



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0556/P5
EAW:all

DOA:.....Schmidt, BB0150 - Juvenile correctional facilities

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Juvenile correctional facilities

Under current law, the juvenile court may place a juvenile in a Type 1 juvenile correctional facility under the supervision of DOC or a secured residential care center for children and youth (SRCCY) under the supervision of a county department of human or social services if the juvenile is adjudged delinquent for an act that would be punishable by a sentence of six months or more if committed by an adult or is found to be a danger to the public.

DOC currently operates a Type 1 juvenile correctional facility known as the Lincoln Hills and Copper Lakes Schools, and DHS operates a Type 1 juvenile correctional facility known as the Mendota Juvenile Treatment Center (MJTC). Under current law, DOC must close the Lincoln Hills and Copper Lakes Schools and establish and operate one or more new Type 1 juvenile correctional facilities by no later than July 1, 2021.

Under current law, each county must provide an SRCCY to hold juveniles who are placed under county supervision in secured custody. Under current law, an SRCCY may have less restrictive physical security barriers than a Type 1 juvenile correctional facility and must provide trauma-informed, evidence-based programming and services.

Under current law, beginning on July 1, 2021, a juvenile who is adjudged delinquent for an act that would be punishable by a sentence of six months or more if committed by an adult and who is found to be a danger to the public may be placed in an SRCCCY under the supervision of a county department but not under the supervision of DOC. The bill allows such a juvenile, beginning on July 1, 2021, to be placed under the supervision of DOC in an SRCCCY run by DOC.

The bill removes the requirement for DOC to establish one or more Type 1 juvenile correctional facilities and instead authorizes DOC to establish and operate an SRCCCY. The bill also removes the classification of MJTC as a Type 1 juvenile correctional facility and eliminates the term "Type 1 juvenile correctional facility."

Type 2 status

Under current law, any secured or nonsecured facility that holds a juvenile with a Type 2 status is referred to as a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth (collectively, Type 2 facility). A Type 2 facility is operated in a manner that is less restrictive than a Type 1 juvenile correctional facility or an SRCCCY. Under current law, DOC may place a juvenile under its supervision under Type 2 status, and the juvenile court may place a juvenile under the supervision of a county department in a Type 2 residential care center for children and youth. A juvenile subject to Type 2 status may be placed in a Type 2 facility or under aftercare or community supervision. The juvenile is subject to certain conditions for maintaining Type 2 status. If the juvenile violates the conditions of Type 2 status, the juvenile may be moved to a Type 1 juvenile correctional facility or an SRCCCY without a change in placement hearing.

The bill eliminates eliminates Type 2 status and Type 2 facilities from the Juvenile Justice Code.

Community supervision and aftercare supervision

Under current law, when a juvenile who is placed under the supervision of DOC under the Juvenile Justice Code is released from a juvenile correctional facility, DOC provides community supervision for the juvenile until DOC discharges the juvenile from supervision. When a juvenile who is placed under the supervision of a county department is released from a juvenile correctional facility or an SRCCCY, the county department provides aftercare supervision for the juvenile until the county department discharges the juvenile from supervision. The bill eliminates community supervision for a juvenile and requires a county department to provide aftercare supervision for any juvenile who is released from a juvenile correctional facility or an SRCCCY.

Elimination of Serious Juvenile Offender Program

This bill eliminates the Serious Juvenile Offender Program (SJOP) as an available disposition for a juvenile adjudicated delinquent under the Juvenile Justice Code. Under current law, DOC is required to administer the SJOP for juveniles who meet the age requirements and who are adjudicated delinquent for certain violations of the criminal code. Juveniles who are placed in the SJOP may be placed in a secured facility for up to three years or, if the juvenile has committed an act that would be punishable by life imprisonment if committed by an adult, until the juvenile reaches 25 years of age. DOC may impose other sanctions, including

intensive supervision, electronic monitoring, alcohol or other drug abuse treatment and services, mental health treatment and services, community service, restitution, and education and employment services.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.99 (3b) of the statutes is repealed and recreated to read:

16.99 (3b) “Juvenile correctional facility” means a secured residential care center for children and youth, as defined in s. 938.02 (15g), operated by the department of corrections.

SECTION 2. 46.011 (1p) of the statutes is amended to read:

46.011 (1p) “Juvenile correctional services” means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 3. 46.011 (1p) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

46.011 (1p) “Juvenile correctional services” means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (4m) or (7g), or 938.357 (3) or (4).

***NOTE: This is reconciled s. 46.011 (1p). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 4. 46.057 (1) of the statutes is amended to read:

46.057 (1) The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center.

Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities and whose mental health needs can be met at the center. With the approval of the department of health services, the department of corrections may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections under s. 938.183, 938.34 (4h), ~~or (4m),~~ or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections transfers juveniles between other juvenile correctional facilities. Upon the recommendation of the department of health services, a court may place a juvenile at the center in a proceeding for a change in placement order under s. 938.357 (3).

SECTION 5. 46.057 (1) of the statutes, as affected by [2017 Wisconsin Act 185](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

46.057 (1) The department shall establish, maintain, and operate the Mendota juvenile treatment center on the grounds of the Mendota Mental Health Institute. The department may designate staff at the Mendota Mental Health Institute as responsible for administering, and providing services at, the center. Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the Mendota juvenile treatment center as a juvenile correctional facility, as defined in s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33

(2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center shall provide psychological and psychiatric evaluations and treatment for juveniles whose behavior presents a serious problem to themselves or others in other juvenile correctional facilities and whose mental health needs can be met at the center. With the approval of the department of health services, the department of corrections may transfer to the center any juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth under the supervision of the department of corrections under s. 938.183, 938.34 (4m), or 938.357 (3), (4), or (5) (e) in the same manner that the department of corrections transfers juveniles between other juvenile correctional facilities. Upon the recommendation of the department of health services, a court may place a juvenile at the center in a proceeding for a change in placement order under s. 938.357 (3).

****NOTE: This is reconciled s. 46.057 (1). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 6. 46.22 (1) (c) 1. b. of the statutes is amended to read:

46.22 (1) (c) 1. b. 'State institutions.' The Mendota Mental Health Institute, the Winnebago Mental Health Institute, centers for the developmentally disabled, and ~~Type 1~~ juvenile correctional facilities, as defined in s. 938.02 ~~(19)~~ (10p).

SECTION 7. 48.023 (4) of the statutes is amended to read:

48.023 (4) The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under s. 938.183, 938.34 ~~(4h)~~, (4m), or (4n), or 938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4d), (4m), or (4n).

SECTION 8. 48.023 (4) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

48.023 (4) The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under s. 938.183, 938.34 (4m), or 938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4m) or (4n).

****NOTE: This is reconciled s. 48.023 (4). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 9. 48.66 (1) (b) of the statutes is amended to read:

48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections may license a child welfare agency to operate a secured residential care center for children and youth for holding in secure custody juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), ~~(4h)~~, or (4m) and referred to the child welfare agency by the court, the tribal court, the county department, or the department of corrections and to provide supervision, care, and maintenance for those juveniles.

SECTION 10. 48.66 (1) (b) of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections may license a child welfare agency to operate a secured residential care center for children and youth for holding in secure custody juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d) ~~or~~ (4m) and referred to the child welfare agency by the court, the tribal court, the county department, or the department of corrections and to provide supervision, care, and maintenance for those juveniles.

***NOTE: This is reconciled s. 48.66 (1) (b). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 11. 48.981 (1) (b) of the statutes is amended to read:

48.981 (1) (b) “Community placement” means probation; extended supervision; parole; aftercare; conditional transfer into the community under s. 51.35 (1); conditional transfer or discharge under s. 51.37 (9); ~~placement in a Type 2 residential care center for children and youth or a Type 2 juvenile correctional facility authorized under s. 938.539 (5);~~ conditional release under s. 971.17; supervised release under s. 980.06 or 980.08; participation in the community residential confinement program under s. 301.046, the intensive sanctions program under s. 301.048, ~~community supervision under s. 938.533,~~ the intensive supervision program under s. 938.534, or the serious juvenile offender program under s. 938.538; or any other placement of an adult or juvenile offender in the community under the custody or supervision of the department of corrections, the department of health services, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 or any other person under contract with the department of corrections, the department of health services or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision over the offender.

SECTION 12. 49.11 (1c) of the statutes is amended to read:

49.11 (1c) “Community-based juvenile delinquency-related services” means juvenile delinquency-related services provided under ch. 938 other than services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), ~~(4h),~~ (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 13. 49.11 (1c) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

49.11 (1c) “Community-based juvenile delinquency-related services” means juvenile delinquency-related services provided under ch. 938 other than services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (4m) or (7g), or 938.357 (3) or (4).

****NOTE: This is reconciled s. 49.11 (1c). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 14. 49.343 (1g) of the statutes is amended to read:

49.343 (1g) ESTABLISHMENT OF RATES. For services provided beginning on January 1, 2011, the department shall establish the per client rate that a residential care center for children and youth or a group home may charge for its services, and the per client administrative rate that a child welfare agency may charge for the administrative portion of its foster care services, as provided in this section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2., 2019 stats., the department shall consult with the department of corrections. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 15. 49.345 (2) of the statutes, as affected by 2021 Wisconsin Act... (this act), is amended to read:

49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183, 938.34 (3) ~~or (4d)~~, or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state, in which the state is

chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 49.32 (1). If a spouse, surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for the person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

****NOTE: This is reconciled s. 49.345 (2). This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0862/P1.

SECTION 16. 49.45 (25) (bj) of the statutes is amended to read:

49.45 (25) (bj) The department of corrections may elect to provide case management services under this subsection to persons who are under the supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or more of the conditions specified in par. (am). The amount of the allowable charges

for those services under the Medical Assistance program that is not provided by the federal government shall be paid from the appropriation account under s. 20.410 (3) (hm), (ho), or (hr).

