



**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 410**

November 18, 1997 - Offered by Representatives LADWIG and KRUG.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 15, line 24: after that line insert:

3 “**SECTION 37m.** 938.17 (2) (cm) of the statutes is amended to read:

4 938.17 **(2)** (cm) A city, village or town may adopt an ordinance or bylaw
5 specifying which of the dispositions under ss. 938.343 and 938.344 and sanctions
6 under s. 938.355 (6) (d) and (6m) the municipal court of that city, village or town is
7 authorized to impose or petition the court assigned to exercise jurisdiction under this
8 chapter and ch. 48 to impose. The use by the court of those dispositions and sanctions
9 is subject to any ordinance or bylaw adopted under this paragraph.

10 **SECTION 37p.** 938.17 (2) (h) 1. of the statutes is amended to read:

11 938.17 **(2)** (h) 1. If a juvenile who has violated a municipal ordinance, other
12 than an ordinance enacted under s. 118.163 (2), violates a condition of his or her

1 dispositional order, the municipal court may impose on the juvenile any of the
2 sanctions specified in s. 938.355 (6) (d) 2. to 4. that are authorized under par. (cm)
3 except for monitoring by an electronic monitoring system or may petition the court
4 assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the
5 juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with
6 monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if
7 authorized under par. (cm), if at the time of judgment the court explained the
8 conditions to the juvenile and informed the juvenile of the possible sanctions under
9 s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the
10 violation the juvenile has acknowledged in writing that he or she has read, or has had
11 read to him or her, those conditions and possible sanctions and that he or she
12 understands those conditions and possible sanctions.”.

13 **2.** Page 16, line 11: after that line insert:

14 “**SECTION 39g.** 938.17 (2) (i) of the statutes is created to read:

15 938.17 (2) (i) 1. If a juvenile who has violated a municipal ordinance enacted
16 under s. 118.163 (2) violates a condition of his or her dispositional order, the
17 municipal court may impose on the juvenile any of the sanctions specified in s.
18 938.355 (6m) that are authorized under par. (cm), if at the time of judgment the court
19 explained the conditions to the juvenile and informed the juvenile of the possible
20 sanctions under s. 938.355 (6m) that are authorized under par. (cm) for a violation
21 or if before the violation the juvenile has acknowledged in writing that he or she has
22 read, or has had read to him or her, those conditions and possible sanctions and that
23 he or she understands those conditions and possible sanctions.

1 2. A motion requesting the municipal court to impose or petition for a sanction
2 may be brought by the person or agency primarily responsible for the provision of
3 dispositional services, the municipal attorney or the court that entered the
4 dispositional order. If the court initiates the motion, that court is disqualified from
5 holding a hearing on the motion. Notice of the motion shall be given to the juvenile
6 and the juvenile's parent, guardian or legal custodian.

7 3. Before imposing any sanction, the court shall hold a hearing, at which the
8 juvenile may present evidence.”.

9 **3.** Page 26, line 2: after that line insert:

10 “**SECTION 59m.** 938.355 (6) (a) of the statutes is amended to read:

11 938.355 **(6)** (a) If a juvenile who has been adjudged delinquent or to have
12 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
13 (2), violates a condition specified in sub. (2) (b) 7., the court may impose on the
14 juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing under
15 s. 938.335, the court explained the conditions to the juvenile and informed the
16 juvenile of those possible sanctions or if before the violation the juvenile has
17 acknowledged in writing that he or she has read, or has had read to him or her, those
18 conditions and possible sanctions and that he or she understands those conditions
19 and possible sanctions. ~~Subject to sub. (6m), if~~ If a juvenile who has been found to
20 be in need of protection or services under s. 938.13 (4), (6m), (7), (12) or (14) violates
21 a condition specified in sub. (2) (b) 7., the court may impose on the juvenile any of the
22 sanctions specified in par. (d), other than placement in a secure detention facility or
23 juvenile portion of a county jail, if, at the dispositional hearing under s. 938.335, the
24 court explained the conditions to the juvenile and informed the juvenile of those

possible sanctions or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions. The court may not order the sanction of placement in a place of nonsecure custody specified in par. (d) 1. unless the court finds that the agency primarily responsible for providing services for the juvenile has made reasonable efforts to prevent the removal of the juvenile from his or her home and that continued placement of the juvenile in his or her home is contrary to the welfare of the juvenile.

SECTION 59p. 938.355 (6) (an) 1. of the statutes is amended to read:

938.355 (6) (an) 1. If a juvenile who has violated a municipal ordinance, other than an ordinance enacted under s. 118.163 (2), violates a condition of a dispositional order imposed by the municipal court, the municipal court may petition the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the juvenile the sanction specified in par. (d) 1. or the sanction specified in par. (d) 3., with monitoring by an electronic monitoring system, if, at the time of the judgment the municipal court explained the conditions to the juvenile and informed the juvenile of those possible sanctions for a violation or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions. The petition shall contain a statement of whether the juvenile may be subject to the federal Indian child welfare act, 25 USC 1911 to 1963.”.

4. Page 29, line 4: delete lines 4 to 25.

5. Page 30, line 1: delete lines 1 and 2 and substitute:

“SECTION 66d. 938.355 (6m) (a) of the statutes is amended to read:

1 938.355 **(6m)** (a) If the court finds by a preponderance of the evidence that a
2 juvenile who has been found to have violated a municipal ordinance enacted under
3 s. 118.163 (2) or who has been found to be in need of protection or services based on
4 habitual truancy from school under s. 938.13 (6) has violated a condition specified
5 under sub. (2) (b) 7., the court may order as a sanction any combination of the
6 operating privilege suspension specified in this paragraph and the dispositions
7 specified in s. 938.342 (1) (b) to (f) and (1m), regardless of whether the disposition was
8 imposed in the order violated by the juvenile, if at the dispositional hearing under
9 s. 938.335 the court explained those conditions to the juvenile and informed the
10 juvenile of the possible sanctions under this paragraph for a violation or if before the
11 violation the juvenile has acknowledged in writing that he or she has read, or has had
12 read to him or her, those conditions and possible sanctions and that he or she
13 understands those conditions and possible sanctions. The court may order as a
14 sanction suspension or limitation on the use of the juvenile's operating privilege, as
15 defined under s. 340.01 (40), for not more than one year. If the juvenile does not hold
16 a valid operator's license under ch. 343, other than an instruction permit under s.
17 343.07 or a restricted license under s. 343.08, on the date of the order issued under
18 this paragraph, the court may order the suspension or limitation to begin on the date
19 that the operator's license would otherwise be reinstated or issued after the juvenile
20 applies and qualifies for issuance or 2 years after the date of the order issued under
21 this paragraph, whichever occurs first. If the court suspends an operating privilege
22 under this paragraph, the court shall immediately take possession of the suspended
23 license and forward it to the department of transportation with a notice stating the
24 reason for and the duration of the suspension.”.

