51 (1) (c) (intro.) Notify, if the victim died as a result of the juvenile's delinquent act and if the criteria under par. (b) are met, Subject to par. (cm), notify an adult member of the victim's family or, if the victim is younger

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

than 18 years old and if the criteria under par. (b) are met, the victim's parent or legal guardian relative of the victim of the juvenile's release: if all of the following apply:

SECTION 4f. 938.51 (1) (c) 1. of the statutes is created to read:

938.51 (1) (c) 1. The victim died as a result of the juvenile's delinquent act.

SECTION 4h. 938.51 (1) (c) 2. of the statutes is created to read:

938.51 (1) (c) 2. The adult relative can be found.

SECTION 4j. 938.51 (1) (c) 3. of the statutes is created to read:

938.51 (1) (c) 3. The adult relative has sent in a request card under sub. (2).

SECTION 4m. 938.51 (1) (cm) of the statutes is created to read:

938.51 (1) (cm) Notify the victim's parent or legal guardian of the juvenile's release if all of the following apply:

1. The victim is younger than 18 years of age.
2. The parent or legal guardian can be found.
3. The parent or legal guardian has sent in a request card under sub. (2).

SECTION 4p. 938.51 (1d) of the statutes is created to read:

938.51 (1d) At least 15 days prior to the release from a nonsecured child caring institution of a juvenile who has either been adjudicated delinquent under s. 48.12, 1993 stats., or s. 938.12 or been found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 938.13 (12) and who has been found to have committed a violation of ch. 940 or of s. 948.02, 948.025 or 948.03, and at least 15 days prior to the release from a nonsecured child caring institution of a juvenile who has been found to be in need of protection or services under s. 48.13 (14), 1993 stats., or s. 938.13 (14), the department or county department having supervision over the juvenile shall notify all of the following persons of the juvenile's release:

(a) Any known victim of the act for which the juvenile was found delinquent or to be in need of protection or services, if the criteria under sub. (1) (b) are met; an adult relative of the victim, if the criteria under sub. (1) (c) are met; or the victim's parent or guardian, if the criteria under sub. (1) (cm) are met.

(b) Any witness who testified against the juvenile in any court proceeding involving the act for which the juvenile was found delinquent or to be in need of protection or services, if the criteria under sub. (1) (d) are met.

SECTION 4r. 938.51 (1g) of the statutes is created to read:

938.51 (1g) At least 15 days prior to the release from an inpatient facility, as defined in s. 51.01 (10), of a juvenile who has been found to be in need of protection or services under s. 48.13 (14), 1993 stats., or s. 938.13 (14), the county department having supervision over the juvenile shall notify all of the following persons of the juvenile's release:

any known victim of the act for which the juvenile was found to be in need of protection or services, if the criteria under sub. (1) (b) are met; an adult relative of the victim, if the criteria under sub. (1) (c) are met; or the victim's parent or guardian, if the criteria under sub. (1) (cm) are met.

(a) Any known victim of the act for which the juvenile was found to be in need of protection or services, if the criteria under sub. (1) (b) are met; an adult relative of the victim, if the criteria under sub. (1) (c) are met; or the victim's parent or guardian, if the criteria under sub. (1) (cm) are met.

(b) Any witness who testified against the juvenile in any court proceeding involving the act for which the juvenile was found to be in need of protection or services, if the criteria under sub. (1) (d) are met.

SECTION 5d. 938.51 (1m) of the statutes is amended to read:

938.51 (1m) The department or county department having supervision over a juvenile described in sub. (1) shall determine the local agencies that it will notify under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's intended residence specified in the juvenile's aftercare supervision plan or, if those methods do not indicate the community in which the juvenile will reside following release from a secured correctional facility or secured child caring institution or from the supervision of the department or county department, the community in which the juvenile states that he or she intends to reside.

SECTION 5g. 938.51 (1r) of the statutes is amended to read:

938.51 (1r) The notification under sub. (1), (1d) or (1g) shall include only the juvenile's name, the date of the juvenile's release and the type of placement to which the juvenile is released.

SECTION 6d. 938.51 (2) of the statutes is amended to read:

938.51 (2) The department shall design and prepare cards for any person specified in sub. (1) (b), (c), (cm) or (d) to send to the department or county department having supervision over the a juvenile described in sub. (1), (1d) or (1g). The cards shall have space for any such person to provide his or her name, telephone number and mailing address, the name of the applicable juvenile and any other information that the department determines is necessary. The cards shall also advise a victim who is under 18 years of age that he or she may complete a card requesting notification under sub. (1) (b), (1d) or (1g) if the notification occurs after the victim attains 18 years of age and advising the parent or guardian of a victim who is under 18 years of age that the parent or guardian may authorize on the card direct notification of the victim under sub. (1) (b), (1d) or (1g) if the notification occurs after the victim attains 18 years of age. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in sub. (1) (b) to (d). These persons may send completed cards to the department or county department having supervision over the juvenile.

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SECTION 7m. 938.51 (3) of the statutes is amended to read:

938.51 (3) Timely release of a juvenile specified in sub. (1), (1d) or (1g) shall not be prejudiced by the fact that the department or county department having supervision over the juvenile did not ~~notify the victims or the local agencies under sub. (1) within the 15 days~~ provide notification as required under sub. (1), (1d) or (1g), whichever is applicable.

SECTION 8. 938.51 (4) (intro.) of the statutes is amended to read:

938.51 (4) (intro.) If a juvenile described in sub. (1), (1d) or (1g) escapes in violation of s. 946.42 (3) from a secured correctional facility, child caring institution, inpatient facility, secure detention facility or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, institution or jail, or has been allowed to leave a secured correctional facility, child caring institution, inpatient facility, secure detention facility or juvenile portion of a county jail for a specified period of time and is absent from the facility, institution or jail for more than 12 hours after the expiration of the specified period, as soon as possible after the department or county department having supervision over the juvenile discovers that escape or absence, that department or county department shall make a reasonable effort to notify by telephone all of the following persons:

SECTION 9m. 938.51 (4) (a) of the statutes is amended to read:

938.51 (4) (a) Any known victim of the act for which the juvenile was found delinquent or to be in need of protection or services, if the criteria under sub. (1) (b) are met; an adult ~~member of the victim's family~~ relative of the victim, if the victim died as a result of the juvenile's delinquent act and if the criteria under sub. (1) (b) ~~(c)~~ are met; or the victim's parent or guardian, if the ~~victim is younger than 18 years old and~~ if the criteria under sub. (1) ~~(b)~~ (cm) are met.

SECTION 9p. 938.51 (4) (b) of the statutes is amended to read:

938.51 (4) (b) Any witness who testified against the juvenile in any court proceeding involving the ~~delinquent act for which the juvenile was found delinquent or to be in need of protection or services~~, if the criteria under sub. (1) (d) are met.

SECTION 10. 938.78 (3) of the statutes is amended to read:

938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured correctional facility ~~or a secured, child caring institution, inpatient facility, as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, institution or jail, or~~ or has been allowed to leave a secured correctional facility or a secured, child caring institution, inpatient facility, secure detention facility or juvenile portion of a county jail for a specified time period and is absent from the facility or institution or jail for more than 12 hours after the expiration of the specified period, the department or county department having supervision over the juvenile may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, institution or placement jail. The department of corrections shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.