SECTION 17. 49.45 (25) (bj) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

49.45 **(25)** (bj) The department of corrections may elect to provide case management services under this subsection to persons who are under the supervision of that department under s. 938.183, 938.34 (4m), or 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or more of the conditions specified in par. (am). The amount of the allowable charges for those services under the Medical Assistance program that is not provided by the federal government shall be paid from the appropriation account under s. 20.410 (3) (hm), (ho), or (hr).

****NOTE: This is reconciled s. 49.45 (25) (bj). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 18. 77.52 (2) (ag) 39. (intro.) of the statutes is amended to read:

77.52 **(2)** (ag) 39. (intro.) Equipment in offices, business facilities, schools, and hospitals but not in residential facilities including personal residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em), prisons, mental health institutes, as defined in s. 51.01 (12), centers for the developmentally disabled, as defined in s. 51.01 (3), ~~Type 1~~ juvenile correctional facilities, as defined in s. 938.02 ~~(19)~~ (10p), or similar facilities including, by way of illustration but not of limitation, all of the following:

SECTION 19. 101.123 (1) (ac) 2. of the statutes is amended to read:

101.123 **(1)** (ac) 2. A juvenile detention facility, as defined in s. 938.02 (10r), a secured residential care center for children and youth, as defined in s. 938.02 (15g),

or a juvenile correctional facility, as defined in s. 938.02 (10p), ~~except a juvenile correctional facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5) if the facility is a private residence in which the juvenile is placed and no one is employed there to ensure that the juvenile remains in custody.~~

SECTION 20. 101.123 (1) (j) of the statutes is renumbered 101.123 (1) (bc) and amended to read:

101.123 (1) (bc) “~~Type 1 juvenile~~ Juvenile correctional facility” has the meaning given in s. 938.02 (19) (10p).

SECTION 21. 101.123 (2) (d) 3. of the statutes is amended to read:

101.123 (2) (d) 3. Anywhere on the grounds of a ~~Type 1~~ juvenile correctional facility.

SECTION 22. 115.76 (10) of the statutes is amended to read:

115.76 (10) “Local educational agency”, except as otherwise provided, means the school district in which the child with a disability resides, the department of health services if the child with a disability resides in an institution or facility operated by the department of health services, or the department of corrections if the child with a disability resides in a ~~Type 1~~ juvenile correctional facility, as defined in s. 938.02 (19) (10p), or a Type 1 prison, as defined in s. 301.01 (5).

SECTION 23. 115.81 (1) (b) of the statutes is amended to read:

115.81 (1) (b) “Responsible local educational agency” means the local educational agency that was responsible for providing a free, appropriate public education to the child before the placement of the child in a residential care center for children and youth except that if the child resided in an institution or facility operated by the department of health services, a ~~Type 1~~ juvenile correctional facility, as defined in s. 938.02 (19) (10p), or a Type 1 prison, as defined in s. 301.01 (5), before

the placement of the child in a residential care center for children and youth, “responsible local educational agency” means the school district in which the residential care center for children and youth is located.

SECTION 24. 146.81 (5) of the statutes is amended to read:

146.81 (5) “Person authorized by the patient” means the parent, guardian, or legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person vested with supervision of the child under s. 938.183 or 938.34 (4d), ~~(4h)~~, (4m), or (4n), the guardian of a patient adjudicated incompetent in this state, the personal representative, spouse, or domestic partner under ch. 770 of a deceased patient, any person authorized in writing by the patient or a health care agent designated by the patient as a principal under ch. 155 if the patient has been found to be incapacitated under s. 155.05 (2), except as limited by the power of attorney for health care instrument. If no spouse or domestic partner survives a deceased patient, “person authorized by the patient” also means an adult member of the deceased patient’s immediate family, as defined in s. 632.895 (1) (d). A court may appoint a temporary guardian for a patient believed incompetent to consent to the release of records under this section as the person authorized by the patient to decide upon the release of records, if no guardian has been appointed for the patient.

SECTION 25. 146.81 (5) of the statutes, as affected by 2021 Wisconsin Act ... (this act), is amended to read:

146.81 (5) “Person authorized by the patient” means the parent, guardian, or legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person vested with supervision of the child under s. 938.183 or 938.34 ~~(4d)~~, (4m), or (4n), the guardian of a patient adjudicated incompetent in this state, the personal representative, spouse, or domestic partner under ch. 770 of a deceased patient, any

person authorized in writing by the patient or a health care agent designated by the patient as a principal under ch. 155 if the patient has been found to be incapacitated under s. 155.05 (2), except as limited by the power of attorney for health care instrument. If no spouse or domestic partner survives a deceased patient, “person authorized by the patient” also means an adult member of the deceased patient’s immediate family, as defined in s. 632.895 (1) (d). A court may appoint a temporary guardian for a patient believed incompetent to consent to the release of records under this section as the person authorized by the patient to decide upon the release of records, if no guardian has been appointed for the patient.

***NOTE: This is reconciled s. 146.81 (5). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 26. 157.065 (2) (a) 4. c. of the statutes is amended to read:

157.065 (2) (a) 4. c. A ~~Type 1~~ juvenile correctional facility, as defined in s. 938.02 (19) (10p);

SECTION 27. 227.03 (4) of the statutes is amended to read:

227.03 (4) The provisions of this chapter relating to contested cases do not apply to proceedings involving the revocation of ~~community supervision or~~ aftercare supervision under s. 938.357 (5), the revocation of parole, extended supervision, or probation, the grant of probation, prison discipline, mandatory release under s. 302.11, or any other proceeding involving the care and treatment of a resident or an inmate of a correctional institution.

SECTION 28. 301.01 (1n) of the statutes is amended to read:

301.01 (1n) “Juvenile correctional services” means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

SECTION 29. 301.01 (1n) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

301.01 (1n) “Juvenile correctional services” means services provided for a juvenile who is under the supervision of the department of corrections under s. 938.183, 938.34 (4m), or (7g), or 938.357 (3) or (4).

***NOTE: This is reconciled s. 301.01 (1n). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 30. 301.01 (1s) of the statutes is created to read:

301.01 (1s) “Mendota juvenile treatment center” means the center established and operated by the department of health services under s. 46.057.

SECTION 31. 301.025 of the statutes is amended to read:

301.025 Division of juvenile corrections. The division of juvenile corrections shall exercise the powers and perform the duties of the department that relate to juvenile correctional services and institutions, juvenile offender review, community supervision under s. 938.533, 2019 stats., and the serious juvenile offender program under s. 938.538.

SECTION 32. 301.08 (1) (b) 3. of the statutes is amended to read:

301.08 (1) (b) 3. Contract with public, private, or voluntary agencies for the supervision, maintenance, and operation of juvenile correctional facilities, residential care centers for children and youth, as defined in s. 938.02 (15d), and secured residential care centers for children and youth for the placement of juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183, ~~or 938.34 (4d), (4h), or (4m), or s. 938.34 (4d) or (4h), 2019 stats.~~ The department may designate a juvenile correctional facility or a residential care center for children and youth contracted for under this subdivision as a Type 2 juvenile

correctional facility, as defined in s. 938.02 (20), 2019 stats., and may designate a residential care center for children and youth contracted for under this subdivision as a Type 2 residential care center for children and youth, as defined in s. 938.02 (19r), 2019 stats.

****NOTE: This is reconciled s. 301.08 (1) (b) 3. This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 33. 301.12 (2) of the statutes is amended to read:

301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 ~~(4h)~~ or (4m), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state operated or contracted for by the department, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 301.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an incapacitated person, may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the

charges that may be necessary to provide for that person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

***NOTE: This is reconciled s. 301.12 (2). This SECTION has been affected by drafts with the following LRB numbers: -0555/P2 and -0862/P1.

SECTION 34. 301.16 (1w) of the statutes is amended to read:

301.16 (1w) The department shall may establish one or more ~~Type 1 juvenile correctional facilities~~ secured residential care centers for children and youth, as enumerated in [2017 Wisconsin Act 185](#), section 110 (10) (a).

SECTION 35. 301.16 (1x) of the statutes is amended to read:

301.16 (1x) Inmates from the Wisconsin state prisons may be transferred to the institutions under this section, except that inmates may not be transferred to a ~~Type 1 juvenile correctional facility~~ secured residential care center for children and youth established under sub. (1w) unless required under s. 973.013 (3m). Inmates transferred under this subsection shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts.

SECTION 36. 301.18 (1) (fm) of the statutes is amended to read:

301.18 (1) (fm) Provide the facilities necessary for each ~~Type 1 juvenile correctional facility~~ secured residential care center for children and youth established under s. 301.16 (1w).

SECTION 37. 301.20 of the statutes is amended to read:

301.20 Training school for delinquent boys. The department, with the approval of the governor, may purchase or accept a gift of land for a suitable site for an additional training school for delinquent boys and erect and equip such buildings as it considers necessary at such time as funds may be allocated for that purpose by the building commission. The training school or other additional facilities for delinquent boys financed by the authorized 1965-67 building program shall be located north of a line between La Crosse and Manitowoc. The department shall operate and maintain the institution for the treatment of delinquent boys who are placed under the supervision of the department under s. 938.34 (4h) or (4m). All laws pertaining to the care of juveniles received under s. 938.34 shall apply. Officers and employees of the institution are subject to the same laws as apply to other facilities described in s. 938.52.

