



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1205/P1
EAW:amn

DOA:.....Schmidt, BB0417 - Closing LHS-CLS

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

Closure of Lincoln Hills and Copper Lakes schools

2017 Wisconsin Act 185 required DOC to close the current Type 1 juvenile correctional facilities known as Lincoln Hills and Copper Lake schools no later than January 1, 2021. 2019 Wisconsin Act 8 extended this date to July 1, 2021. This bill removes the deadline for these facilities to be closed and provides instead that DOC must close the facilities as soon as all the juveniles who are placed there are transferred out to a substitute placement, which must happen as soon as a substitute placement that meets the needs of each juvenile is ready.

2019 Wisconsin Act 8 also provided that DOC may, within its discretion, transfer juveniles out of Lincoln Hills or Copper Lake to a juvenile detention facility that is approved to receive placements of juveniles for more than 30 days. Under Act 8, all juveniles who are transferred to a juvenile detention facility using this procedure are required to be transferred into a secured residential care center for children and youth or a new Type 1 juvenile correctional facility no later than July 1, 2021. This bill specifies that juveniles who are transferred to a juvenile detention facility using this procedure are required to be transferred into a secured residential care center for children and youth or a new Type 1 juvenile correctional facility as soon as a substitute placement that meets the needs of each juvenile is ready.

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. [2017 Wisconsin Act 185](#), section 110 (1) (a), as last affected by [2019 Wisconsin Act 8](#), is amended to read:

[[2017 Wisconsin Act 185](#)] Section 110 (1) (a) Upon the establishment of the Type 1 juvenile correctional facilities under subsection (7) and the secured residential care centers for children and youth under subsections (4) and (7m), the department of corrections shall begin to transfer each juvenile held in secure custody at the Lincoln Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional facility or secured residential care center for children and youth. No juvenile may be transferred to a Type 1 juvenile correctional facility until the department of corrections determines the facility to be ready to accept juveniles, and no juvenile may be transferred to a secured residential care center for children and youth until the entity operating the facility determines it to be ready to accept juveniles. The transfers may occur in phases. The department shall transfer ~~all juveniles~~ a juvenile under this subsection ~~no later than July 1, 2021~~ as soon as a substitute placement that meets the needs of the juvenile is ready.

SECTION 2. [2017 Wisconsin Act 185](#), section 110 (2) (a), as last affected by [2019 Wisconsin Act 8](#), is amended to read:

[[2017 Wisconsin Act 185](#)] Section 110 (2) (a) On the ~~earlier of the date on which all juveniles have been transferred to secured residential care centers for children and youth and Type 1 juvenile correctional facilities under subsection (1) or July 1, 2021~~ (a) or transferred to a juvenile detention facility under [2019 Wisconsin Act 8](#),

section 72 (1), the department of corrections shall permanently close the Type 1 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake School in the town of Birch, Lincoln County.

SECTION 3. [2017 Wisconsin Act 185](#), section [110 \(7\)](#), as last affected by [2019 Wisconsin Act 8](#), is amended to read:

[[2017 Wisconsin Act 185](#)] Section 110 (7) TYPE 1 JUVENILE CORRECTIONAL FACILITIES. The department of corrections shall establish or construct the Type 1 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes ~~no later than July 1, 2021~~, subject to the approval of the joint committee on finance. The department shall consider the recommendations of the juvenile corrections study committee under subsection (6) (c) 2. in establishing or constructing these facilities.

SECTION 4. [2017 Wisconsin Act 185](#), section [112 \(1\)](#), as last affected by [2019 Wisconsin Act 8](#), is amended to read:

[[2017 Wisconsin Act 185](#)] Section 112 (1) The treatment of sections 46.011 (1p) (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57) and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by SECTION 82), (5) (by SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100), and 938.54 (by SECTION 107) of the statutes takes effect on the date specified in the notice under SECTION 110 (2) (b) ~~or July 1, 2021, whichever is earlier.~~

SECTION 5. [2019 Wisconsin Act 8](#), section [72 \(1\) \(b\)](#) is amended to read:

[[2019 Wisconsin Act 8](#)] Section 72 (1) (b) Notwithstanding s. 938.34 (3) (f) 1., a juvenile may be placed in a juvenile detention facility under par. (a) for a period

longer than 365 days, and shall be transferred out of the juvenile detention facility using the procedure ~~and by the date~~ required under [2017 Wisconsin Act 185](#), section [110 \(1\)](#). The department of corrections shall transfer all juveniles placed in a juvenile detention facility under par. (a) out of the juvenile detention facility ~~no later than July 1, 2021~~ as soon as a substitute placement that meets the needs of the juvenile is ready.

SECTION 6. [2019 Wisconsin Act 8](#), section [74 \(1\)](#) is amended to read:

[[2019 Wisconsin Act 8](#)] Section 74 (1) The treatment of ss. 46.011 (1p), 48.023 (4), 49.11 (1c), 49.45 (25) (bj), 301.01 (1n), 938.02 (4), 938.34 (4m) (intro.) (by SECTION 33) and (4n) (intro.), 938.357 (4g) (a), 938.48 (3), (4), (4m) (b), (5), (6), and (14), 938.505 (1), 938.52 (2) (a) and (c), 938.53, 938.533 (2) (intro.), and 938.54 takes effect on the date specified in the notice under [2017 Wisconsin Act 185](#), SECTION [110 \(2\) \(b\)](#), ~~or July 1, 2021, whichever is earlier.~~

***NOTE: Do you also want to extend any other dates from [2017 Act 185](#) or [2019 Act 8](#), such as the dates for the juvenile justice grant committee and/or the juvenile justice study committee?

(END)