



**ASSEMBLY AMENDMENT 15,
TO 1995 ASSEMBLY BILL 130**

March 23, 1995 – Offered by Representative MURAT.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 174, line 13: after “ss.” insert “938.13 (12),”.

3 **2.** Page 187, line 12: delete “10” and substitute “12”.

4 **3.** Page 196, line 19: after “(1)” insert “, 938.13 (12)”.

5 **4.** Page 197, line 14: after “(1)” insert “, 938.13 (12)”.

6 **5.** Page 211, line 19: delete “s. 938.18” and substitute “ss. 938.18 and 938.25
7 (1m)”.

8 **6.** Page 225, line 3: after that line insert:

9 “(3m) If as a result of the intake inquiry the intake worker determines that a
10 juvenile 10 or 11 years of age who is alleged to have committed a delinquent act
11 should be referred to the court, the intake worker shall include in his or her request
12 under sub. (3) a recommendation whether a petition under s. 938.12 or a petition
13 under s. 938.13 (12) should be filed. The intake worker shall base that
14 recommendation on the criteria specified in s. 938.25 (1m).”.

7. Page 226, line 17: after “938.18” insert “, 938.25 (1m)”.

1 **8. Page 233, line 8:** after that line insert:

2 “(1m) (a) If the district attorney or corporation counsel receives a referral from
3 the intake worker relating to a juvenile 10 or 11 years of age who is alleged to have
4 committed a delinquent act, the district attorney or corporation counsel shall
5 determine whether it would be in the best interests of the juvenile and the public to
6 file a petition under s. 938.12 or a petition under s. 938.13 (12). In making that
7 determination, the district attorney or corporation counsel, after considering the
8 recommendation of the intake worker under s. 938.24 (3m), shall base his or her
9 determination on all of the following criteria:

10 1. The personality and prior record of the juvenile, including whether the
11 juvenile is mentally ill or developmentally disabled, whether the juvenile has
12 previously been convicted or found delinquent, whether that conviction or
13 delinquency involved the infliction of serious bodily injury, the juvenile’s motives and
14 attitudes, the juvenile’s physical and mental maturity and the juvenile’s pattern of
15 living, prior offenses, prior treatment history and apparent potential for responding
16 to future treatment.

17 2. The type and seriousness of the offense, including whether it was against
18 persons or property, the extent to which it was committed in a violent, aggressive,
19 premeditated or wilful manner, and its prosecutive merit.

20 3. The adequacy and suitability of facilities, services and procedures available
21 for treatment of the juvenile and protection of the public within the child protection
22 system and the suitability of the juvenile for treatment in the juvenile justice system.

23 (b) In a county in which the county board of supervisors has designated the
24 corporation counsel to represent the interests of the public in matters arising under

1 s. 938.13 (12), a district attorney who receives a referral relating to a juvenile 10 or
2 11 years of age who is alleged to have committed a delinquent act shall consult with
3 the corporation counsel before determining whether a petition under s. 938.12 or a
4 petition under s. 938.13 (12) should be filed and a corporation counsel who receives
5 that type of referral shall consult with the district attorney before making that
6 determination. If the district attorney and corporation counsel disagree as to what
7 type of petition should be filed, the determination of the district attorney shall
8 prevail.”.

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(END)