SECTION 38. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 (4) (d) 2. ~~Beginning on July 1, 2019, and ending on June 30, 2020, The department shall specify the per person daily cost assessment to counties shall be \$532 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), and \$532 for care for juveniles transferred from a juvenile correctional institution facility under s. 51.35 (3). The department may specify the per person daily cost assessment to counties at the same rate at which the department reimburses the department of health services for the per person daily cost of providing services for juveniles placed at the Mendota juvenile treatment center under s. 46.057 (2).~~

****NOTE: This is reconciled s. 301.26 (4) (d) 2. This SECTION has been affected by drafts with the following LRB numbers:-1207/P1 and -1208/P1.

SECTION 39. 301.26 (4) (d) 2. of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

301.26 (4) (d) 2. The department shall specify the per person daily cost assessment to counties for care in a ~~Type 1 juvenile correctional facility, as defined in s. 938.02 (19),~~ and for care for juveniles transferred from a juvenile correctional facility under s. 51.35 (3). The department may specify the per person daily cost assessment to counties at the same rate at which the department reimburses the department of health services for the per person daily cost of providing services for juveniles placed at the Mendota juvenile treatment center under s. 46.057 (2).

****NOTE: This is reconciled s. 301.26 (4) (d) 2. This SECTION has been affected by drafts with the following LRB numbers:-0556/P3, -1207/P1, and -1208/P1.

SECTION 40. 301.26 (4) (d) 5. of the statutes is amended to read:

301.26 (4) (d) 5. The per person daily cost assessment to counties for community supervision services under s. 938.533, 2019 stats., shall be an amount determined by the department based on the cost of providing those services. In determining that assessment, the department may establish multiple rates for varying types and levels of service. The department shall calculate the amounts of that assessment and, if applicable, those rates prior to the beginning of each fiscal year and the secretary shall submit that proposed assessment and, if applicable, those proposed rates to the cochairpersons of the joint committee on finance for review of the committee. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing that proposed assessment and, if applicable, those proposed rates within 14 working days after the date of the secretary's submittal, the department may implement that proposed assessment and those proposed rates. If, within 14 working days after the date of the secretary's submittal, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing

that proposed assessment and, if applicable, those proposed rates, the department may implement that proposed assessment and those proposed rates only as approved by the committee.

SECTION 41. 301.26 (4) (eg) of the statutes is amended to read:

301.26 (4) (eg) For community supervision services under s. 938.533 (2), 2019 stats., all payments and deductions made under this subsection and uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (hr).

SECTION 42. 301.37 (title) of the statutes is amended to read:

301.37 (title) ~~County buildings~~ **Building standards; establishment, approval, inspection.**

SECTION 43. 301.37 (1m) of the statutes is amended to read:

301.37 (1m) The rules promulgated by the department under sub. (1) shall allow a secured residential care center for children and youth to use less the least restrictive physical security barriers ~~than a Type 1 juvenile correctional facility while ensuring necessary to ensure~~ the safety of the public, staff, and youth. The rules promulgated under sub. (1) shall allow a secured residential care center for children and youth to be located in a portion of a juvenile detention facility ~~or a Type 1 juvenile correctional facility~~. A secured residential care center for children and youth that is located in a portion of a juvenile detention facility ~~or a Type 1 juvenile correctional facility~~ shall provide trauma-informed, evidence-based programming and services as required by the department under s. 938.48 (16) (b).

SECTION 44. 302.31 (7) of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

302.31 (7) The temporary placement of persons in the custody of the department, other than minors, and adults under the age of 25 years who are under the supervision of the department under s. 938.355 (4) and who have been taken into custody pending revocation of ~~community supervision or aftercare supervision~~ under s. 938.357 (5) (e).

****NOTE: This is reconciled s. 302.31 (7). This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0558/P3.

SECTION 45. 302.386 (5) (c) of the statutes is repealed.

SECTION 46. 302.386 (5) (d) of the statutes is amended to read:

302.386 (5) (d) Any participant in the serious juvenile offender program under s. 938.538 unless the participant is placed in a ~~Type 1~~ juvenile correctional facility, as defined in s. 938.02 (19).

SECTION 47. 450.062 (4) of the statutes is amended to read:

450.062 (4) A juvenile correctional facility under s. 938.02 (10p), juvenile detention facility under s. 938.02 (10r), residential care center for children and youth under s. 938.02 (15d), secured residential care center for children and youth under s. 938.02 (15g), ~~type 1 juvenile correctional facility under s. 938.02 (19)~~, type 2 residential care center for children and youth under s. 938.02 (19r), 2019 stats., or type 2 juvenile correctional facility under s. 938.02 (20), 2019 stats.

SECTION 48. 757.69 (1m) (g) of the statutes is amended to read:

757.69 (1m) (g) Make any dispositional order under s. 938.34 (4d), ~~(4h)~~, or (4m).

SECTION 49. 757.69 (1m) (g) of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

757.69 (1m) (g) Make any dispositional order under s. 938.34 ~~(4d)~~ or (4m).

****NOTE: This is reconciled s. 757.69 (1m) (g). This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 50. 938.02 (4) of the statutes is amended to read:

938.02 (4) "Department" means the department of children and families, except that with respect to a juvenile who is under the supervision of the department of corrections under ~~s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4)~~ a court order under this chapter, "department" means the department of corrections.

SECTION 51. 938.02 (4) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.02 (4) "Department" means the department of children and families except that with respect to a juvenile who is under the supervision of the department of corrections under a court order under this chapter, "department" means the department of corrections.

****NOTE: This is reconciled s. 938.02 (4). This SECTION has been affected by drafts with the following LRB numbers:-0556/P3 and -0555/P2.

SECTION 52. 938.02 (10p) of the statutes is amended to read:

938.02 (10p) "Juvenile correctional facility" means a correctional institution operated or contracted for by the department of corrections or operated by the department of health services for holding in secure custody persons adjudged delinquent. "Juvenile correctional facility" includes the Mendota juvenile treatment center under ~~s. 46.057 and a facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5)~~ and a secured residential care center for children and youth operated by the department of corrections.

SECTION 53. 938.02 (12d) of the statutes is created to read:

938.02 (12d) "Mendota juvenile treatment center" means the center established and operated by the department of health services under s. 46.057.

SECTION 54. 938.02 (15g) of the statutes is amended to read:

938.02 (15g) “Secured residential care center for children and youth” means a facility that complies with the requirements of ss. 301.37 and 938.48 (16) (b) operated by the department of corrections, by an Indian tribe or a county under ss. 46.20, 59.53 (8m), and 938.22 (1) (a), or by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in secure custody persons adjudged delinquent.

SECTION 55. 938.02 (19) of the statutes is repealed.

SECTION 56. 938.02 (19r) of the statutes is repealed.

SECTION 57. 938.02 (20) of the statutes is repealed.

SECTION 58. 938.069 (1) (intro.) of the statutes is amended to read:

938.069 (1) DUTIES. (intro.) ~~The staff of the department of corrections shall provide community supervision services for juveniles as provided in s. 938.533.~~ Subject to sub. (2), the staff of the department of corrections, the court, a county department, or a licensed child welfare agency designated by the court to carry out the objectives of this chapter shall:

SECTION 59. 938.19 (1) (d) 6. of the statutes is amended to read:

938.19 (1) (d) 6. The juvenile has violated a condition of court-ordered supervision, ~~community supervision~~, or aftercare supervision; ~~a condition of the juvenile’s placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth~~; or a condition of the juvenile’s participation in the intensive supervision program under s. 938.534.

SECTION 60. 938.20 (2) (cm) of the statutes is amended to read:

938.20 (2) (cm) If the juvenile has violated a condition of ~~community supervision or aftercare supervision~~, ~~a condition of the juvenile’s placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and~~

youth, or a condition of the juvenile's participation in the intensive supervision program under s. 938.534, the person who took the juvenile into custody may release the juvenile to the department of corrections or county department, whichever has supervision over the juvenile.

SECTION 61. 938.20 (7) (c) 1m. of the statutes is amended to read:

938.20 (7) (c) 1m. In the case of a juvenile who has violated a condition of ~~community supervision or aftercare supervision, a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth,~~ or a condition of the juvenile's participation in the intensive supervision program under s. 938.534, to the department of corrections or county department, whichever has supervision of the juvenile.

SECTION 62. 938.20 (8) (c) of the statutes is amended to read:

938.20 (8) (c) If a juvenile who has violated a condition of ~~community supervision or aftercare supervision, a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth,~~ or a condition of the juvenile's participation in the intensive supervision program under s. 938.534 is held in custody, the intake worker shall also notify the department of corrections or county department, whichever has supervision over the juvenile, of the reasons for holding the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the detention hearing required under s. 938.21.

