



**ASSEMBLY AMENDMENT 26,
TO 1995 ASSEMBLY BILL 130**

May 23, 1995 - Offered by Representatives LADWIG, BRANCEL and OURADA.

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

2 **1.** Page 25, line 10: delete lines 10 to 13 and substitute:

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

| | | | | | |
|---|--|--|--|----------------|----------------|
| 5 | | | | 1995-96 | 1996-97 |
|---|--|--|--|----------------|----------------|

6 **20.435 Health and social services, department**

7 **of**

8 (3) YOUTH SERVICES

9 (c) Reimbursement claims of coun-
10 ties containing secured correc-
11 tional facilities

| | | | |
|-----|---|---------|---------|
| GPR | A | 200,000 | 200,000 |
|-----|---|---------|---------|

12 **SECTION 4m.** 20.410 (1) (am) of the statutes, as created by 1993 Wisconsin Act
13 377, is repealed.”.

14 **2.** Page 25, line 18: delete lines 18 to 24.

15 **3.** Page 26, line 1: delete lines 1 to 5 and substitute:

1 “**SECTION 6m.** 20.410 (1) (hx) of the statutes is amended to read:

2 20.410 (1) (hx) *Extended jurisdiction services.* The amounts in the schedule for
3 services to persons younger than 19 18 years old placed with the department under
4 s. 48.366 (8). All moneys received in payment for services provided by the department
5 specified in s. 46.26 (4) (d) 1m. and all moneys transferred under s. 46.26 (4) (cm) 2,
6 shall be credited to this appropriation.

7 **SECTION 6p.** 20.410 (1) (hx) of the statutes, as affected by 1995 Wisconsin Act
8 (this act), is repealed and recreated to read:

9 20.410 (1) (hx) *Extended jurisdiction services.* The amounts in the schedule for
10 services to persons younger than 18 years old placed with the department under s.
11 48.366 (8) or 938.183 (2). All moneys received in payment for services provided by
12 the department specified in s. 46.26 (4) (d) 1m. and all moneys transferred under s.
13 46.26 (4) (cm) 3. shall be credited to this appropriation.

14 **SECTION 7m.** 20.435 (3) (au) of the statutes is repealed.

15 **SECTION 7r.** 20.435 (3) (bg) of the statutes is repealed.”.

16 **4.** [Page 26, line 8](#): delete “A sum sufficient” and substitute “The amounts in
the schedule”.

17 **5.** [Page 26, line 24](#): delete lines 24 and 25.

18 **6.** [Page 27, line 1](#): delete lines 1 to 12 and substitute:

19 “**SECTION 10m.** 20.435 (3) (cg) of the statutes is amended to read:

20 20.435 (3) (cg) (title) *Violent Serious juvenile offenders.* The amounts in the
21 schedule for the reimbursement of institutions, alternate care providers and
22 aftercare providers under s. 46.26 (4) (cm).

1 **SECTION 11m.** 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act
2 377, is amended to read:

3 20.435 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho),
4 and (hr) ~~and (k)~~, the amounts in the schedule for juvenile correctional services
5 specified in s. 46.26 (4) (c) and (d). All moneys transferred under s. 46.26 (4) (cm) 1.,
6 and, except as provided in par. (hr) ~~and (k)~~ and s. 20.410 (1) (hx), all moneys received
7 in payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be
8 credited to this appropriation. If moneys generated by the monthly rate exceed actual
9 fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall be
10 remitted to the counties during the subsequent calendar year. Each county shall
11 receive a proportionate share of the remittance depending on the total number of
12 days of placement at juvenile correctional institutions. Counties shall use the funds
13 for purposes specified in s. 46.26.

14 **SECTION 11p.** 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act
15 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

16 20.435 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
17 and (hr), the amounts in the schedule for juvenile correctional services specified in
18 s. 46.26 (4) (c) and (d). All moneys transferred under s. 46.26 (4) (cm) 1., and, except
19 as provided in par. (hr) and s. 20.410 (1) (hx), all moneys received in payment for
20 juvenile correctional services specified in s. 46.26 (4) (d) shall be credited to this
21 appropriation. If moneys generated by the monthly rate exceed actual fiscal year
22 institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the
23 counties during the subsequent calendar year. Each county shall receive a
24 proportionate share of the remittance depending on the total number of days of
25 placement at juvenile correctional institutions or secured child caring institutions,

1 as defined in s. 938.02 (15g). Counties shall use the funds for purposes specified in
2 s. 46.26.”.

3 **7. Page 28, line 2:** after that line insert:

4 “**SECTION 12m.** 20.435 (3) (k) of the statutes, as created by 1993 Wisconsin Act
5 377, is repealed.”.

6 **8. Page 29, line 10:** delete lines 10 to 14 and substitute:

7 “**SECTION 16m.** 46.025 of the statutes is repealed.”.

8 **9. Page 30, line 8:** delete lines 8 to 11 and substitute:

9 “**SECTION 19m.** 46.03 (6) (a) of the statutes, as affected by 1993 Wisconsin Act
10 377, is amended to read:

11 46.03 (6) (a) ~~Except as provided in s. 48.537, execute~~ Execute the laws relating
12 to the detention, reformation and correction of delinquents.”.

13 **10. Page 30, line 21:** delete “(4g)” and substitute “(4h)”.

14 **11. Page 33, line 1:** delete “48.366,” and substitute “48.366,”.

15 **12. Page 33, line 2:** delete “(4m),” and substitute “(4h) or (4m),”.

16 **13. Page 33, line 3:** delete the underscored material.

17 **14. Page 38, line 1:** delete lines 1 to 8 and substitute:

18 “**SECTION 41m.** 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act
19 377, is amended to read:

20 46.26 (3) (d) Subject to pars. (dd), (de) and (dg), in addition to the funds
21 allocated under par. (c), the department of health and social services shall allocate
22 funds to counties under sub. (4) (b) 2. and shall consider each county’s proportionate
23 use of applicable services of the department of health and social services under ss.

1 48.34 and 48.366 or the department of corrections under ~~ss. s. 48.366 and 48.537~~
2 during previous calendar years.

3 **SECTION 41p.** 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act
4 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

5 46.26 (3) (d) Subject to pars. (dd), (de) and (dg), in addition to the funds
6 allocated under par. (c), the department of health and social services shall allocate
7 funds to counties under sub. (4) (b) 2. and shall consider each county's proportionate
8 use of applicable services of the department of health and social services under ss.
9 48.366, 938.183 (2) and 938.34 or the department of corrections under ss. 48.366,
10 938.183 (2) and 938.538 during previous calendar years.”.

11 **15.** Page 38, line 17: delete lines 17 to 25.

12 **16.** Page 39, line 1: delete lines 1 to 25 and substitute:

13 “**SECTION 43m.** 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act
14 377, is amended to read:

15 46.26 (4) (a) Except as provided in pars. (c) and (cm), the department of health
16 and social services shall bill counties or deduct from the allocations under s. 20.435
17 (3) (cd) for the costs of care, services and supplies purchased or provided by the
18 department of health and social services for each person receiving services under ss.
19 48.34, 48.366 and 51.35 (3) or the department of corrections for each person receiving
20 services under s. 48.366. The department of health and social services may not bill
21 a county for or deduct from a county's allocation the cost of care, services and supplies
22 provided to a person subject to an order under s. 48.366 after the person reaches 19
23 years of age ~~or provided to a person subject to an order under s. 48.34 (4g).~~ Payment
24 shall be due within 60 days of the billing date. If any payment has not been received

1 within 60 days, the department of health and social services may withhold aid
2 payments in the amount due from the appropriation under s. 20.435 (3) (cd) or (7) (b).

3 **SECTION 43n.** 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act
4 377 and 1995 Wisconsin Act ... (this act), section 43m, is repealed and recreated to
5 read:

6 46.26 (4) (a) Except as provided in pars. (c) and (cm), the department of health
7 and social services shall bill counties or deduct from the allocations under s. 20.435
8 (3) (cd) for the costs of care, services and supplies purchased or provided by the
9 department of health and social services for each person receiving services under ss.
10 48.34, 48.366 and 51.35 (3) or the department of corrections for each person receiving
11 services under s. 48.366. The department of health and social services may not bill
12 a county for or deduct from a county's allocation the cost of care, services and supplies
13 provided to a person subject to an order under s. 48.366 after the person reaches 18
14 years of age. Payment shall be due within 60 days of the billing date. If any payment
15 has not been received within 60 days, the department of health and social services
16 may withhold aid payments in the amount due from the appropriation under s.
17 20.435 (3) (cd) or (7) (b).

18 **SECTION 43p.** 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act
19 377 and 1995 Wisconsin Act ... (this act), sections 43m and 43n, is amended to read:

20 46.26 (4) (a) Except as provided in pars. (c) and (cm), the department of health
21 and social services shall bill counties or deduct from the allocations under s. 20.435
22 (3) (cd) for the costs of care, services and supplies purchased or provided by the
23 department of health and social services for each person receiving services under ss.
24 48.34, s. 48.366 and, 51.35 (3), 938.183 (2) or 938.34 or the department of corrections
25 for each person receiving services under s. 48.366 or 938.183 (2). The department

1 of health and social services may not bill a county for or deduct from a county's
2 allocation the cost of care, services and supplies provided to a person subject to an
3 order under s. 48.366 or 938.183 (2) after the person reaches 18 years of age.
4 Payment shall be due within 60 days of the billing date. If any payment has not been
5 received within 60 days, the department of health and social services may withhold
6 aid payments in the amount due from the appropriation under s. 20.435 (3) (cd) or
7 (7) (b).

8 **SECTION 44m.** 46.26 (4) (b) 1. of the statutes, as affected by 1993 Wisconsin Act
9 377, is amended to read:

10 46.26 (4) (b) 1. Assessment of costs under par. (a) shall be made periodically on
11 the basis of a per person per day cost estimate adjusted at least annually by the
12 department. Except as provided in pars. (bm), (c), and (cm) ~~and (dr)~~, liability shall
13 apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court
14 exercising jurisdiction under ch. 48 for each person receiving services from the
15 department of health and social services under ss. 48.34, 48.366 and 51.35 (3) or the
16 department of corrections under s. 48.366. Except as provided in pars. (bm), (c), and
17 (cm) ~~and (dr)~~, in multicounty court jurisdictions, the county of residency within the
18 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
19 par. (a) shall also be made according to the general placement type or level of care
20 provided, as defined by the department, and prorated according to the ratio of the
21 amount designated under sub. (3) (c) and (d) to the total applicable estimated costs
22 of care, services and supplies provided by the department of health and social
23 services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections under
24 ~~ss. 48.34 (4g) and s.~~ 48.366.