SECTION 63. 938.205 (1) (c) of the statutes is amended to read:

938.205 (1) (c) That the juvenile will run away or be taken away so as to be unavailable for proceedings of the court or its officers, proceedings of the division of hearings and appeals in the department of administration for revocation of

~~community supervision or aftercare supervision, or action by the department of corrections or county department relating to a violation of a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.~~

SECTION 64. 938.208 (1) (intro.) of the statutes is amended to read:

938.208 (1) DELINQUENT ACT AND RISK OF HARM OR RUNNING AWAY. (intro.) Probable cause exists to believe that the juvenile has committed a delinquent act and either presents a substantial risk of physical harm to another person or a substantial risk of running away so as to be unavailable for a court hearing, a revocation of ~~community supervision or aftercare supervision hearing, or action by the department of corrections or county department relating to a violation of a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.~~ For juveniles who have been adjudged delinquent, the delinquent act referred to in this section may be the act for which the juvenile was adjudged delinquent. If the intake worker determines that any of the following conditions applies, the juvenile is considered to present a substantial risk of physical harm to another person:

SECTION 65. 938.299 (1) (a) of the statutes is amended to read:

938.299 (1) (a) ~~Except as provided in par. (ar), the~~ The general public shall be excluded from hearings under this chapter unless a public fact-finding hearing is demanded by a juvenile through his or her counsel. The court shall refuse to grant the public hearing, however, if the victim of an alleged sexual assault objects or, in a nondelinquency proceeding, if a parent or guardian objects. If a public hearing is

not held, only the parties, their counsel, witnesses, a representative of the news media who wishes to attend the hearing for the purpose of reporting news without revealing the identity of the juvenile involved and other persons requested by a party and approved by the court may be present. Any other person the court finds to have a proper interest in the case or in the work of the court, including a member of the bar or a person engaged in the bona fide research, monitoring, or evaluation of activities conducted under [42 USC 629h](#), as determined by the director of state courts, may be admitted by the court.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 66. 938.299 (1) (ar) of the statutes is repealed.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 67. 938.299 (1) (av) of the statutes is amended to read:

938.299 (1) (av) If a public hearing is held under par. (a) ~~or (ar)~~, any person may disclose to anyone any information obtained as a result of that hearing.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 68. 938.33 (3) (c) of the statutes is created to read:

938.33 (3) (c) A recommendation for the specific juvenile correctional facility or secured residential care center for children and youth in which the juvenile should be placed. An agency recommending placement of the juvenile under the supervision of the department of corrections in a juvenile correctional facility shall, in consultation with the department of corrections, base its recommendation on an assessment of the juvenile's needs.

SECTION 69. 938.33 (3r) of the statutes is repealed.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 70. 938.34 (3g) of the statutes is amended to read:

938.34 (3g) ELECTRONIC MONITORING. Monitoring by an electronic monitoring system for a juvenile subject to an order under sub. (2), (2r), (3) (a) to (e), ~~(4h)~~ or (4n) who is placed in the community.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 71. 938.34 (4d) of the statutes, as affected by 2021 Wisconsin Act ... (this act), is repealed.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 72. 938.34 (4d) (b) of the statutes is amended to read:

938.34 (4d) (b) The juvenile has been found to be a danger to the public and to be in need of restrictive custodial treatment. If the court determines that any of the conditions specified in sub. (4m) (b) 1., 2., or 3. applies, but that placement in ~~the serious juvenile offender program under sub. (4h) or in~~ a juvenile correctional facility under sub. (4m) would not be appropriate, that determination shall be prima facie evidence that the juvenile is a danger to the public and in need of restrictive custodial treatment under this subsection.

***NOTE: This is reconciled s. 938.34 (4d). This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 73. 938.34 (4h) of the statutes is repealed.

***NOTE: This is reconciled s. 938.34 (4h). This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0559/P1.

SECTION 74. 938.34 (4m) (intro.) of the statutes, as affected by [2019 Wisconsin Act 8](#), section [33](#), is amended to read:

938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile under the supervision of the department of corrections in a juvenile correctional facility or the

county department in a secured residential care center for children and youth identified by the county department if all of the following apply:

SECTION 75. 938.34 (4m) (b) (intro.) of the statutes is amended to read:

938.34 (4m) (b) (intro.) The juvenile has been found to be a danger to the public and to be in need of restrictive custodial treatment. If the court determines that any of the following conditions applies, ~~but that placement in the serious juvenile offender program under sub. (4h) is not appropriate,~~ that determination shall be prima facie evidence that the juvenile is a danger to the public and in need of restrictive custodial treatment under this subsection:

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 76. 938.34 (4m) (c) of the statutes is created to read:

938.34 (4m) (c) For a placement under the supervision of the department of corrections, the placement is recommended in the report under s. 938.33. For a placement under the supervision of a county department, the specific residential care center for children and youth in which the juvenile is placed is identified by the county department.

SECTION 77. 938.34 (4n) (intro.) of the statutes, as affected by [2019 Wisconsin Act 8](#), is amended to read:

938.34 (4n) **AFTERCARE SUPERVISION.** (intro.) In the case of a juvenile who has received a ~~correctional~~ placement under sub. (4m), designate one of the following to provide aftercare supervision for the juvenile following the juvenile's release from a secured residential care center for children and youth or ~~Type 1~~ juvenile correctional facility:

SECTION 78. 938.355 (2) (b) 2. of the statutes is amended to read:

938.355 (2) (b) 2. If the juvenile is placed outside the home under s. 938.34 (3) ~~or (4d)~~, the name of the place or facility, including transitional placements, where the juvenile shall be cared for or treated, except that if the placement is a foster home and the name and address of the foster parent is not available at the time of the order, the name and address of the foster parent shall be furnished to the court and the parent within 21 days after the order. If, after a hearing on the issue with due notice to the parent or guardian, the court finds that disclosure of the identity of the foster parent would result in imminent danger to the juvenile or the foster parent, the court may order the name and address of the prospective foster parents withheld from the parent or guardian.

SECTION 79. 938.355 (2) (b) 2m. of the statutes is amended to read:

938.355 (2) (b) 2m. If the juvenile is placed outside the home under s. 938.34 (4m) under supervision of a county department, the name of the county department that will provide supervision and determine placement for the juvenile.

SECTION 80. 938.355 (2) (b) 6. of the statutes is amended to read:

938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) ~~or (4d)~~, a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent. The court order shall also contain a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount

concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies, and, if a permanency plan has previously been prepared for the juvenile, a finding as to whether the county department or agency has made reasonable efforts to achieve the permanency goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

SECTION 81. 938.355 (2) (b) 6m. of the statutes is amended to read:

938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement under s. 938.34 (3) ~~or (4d)~~ recommended by the agency designated under s. 938.33 (1), a statement that the court approves the placement recommended by the agency or, if the juvenile is placed outside the home in a placement other than a placement recommended by that agency, a statement that the court has given bona fide consideration to the recommendations made by the agency and all parties relating to the juvenile's placement.

SECTION 82. 938.355 (4) (b) of the statutes is renumbered 938.355 (4) (b) 1. and amended to read:

938.355 (4) (b) 1. Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday,

whichever is earlier, unless the court specifies a shorter period of time or the court terminates the order sooner. If the order does not specify a termination date, it shall apply for one year after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday, whichever is earlier, unless the court terminates the order sooner. ~~Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the juvenile attains 18 years of age shall apply for 5 years after the date on which the order is granted, if the juvenile is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult.~~

2. Except as provided in s. 938.368, an extension of an order under s. 938.34 (4d), ~~(4h)~~, (4m), or (4n) made before the juvenile attains ~~17 years of age~~ becomes an adult shall terminate at the end of one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner.

4. No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d), ~~(4h)~~, (4m), or (4n) may be granted for a juvenile who is 17 years of age ~~or older when~~ becomes an adult by the time the original dispositional order terminates.

****NOTE: This is reconciled s. 938.355 (4) (b). This SECTION has been affected by drafts with the following LRB numbers: -0558/P3 and -0555/P2.

SECTION 83. 938.355 (4) (b) of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

938.355 (4) (b) 1. Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years after the date on which the order is granted or until the juvenile's 19th birthday, whichever is earlier, unless the court specifies a shorter period of time or the court terminates the order sooner. If the order does not specify a termination date, it shall apply for one year after the date on which the order is granted or until the juvenile's 19th birthday, whichever is earlier, unless the court terminates the order sooner.

2. Except as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4m), or (4n) made before the juvenile becomes an adult shall terminate at the end of one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner.

3. No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d), (4m), or (4n) may be granted for a juvenile who becomes an adult by the time the original dispositional order terminates.

***NOTE: This is reconciled s.938.355 (4) (b). This SECTION has been affected by drafts with the following LRB numbers: -0558/P3, -0556/P3, and -0555/P2.

SECTION 84. 938.357 (1) (am) 1. of the statutes is amended to read:

938.357 (1) (am) 1. Except as provided in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in placement under this subsection by causing written notice of the proposed change in placement to be sent to the juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, and any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile. If the request is for a change in placement under sub. (3), notice shall be sent to the entity that operates the secured residential care center

for children and youth or ~~Type 1~~ juvenile correctional facility where placement is proposed. If the juvenile is an Indian juvenile who has been removed from the home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written notice shall also be sent to the Indian juvenile's Indian custodian and tribe. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan or permanency plan ordered by the court. The person sending the notice shall file the notice with the court on the same day that the notice is sent.

SECTION 85. 938.357 (3) (a) of the statutes is amended to read:

938.357 (3) (a) Subject to subs. (4) ~~(b), (c), and (d)~~ and (5) (e), if the proposed change in placement would involve placing a juvenile in a juvenile correctional facility or a secured residential care center for children and youth, notice shall be given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the juvenile, parent, guardian, and legal custodian, before the court makes a decision on the request. The juvenile is entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross-examine witnesses. The Under par. (b), the department of corrections shall have the opportunity to object to a change of placement of a juvenile from a secured residential care center for children and youth operated by a county, Indian tribe, or child welfare agency to a Type 1 juvenile correctional facility under par. (b) secured residential care center for children and youth operated by the department of corrections. The proposed new placement may be approved only if the court finds, on the record, that the conditions set forth in s. 938.34 (4m) (a) and (b) have been met.

SECTION 86. 938.357 (3) (b) (intro.) of the statutes is amended to read:

938.357 (3) (b) (intro.) ~~Notwithstanding s. 938.34 (4m) and subject to par. (c), the court may order placement in a Type 1 juvenile correctional facility operated by the department of corrections for a juvenile who was adjudicated delinquent under s. 938.34 (4m)~~ If the proposed change in placement would involve placing a juvenile who is under the supervision of a county department under s. 938.34 (4m) in a secured residential care center for children and youth operated by the department of corrections, the court may order the placement only if the court finds, after a hearing under this section, that any of the following apply:

SECTION 87. 938.357 (3) (b) 1. b. of the statutes is amended to read:

938.357 (3) (b) 1. b. The programming available at the proposed ~~Type 1 juvenile correctional facility~~ secured residential care center for children and youth as of the date of the hearing is able to meet the treatment needs of the juvenile.

SECTION 88. 938.357 (3) (c) of the statutes is amended to read:

938.357 (3) (c) ~~Notwithstanding s. 938.34 (4m), upon~~ Upon the recommendation of the department of health services, the court may order the placement of a juvenile who was adjudicated ~~delinquent~~ placed under the supervision of a county department under s. 938.34 (4m) at the Mendota juvenile treatment center if par. (b) 1. a. to c. are met. A court may not order a placement under this paragraph at the Mendota juvenile treatment center that the department of health services has not approved. A juvenile under the supervision of a county in a secured residential care center for children and youth who is transferred to Mendota juvenile treatment center under this paragraph remains under the supervision of that county. The department of health services shall determine the date for the actual transfer of the juvenile to the Mendota juvenile treatment center,

and no change of placement to the Mendota juvenile treatment center may be ordered without the prior agreement of the department of health services to admit the juvenile. No further hearing or court order is necessary for the department of health services to transfer the juvenile back to the custody of the county department.

SECTION 89. 938.357 (3) (d) of the statutes is amended to read:

938.357 (3) (d) A juvenile who is placed in a ~~Type 1~~ juvenile correctional facility under par. (b) or (c) is the financial responsibility of the county department of the county where the juvenile was adjudicated delinquent. The county department shall reimburse the department of corrections at the rate specified by that department under s. 301.26 (4) (d) 2. ~~or 3., whichever is applicable,~~ for the cost of ~~a~~ the juvenile's care while placed in a Type 1 juvenile correctional facility other than the Mendota juvenile treatment center in a placement under par. (b), and these payments shall be deposited in the appropriation account under s. 20.410 (3) (hm). The county department shall reimburse the department of health services at a rate specified by ~~that department~~ the department of health services for the cost of ~~a~~ the juvenile's care while placed at the Mendota juvenile treatment center in a placement under par. (c), and these payments shall be deposited in the appropriation account under s. 20.435 (2) (gk).

****NOTE: This is reconciled s. 938.357 (3) (d). This SECTION has been affected by drafts with the following LRB numbers: -0556 and -1207.

SECTION 90. 938.357 (3) (e) of the statutes is amended to read:

938.357 (3) (e) A juvenile who is placed in ~~a Type 1 juvenile correctional facility~~ under par. (b) in a secured residential care center for children and youth operated by the department of corrections is under the supervision of the department of corrections. The change of placement order shall designate ~~the department of~~

~~corrections to provide community supervision or the county department to provide aftercare supervision for the juvenile following the juvenile's release from the Type 1 juvenile correctional facility~~ secured residential care center for children and youth.

SECTION 91. 938.357 (4) (ab) of the statutes is renumbered 938.357 (4) (ab) (intro.) and amended to read:

938.357 (4) (ab) (intro.) In this subsection, ~~“operating:~~

1. “Operating entity” means the county department, the Indian tribe, or the child welfare agency, whichever entity operates a secured residential care center for children and youth.

SECTION 92. 938.357 (4) (ab) 2. of the statutes is created to read:

938.357 (4) (ab) 2. “Secured residential care center for children and youth” does not include a secured residential care center for children and youth operated by the department of corrections.

SECTION 93. 938.357 (4) (am) of the statutes is amended to read:

938.357 (4) (am) When the juvenile is placed with the department of corrections, that department may, after an examination under s. 938.50, place the juvenile in a juvenile correctional facility or, with the consent of the operating entity, a secured residential care center for children and youth or ~~on community supervision or aftercare supervision, either immediately or after a period of placement in a juvenile correctional facility or a secured residential care center for children and youth.~~ The department of corrections shall send written notice of the change in placement to the parent, guardian, legal custodian, county department designated under s. 938.34 (4n), if any, and committing court. ~~If the department of corrections places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare agency, that department shall reimburse the child welfare agency at the rate~~

~~established under s. 49.343 that is applicable to the type of placement that the child welfare agency is providing for the juvenile.~~ If the department of corrections places a juvenile in a secured residential care center for children and youth under this paragraph, the department of corrections shall contract with the operating entity for the care and services provided under s. 301.08. A juvenile who is placed in ~~a Type 2 juvenile correctional facility or~~ a secured residential care center for children and youth under this paragraph remains under the supervision of the department of corrections, 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).

SECTION 94. 938.357 (4) (b) of the statutes is repealed.

SECTION 95. 938.357 (4) (c) of the statutes is repealed.

SECTION 96. 938.357 (4g) (title) of the statutes is amended to read:

938.357 (4g) (title) ~~COMMUNITY SUPERVISION OR AFTERCARE~~ AFTERCARE PLAN.

SECTION 97. 938.357 (4g) (a) of the statutes, as affected by [2019 Wisconsin Act 8](#), is amended to read:

938.357 (4g) (a) Not later than 120 days after the date on which the juvenile is placed in a juvenile correctional facility or a secured residential care center for children and youth, or within 30 days after the date on which the department of corrections requests the ~~community supervision or~~ aftercare plan, whichever is earlier, the ~~community supervision or~~ aftercare provider designated under s. 938.34 (4n) shall prepare ~~a community supervision or~~ an aftercare plan for the juvenile. ~~If the juvenile is to be placed on aftercare supervision, the~~ The county department designated as the aftercare provider shall submit the aftercare plan to the department of corrections within the applicable period specified in this paragraph, unless the department of corrections waives the period under par. (b).

SECTION 98. 938.357 (4g) (b) of the statutes is amended to read:

938.357 (4g) (b) The department of corrections may waive the period within which ~~a community supervision plan or an~~ aftercare plan must be prepared and submitted under par. (a) if ~~that department~~ the department of corrections anticipates that the juvenile will remain in the juvenile correctional facility or secured residential care center for children and youth for a period exceeding 8 months or if the juvenile is subject to s. 938.183. If the department of corrections waives that period, the designated ~~community supervision or~~ aftercare provider shall prepare the ~~community supervision or~~ aftercare plan within 30 days after the date on which the department of corrections requests the ~~community supervision or~~ aftercare plan.

SECTION 99. 938.357 (4g) (c) (intro.), 2., 3. and 4. of the statutes are amended to read:

938.357 (4g) (c) (intro.) ~~A community supervision or~~ An aftercare plan shall include all of the following:

2. The conditions, if any, under which the juvenile's ~~community supervision or~~ aftercare status may be revoked.

3. Services or programming to be provided to the juvenile while on ~~community supervision or~~ aftercare supervision.

4. The estimated length of time that ~~community supervision and services or~~ aftercare supervision and services shall be provided to the juvenile.

SECTION 100. 938.357 (4g) (d) of the statutes is amended to read:

938.357 (4g) (d) A juvenile may be released from a juvenile correctional facility or a secured residential care center for children and youth whether or not ~~a~~

~~community supervision or an~~ aftercare plan has been prepared under this subsection.

SECTION 101. 938.357 (4m) of the statutes is amended to read:

938.357 (4m) ~~RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.~~
The department of corrections shall ~~try to release a juvenile to community supervision and the~~ or the county department with supervision of a juvenile shall try to release the juvenile to aftercare supervision under sub. (4) within 30 days after the date on which the department of corrections or county department determines the juvenile is eligible for the release.

SECTION 102. 938.357 (5) (title) of the statutes is amended to read:

938.357 (5) (title) ~~REVOCATION OF COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.~~

SECTION 103. 938.357 (5) (a) of the statutes is amended to read:

938.357 (5) (a) ~~If a juvenile has been placed on community supervision, the department of corrections may revoke the community supervision status of that juvenile as provided in this subsection.~~ If a juvenile has been placed on aftercare supervision, the county department that has been designated as a juvenile's aftercare provider may revoke the aftercare status of that juvenile as provided in this subsection. Prior notice of a change in placement under sub. (1) (am) 1. is not required.

SECTION 104. 938.357 (5) (b) of the statutes is amended to read:

938.357 (5) (b) ~~A juvenile on community supervision status may be taken into custody only as provided in ss. 938.19 to 938.21 or 938.533 (3) (a).~~ A juvenile on aftercare status may be taken into custody only as provided in ss. 938.19 to 938.21 or 938.355 (6d) (b).

SECTION 105. 938.357 (5) (d) of the statutes is amended to read:

938.357 (5) (d) A hearing on the revocation shall be conducted by the division of hearings and appeals in the department of administration within 30 days after the juvenile is taken into custody for an alleged violation of a condition of the juvenile's ~~community supervision or aftercare supervision~~. This period may be waived only upon the agreement of the ~~community supervision or aftercare~~ provider, the juvenile, and the juvenile's counsel.