1 **SECTION 44p.** 46.26 (4) (b) 1. of the statutes, as affected by 1993 Wisconsin Act
2 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

3 46.26 (4) (b) 1. Assessment of costs under par. (a) shall be made periodically on
4 the basis of a per person per day cost estimate adjusted at least annually by the
5 department. Except as provided in pars. (bm), (c) and (cm), liability shall apply to
6 county departments under s. 46.21, 46.22 or 46.23 in the county of the court
7 exercising jurisdiction under chs. 48 and 938 for each person receiving services from
8 the department of health and social services under s. 48.366, 51.35 (3), 938.183 (2)
9 or 938.34 or the department of corrections under s. 48.366 or 938.183 (2). Except as
10 provided in pars. (bm), (c) and (cm), in multicounty court jurisdictions, the county of
11 residency within the jurisdiction shall be liable for costs under this subsection.
12 Assessment of costs under par. (a) shall also be made according to the general
13 placement type or level of care provided, as defined by the department, and prorated
14 according to the ratio of the amount designated under sub. (3) (c) and (d) to the total
15 applicable estimated costs of care, services and supplies provided by the department
16 of health and social services under ss. 48.366, 51.35 (3), 938.183 (2) and 938.34 or the
17 department of corrections under ss. 48.366, 938.183 (2) and 938.34 (4h).”.

18 **17.** Page 40, line 1: delete lines 1 to 25.

19 **18.** Page 41, line 1: delete lines 1 and 2 and substitute:

20 **SECTION 45m.** 46.26 (4) (c) of the statutes, as affected by 1993 Wisconsin Act
21 377, is amended to read:

22 46.26 (4) (c) Notwithstanding pars. (a), (b) 1. and (bm), ~~but subject to par. (dr),~~
23 the department of health and social services shall pay, from the appropriation under
24 s. 20.435 (3) (hm), the costs of care, services and supplies provided for each person

1 receiving services under ss. 48.34, 48.366 and 51.35 (3) who was under the
2 guardianship of the department pursuant to an order under ch. 48 at the time that
3 the person was adjudicated delinquent.

4 **SECTION 45p.** 46.26 (4) (c) of the statutes, as affected by 1993 Wisconsin Act 377
5 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

6 46.26 (4) (c) Notwithstanding pars. (a), (b) 1. and (bm), the department of
7 health and social services shall pay, from the appropriation under s. 20.435 (3) (hm),
8 the costs of care, services and supplies provided for each person receiving services
9 under ss. 48.366, 51.35 (3), 938.183 (2) and 938.34 who was under the guardianship
10 of the department pursuant to an order under ch. 48 at the time that the person was
11 adjudicated delinquent.

12 **SECTION 46m.** 46.26 (4) (cm) 1. of the statutes, as affected by 1993 Wisconsin
13 Act 377, is amended to read:

14 46.26 (4) (cm) 1. Notwithstanding pars. (a), (b) 1. and (bm), ~~but subject to par.~~
15 ~~(dr)~~, the department shall transfer funds from the appropriation under s. 20.435 (3)
16 (cg) to the appropriation under s. 20.435 (3) (hm) for the purpose of reimbursing
17 juvenile correctional institutions for costs incurred beginning on January 1, 1995, for
18 the care of any child who is placed in a juvenile correctional facility based on a
19 delinquent act that is a violation of s. 940.01, 940.02, 940.03, 940.05, 940.225 (1) or
20 943.32 (2).

21 **SECTION 46p.** 46.26 (4) (cm) 1. of the statutes, as affected by 1993 Wisconsin
22 Act 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

23 46.26 (4) (cm) 1. Notwithstanding pars. (a), (b) 1. and (bm), the department
24 shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the
25 appropriation under s. 20.435 (3) (hm) for the purpose of reimbursing juvenile

1 correctional institutions operated by the department and secured child caring
2 institutions, as defined in s. 938.02 (15g), for costs incurred beginning on July 1,
3 1996, for the care of any child 14 years of age or over who is placed in a juvenile
4 correctional facility operated by the department or secured child caring institution
5 based on a delinquent act that is a violation of s. 939.31, 939.32 (1) (a), 940.01, 940.02,
6 940.03, 940.05, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10
7 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or
8 948.36.

9 **SECTION 46r.** 46.26 (4) (cm) 1m. of the statutes is amended to read:

10 46.26 (4) (cm) 1m. Notwithstanding pars. (a), (b) 1. and (bm), the department
11 shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the
12 appropriation under s. 20.435 (3) (ho) for the purpose of reimbursing alternate care
13 and aftercare providers for costs incurred beginning on July 1, 1996, for the care of
14 any child 14 years of age or over who is receiving alternate care or aftercare based
15 on a delinquent act that is a violation of s. 939.31, 939.32 (1) (a), 940.01, 940.02,
16 940.03, 940.05, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10
17 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or
18 948.36.

19 **SECTION 47m.** 46.26 (4) (cm) 2. of the statutes is renumbered 46.26 (4) (cm) 3.
20 and amended to read:

21 46.26 (4) (cm) 3. Notwithstanding pars. (a), (b) 1. and (bm), the department
22 shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the
23 appropriation under s. 20.410 (1) (hx) for the purpose of reimbursing juvenile or
24 adult correctional institutions and alternate care and aftercare providers for costs
25 incurred beginning on ~~January~~ July 1, ~~1995~~ 1996, for the care of any person ~~19~~ 14

1 years of age or over and under 18 years of age who is placed in an a juvenile or adult
2 correctional facility under s. 48.366 (8) or 938.183 (2) based on a delinquent act that
3 is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

4 **SECTION 47r.** 46.26 (4) (cm) 4. of the statutes is created to read:

5 46.26 (4) (cm) 4. The per person daily reimbursement rate to juvenile and adult
6 correctional institutions under this paragraph shall be equal to the per person daily
7 cost assessment to counties under par. (d) 2. to 4. for care in a juvenile or adult
8 correctional institution.”

9 **19.** Page 41, line 12: delete “48.366 ss. 938.183 (2) and 938.366” and substitute
10 “ss. 48.366 and 938.183 (2)”.

11 **20.** Page 41, line 19: delete lines 19 to 25.

12 **21.** Page 42, line 1: delete lines 1 to 17 and substitute:

13 “**SECTION 51m.** 46.26 (4) (d) 3. of the statutes is amended to read:

14 46.26 (4) (d) 3. In calendar year 1994 Beginning January 1, 1996, and ending
15 June 30, 1996, the per person daily cost assessment to counties shall be \$111.73 for
16 care in a juvenile correctional institution, \$111.73 for care for children transferred
17 from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by
18 the department of corrections by rule for maintaining a prisoner in an adult
19 correctional institution, \$141.05 for care in a child caring institution, \$98.47 for care
20 in a group home for children, \$22.49 for care in a foster home, \$62.46 for care in a
21 treatment foster home, \$66.75 for departmental corrective sanctions services and
22 \$12.96 for departmental aftercare services.

SECTION 51p. 46.26 (4) (d) 3m. of the statutes is created to read:

1 46.26 (4) (d) 3m. Beginning July 1, 1996, and ending December 31, 1996, the
2 per person daily cost assessment to counties shall be \$111.73 for care in a Type 1
3 secured correctional facility, as defined in s. 938.02 (19), \$111.73 for care for children
4 transferred from a secured correctional facility, as defined in s. 938.02 (15m), or a
5 secured child caring institution, as defined in s. 938.02 (15g), under s. 51.35 (3), the
6 dollar amount set by the department of corrections by rule for maintaining a prisoner
7 in an adult correctional institution, \$141.05 for care in a child caring institution,
8 \$98.47 for care in a group home for children, \$22.49 for care in a foster home, \$62.46
9 for care in a treatment foster home, \$66.75 for care in a Type 2 secured correctional
10 facility, as defined in s. 938.02 (20), and \$12.96 for departmental aftercare services.”.

11 **22.** Page 43, line 6: delete lines 6 to 11 and substitute:

12 “**SECTION 52m.** 46.26 (4) (dm) of the statutes is amended to read:

13 46.26 (4) (dm) The department of health and social services shall promulgate
14 rules to provide rates under par. (d) 2., ~~3.~~ and to 4. for maintaining a person in an
15 adult correctional institution. The rate shall not vary according to the adult
16 correctional institution where a person is placed. The rate shall reflect the average
17 daily cost associated with maintaining prisoners in adult correctional institutions.

18 **SECTION 53m.** 46.26 (4) (dr) of the statutes, as created by 1993 Wisconsin Act
19 377, is repealed.”.

20 **23.** Page 45, line 11: delete “offenses” and substitute “offenses arrests”.

21 **24.** Page 48, line 5: after that line insert:

22 “**SECTION 73m.** 48.02 (1) of the statutes is amended to read:

23 48.02 (1) “Adult” means a person who is 18 years of age or older, except that
24 for purposes of prosecuting a person who is alleged to have violated any state or

1 federal criminal law or any civil law or municipal ordinance, “adult” means a person
2 who has attained 17 years of age.

3 **SECTION 73p.** 48.02 (2) of the statutes is amended to read:

4 48.02 (2) “Child” means a person who is less than 18 years of age, except that
5 for purposes of prosecuting a person who is alleged to have violated a state or federal
6 criminal law or any civil law or municipal ordinance, “child” does not include a person
7 who has attained 17 years of age.”.

8 **25.** Page 48, line 9: delete that line and substitute:

9 “**SECTION 75m.** 48.02 (3m) of the statutes is amended to read:

10 48.02 (3m) “Delinquent” means a child who is less than 18 17 years of age and
11 12 years of age or older who has violated any state or federal criminal law, except as
12 provided in ss. 48.17, 48.18 and 48.183, or who has committed a contempt of court,
13 as defined in s. 785.01 (1), as specified in s. 48.355 (6g).

14 **SECTION 75p.** 48.02 (3m) of the statutes, as affected by 1995 Wisconsin Act
15 (this act), is repealed.”.

16 **26.** Page 48, line 13: after that line insert:

17 “**SECTION 77m.** 48.02 (15m) of the statutes, as affected by 1993 Wisconsin Act
18 377, is amended to read:

19 48.02 (15m) “Secured correctional facility” means a correctional institution
20 operated or contracted for by the department of health and social services or the
21 department of corrections for holding in secure custody persons adjudged
22 delinquent. “Secured correctional facility” includes the facility at which the juvenile
23 boot camp program under s. 48.532 is operated.”.

24 **27.** Page 48, line 14: after “377” insert “and 1995 Wisconsin Act (this act)”.

1 **28. Page 53, line 6:** after that line insert:

2 “**SECTION 92m.** 48.065 (3) (f) of the statutes, as affected by 1993 Wisconsin Act
3 377, is amended to read:

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

5 **29. Page 53, line 7:** after “377” insert “and 1995 Wisconsin Act ... (this act)”.

6 **30. Page 54, line 14:** before “is” insert “, as affected by 1995 Wisconsin Act ...
(this act),”.

7 **31. Page 54, line 14:** delete that line and substitute:

8 “**SECTION 103m.** 48.12 (1) of the statutes is amended to read:

9 48.12 (1) The court has exclusive jurisdiction, except as provided in ss. 48.17,
10 48.18 and 48.183, over any child who is less than 17 years of age and 12 years of age
11 or older and who is alleged to be delinquent as defined in s. 48.02 (3m).

12 **SECTION 103p.** 48.12 (2) of the statutes is amended to read:

13 48.12 (2) If a court proceeding has been commenced under this section before
14 a child is ~~18~~ 17 years of age, but the child becomes ~~18~~ 17 years of age before admitting
15 the facts of the petition at the plea hearing or if the child denies the facts, before an
16 adjudication, the court retains jurisdiction over the case to dismiss the action with
17 prejudice, to waive its jurisdiction under s. 48.18, or to enter into a consent decree.
18 If the court finds that the child has failed to fulfill the express terms and conditions
19 of the consent decree or the child objects to the continuation of the consent decree,
20 the court may waive its jurisdiction.”.