SECTION 106. 938.357 (5) (e) of the statutes is amended to read:

938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a condition of ~~community supervision or aftercare supervision~~, the hearing examiner shall determine whether confinement in a juvenile correctional facility or a secured residential care center for children and youth is necessary to protect the public, to provide for the juvenile's rehabilitation, or to not depreciate the seriousness of the violation.

SECTION 107. 938.357 (5) (g) of the statutes is amended to read:

938.357 (5) (g) The department of corrections shall promulgate rules setting standards to be used by a hearing examiner to determine whether to revoke a juvenile's ~~community supervision or aftercare~~ status. The standards shall specify that the burden is on the ~~department of corrections or county~~ department seeking revocation to show by a preponderance of the evidence that the juvenile violated a condition of ~~community supervision or aftercare supervision~~.

SECTION 108. 938.365 (5) (a) of the statutes is amended to read:

938.365 (5) (a) Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in his or her home or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) or s. 938.34 (4h), 2019 stats., shall be for a

specified length of time not to exceed one year after the date on which the order is granted.

SECTION 109. 938.365 (5) (a) of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

938.365 (5) (a) Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in his or her home or that extends an order under s. 938.34 (4d), (4m), or (4n) or s. 938.34 (4d) or (4h), 2019 stats., shall be for a specified length of time not to exceed one year after the date on which the order is granted.

****NOTE: This is reconciled s. 938.365 (5) (a). This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 110. 938.365 (7) of the statutes is amended to read:

938.365 (7) CHANGES IN PLACEMENT AND TRIAL REUNIFICATIONS NOT PERMITTED. Nothing in this section may be construed to allow any changes in placement, trial reunification, or revocation of ~~community supervision or~~ aftercare supervision. Revocation and other changes in placement may take place only under s. 938.357, and trial reunifications may take place only under s. 938.358.

SECTION 111. 938.396 (2g) (k) of the statutes is repealed.

****NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 112. 938.48 (3) of the statutes is amended to read:

938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over juveniles transferred to it by the court under s. ~~938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4)~~ this chapter, and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not

direct the department to administer psychotropic medications to juveniles who receive special treatment or care under this subsection.

SECTION 113. 938.48 (3) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over juveniles transferred to it by the court under this chapter and provide special treatment or care to juveniles when directed by the court. Except as provided in s. 938.505 (2), a court may not direct the department to administer psychotropic medications to juveniles who receive special treatment or care under this subsection.

***NOTE: This is reconciled s. 938.48 (3). This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 114. 938.48 (4) of the statutes is amended to read:

938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under s. ~~938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4)~~ this chapter, including serving those juveniles in their own homes, placing them in licensed foster homes or licensed group homes under s. 48.63 or in independent living situations as provided in s. 938.34 (3) (e), contracting for their care by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for a juvenile in its custody unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available for the juvenile. Disputes

between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 115. 938.48 (4) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under this chapter, including serving those juveniles in their own homes, placing them in licensed foster homes or licensed group homes under s. 48.63 or in independent living situations as provided in s. 938.34 (3) (e), contracting for their care by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for a juvenile in its custody unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available for the juvenile. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

****NOTE: This is reconciled s. 938.48 (4). This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 116. 938.48 (4m) (b) of the statutes is amended to read:

938.48 (4m) (b) Was under the supervision of the department under ~~s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (3) or (4)~~ a court order under this chapter when the person reached 17 years of age became an adult.

SECTION 117. 938.48 (4m) (b) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.48 (4m) (b) Was under the supervision of the department under a court order under this chapter when the person became an adult.

***NOTE: This is reconciled s. 938.48 (4m) (b). This SECTION has been affected by drafts with the following LRB numbers: -0558/P3, -0556/P3, -0555/P2.

SECTION 118. 938.48 (5) of the statutes is amended to read:

938.48 (5) MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious training of a juvenile under its supervision under s. ~~938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4)~~ a court order under this chapter according to the religious beliefs of the juvenile or of the juvenile's parents.

SECTION 119. 938.48 (5) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.48 (5) MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious training of a juvenile under its supervision under a court order under this chapter according to the religious beliefs of the juvenile or of the juvenile's parents.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 120. 938.48 (6) of the statutes is amended to read:

938.48 (6) EMERGENCY SURGERY. Consent to emergency surgery under the direction of a licensed physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34 ~~(4h), (4m), or (4n)~~, or 938.357 (3) or (4) upon notification by a licensed physician or surgeon of the need for the surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the juvenile's parent or guardian.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 121. 938.48 (6) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.48 (6) EMERGENCY SURGERY. Consent to emergency surgery under the direction of a licensed physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34 (4m), or 938.357 (3) or (4) upon notification by a licensed physician or surgeon of the need for the surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the juvenile's parent or guardian.

****NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 122. 938.48 (13) of the statutes is amended to read:

938.48 (13) ALLOWANCES AND CASH GRANTS. Promulgate rules for the payment of an allowance to juveniles in its institutions and a cash grant to a juvenile being discharged from its institutions or released to ~~community supervision or~~ aftercare supervision.

SECTION 123. 938.48 (14) of the statutes is amended to read:

938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME ADULTS. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age became adults, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon attaining that age becoming adults were under the supervision of the department under s. ~~938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4)~~ this chapter as a result of a judicial decision.

SECTION 124. 938.48 (14) of the statutes, as affected by [2019 Wisconsin Act 8](#) and [2021 Wisconsin act ... \(this act\)](#), is repealed and recreated to read:

938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay maintenance, tuition, and related expenses from the appropriation under s. 20.410 (3) (ho) for persons who, when they attained 17 years of age, were students regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare them for gainful employment, and who upon attaining that age were under the supervision of the department under this chapter as a result of a judicial decision.

****NOTE: This is reconciled s. 938.48 (14). This SECTION has been affected by drafts with the following LRB numbers: -0558/P3, -0555/P2, -0556/P3.

SECTION 125. 938.50 of the statutes is amended to read:

938.50 Examination of juveniles under supervision of department of corrections. The department of corrections shall examine every juvenile who is placed under its supervision to determine the type of placement best suited to the juvenile and to the protection of the public. The examination shall include an investigation of the personal and family history of the juvenile and his or her environment, any physical or mental examinations necessary to determine the type of placement appropriate for the juvenile, and ~~an evaluation under s. 938.533 (3) (a) to determine~~ the appropriate level of supervision and services based on the juvenile's risks and needs. The department of corrections shall screen a juvenile who is examined under this section to determine whether the juvenile is in need of special treatment or care because of alcohol or other drug abuse, mental illness, or severe emotional disturbance. In making the examination the department of corrections may use any facilities, public or private, that offer assistance in determining the correct placement for the juvenile.

SECTION 126. 938.505 (1) of the statutes is amended to read:

938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT. When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 ~~(4h)~~, (4m) or (4n) or 938.357 (3), (4), or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

SECTION 127. 938.505 (1) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY DEPARTMENT. When a juvenile is placed under the supervision of the department of corrections under s. 938.183, 938.34 (4m), or 938.357 (3), (4), or (5) (e) or under the supervision of a county department under s. 938.34 (4m) or (4n), the department of corrections or county department, whichever has supervision over the juvenile, shall have the right and duty to protect, train, discipline, treat, and confine the juvenile and to provide food, shelter, legal services, education, and ordinary medical and dental care for the juvenile, subject to the rights, duties, and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and the provisions of any court order.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 128. 938.51 (1m) of the statutes is amended to read:

938.51 **(1m)** NOTIFICATION OF LOCAL AGENCIES. The department of corrections or county department, whichever has supervision over a juvenile described in sub. (1), shall determine the local agencies that it will notify under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's intended residence specified in the juvenile's ~~community supervision plan or aftercare supervision plan~~ or, if those methods do not indicate the community in which the juvenile will reside following release from a juvenile correctional facility or a secured residential care center for children and youth or from the supervision of the department of corrections or county department, the community in which the juvenile states that he or she intends to reside.

SECTION 129. 938.52 (2) (a) of the statutes is amended to read:

938.52 **(2)** (a) In addition to facilities and services under sub. (1), the department of corrections may use other facilities and services under its jurisdiction. The department of corrections may contract for and pay for the use of other public facilities or private facilities for the care and treatment of juveniles in its care. Placement of a juvenile in a private or public facility that is not under the jurisdiction of the department of corrections does not terminate that department's supervision over the juvenile under s. 938.183, 938.34 ~~(4h)~~, (4m), or (4n), or 938.357 (3) or (4). Placements in institutions for persons with a mental illness or ~~development~~ developmental disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am) and ch. 51.

SECTION 130. 938.52 (2) (a) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.52 **(2)** (a) In addition to facilities and services under sub. (1), the department of corrections may use other facilities and services under its jurisdiction.

The department of corrections may contract for and pay for the use of other public facilities or private facilities for the care and treatment of juveniles in its care. Placement of a juvenile in a private or public facility that is not under the jurisdiction of the department of corrections does not terminate that department's supervision over the juvenile under s. 938.183, 938.34 (4m), or 938.357 (3) or (4). Placements in institutions for persons with a mental illness or developmental disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am) and ch. 51.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 131. 938.52 (2) (c) of the statutes is amended to read:

938.52 (2) (c) The department of corrections may inspect any facility it is using and examine and consult with persons under its supervision under s. 938.183, 938.34 ~~(4h)~~, (4m), or (4n), or 938.357 (3) or (4) who have been placed in the facility.