21 **32. Page 55, line 18:** delete lines 18 and 19 and substitute:

22 “**SECTION 114d.** 48.18 (title) and (1) of the statutes are repealed.

23 **SECTION 114g.** 48.18 (2) of the statutes is repealed.

1 **SECTION 114j.** 48.18 (2m) of the statutes, as created by 1993 Wisconsin Act 377,
2 is repealed.

3 **SECTION 114m.** 48.18 (3) of the statutes is repealed.

4 **SECTION 114p.** 48.18 (4) of the statutes is repealed.

5 **SECTION 114r.** 48.18 (5) (intro.) of the statutes is repealed.

6 **SECTION 114v.** 48.18 (5) (a) of the statutes is repealed.

7 **SECTION 115d.** 48.18 (5) (b) of the statutes is repealed.

8 **SECTION 115g.** 48.18 (5) (c) of the statutes, as affected by 1993 Wisconsin Act
9 377, is amended to read:

10 48.18 (5) (c) The adequacy and suitability of facilities, services and procedures
11 available for treatment of the child and protection of the public within the juvenile
12 justice system, and, where applicable, the mental health system and the suitability
13 of the child for placement in the youthful offender program under s. 48.537 or the
14 adult intensive sanctions program under s. 301.048.

15 **SECTION 115j.** 48.18 (5) (c) of the statutes, as affected by 1993 Wisconsin Act
16 377 and 1995 Wisconsin Act (this act), is repealed.

17 **SECTION 115m.** 48.18 (5) (d) of the statutes is repealed.

18 **SECTION 115p.** 48.18 (6) of the statutes is repealed.

19 **SECTION 115r.** 48.18 (8) of the statutes is repealed.

20 **SECTION 115v.** 48.18 (9) of the statutes is repealed.”.

21 **33.** Page 56, line 7: after that line insert:

22 “**SECTION 119m.** 48.19 (1) (d) 6. of the statutes, as affected by 1993 Wisconsin
23 Act 377, is amended to read:

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

6 **34.** Page 56, line 9: after “377” insert “and 1995 Wisconsin Act (this act)”.

7 **35.** Page 58, line 18: delete lines 18 to 23 and insert:

8 “**SECTION 135m.** 48.205 (1) (c) of the statutes, as affected by 1993 Wisconsin Act
9 377, is amended to read:

10 48.205 (1) (c) Probable cause exists to believe that the child will run away or
11 be taken away so as to be unavailable for proceedings of the court or its officers or
12 proceedings of the division of hearings and appeals in the department of
13 administration for revocation of aftercare, or corrective sanctions ~~or youthful~~
14 offender supervision.

15 **SECTION 135p.** 48.205 (1) (c) of the statutes, as affected by 1993 Wisconsin Act
16 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

17 48.205 (1) (c) Probable cause exists to believe that the child will run away or
18 be taken away so as to be unavailable for proceedings of the court or its officers.

19 **SECTION 135r.** 48.208 (1) of the statutes, as affected by 1993 Wisconsin Acts 377
20 and 385, is amended to read:

21 48.208 (1) Probable cause exists to believe that the child has committed a
22 delinquent act and either presents a substantial risk of physical harm to another
23 person or a substantial risk of running away as evidenced by a previous act or
24 attempt so as to be unavailable for a court hearing or a revocation hearing for

1 children on aftercare, or corrective sanctions ~~or youthful offender~~ supervision. For
2 children on aftercare, or corrective sanctions ~~or youthful offender~~ supervision, the
3 delinquent act referred to in this section may be the act for which the child was placed
4 in a secured correctional facility.”.

5 **36.** Page 58, line 25: after “385” insert “and 1995 Wisconsin Act (this act)”.

6 **37.** Page 60, line 20: delete lines 20 to 25.

7 **38.** Page 61, line 1: delete lines 1 to 3 and substitute:

8 “**SECTION 148m.** 48.23 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
9 377, 385 and 491, is amended to read:

10 48.23 (1) (a) Any child alleged to be delinquent under s. 48.12 or held in a secure
11 detention facility shall be represented by counsel at all stages of the proceedings, but
12 a child 15 years of age or older may waive counsel if the court is satisfied that the
13 waiver is knowingly and voluntarily made and the court accepts the waiver. If the
14 waiver is accepted, the court may not place the child in a secured correctional facility,
15 transfer legal custody of the child to the department of corrections for participation
16 in the youthful offender program or transfer jurisdiction over the child to adult court.

17 **SECTION 148p.** 48.23 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
18 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to
19 read:

20 48.23 (1) (a) Any child held in a secure detention facility shall be represented
21 by counsel at all stages of the proceedings, but a child 15 years of age or older may
22 waive counsel if the court is satisfied that the waiver is knowingly and voluntarily
23 made and the court accepts the waiver.”.

24 **39.** Page 66, line 7: after that line insert:

1 **SECTION 177m.** 48.255 (1) (intro.) of the statutes is amended to read:

2 48.255 (1) (intro.) A petition initiating proceedings under this chapter, other
3 than a petition initiating proceedings under s. 48.12 or 48.13 (12), shall be entitled,
4 “In the interest of (child’s name), a person under the age of 18”, ~~and.~~ A petition
5 initiating proceedings under s. 48.12 or 48.13 (12) shall be entitled, “In the interest
6 of (child’s name), a person under the age of 17”. A petition initiating proceedings
7 under this chapter shall set forth with specificity:

8 **SECTION 177p.** 48.255 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
9 Act (this act), is repealed and recreated to read:

10 48.255 (1) (intro.) A petition initiating proceedings under this chapter shall be
11 entitled, “In the interest of (child’s name), a person under the age of 18”, and shall
12 set forth with specificity:”.

13 **40.** Page 68, line 23: delete lines 23 to 25.

14 **41.** Page 69, line 1: delete lines 1 to 8 and substitute:

15 **SECTION 190m.** 48.275 (2) (a) of the statutes is amended to read:

16 48.275 (2) (a) If this state or a county provides legal counsel to a child subject
17 to a proceeding under s. 48.12 or 48.13, the court shall order the child’s parent to
18 ~~provide a statement of income, assets and living expenses to the county department~~
19 ~~and shall order that parent~~ to reimburse the state or county in accordance with par.
20 (b) or (c). The court may not order reimbursement if a parent is the complaining or
21 petitioning party or if the court finds that the interests of the parent and the interests
22 of the child in the proceeding are substantially and directly adverse and that
23 reimbursement would be unfair to the parent. The court may not order

1 reimbursement until the completion of the proceeding or until the state or county is
2 no longer providing the child with legal counsel in the proceeding.

3 **SECTION 190p.** 48.275 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 48.275 (2) (a) If this state or a county provides legal counsel to a child subject
6 to a proceeding under s. 48.13, the court shall order the child's parent to reimburse
7 the state or county in accordance with par. (b) or (c). The court may not order
8 reimbursement if a parent is the complaining or petitioning party or if the court finds
9 that the interests of the parent and the interests of the child in the proceeding are
10 substantially and directly adverse and that reimbursement would be unfair to the
11 parent. The court may not order reimbursement until the completion of the
12 proceeding or until the state or county is no longer providing the child with legal
13 counsel in the proceeding.

14 **SECTION 190r.** 48.275 (2) (b) of the statutes is amended to read:

15 48.275 (2) (b) If this state provides the child with legal counsel and the court
16 orders reimbursement under par. (a), ~~the county department shall~~ child's parent may
17 request the state public defender to determine whether the parent is indigent as
18 provided under s. 977.07 and shall determine the amount of reimbursement. If the
19 parent is found not to be indigent, the amount of reimbursement shall be the
20 maximum amount established by the public defender board. If the parent is found
21 to be indigent in part, the amount of reimbursement shall be the amount of partial
22 payment determined in accordance with the rules of the public defender board under
23 s. 977.02 (3).”.

24 **42.** Page 82, line 16: delete that line and substitute:

1 “**SECTION 263k.** 48.34 (10) (title) of the statutes is renumbered 48.345 (10)
2 (title).

3 **SECTION 263m.** 48.34 (10) (a) of the statutes is amended to read:

4 48.34 (10) (a) The judge may order that a child, on attaining 17 or more years
5 of age, be allowed to live independently, either alone or with friends, under such
6 supervision as the judge deems appropriate.

7 **SECTION 263p.** 48.34 (10) (a) of the statutes, as affected by 1995 Wisconsin Act
8 (this act), is renumbered 48.345 (10) (a).

9 **SECTION 263r.** 48.34 (10) (b) of the statutes is renumbered 48.345 (10) (b).

10 **SECTION 263t.** 48.34 (10) (c) of the statutes is renumbered 48.345 (10) (c).”.

11 **43.** [Page 83, line 11](#): after that line insert:

12 “**SECTION 273m.** 48.345 (1) (a) of the statutes, as affected by 1993 Wisconsin
13 Acts 377, 385 and 491, is amended to read:

14 48.345 (1) (a) Place the child in a secured correctional facility ~~or transfer the~~
15 ~~custody of the child to the department of corrections.”.~~

16 **44.** [Page 83, line 12](#): on lines 12 and 13, delete “Act 491” and substitute “Acts
17 377, 385 and 491 and 1995 Wisconsin Act (this act).”.

18 **45.** [Page 83, line 25](#): delete that line and substitute:

19 “**SECTION 284m.** 48.35 (1) (c) of the statutes is amended to read:

20 48.35 (1) (c) Disposition by the court assigned to exercise jurisdiction under this
21 chapter of any allegation under s. 48.12 shall bar any future proceeding on the same
22 matter in criminal court when the child reaches the age of ~~18~~ 17. This paragraph
23 does not affect proceedings in criminal court which have been transferred under s.
48.18.

1 **SECTION 284p.** 48.35 (1) (c) of the statutes, as affected by 1995 Wisconsin Act
2 (this act), is repealed.”.

3 **46.** Page 84, line 20: delete lines 20 to 25.

4 **47.** Page 85, line 1: delete lines 1 to 10 and substitute:

5 “**SECTION 288m.** 48.355 (4) (a) of the statutes, as affected by 1993 Wisconsin
6 Acts 377, 385 and 491, is amended to read:

7 48.355 (4) (a) Except as provided under par. (b) or s. 48.368, all orders under
8 this section shall terminate at the end of one year unless the judge specifies a shorter
9 period of time. Except if s. 48.368 applies, extensions or revisions shall terminate
10 at the end of one year unless the judge specifies a shorter period of time. No extension
11 under s. 48.365 of an original dispositional order may be granted for a child whose
12 legal custody has been transferred to the department of corrections under s. 48.34
13 (4g) or who is under the supervision of the department of health and social services
14 under s. 48.34 (4m) or (4n) or under the supervision of a county department under
15 s. 48.34 (4n) if the child is 18 years of age or older when the original dispositional
16 order terminates. Any order made before the child reaches the age of majority shall
17 be effective for a time up to one year after its entry unless the judge specifies a shorter
18 period of time.