SECTION 132. 938.52 (2) (c) of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.52 (2) (c) The department of corrections may inspect any facility it is using and examine and consult with persons under its supervision under s. 938.183, 938.34 (4m), or 938.357 (3) or (4) who have been placed in the facility.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 133. 938.53 of the statutes is amended to read:

938.53 Duration of control of department of corrections over delinquents. Except as provided under s. 938.183, a juvenile adjudged delinquent who has been placed under the supervision of the department of corrections under s. 938.183, 938.34 ~~(4h)~~, (4m), or (4n), or 938.357 (3) or (4) a court order under this chapter shall be discharged as soon as that department determines that there is a

reasonable probability that departmental supervision is no longer necessary for the rehabilitation and treatment of the juvenile or for the protection of the public.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3, -1909/P2, and -0555/P2.

SECTION 134. 938.53 of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.53 Duration of control of department of corrections over delinquents. Except as provided under s. 938.183, a juvenile adjudged delinquent who has been placed under the supervision of the department of corrections under a court order under this chapter shall be discharged as soon as that department determines that there is a reasonable probability that departmental supervision is no longer necessary for the rehabilitation and treatment of the juvenile or for the protection of the public.

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3, -1909/P2, and -0555/P2.

SECTION 135. 938.533 of the statutes, as affected by [2019 Wisconsin Act 8](#), is repealed.

SECTION 136. 938.538 (2) (intro.) of the statutes is amended to read:

938.538 (2) PROGRAM ADMINISTRATION AND DESIGN. (intro.) The department of corrections shall administer a serious juvenile offender program for juveniles who have been adjudicated delinquent and ordered to participate in the program under s. 938.34 (4h), [2019 stats.](#) The department of corrections shall design the program to provide all of the following:

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 137. 938.538 (3) (a) 1. of the statutes is amended to read:

938.538 (3) (a) 1. Subject to subd. 1m., placement in a ~~Type 1~~ juvenile correctional facility or a secured residential care center for children and youth operated by the department of corrections or in the Mendota juvenile treatment center.

SECTION 138. 938.538 (3) (a) 1m. of the statutes is amended to read:

938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for committing an act that would be a Class A felony if committed by an adult, placement in a ~~Type 1~~ juvenile correctional facility or a secured residential care center for children and youth until the participant reaches 25 years of age, unless the participant is released sooner, subject to a mandatory minimum period of confinement of not less than one year.

SECTION 139. 938.538 (3) (a) 2. of the statutes is amended to read:

938.538 (3) (a) 2. Intensive or other field supervision, including ~~community supervision under s. 938.533~~ aftercare supervision provided by a county department.

SECTION 140. 938.538 (3) (b) of the statutes is amended to read:

938.538 (3) (b) The department may provide the sanctions under par. (a) in any order, may provide more than one sanction at a time and may return to a sanction that was used previously for a participant. Notwithstanding ss. 938.357, and 938.363 and 938.533 (3), a participant is not entitled to a hearing regarding the department's exercise of authority under this subsection unless the department provides for a hearing by rule.

SECTION 141. 938.538 (4) (a) of the statutes is amended to read:

938.538 (4) (a) A participant in the program under this section is under the supervision and control of the department of corrections, is subject to the rules and discipline of that department, and is considered to be in custody, as defined in s.

946.42 (1) (a). ~~Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2 juvenile correctional facility the department of corrections may, without a hearing, take the participant into custody and return him or her to placement in a Type 1 juvenile correctional facility or a secured residential care center for children and youth. Any intentional failure of a participant to remain within the extended limits of his or her placement while participating in the serious juvenile offender program or to return within the time prescribed by the administrator of the division of intensive sanctions in the department of corrections is considered an escape under s. 946.42 (3) (c). This paragraph does not preclude a juvenile who has violated a condition of the juvenile's participation in the program under sub. (3) (a) 2. to 9. from being taken into and held in custody under ss. 938.19 to 938.21.~~

SECTION 142. 938.538 (4) (b) of the statutes is repealed.

SECTION 143. 938.538 (5) (a) of the statutes is amended to read:

938.538 (5) (a) The office of juvenile offender review in the division of juvenile corrections in the department of corrections may release a participant to community aftercare supervision under s. 301.03 (10) (d) ~~at any time after the participant has completed 2 years of participation in the serious juvenile offender program. Community supervision of the participant shall be provided by the department of corrections.~~

SECTION 144. 938.539 of the statutes is repealed.

SECTION 145. 938.54 of the statutes is amended to read:

938.54 Records. The department of corrections shall keep a complete record on each juvenile under its supervision under s. ~~938.183, 938.34 (4h), (4m), or (4n) or~~

~~938.357 (3) or (4) a court order under this chapter.~~ This record shall include the information received from the court, the date of reception, all available data on the personal and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while under the supervision of the department of corrections.

SECTION 146. 938.54 of the statutes, as affected by [2019 Wisconsin Act 8](#) and 2021 Wisconsin Act (this act), is repealed and recreated to read:

938.54 Records. The department of corrections shall keep a complete record on each juvenile under its supervision under a court order under this chapter. This record shall include the information received from the court, the date of reception, all available data on the personal and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while under the supervision of the department of corrections.

****NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 147. 938.59 (1) of the statutes is amended to read:

938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall investigate the personal and family history and environment of any juvenile transferred to its legal custody or placed under its supervision under s. 938.34 (2), ~~(4d)~~, (4m), or (4n) and make any physical or mental examinations of the juvenile considered necessary to determine the type of care necessary for the juvenile. The county department shall screen a juvenile who is examined to determine whether the juvenile is in need of special treatment or care because of alcohol or other drug abuse, mental illness, or severe emotional disturbance. The county department shall keep a complete record of the information received from the court, the date of reception,

all available data on the personal and family history of the juvenile, the results of all tests and examinations given the juvenile, and a complete history of all placements of the juvenile while in the legal custody or under the supervision of the county department.

SECTION 148. 938.595 of the statutes is amended to read:

938.595 Duration of control of county departments over delinquents.

A juvenile who has been adjudged delinquent and placed under the supervision of a county department under s. 938.34 (2), ~~(4d)~~, (4m), or (4n) shall be discharged as soon as the county department determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the juvenile or for the protection of the public that the county department retain supervision.

SECTION 149. 938.78 (2) (d) (intro.) of the statutes is amended to read:

938.78 (2) (d) (intro.) Paragraph (a) does not prohibit the department of health services or a county department from disclosing information about an individual formerly in the legal custody or under the supervision of that department under s. 48.34 (4m), 1993 stats., or formerly under the supervision of that department or county department under s. 48.34 (4n), 1993 stats., ~~or s. 938.34 (4d), 2019 stats., or s. 938.34 (4m) or (4n)~~ to the department of corrections, if the individual is at the time of disclosure any of the following:

SECTION 150. 946.42 (1) (a) 1. a. of the statutes is amended to read:

946.42 (1) (a) 1. a. Actual custody of an institution, including a juvenile correctional facility, as defined in s. 938.02 (10p), a secured residential care center for children and youth, as defined in s. 938.02 (15g), a juvenile detention facility, as defined in s. 938.02 (10r), a Type 2 residential care center for children and youth, as defined in s. 938.02 (19r), 2019 stats., a facility used for the detention of persons

detained under s. 980.04 (1), a facility specified in s. 980.065, or a juvenile portion of a county jail.

SECTION 151. 946.42 (1) (a) 1. f. of the statutes is amended to read:

946.42 (1) (a) 1. f. Constructive custody of prisoners and juveniles subject to an order under s. 938.183, 938.34 (4d), ~~(4h)~~, or (4m), or 938.357 (4) or (5) (e) temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile, or otherwise.

SECTION 152. 946.42 (1) (a) 1. f. of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

946.42 (1) (a) 1. f. Constructive custody of prisoners and juveniles subject to an order under s. 938.183, 938.34 ~~(4d)~~ or (4m), or 938.357 (4) or (5) (e) temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile, or otherwise.

****NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 153. 946.42 (1) (a) 2. of the statutes is amended to read:

946.42 (1) (a) 2. "Custody" does not include the constructive custody of a probationer, parolee, or person on extended supervision by the department of corrections or a probation, extended supervision, or parole agent or, ~~subject to s. 938.533 (3) (a),~~ the constructive custody of a person who has been released to ~~community supervision or aftercare supervision under ch. 938.~~

SECTION 154. 946.42 (3) (c) of the statutes is amended to read:

946.42 (3) (c) Subject to a disposition under s. 938.34 (4d),~~(4h)~~, or (4m), to a placement under s. 938.357 (4) or 938.533 (3) (a), or to community supervision or aftercare revocation under s. 938.357 (5) (e).

SECTION 155. 946.42 (3) (c) of the statutes, as affected by 2021 Wisconsin Act ... (this act), is amended to read:

946.42 (3) (c) Subject to a disposition under s. 938.34 ~~(4d)~~ or (4m), to a placement under s. 938.357 (4) ~~or 938.533 (3) (a)~~, or to ~~community supervision or~~ aftercare revocation under s. 938.357 (5) (e).

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 156. 946.44 (2) (c) of the statutes is amended to read:

946.44 (2) (c) "Institution" includes a juvenile correctional facility, as defined in s. 938.02 (10p), a secured residential care center for children and youth, as defined in s. 938.02 (15g), and a Type 2 residential care center for children and youth, as defined in s. 938.02 (19r), 2019 stats.