19 **SECTION 288p.** 48.355 (4) (a) of the statutes, as affected by 1993 Wisconsin Acts
20 377, 385 and 491 and 1995 Wisconsin Act (this act), is renumbered 48.355 (4) and
21 amended to read:

22 48.355 (4) Except as provided under ~~par. (b) or~~ s. 48.368, all orders under this
23 section shall terminate at the end of one year unless the judge specifies a shorter
24 period of time. Except if s. 48.368 applies, extensions or revisions shall terminate

1 at the end of one year unless the judge specifies a shorter period of time. ~~No extension~~
2 ~~under s. 48.365 of an original dispositional order may be granted for a child or who~~
3 ~~is under the supervision of the department of health and social services under s.~~
4 ~~48.34 (4m) or (4n) or under the supervision of a county department under s. 48.34 (4n)~~
5 ~~if the child is 18 years of age or older when the original dispositional order~~
6 ~~terminates.~~ Any order made before the child reaches the age of majority shall be
7 effective for a time up to one year after its entry unless the judge specifies a shorter
8 period of time.

9 **SECTION 288r.** 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act
10 377, is amended to read:

11 48.355 (4) (b) An order under s. 48.34 (4g) ~~or (4m)~~ for which a child has been
12 adjudicated delinquent is subject to par. (a), except that the judge may make an order
13 under s. 48.34 (4m) apply for up to 2 years or until the child's 19th birthdate,
14 whichever is earlier, ~~and the judge shall make an order under s. 48.34 (4g) apply for~~
15 ~~5 years, if the child is adjudicated delinquent for committing an act that would be~~
16 ~~punishable as a Class B, C or D felony if committed by an adult, or until the child~~
17 ~~reaches 25 years of age, if the child is adjudicated delinquent for committing an act~~
18 ~~that would be punishable as a Class A felony if committed by an adult.~~

19 **SECTION 288t.** 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act
20 377 and 1995 Wisconsin Act (this act), section 288r, is repealed and recreated to
21 read:

22 48.355 (4) (b) An order under s. 48.34 (4g) or (4m) for which a child has been
23 adjudicated delinquent is subject to par. (a), except that the judge may make an order
24 under s. 48.34 (4m) apply for up to 2 years or until the child's 18th birthdate,
25 whichever is earlier.

1 **SECTION 288v.** 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act
2 377 and 1995 Wisconsin Act (this act), sections 288r and 288t is repealed.”.

3 **48.** Page 87, line 15: delete lines 15 to 18 and substitute:

4 **“SECTION 303m.** 48.365 (7) of the statutes, as affected by 1993 Wisconsin Act
5 377, is amended to read:

6 48.365 (7) Nothing in this section may be construed to allow any changes in
7 placement or revocation of aftercare, or corrective sanctions ~~or youthful offender~~
8 supervision. Revocation and other changes in placement may take place only under
9 s. 48.357 ~~or, for a child who is a participant in the youthful offender program, s.~~
10 ~~48.537.~~

11 **SECTION 303p.** 48.365 (7) of the statutes, as affected by 1993 Wisconsin Act 377
12 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

13 48.365 (7) Nothing in this section may be construed to allow any changes in
14 placement. Changes in placement may take place only under s. 48.357.

15 **SECTION 304m.** 48.366 (1) (a) (intro.) of the statutes, as affected by 1993
16 Wisconsin Act 385, is amended to read:

17 48.366 (1) (a) (intro.) If Subject to par. (c), if the person committed any crime
18 specified under s. 940.01, 940.02, 940.05, 940.21 or 940.225 (1) (a) to (c), 948.03 or
19 948.04, is adjudged delinquent on that basis and is placed in a secured correctional
20 facility under s. 48.34 (4m), the court shall enter an order extending its jurisdiction
21 as follows:

22 **SECTION 304p.** 48.366 (1) (b) of the statutes is amended to read:

23 48.366 (1) (b) If Subject to par. (c), if the person committed a crime specified in
24 s. 940.20 (1) or 946.43 while placed in a secured correctional facility and is adjudged

1 delinquent on that basis following transfer of jurisdiction under s. 970.032, the court
2 shall enter an order extending its jurisdiction until the person reaches 21 years of
3 age or until termination of the order under sub. (6), whichever occurs earlier.

4 **SECTION 304r.** 48.366 (1) (c) of the statutes is created to read:

5 48.366 (1) (c) A court may not enter an order extending its jurisdiction as
6 provided in par. (a) or (b) with respect to any violation committed after December 31,
7 1995.

8 **SECTION 304t.** 48.366 (8) of the statutes, as affected by 1993 Wisconsin Act 385,
9 is amended to read:

10 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department may transfer
11 a person subject to an order between secured correctional facilities. After the person
12 attains the age of ~~18~~ 17 years, the department may, after consulting with the
13 department of corrections, place the person in a state prison named in s. 302.01. The
14 department of corrections may transfer a person placed in a state prison under this
15 subsection to or between state prisons named in s. 302.01 without petitioning for
16 revision of the order under sub. (5) (a).”.

17 **49.** Page 88, line 25: after that line insert:

18 “**SECTION 309m.** 48.38 (3) (a) of the statutes, as affected by 1993 Wisconsin Acts
19 377, 385 and 491, is amended to read:

20 48.38 (3) (a) If the child is alleged to be delinquent and is being held in a secure
21 detention facility, juvenile portion of a county jail or shelter care facility, and the
22 agency intends to recommend that the child be placed in a secured correctional
23 facility ~~or the department of corrections intends to recommend that custody of the~~
24 ~~child be transferred to the department of corrections for participation in the youthful~~

1 offender program, the agency is not required to submit the permanency plan unless
2 the court does not accept the recommendation of the agency or the department of
3 corrections. If the court places the child in any facility outside of the child's home
4 other than a secured correctional facility, the agency shall file the permanency plan
5 with the court within 60 days after the date of disposition.”.

6 **50.** Page 89, line 2: after “491” insert “and 1995 Wisconsin Act ... (this act)”.

7 **51.** Page 89, line 3: delete lines 3 to 16 and substitute:

8 “SECTION 311m. 48.39 of the statutes is amended to read:

9 **48.39 Disposition by court bars criminal proceeding.** Disposition by the
10 court of any violation of state law coming within its jurisdiction under s. 48.12 bars
11 any future criminal proceeding on the same matter in circuit court when the child
12 reaches the age of ~~18~~ 17. This section does not affect criminal proceedings in circuit
13 court which were transferred under s. 48.18.

14 **SECTION 311p.** 48.39 of the statutes, as affected by 1995 Wisconsin Act ... (this
15 act), is repealed.

16 **SECTION 312m.** 48.396 (1) of the statutes is amended to read:

17 48.396 (1) Peace officers' records of children shall be kept separate from records
18 of persons ~~18 or older~~ adults. Peace officers' records of children shall not be open to
19 inspection or their contents disclosed except under sub. (1m) or (5) or s. 48.293 or by
20 order of the court. This subsection does not apply to the representatives of
21 newspapers or other reporters of news who wish to obtain information for the
22 purpose of reporting news without revealing the identity of the child involved, to the
23 confidential exchange of information between the police and officials of the school

1 attended by the child or other law enforcement or social welfare agencies or to
2 children 16 or older who are transferred to the criminal courts.

3 **SECTION 312p.** 48.396 (1) of the statutes, as affected by 1995 Wisconsin Act ...
4 (this act), is repealed and recreated to read:

5 48.396 (1) Peace officers' records of children, other than children 17 years of
6 age or over who come within the jurisdiction of the court under s. 938.125 or 938.13,
7 shall be kept separate from records of adults. Peace officers' records of children,
8 other than children 17 years of age or over who come within the jurisdiction of the
9 court under s. 938.125 or 938.13, shall not be open to inspection or their contents
10 disclosed except under s. 48.293 or by order of the court. This subsection does not
11 apply to the representatives of newspapers or other reporters of news who wish to
12 obtain information for the purpose of reporting news without revealing the identity
13 of the child involved, to the confidential exchange of information between the police
14 and officials of the school attended by the child or other law enforcement or social
15 welfare agencies or to children 10 or over who are transferred to the criminal courts.”.

16 **52.** Page 91, line 4: delete lines 4 to 20 and substitute:

17 “**SECTION 328m.** 48.44 (title) and (1) of the statutes are amended to read:

18 **48.44** (title) **Jurisdiction over persons ~~18~~ 17 or older.** (1) The court has
19 jurisdiction over persons ~~18~~ 17 or older as provided under ss. 48.355 (4) and 48.45 and
20 as otherwise specifically provided in this chapter.

21 **SECTION 328p.** 48.45 (1) (a) of the statutes is amended to read:

22 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
23 described in s. 48.12 or 48.13 it appears that any person ~~18~~ 17 or older has been guilty
24 of contributing to, encouraging, or tending to cause by any act or omission, such

1 condition of the child, the judge may make orders with respect to the conduct of such
2 person in his or her relationship to the child, including orders determining the ability
3 of the person to provide for the maintenance or care of the child and directing when,
4 how and where funds for the maintenance or care shall be paid.

5 **SECTION 328r.** 48.45 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
6 (this act), is repealed and recreated to read:

7 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
8 described in s. 48.13 it appears that any person 17 or older has been guilty of
9 contributing to, encouraging, or tending to cause by any act or omission, such
10 condition of the child, the judge may make orders with respect to the conduct of such
11 person in his or her relationship to the child, including orders determining the ability
12 of the person to provide for the maintenance or care of the child and directing when,
13 how and where funds for the maintenance or care shall be paid.

14 **SECTION 328t.** 48.43 (1) (b) of the statutes is amended to read:”.

15 **53.** Page 91, line 21: before “(b)” insert “48.45 (1)”.

16 **54.** Page 93, line 20: delete lines 20 to 23 and substitute:

17 “**SECTION 335m.** 48.48 (4m) (a) of the statutes is amended to read:

18 48.48 (4m) (a) Is at least ~~18~~ 17 years of age;

19 **SECTION 336m.** 48.48 (4m) (b) of the statutes, as affected by 1993 Wisconsin
20 Act 385, is amended to read:

21 48.48 (4m) (b) Was in the legal custody of the department or under its
22 supervision under s. 48.34 (4m) or (4n) when the person reached ~~18~~ 17 years of age;

23 **SECTION 336p.** 48.48 (4m) (b) of the statutes, as affected by 1993 Wisconsin Act
24 385 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

1 48.48 (4m) (b) Was in the legal custody of the department when the person
2 reached 17 years of age;”.

3 **55.** Page 94, line 13: delete lines 13 to 21 and substitute:

4 “**SECTION 340m.** 48.48 (14) of the statutes, as affected by 1993 Wisconsin Act
5 385, is amended to read:

6 48.48 (14) To pay maintenance, tuition and related expenses from the
7 appropriations under s. 20.435 (3) (ho) and (7) (dd) for persons who when they
8 reached ~~18~~ 17 years of age were students regularly attending a school, college or
9 university or regularly attending a course of vocational or technical training
10 designed to fit them for gainful employment, and who when reaching that age were
11 in the legal custody of the department or under its supervision under s. 48.34 (4m)
12 or (4n) as a result of a judicial decision.