SECTION 157. 946.44 (2) (d) of the statutes is amended to read:

946.44 (2) (d) "Prisoner" includes a person ~~who is under the supervision of the department of corrections under s. 938.34 (4h)~~, who is placed in a juvenile correctional facility or a secured residential care center for children and youth under s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e), or who is placed in a Type 2 residential care center for children and youth under s. 938.34 (4d).

SECTION 158. 946.44 (2) (d) of the statutes, as affected by 2021 Wisconsin Act ... (this act), is amended to read:

946.44 (2) (d) "Prisoner" includes a person who is placed in a juvenile correctional facility or a secured residential care center for children and youth under

s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e), ~~or who is placed in a Type 2 residential care center for children and youth under s. 938.34 (4d).~~

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 159. 946.45 (2) (c) of the statutes is amended to read:

946.45 (2) (c) "Institution" includes a juvenile correctional facility, as defined in s. 938.02 (10p), a secured residential care center for children and youth, as defined in s. 938.02 (15g), and a Type 2 residential care center for children and youth, as defined in s. 938.02 (19r), 2019 stats.

SECTION 160. 946.45 (2) (d) of the statutes is amended to read:

946.45 (2) (d) "Prisoner" includes a person ~~who is under the supervision of the department of corrections under s. 938.34 (4h),~~ who is placed in a juvenile correctional facility or a secured residential care center for children and youth under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e), or who is placed in a Type 2 residential care center for children and youth under s. 938.34 (4d).

SECTION 161. 946.45 (2) (d) of the statutes, as affected by 2021 Wisconsin Act (this act), is amended to read:

946.45 (2) (d) "Prisoner" includes a person who is placed in a juvenile correctional facility or a secured residential care center for children and youth under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e), ~~or who is placed in a Type 2 residential care center for children and youth under s. 938.34 (4d).~~

***NOTE: This SECTION has been affected by drafts with the following LRB numbers: -0556/P3 and -0555/P2.

SECTION 9108. Nonstatutory provisions; Corrections.

(1) SECURED JUVENILE FACILITIES; TERMINOLOGY CHANGE. All rules promulgated by the department of corrections in effect on the effective date of this subsection that

are related to Type-1 juvenile correctional facilities, as determined by the secretary of administration, remain in effect and apply to any secured residential care center for children and youth operated by the department of corrections until their specified expiration dates or until amended or repealed by the department of corrections.

SECTION 9308. Initial applicability; Corrections.

(1) **SERIOUS JUVENILE OFFENDER PROGRAM.** The treatment of ss. 46.011 (1p) (by SECTION 2), 46.057 (1) (by SECTION 4), 48.023 (4) (by SECTION 7), 48.66 (1) (b) (by SECTION 9), 49.11 (1c) (by SECTION 12), 49.45 (25) (bj) (by SECTION 16), 146.81 (5) (by SECTION 24), 301.01 (1n) (by SECTION 28), 301.12 (2), 301.20, 757.69 (1m) (g) (by SECTION 48), 938.299 (1) (a), (ar), and (av), 938.33 (3r), 938.34 (3g), (4d) (b), (4h), and (4m) (b) (intro.), 938.355 (4) (b) (by SECTION 82), 938.365 (5) (a) (by SECTION 108), 938.396 (2g) (k), 938.48 (6), 938.505 (1) (by SECTION 126), 938.52 (2) (a) (by SECTION 129) and (c) (by SECTION 131), 946.42 (1) (a) 1. f. (by SECTION 151) and (3) (c) (by SECTION 154), 946.44 (2) (d) (by SECTION 157), and 946.45 (2) (d) (by SECTION 160) first applies to a juvenile who is adjudicated delinquent in a proceeding under ch. 938 on the effective date of this subsection.

(2) **TYPE 2 JUVENILE CORRECTIONAL STATUS.** The treatment of ss. 48.66 (1) (b) (by SECTION 10), 48.981 (1) (b), 49.345 (2) (by SECTION 15), 146.81 (5) (by SECTION 25), 757.69 (1m) (g) (by SECTION 49), 938.02 (19r) and (20), 938.19 (1) (d) 6., 938.20 (2) (cm), (7) (c) 1m., and (8) (c), 938.205 (1) (c), 938.208 (1) (intro.), 938.355 (2) (b) 2., 6., and 6m. and (4) (b) (by SECTION 83), 938.357 (3) (a) and (4) (am), (b), and (c), 938.365 (5) (a) (by SECTION 109), 938.538 (4) (a) and (b), 938.59 (1), 938.595, 938.78 (2) (d) (intro.), 946.42 (1) (a) 1. a. and f. (by SECTION 152) and 2. and (3) (c) (by SECTION 154), 946.44 (2) (d) (by SECTION 162), and 946.45 (2) (d) and the repeal of s. 938.34 (4d), with respect to Type 2 status, a Type 2 juvenile correctional facility, or a Type 2 residential

care center for children and youth, first apply to a juvenile who is subject to a dispositional order under s. 938.355 entered on the effective date of this subsection.

(3) COMMUNITY SUPERVISION OF A JUVENILE. The treatment of ss. 48.023 (4) (by SECTION 8), 48.526 (7) (h), 48.981 (1) (b), 227.03 (4), 301.025, 301.26 (4) (d) 5. and (eg), 302.31 (7) (by SECTION 44), 302.386 (5) (c), 938.069 (1) (intro.), 938.19 (1) (d) 6., 938.20 (2) (cm), (7) (c) 1m., and (8) (c), 938.205 (1) (c), 938.208 (1) (intro.), 938.34 (intro.) and (4n) (intro.), 938.357 (3) (e), (4g) (title), (a), (b), (c) (intro.), 2., 3., and 4., and (d), (4m), and (5) (title), (a), (b), (d), (e), and (g), 938.365 (7), 938.48 (6), 938.48 (13), 938.50, 938.51, 938.538 (3) (a) 2. and (b) and (5) (a), and 946.42 (1) (a) 2. and (3) (c) (by SECTION 155) and the repeal of s. 938.533, with respect to community supervision of a juvenile, first apply to a juvenile who is subject to a dispositional order under s. 938.355 entered on the effective date of this subsection.

SECTION 9408. Effective dates; Corrections.

(1) JUVENILE CORRECTIONAL FACILITIES. The treatment of ss. 16.99 (3b), 46.011 (1p) (by SECTION 3), 46.057 (1) (by SECTION 5), 46.22 (1) (c) 1. b., 48.023 (4) (by SECTION 8), 48.526 (7) (h), 48.66 (1) (b) (by SECTION 10), 48.981 (1) (b), 49.11 (1c) (by SECTION 13), 49.343 (1g), 49.345 (2) (by SECTION 15), 49.45 (25) (bj) (by SECTION 17), 77.52 (2) (ag) 39. (intro.), 101.123 (1) (ac) 2. and (j) and (2) (d) 3., 115.76 (10), 115.81 (1) (b), 146.81 (5) (by SECTION 25), 157.065 (2) (a) 4. c., 227.03 (4), 301.01 (1n) (by SECTION 29) and (1s), 301.025, 301.08 (1) (b) 3., 301.16 (1w) and (1x), 301.18 (1) (fm), 301.26 (4) (d) 2. (by SECTION 39), and (eg), 301.37 (title) and (1m), 302.31 (7) (by SECTION 44), 302.386 (5) (c) and (d), 450.062 (4), 757.69 (1m) (g) (by SECTION 49), 938.02 (4) (by SECTION 51), (10p), (12d), (15g), (19), (19r), (20), 938.069 (1) (intro.), 938.19 (1) (d) 6., 938.20 (2) (cm), (7) (c) 1m., and (8) (c), 938.205 (1) (c), 938.208 (1) (intro.), 938.33 (3) (c), 938.34 (intro.), (4m) (intro) and (c) (intro.), and (4n) (intro.), 938.355 (2) (b) 2., 2m.,

6., and 6m. and (4) (b) (by SECTION 83), 938.357 (3) (a), (b) (intro.) and 1. b., (c), and (e), (4) (am), (b), and (c), (4g) (title), (a), (b), (c) (intro.), 2., 3., and 4., and (d), (4m), and (5) (title), (a), (b), (d), (e), and (g), 938.365 (5) (a) (by SECTION 109) and (7), 938.48 (3) (by SECTION 113), (4) (by SECTION 115), (4m) (b) (by SECTION 117), (5) (by SECTION 119), (6) (by SECTION 121), (13), and (14) (by SECTION 124), 938.50, 938.505 (1) (by SECTION 127), 938.51 (1m), 938.52 (2) (a) (by SECTION 130) and (c) (by SECTION 132), 938.53 (by SECTION 134), 938.533, 938.538 (3) (a) 1., 1m., and 2. and (b), (4) (a) and (b), and (5) (a), 938.539, 938.54 (by SECTION 146), 938.59 (1), 938.595, 938.78 (2) (d) (intro.), 946.42 (1) (a) 1. a. and f. (by SECTION 152), and 2. and (3) (c) (by SECTION 155), 946.44 (2) (c) and (d) (by SECTION 158), 946.45 (2) (c) and (d) (by SECTION 161), the renumbering of s. 938.357 (4) (ab), the repeal of s. 938.34 (4d); the creation of s. 938.357 (4) (ab) 2. and SECTIONS 9108 (1) and 9308 (2) and (3) of this act take effect on the date specified in the notice under [2017 Wisconsin Act 185](#), section [110 \(2\) \(b\)](#).

(END)