13 **SECTION 340p.** 48.48 (14) of the statutes, as affected by 1993 Wisconsin Act 385
14 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

15 48.48 (14) To pay maintenance, tuition and related expenses from the
16 appropriations under s. 20.435 (3) (ho) and (7) (dd) for persons who when they
17 reached 17 years of age were students regularly attending a school, college or
18 university or regularly attending a course of vocational or technical training
19 designed to fit them for gainful employment, and who when reaching that age were
20 in the legal custody of the department as a result of a judicial decision.”.

21 **56.** Page 94, line 25: after that line insert:

22 “**SECTION 341m.** 48.49 of the statutes, as affected by 1993 Wisconsin Acts 377
23 and 385, is amended to read:

1 **48.49** (title) ~~Notification by court of transfer to department of~~
2 ~~corrections or of placement with department of health and social services;~~
3 ~~information for those departments~~ department. (1) When the court places a
4 child in a secured correctional facility ~~under the supervision of the department of~~
5 ~~health and social services or transfers legal custody of a child to the department of~~
6 ~~corrections, the court shall immediately notify the department to which the child's~~
7 ~~legal custody is transferred or under whose supervision the child is placed of that~~
8 action. The court shall, in accordance with procedures established by the
9 department ~~to which the child's legal custody is transferred or under whose~~
10 ~~supervision the child is placed, provide transportation for the child to a receiving~~
11 center designated by that department or deliver the child to personnel of that
12 department.

13 (2) When the court places a child in a secured correctional facility ~~under the~~
14 ~~supervision of the department of health and social services or transfers legal custody~~
15 ~~of a child to the department of corrections, the court and all other public agencies~~
16 shall also immediately transfer to the department ~~to which the child's legal custody~~
17 ~~is transferred or under whose supervision the child is placed~~ a copy of the report
18 submitted to the court under s. 48.33 and all other pertinent data in their possession
19 and shall immediately notify the child's last school district in writing of its obligation
20 under s. 118.125 (4).”.

21 **57.** Page 95, line 2: after “385” insert “and 1995 Wisconsin Act (this act)”.

22 **58.** Page 95, line 16: after that line insert:

23 **“Section 343m.** 48.505 of the statutes, as created by 1993 Wisconsin Act 385,
24 is amended to read:

1 48.505 (title) **Children placed in a secured correctional facility or on**
2 **aftercare.** The When a child is under the supervision of the department under s.
3 48.34 (4m) or (4n), 48.357 (4) or (5) (e) or 48.366 or under the supervision of a county
4 department under s. 48.34 (4n), the department or county department having
5 supervision over the child shall have the right and duty to protect, train, discipline,
6 treat and confine a child who is placed in a secured correctional facility under s. 48.34
7 (4m), 48.357 (4) or (5) (e) or 48.366, the child and to provide food, shelter, legal
8 services, education and ordinary medical and dental care for the child, subject to the
9 rights, duties and responsibilities of the guardian of the child and subject to any
10 residual parental rights and responsibilities and the provisions of any court order.”.

11 **59.** Page 95, line 17: after “385” insert “and as affected by 1995 Wisconsin Act
.... (this act)”.

12 **60.** Page 95, line 19: delete lines 19 and 20 and substitute:

13 “**SECTION 344m.** 48.51 (title) of the statutes, as affected by 1993 Wisconsin Act
14 377, is repealed.

15 **SECTION 345d.** 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin
16 Acts 377 and 385, is amended to read:

17 48.51 (1) (intro.) At least 15 days prior to the date of release of a child from a
18 secured correctional facility or a placement in the community under the corrective
19 sanctions program ~~or the youthful offender program~~, the department of health and
20 social services ~~or the department of corrections~~ shall:

21 **SECTION 345g.** 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin
22 Acts 377 and 385 and 1995 Wisconsin Act (this act), is repealed.

23 **SECTION 345m.** 48.51 (1) (a) of the statutes is repealed.

1 **SECTION 345p.** 48.51 (1) (b) of the statutes, as affected by 1993 Wisconsin Acts
2 377 and 385, is repealed.

3 **SECTION 345r.** 48.51 (1) (c) of the statutes is repealed.

4 **SECTION 345t.** 48.51 (2) of the statutes is repealed.

5 **SECTION 345v.** 48.51 (3) of the statutes is repealed.”.

6 **61.** Page 101, line 8: delete that line and substitute:

7 “**SECTION 370g.** 48.78 (2) (e) of the statutes is repealed.

8 **SECTION 370m.** 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 377,
9 is amended to read:

10 48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10,
11 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295,
12 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a),
13 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60,
14 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
15 correctional facility, has been allowed to leave a secured correctional facility for a
16 specified time period and is absent from the facility for more than 12 hours after the
17 expiration of the specified period or has run away from the child’s placement in the
18 community while under corrective sanctions or youthful offender supervision, the
19 department of health and social services or the department of corrections may
20 release the child’s name and any information about the child that is necessary for the
21 protection of the public or to secure the child’s return to the facility or placement.
22 The department of health and social services shall promulgate rules establishing
23 guidelines for the release of the child’s name or information about the child to the
24 public, ~~except that the department of corrections shall promulgate rules establishing~~

1 ~~guidelines for the release to the public of the name of a child, or information about~~
2 ~~a child, who is a participant in the youthful offender program.~~

3 **SECTION 370p.** 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 377
4 and 1995 Wisconsin Act (this act), is repealed.”.

5 **62.** Page 102, line 5: delete “48.366 938.366” and substitute “48.366”.

6 **63.** Page 126, line 22: delete lines 22 to 25.

7 **64.** Page 127, line 1: delete lines 1 to 10 and substitute:

8 “**SECTION 427m.** 118.125 (4) of the statutes, as affected by 1993 Wisconsin Acts
9 377, 385 and 491, is amended to read:

10 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
11 transfer to another school or school district all pupil records relating to a specific
12 pupil if the transferring school district has received written notice from the pupil if
13 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
14 pupil intends to enroll in the other school or school district or written notice from the
15 other school or school district that the pupil has enrolled or from a court that legal
16 custody of the pupil has been transferred to the department of corrections or that the
17 pupil has been placed in a juvenile correctional facility. In this subsection, “school”
18 and “school district” include any state juvenile correctional facility which provides
19 an educational program for its residents instead of or in addition to that which is
20 provided by public and private schools.

21 **SECTION 427p.** 118.125 (4) of the statutes, as affected by 1993 Wisconsin Acts
22 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to
23 read:

1 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
2 transfer to another school or school district all pupil records relating to a specific
3 pupil if the transferring school district has received written notice from the pupil if
4 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
5 pupil intends to enroll in the other school or school district or written notice from the
6 other school or school district that the pupil has enrolled or from a court that the pupil
7 has been placed in a juvenile correctional facility or a secured child caring
8 institution, as defined in s. 938.02 (15g). In this subsection, “school” and “school
9 district” include any state juvenile correctional facility or secured child caring
10 institution which provides an educational program for its residents instead of or in
11 addition to that which is provided by public and private schools.”.

12 **65.** Page 132, line 11: delete lines 11 to 18.

13 **66.** Page 133, line 8: delete lines 8 to 12.

14 **67.** Page 141, line 8: delete lines 8 to 13 and substitute:

15 “**SECTION 477m.** 161.573 (2) of the statutes is amended to read:

16 161.573 (2) Any person who violates this section who is under ~~18~~ 17 years of
17 age is subject to a disposition under s. 48.344 (2e).

18 **SECTION 477p.** 161.573 (2) of the statutes, as affected by 1995 Wisconsin Act
19 (this act), is repealed and recreated to read:

20 161.573 (2) Any person who violates this section who is under 17 years of age
21 is subject to a disposition under s. 938.344 (2e).

22 **SECTION 478m.** 161.574 (2) of the statutes is amended to read:

23 161.574 (2) Any person who violates this section who is under ~~18~~ 17 years of
24 age is subject to a disposition under s. 48.344 (2e).

1 **SECTION 478p.** 161.574 (2) of the statutes, as affected by 1995 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 161.574 (2) Any person who violates this section who is under 17 years of age
4 is subject to a disposition under s. 938.344 (2e).”.

5 **68.** Page 141, line 19: delete lines 19 to 21 and substitute:

6 “**SECTION 480m.** 161.575 (2) of the statutes is amended to read:

7 161.575 (2) Any person who violates this section who is under ~~18~~ 17 years of
8 age is subject to a disposition under s. 48.344 (2e).

9 **SECTION 480p.** 161.575 (2) of the statutes, as affected by 1995 Wisconsin Act
10 (this act), is repealed and recreated to read:

11 161.575 (2) Any person who violates this section who is under 17 years of age
12 is subject to a disposition under s. 938.344 (2e).”.

13 **69.** Page 144, line 23: delete lines 23 and 24.

14 **70.** Page 145, line 1: delete lines 1 to 7 and substitute:

15 “**SECTION 494m.** 227.03 (4) of the statutes, as affected by 1993 Wisconsin Act
16 377, is amended to read:

17 227.03 (4) The provisions of this chapter relating to contested cases do not
18 apply to proceedings involving the revocation of aftercare supervision under s.
19 48.357 (5) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5) ~~or~~
20 ~~youthful offender supervision under s. 48.537 (4)~~, the revocation of parole or
21 probation, the grant of probation, prison discipline, mandatory release under s.
22 302.11 or any other proceeding involving the care and treatment of a resident or an
23 inmate of a correctional institution.

1 **SECTION 494p.** 227.03 (4) of the statutes, as affected by 1993 Wisconsin Act 377
2 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

3 227.03 (4) The provisions of this chapter relating to contested cases do not
4 apply to proceedings involving the revocation of aftercare supervision under s.
5 48.366 (5) or 938.357 (5) or corrective sanctions supervision under s. 938.357 (5) or
6 serious juvenile offender supervision under s. 938.538 (4), the revocation of parole
7 or probation, the grant of probation, prison discipline, mandatory release under s.
8 302.11 or any other proceeding involving the care and treatment of a resident or an
9 inmate of a correctional institution.”.

10 **71.** Page 150, line 9: delete “48.366 938.183 or 938.366 (8)” and substitute
“48.366 (8) or 938.183”.

11 **72.** Page 150, line 11: delete lines 11 to 14 and substitute:

12 “**SECTION 508m.** 301.03 (9m) of the statutes, as created by 1993 Wisconsin Act
13 377, is repealed.

14 **SECTION 508p.** 301.03 (9r) of the statutes is created to read:

15 301.03 (9r) Supervise all persons placed in the serious juvenile offender
16 program under s. 938.538.”.

17 **73.** Page 151, line 7: delete lines 7 to 13 and substitute:

18 “**SECTION 513m.** 301.28 (1) of the statutes, as affected by 1993 Wisconsin Act
19 377, is amended to read:

20 301.28 (1) In this section, “correctional officer” means any person classified as
21 a correctional officer employed by the state whose principal duty is the supervision
22 of inmates at a prison, as defined in s. 302.01, ~~or the supervision of children at a~~

1 secured correctional facility, as defined in s. 48.02 (15m), operated by the
2 department.

3 **SECTION 513p.** 301.28 (1) of the statutes, as affected by 1993 Wisconsin Act 377
4 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

5 301.28 (1) In this section, "correctional officer" means any person classified as
6 a correctional officer employed by the state whose principal duty is the supervision
7 of inmates at a prison, as defined in s. 302.01, or the supervision of children at a
8 secured correctional facility, as defined in s. 48.02 (15m).".

9 **74.** Page 151, line 15: delete that line and substitute:

10 "301.35 (2) (e) A participant in the serious juvenile offender program under s.
11 938.538."

12 **75.** Page 152, line 1: delete "48.366 938.34 (4g) or 938.366" and substitute
"48.366 or 938.34 (4h)".

13 **76.** Page 152, line 3: delete "48.366, 938.366 or 938.537" and substitute
"48.366 or 938.538".

14 **77.** Page 152, line 4: delete lines 4 to 12.

15 **78.** Page 152, line 23: delete "48.366 938.366" and substitute "48.366".

16 **79.** Page 152 line 24: delete "(4g)" and substitute "(4h)".

17 **80.** Page 153, line 1: delete lines 1 to 18 and substitute:

18 "SECTION 521m. 302.31 of the statutes, as affected by 1993 Wisconsin Act 385,
19 is amended to read:

20 **302.31** USE OF JAILS. The county jail may be used for the detention of persons
21 charged with crime and committed for trial; for the detention of persons committed
22 to secure their attendance as witnesses; to imprison persons committed pursuant to

1 a sentence or held in custody by the sheriff for any cause authorized by law; for the
2 detention of persons sentenced to imprisonment in state penal institutions or a
3 county house of correction, until they are removed to those institutions; for the
4 detention of persons participating in the intensive sanctions program; for the
5 temporary detention of persons in the custody of the department; and for other
6 detentions authorized by law. The county jail may be used for the temporary
7 placement of persons in the custody of the department, and persons who have
8 attained the age of ~~18~~ 17 years but have not attained the age of 25 years who are
9 under the supervision of the department of health and social services under s. 48.355
10 (4) or 48.366 and who have been taken into custody pending revocation of aftercare
11 supervision under s. 48.357 (5) (e) or 48.366 (5) or corrective sanctions supervision
12 under s. 48.357 (5) (e).

13 **SECTION 521p.** 302.31 of the statutes, as affected by 1993 Wisconsin Act 385
14 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

15 **302.31** USE OF JAILS. The county jail may be used for the detention of persons
16 charged with crime and committed for trial; for the detention of persons committed
17 to secure their attendance as witnesses; to imprison persons committed pursuant to
18 a sentence or held in custody by the sheriff for any cause authorized by law; for the
19 detention of persons sentenced to imprisonment in state penal institutions or a
20 county house of correction, until they are removed to those institutions; for the
21 detention of persons participating in the intensive sanctions program; for the
22 temporary detention of persons in the custody of the department; and for other
23 detentions authorized by law. The county jail may be used for the temporary
24 placement of persons in the custody of the department, other than persons under 17
25 years of age, and persons who have attained the age of 17 years but have not attained

1 the age of 25 years who are under the supervision of the department of health and
2 social services under s. 48.366 or 938.355 (4) and who have been taken into custody
3 pending revocation of aftercare supervision under s. 48.366 (5) or 938.357 (5) (e).”.

4 **81.** Page 155, line 5: delete “youthful” and substitute “serious juvenile”.

5 **82.** Page 155, line 6: delete “938.537” and substitute “938.538”.

6 **83.** Page 155, line 9: delete lines 9 to 24.

7 **84.** Page 156, line 1: delete lines 1 and 2 and substitute:

8 “**SECTION 527m.** 304.06 (1) (b) of the statutes, as affected by 1993 Wisconsin
9 Act 377, is amended to read:

10 304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or
11 973.0135, the parole commission may parole an inmate of the Wisconsin state
12 prisons or any felon or any person serving at least one year or more in a county house
13 of correction or a county reforestation camp organized under s. 303.07, when he or
14 she has served 25% of the sentence imposed for the offense, or 6 months, whichever
15 is greater. ~~The parole commission may parole a participant in the youthful offender~~
16 ~~program under s. 48.537 when he or she has participated in that program for 2 years.~~
17 Except as provided in s. 939.62 (2m) or 973.014, the parole commission may parole
18 an inmate serving a life term when he or she has served 20 years, as modified by the
19 formula under s. 302.11 (1) and subject to extension using the formulas under s.
20 302.11 (2). The person serving the life term shall be given credit for time served prior
21 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
22 secretary may grant special action parole releases under s. 304.02. The department
23 or the parole commission shall not provide any convicted offender or other person

1 sentenced to the department's custody any parole eligibility or evaluation until the
2 person has been confined at least 60 days following sentencing.

3 **SECTION 527p.** 304.06 (1) (b) of the statutes, as affected by 1993 Wisconsin Act
4 377 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

5 304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or
6 973.0135, the parole commission may parole an inmate of the Wisconsin state
7 prisons or any felon or any person serving at least one year or more in a county house
8 of correction or a county reforestation camp organized under s. 303.07, when he or
9 she has served 25% of the sentence imposed for the offense, or 6 months, whichever
10 is greater. The parole commission may parole a participant in the serious juvenile
11 offender program under s. 938.538 when he or she has participated in that program
12 for 2 years. Except as provided in s. 939.62 (2m) or 973.014, the parole commission
13 may parole an inmate serving a life term when he or she has served 20 years, as
14 modified by the formula under s. 302.11 (1) and subject to extension using the
15 formulas under s. 302.11 (2). The person serving the life term shall be given credit
16 for time served prior to sentencing under s. 973.155, including good time under s.
17 973.155 (4). The secretary may grant special action parole releases under s. 304.02.
18 The department or the parole commission shall not provide any convicted offender
19 or other person sentenced to the department's custody any parole eligibility or
20 evaluation until the person has been confined at least 60 days following sentencing.”.

21 **85.** [Page 156, line 10](#): delete lines 10 to 12.

22 **86.** [Page 173, line 15](#): delete lines 15 to 17 and substitute:

23 “(1) “Adult” means a person who is 18 years of age or older, except that for
24 purposes of prosecuting a person who is alleged to have violated any state or federal

1 criminal law or any civil law or municipal ordinance, “adult” means a person who has
2 attained 17 years of age.”.

3 **87. Page 175, line 8:** delete lines 8 to 10 and substitute:

4 “(10m) “Juvenile” means a person who is less than 18 years of age, except that
5 for purposes of prosecuting a person who is alleged to have violated a state or federal
6 criminal law or any civil law or municipal ordinance, “juvenile” does not include a
7 person who has attained 17 years of age.”.

8 **88. Page 176, line 17:** delete “938.537” and substitute “938.538”.

9 **89. Page 177, line 13:** on lines 13 and 16, delete “938.537” and substitute
10 “938.538”.

11 **90. Page 180, line 7:** delete “(4g)” and substitute “(4h)”.

12 **91. Page 193, line 22:** delete lines 22 to 25.

13 **92. Page 194, line 1:** delete lines 1 to 4 and substitute:

14 “(2r) If it appears that the child may be suitable for participation in the serious
15 juvenile offender program under s. 938.538 or the adult intensive sanctions program
16 under s. 301.048, the judge shall order the department of corrections to submit a
17 written report analyzing the child’s suitability for participation in those programs
18 and recommending whether the child should be placed in either of those programs.”.

19 **93. Page 195, line 20:** delete “youthful” and substitute “serious juvenile”; and
20 delete “938.537” and substitute “938.538”.

21 **94. Page 218, line 13:** delete “legal custody” and substitute “supervision”.

95. Page 218, line 14: delete “youthful” and substitute “serious juvenile”.

96. Page 219, line 7: delete lines 7 to 10.

- 1 **97.** Page 226, line 17: delete that line and substitute: “visions of ss. 938.17
and 938.18 if applicable.”.
- 2 **98.** Page 240, line 14: delete lines 14 and 15 and substitute: “reimburse the
state or county in accordance with par.”.
- 3 **99.** Page 240, line 23: delete “county department shall” and substitute:
“child’s parent may request the state public defender to”.
- 4 **100.** Page 242, line 9: delete lines 9 to 11.
- 5 **101.** Page 268, line 19: after “agency” insert “, as defined in s. 938.38 (1) (a),”.
- 6 **102.** Page 270, line 12: delete lines 12 to 19 and substitute:
- 7 **“(3r) SERIOUS JUVENILE OFFENDER REPORT.** If a child 14 years of age or over has
8 been adjudicated delinquent for committing a violation specified in s. 938.34 (4h) (a),
9 the report shall be in writing and, in addition to the information specified in sub. (1)
10 and in sub. (3) or (4), if applicable, shall include an analysis of the child’s suitability
11 for placement in a secured correctional facility, a placement specified in s. 938.34 (3)
12 or placement in the child’s home with supervision and community-based
13 programming and a recommendation as to the type of placement for which the child
14 is best suited.”.
- 15 **103.** Page 276, line 1: delete lines 1 to 3 and substitute:
- 16 **“(3g) Monitoring by an electronic monitoring system for a child subject to an**
17 order under sub. (2r), (3) (a) to (e), (4h) or (4n) who is placed in the community.”.
- 18 **104.** Page 276, line 10: delete lines 10 to 24.
- 19 **105.** Page 277, line 1: delete lines 1 and 2 and substitute:

1 “(4h) SERIOUS JUVENILE OFFENDER PROGRAM. Place the child in the serious
2 juvenile offender program under s. 938.538, but only if all of the following apply:

3 (a) The child is 14 years of age or over and has been adjudicated delinquent for
4 committing a violation of s. 939.31, 939.32 (1) (a), 940.01, 940.02, 940.03, 940.05,
5 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
6 (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or 948.36.

7 (b) The judge finds that the only other disposition that would be appropriate
8 for the child would be placement of the child in a secured correctional facility under
9 sub. (4m).”.

10 **106.** Page 277, line 24: after “Subject to” insert “s. 48.532 (3) and to”.

11 **107.** Page 300, line 4: after “in” insert “the serious juvenile offender
program,”.

12 **108.** Page 300, line 5: delete that line and substitute “institution.”.

13 **109.** Page 308, line 20: delete lines 20 to 23 and substitute: “for a juvenile who
is subject to an order under s. 938.34 (4h), (4m) or (4n) if the juvenile is 17 years of
age or older when the”.

14 **110.** Page 309, line 3: delete lines 3 to 10 and substitute:

15 “(b) An order under s. 938.34 (4h) or (4m) for which a child has been adjudicated
16 delinquent is subject to par. (a), except that the judge may make an order under s.
17 938.34 (4m) apply for up to 2 years or until the child’s 18th birthdate, whichever is
18 earlier and the judge shall make an order under s. 938.34 (4h) apply for 5 years, if
19 the child is adjudicated delinquent for committing an act that would be punishable
20 as a Class B felony if committed by an adult, or until the child reaches 25 years of

1 age, if the child is adjudicated delinquent for committing an act that would be
2 punishable as a Class A felony if committed by an adult.”.

3 **111.** Page 312, line 1: delete “48.13” and substitute “938.13”.

4 **112.** Page 317, line 16: after “(4)” insert “(a)”.

5 **113.** Page 317, line 22: after the period insert: “A child is who placed in a
secured child caring institution remains under the supervision of the department,
remains subject to the rules and discipline of that department and is considered to
be in custody, as defined in s. 946.42 (1) (a).

6 (b) If a child who is placed in a secured child caring institution violates a
7 condition of his or her placement in the secured child caring institution, the child
8 welfare agency operating the secured child caring institution shall notify the
9 department, and the department, without a hearing under sub. (1), may return the
10 child to a secured correctional facility or place the child in a secure detention facility
11 for not more than 30 days as a sanction for that violation. The department shall send
12 written notice of the change to the parent, guardian, legal custodian and committing
13 court. If a child is returned to a secured correctional facility or placed in a secure
14 detention facility under this paragraph, the child welfare agency operating the
15 secured child caring institution in which the child was placed shall reimburse the
16 department or county for the cost of the child’s care while placed in the secured
17 correctional facility or secure detention facility under this paragraph.

18 (c) The child welfare agency that is operating a secured child caring institution
19 in which a child has been placed under par. (a) may place the child in a less restrictive
20 placement, and may replace in the secured child caring institution that child,

1 without a hearing under sub. (1). The child welfare agency shall establish a rate for
2 each type of placement in the manner provided in s. 46.037.”.

3 **114.** Page 318, line 11: delete “or extended jurisdiction under s. 938.366”.

4 **115.** Page 330, line 7: delete lines 7 to 25.

5 **116.** Page 331, line 1: delete lines 1 to 24.

6 **117.** Page 332, line 1: delete lines 1 to 24.

7 **118.** Page 333, line 1: delete lines 1 to 18.

8 **119.** Page 335, line 17: after “department” insert: “of health and social
services, the department of corrections”.

9 **120.** Page 336, line 23: delete lines 23 to 25 and substitute: “or a secured child
caring institution, the agency is not required to sub–”.

10 **121.** Page 348, line 18: delete “(1)”.

11 **122.** Page 348, line 21: delete lines 21 and 22.

12 **123.** Page 353, line 5: delete “, 938.366 (8)”.

13 **124.** Page 353, line 10: delete “legal custody” and substitute “supervision”.

14 **125.** Page 353, line 11: delete “to which”.

15 **126.** Page 353, line 12: delete that line and substitute: “under whose
supervision the juvenile is”.

16 **127.** Page 353, line 14: delete that line and substitute: “the department
under whose”.

17 **128.** Page 353, line 20: delete that line and substitute: “social services or the
department of correc–”.

- 1 **129.** Page 353, line 22: delete that line and substitute “department under
whose super–”.
- 2 **130.** Page 354, line 19: after “department” insert: “of health and social
services or the department of corrections”.
- 3 **131.** Page 354, line 21: after “department” insert: “having supervision over
the juvenile”.
- 4 **132.** Page 355, line 2: on lines 2, 6 and 23, before “or” insert: “of health and
social services, department of corrections”.
- 5 **133.** Page 355, line 11: after “department” insert: “of health and social
services, department of corrections or county department”.
- 6 **134.** Page 356, line 4: after “services” insert “, the department of corrections”.
- 7 **135.** Page 356, line 5: delete that line and substitute “a county department,
the”.
- 8 **136.** Page 357, line 1: delete “or legal custody”; and after “department” insert
“of health and social services, department of corrections”.
- 9 **137.** Page 359, line 4: delete “938.183 and 938.366” and substitute “48.366
and 938.183”.
- 10 **138.** Page 359, line 14: after that line insert:
- 11 “(3) AFTERCARE SUPERVISION. Notwithstanding s. 938.34 (4n), a child who has
12 completed the juvenile boot camp program and who is released from a secured
13 correctional facility shall be placed under aftercare supervision administered by the
14 department.”.

1 **139.** Page 359, line 16: delete lines 16 and 17 and substitute: “the
appropriation under s. 20.435 (3) (hr), the department shall provide”.

2 **140.** Page 359, line 18: delete “\$2,192,900, for”.

3 **141.** Page 359, line 23: delete “in the division of youth services”.

4 **142.** Page 362, line 21: delete lines 21 to 23.

5 **143.** Page 363, line 6: delete lines 6 to 25.

6 **144.** Page 364, line 1: delete lines 1 to 25.

7 **145.** Page 365, line 1: delete lines 1 to 25.

8 **146.** Page 366, line 1: delete lines 1 to 25.

9 **147.** Page 367, line 1: delete lines 1 to 24.

10 **148.** Page 368, line 1: delete lines 1 to 25.

11 **149.** Page 369, line 1: delete lines 1 to 24.

12 **150.** Page 370, line 1: delete lines 1 to 25.

13 **151.** Page 371, line 1: delete lines 1 to 12 and substitute:

14 **“938.538 Serious juvenile offender program. (1) DEFINITION.** In this
15 section, “department” means the department of corrections.

16 **(2) PROGRAM ADMINISTRATION AND DESIGN.** The department shall administer a
17 serious juvenile offender program for children who have been adjudicated
18 delinquent and ordered to participate in the program under s. 938.34 (4h). The
19 department shall design the program to provide all of the following:

20 (a) Supervision, care and rehabilitation that is less costly than ordinary
21 placement in a secured correctional facility under s. 938.34 (4m) and more restrictive
22 than ordinary supervision in the community.

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

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

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

7 1. Subject to subd. 1m., placement in a Type 1 secured correctional facility or,
8 if the participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01
9 (5), for a period of not more than 3 years.

10 1m. If the participant has been adjudicated delinquent for committing an act
11 that would be a Class A felony if committed by an adult, placement in a Type 1
12 secured correctional facility or, if the participant is 17 years of age or over, a Type 1
13 prison, as defined in s. 301.01 (5), until the participant reaches 25 years of age, unless
14 the participant is released sooner, subject to a mandatory minimum period of
15 confinement of not less than one year.

16 2. Intensive or other field supervision.

17 3. Electronic monitoring.

18 4. Alcohol or other drug abuse outpatient treatment and services.

19 5. Mental health treatment and services.

20 6. Community service.

21 7. Restitution.

22 8. Transitional services for education and employment.

23 9. Other programs as prescribed by the department.

24 (b) The department may provide the sanctions under par. (a) in any order, may
25 provide more than one sanction at a time and may return to a sanction that was used

1 previously for a participant. Notwithstanding ss. 938.357 and 938.363, a participant
2 is not entitled to a hearing regarding the department's exercise of authority under
3 this subsection unless the department provides for a hearing by rule.

4 (4) INSTITUTIONAL STATUS. (a) A participant in the serious juvenile offender
5 program is under the supervision and control of the department and is subject to the
6 rules and discipline of the department. Notwithstanding ss. 938.19 to 938.21, if a
7 participant violates a condition of his or her participation in the program under sub.
8 (3) (a) 2. to 9. while placed in a Type 2 secured correctional facility the department
9 may, without a hearing, take the participant into custody and return him or her to
10 placement in a Type 1 secured correctional facility or, if the participant is 17 years
11 of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of
12 a participant to remain within the extended limits of his or her placement while
13 participating in the serious juvenile offender program or to return within the time
14 prescribed by the administrator of the division of intensive sanctions in the
15 department is considered an escape under s. 946.42 (3) (c).

16 (b) The department shall operate the component phases of the program
17 specified in sub. (3) (a) 2. to 9. as a Type 2 secured correctional facility. The secretary
18 of corrections may allocate and reallocate existing and future facilities as part of the
19 Type 2 secured correctional facility. The Type 2 secured correctional facility is subject
20 to s. 301.02. Construction or establishment of a Type 2 secured correctional facility
21 shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to
22 the exemptions under s. 13.48 (13), construction or establishment of a Type 2 secured
23 correctional facility is not subject to the ordinances or regulations relating to zoning,
24 including zoning under ch. 91, of the county and city, village or town in which the

1 construction or establishment takes place and is exempt from inspections required
2 under s. 301.36.

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

7 (b) The department may discharge a participant from participation in the
8 serious juvenile offender program and from departmental supervision and control at
9 any time after the participant has completed 3 years of participation in the serious
10 juvenile offender program.

11 (c) Sections 938.357 and 938.363 do not apply to changes of placement and
12 revisions of orders for a child who is a participant in the serious juvenile offender
13 program.

14 (dm) The department of corrections may not transfer supervision and control
15 over a participant in the serious juvenile offender program to the department of
16 health and social services.

17 **(6) PURCHASE OF SERVICES.** The department of corrections may contract with the
18 department of health and social services, a county department or any public or
19 private agency for the purchase of goods, care and services for participants in the
20 serious juvenile offender program. The department of corrections shall reimburse
21 a person from whom it purchases goods, care or services under this subsection from
22 the appropriation under s. 20.410 (1) (cg).

23 **(6m) MINORITY HIRING.** (a) In this subsection:

24 1. "American Indian" means a person who is enrolled as a member of a federally
25 recognized American Indian tribe or band or who possesses documentation of at least

1 one-fourth American Indian ancestry or documentation of tribal recognition as an
2 American Indian.

3 2. “Black” means a person whose ancestors originated in any of the black racial
4 groups of Africa.

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

8 4. “Minority group member” means a Black, a Hispanic or an American Indian.

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

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

20 **152.** Page 377, line 18: delete “938.66” and substitute “48.366”.

21 **153.** Page 378, line 21: delete lines 21 to 25 and substitute:

22 “(d) Paragraph (a) does not prohibit the department of health and social
23 services or a county department from disclosing information about an individual
24 formerly in the legal custody or under the supervision of that department under s.

1 48.34 (4m), 1993 stats., or formerly under the supervision of that department or
2 county department under s. 48.34 (4n), 1993 stats., to the department of corrections,
3 if the individual is at the time of disclosure any of the following:".

4 **154.** Page 381, line 20: delete lines 20 to 25.

5 **155.** Page 382, line 1: delete lines 1 to 14 and substitute:

6 "SECTION 587m. 946.42 (1) (a) of the statutes, as affected by 1993 Wisconsin
7 Acts 377 and 385, is amended to read:

8 946.42 (1) (a) "Custody" includes without limitation actual custody of an
9 institution, including a secured juvenile correctional facility, a secure detention
10 facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a
11 peace officer or institution guard and constructive custody of prisoners and juveniles
12 subject to an order under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366 temporarily
13 outside the institution whether for the purpose of work, school, medical care, a leave
14 granted under s. 303.068, a temporary leave or furlough granted to a juvenile or
15 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the
16 county to which the prisoner was transferred after conviction. "Custody" also
17 includes the custody by the department of health and social services of a child who
18 is placed in the community under corrective sanctions supervision under s. 48.533
19 ~~and custody by the department of corrections of a person who is placed in the~~
20 ~~community under youthful offender supervision under s. 48.537.~~ It does not include
21 the custody of a probationer or parolee by the department of corrections or a
22 probation or parole officer or the custody of a person who has been released to
23 aftercare supervision under ch. 48 unless the person is in actual custody.

1 **SECTION 587p.** 946.42 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
2 377 and 385 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

3 946.42 (1) (a) “Custody” includes without limitation actual custody of an
4 institution, including a secured juvenile correctional facility, a secured child caring
5 institution, as defined in s. 938.02 (15g), a secure detention facility, as defined under
6 s. 938.02 (16), or a juvenile portion of a county jail, or of a peace officer or institution
7 guard and constructive custody of prisoners and juveniles subject to an order under
8 s. 48.366, 938.183, 938.34 (4h) or (4m) or 938.357 (4) or (5) (e) temporarily outside
9 the institution whether for the purpose of work, school, medical care, a leave granted
10 under s. 303.068, a temporary leave or furlough granted to a juvenile or otherwise.
11 Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to
12 which the prisoner was transferred after conviction. It does not include the custody
13 of a probationer or parolee by the department of corrections or a probation or parole
14 officer or the custody of a person who has been released to aftercare supervision
15 under ch. 48 unless the person is in actual custody.”.

16 **156.** Page 383, line 4: delete lines 4 to 16 and substitute:

17 **“SECTION 591m.** 946.42 (3) (c) of the statutes, as affected by 1993 Wisconsin
18 Acts 377 and 385, is amended to read:

19 946.42 (3) (c) Subject to a disposition under s. 48.34 (4g) or (4m), to a placement
20 under s. 48.357 (4) or to aftercare revocation under s. 48.357 (5) (e).

21 **SECTION 591p.** 946.42 (3) (c) of the statutes, as affected by 1993 Wisconsin Acts
22 377 and 385 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

23 946.42 (3) (c) Subject to a disposition under s. 938.34 (4h) or (4m), to a
24 placement under s. 938.357 (4) or to aftercare revocation under s. 938.357 (5) (e).

1 **SECTION 593m.** 946.44 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
2 377 and 486, is amended to read:

3 946.44 (1) (a) Any officer or employe of an institution where prisoners are
4 detained or any officer or employe providing corrective sanctions supervision under
5 s. 48.533 ~~or youthful offender supervision under s. 48.537~~ who intentionally permits
6 a prisoner in the officer's or employe's custody to escape; or

7 **SECTION 593p.** 946.44 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts
8 377 and 486 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

9 946.44 (1) (a) Any officer or employe of an institution where prisoners are
10 detained who intentionally permits a prisoner in the officer's or employe's custody
11 to escape; or”.

12 **157.** [Page 383, line 20](#): delete lines 20 to 24.

13 **158.** [Page 384, line 1](#): delete lines 1 to 9 and substitute:

14 “**SECTION 595m.** 946.44 (2) (d) of the statutes, as affected by 1993 Wisconsin
15 Acts 377, 385 and 491, is amended to read:

16 946.44 (2) (d) “Prisoner” includes a person who is ~~committed to the custody of~~
17 ~~the department of corrections under s. 48.34 (4g) or placed in a secured correctional~~
18 facility under s. 48.34 (4m) or 48.357 (4) or (5) (e) or who is subject to an order under
19 s. 48.366.

20 **SECTION 595p.** 946.44 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts
21 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to
22 read:

23 946.44 (2) (d) “Prisoner” includes a person who is committed to the supervision
24 of the department of corrections under s. 938.34 (4h) or placed in a secured

1 correctional facility under s. 938.34 (4m) or 938.357 (4) or (5) (e) or who is subject to
2 an order under s. 48.366.

3 **SECTION 596m.** 946.45 (1) of the statutes, as affected by 1993 Wisconsin Act
4 377, is amended to read:

5 946.45 (1) Any officer or employe of an institution where prisoners are detained
6 or any officer or employe providing corrective sanctions supervision under s. 48.533
7 ~~or youthful offender supervision under s. 48.537~~ who, through his or her neglect of
8 duty, allows a prisoner in his or her custody to escape is guilty of a Class B
9 misdemeanor.

10 **SECTION 596p.** 946.45 (1) of the statutes, as affected by 1993 Wisconsin Act 377
11 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

12 946.45 (1) Any officer or employe of an institution where prisoners are detained
13 who, through his or her neglect of duty, allows a prisoner in his or her custody to
14 escape is guilty of a Class B misdemeanor.”.

15 **159.** [Page 384, line 13](#): delete lines 13 to 19 and substitute:

16 “**SECTION 598m.** 946.45 (2) (d) of the statutes, as affected by 1993 Wisconsin
17 Acts 377, 385 and 491, is amended to read:

18 946.45 (2) (d) “Prisoner” includes a person who is ~~committed to the custody of~~
19 ~~the department of corrections under s. 48.34 (4g) or placed in a secured correctional~~
20 facility under s. 48.34 (4m) or 48.357 (4) or (5) (e) or who is subject to an order under
21 s. 48.366.

22 **SECTION 598p.** 946.45 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts
23 377, 385 and 491 and 1995 Wisconsin Act (this act), is repealed and recreated to
24 read:

1 946.45 (2) (d) “Prisoner” includes a person who is committed to the supervision
2 of the department of corrections under s. 938.34 (4h) or placed in a secured
3 correctional facility under s. 938.34 (4m) or 938.357 (4) or (5) (e) or who is subject to
4 an order under s. 48.366.”.

5 **160.** Page 394, line 5: delete “~~48.366 938.183 or 938.366~~” and substitute:
6 “48.366 or 938.183”.

7 **161.** Page 400, line 14: on lines 14 and 19, after “law” insert: “or any civil law
8 or municipal ordinance”.

9 **162.** Page 400, line 20: after that line insert:

10 “SECTION 9137. Nonstatutory provisions; legislature.

11 (1g) TRANSFER OF JUVENILE DELINQUENCY-RELATED SERVICES. The legislative
12 reference bureau shall draft and submit to the appropriate standing committees and
13 to the joint committee on finance legislation to transfer the administration of all
14 juvenile delinquency-related services currently administered by the division of
15 youth services in the department of health and social services to the department of
16 corrections effective on July 1, 1996.”.

17 **163.** Page 402, line 14: after that line insert:

18 “(10g) AGE OF ADULT CRIMINAL JURISDICTION. The treatment of sections 48.02 (1)
19 and (2), 48.45 (3), 161.455 (1), 161.46 (1), (2) and (3), 161.575 (1), 948.01 (1), 948.35
20 (1) (a), 948.36 (1), 948.45 (1), 948.60 (title), (2) and (3), 948.61 (4) and 990.01 (3) and
21 (20) of the statutes and the amendment of sections 48.02 (3m), 48.12 (1) and (2),
22 48.255 (1) (intro.), 48.34 (10) (a), 48.35 (1) (c), 48.355 (4) (b), 48.39 and 48.45 (1) (a)
23 of the statutes first applies to violations that occur on the effective date of this
subsection.”.

1 **164.** Page 400, line 19: delete lines 19 to 21 and substitute:

2 “**SECTION 9400. Effective dates.** This act takes effect on July 1, 1996, or on
3 the day after publication, whichever is later, except as follows:

4 (1g) MISCELLANEOUS PROVISIONS. The treatment of sections 20.005 (3)
5 (schedule), 20.435 (3) (au), (bg) and (c), 46.025, 46.26 (4) (d) 3., 48.275 (2) (b), 59.175
6 and 60.23 (22m) of the statutes, the amendment of sections 48.275 (2) (a) (by SECTION
7 190m) and 48.505 (by SECTION 343m) of the statutes and SECTION 9137 (1g) of this act
8 take effect on July 1, 1995, or on the day after publication, whichever is later.

9 (2g) YOUTHFUL OFFENDER PROGRAM. The treatment of sections 20.410 (1) (am),
10 20.435 (3) (k), 46.03 (6) (a), 46.26 (4) (dr), 48.18 (2m), 48.33 (3m), 48.34 (4g), 48.537
11 and 301.03 (9m) of the statutes and the amendment of sections 20.435 (3) (hm) (by
12 SECTION 11m), 46.26 (3) (d) (by SECTION 41m) and (4) (a) (by SECTION 43m), (b) 1. (by
13 SECTION 44m), (c) (by SECTION 45m) and (cm) 1. (by SECTION 46m), 48.02 (15m) (by
14 SECTION 77m), 48.065 (3) (f) (by SECTION 92m), 48.18 (5) (c) (by SECTION 115g), 48.19
15 (1) (d) 6., (by SECTION 119m), 48.205 (1) (c) (by SECTION 135m), 48.208 (1) (by SECTION
16 135r), 48.23 (1) (a) (by SECTION 148m), 48.345 (1) (a) (by SECTION 273m), 48.355 (4)
17 (a) (by SECTION 288m) and (b) (by SECTION 288r), 48.365 (7) (by SECTION 303m), 48.38
18 (3) (a) (by SECTION 309m), 48.49 (by SECTION 341m), 48.51 (1) (intro.) (by SECTION
19 345d), 48.78 (3) (by SECTION 370m), 118.125 (4) (by SECTION 427m), 227.03 (4) (by
20 SECTION 494m), 301.28 (1) (by SECTION 513m), 304.06 (1) (b) (by SECTION 527m),
21 946.42 (1) (a) (by SECTION 587m) and (3) (c) (by SECTION 591m), 946.44 (1) (a) (by
22 SECTION 593m) and (2) (d) (by SECTION 595m) and 946.45 (1) (by SECTION 596m) and
23 (2) (d) (by SECTION 598m) of the statutes take effect on December 1, 1995.

1 (3g) EXTENDED JURISDICTION. The treatment of section 48.366 (1) (a) (intro.), (b)
2 and (c) of the statutes takes effect on January 1, 1996, or on the day after publication,
3 whichever is later.

4 (4g) AGE OF ADULT CRIMINAL JURISDICTION. The treatment of sections 46.26 (7)
5 (b) 2., 48.02 (1) and (2), 48.366 (8), 48.44 (title) and (1), 48.45 (3), 48.48 (4m) (a),
6 161.455 (1), 161.46 (1), (2) and (3), 161.575 (1), 948.01 (1), 948.35 (1) (a), 948.36 (1),
7 948.45 (1), 948.60 (title), (2) and (3), 948.61 (4) and 990.01 (3) and (20) and
8 subchapter IX (title) of chapter 48 of the statutes, the repeal and recreation of
9 sections 46.26 (4) (a) (by SECTION 43n) and 48.355 (4) (b) (by SECTION 288t) of the
10 statutes, the amendment of sections 20.410 (1) (hx) (by SECTION 6m), 48.02 (3m) (by
11 SECTION 75m), 48.12 (1) (by SECTION 103m) and (2) (by SECTION 103p), 48.255 (1)
12 (intro.) (by SECTION 177m), 48.34 (10) (a) (by SECTION 263m), 48.35 (1) (c) (by SECTION
13 284m), 48.39 (by SECTION 311m), 48.396 (1) (by SECTION 312m), 48.45 (1) (a) (by
14 SECTION 328p), 48.48 (4m) (b) (by SECTION 336m) and (14) (by SECTION 340m), 161.573
15 (2) (by SECTION 477m), 161.574 (2) (by SECTION 478m), 161.575 (2) (by SECTION 480m)
16 and 302.31 (by SECTION 521m) of the statutes and SECTION 9310 (10g) of this act take
17 effect on January 1, 1996, or on the day after publication, whichever is later.”.

18 (END)