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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 753**

**Senate Amendment 1**

### BACKGROUND

Under current law, if a juvenile is adjudicated delinquent, the court must order one or more dispositions of the case. The court's dispositional options include placement in the serious juvenile offender program (SJOP) or placement in a correctional placement, among others.

Specifically, the court may place a juvenile in SJOP if the juvenile has been adjudicated delinquent for committing certain acts that would be punishable as Class A, B, or C felonies if committed by an adult, and if the court finds that the only other appropriate disposition for the juvenile is placement in a juvenile correctional facility. The types of acts that render a juvenile eligible for SJOP differ depending on whether the juvenile is least 10 or 14 years of age.

With regard to correctional placement, the court may order this disposition if the juvenile has been found delinquent for committing an act punishable by a sentence of six months or more if committed by an adult, and if the juvenile is found to be a danger to the public and in need of restricted custodial treatment. Current law sets forth several circumstances that, if applicable, constitute prima facie evidence that the juvenile is a danger to the public and in need of restrictive custodial treatment, provided placement in SJOP is not appropriate. One such circumstance is that the juvenile has committed a delinquent act that would constitute certain specified felonies if committed by an adult.

### 2019 SENATE BILL 753

Senate Bill 753 expands both the acts that qualify a juvenile for placement in SJOP, as well as the acts that constitute prima facie evidence that the juvenile is a danger to the public and in need of restrictive custodial treatment for purposes of determining eligibility for a correctional placement.

Specifically, the bill allows the court to place a juvenile who is 14 years of age or older in SJOP if the juvenile has been adjudicated delinquent for an act that would be a felony if committed by an adult in this state. Similarly, the bill provides that, for purposes of determining eligibility for correctional placement, it is prima facie evidence that the juvenile is a danger to the public and in need of restrictive custodial treatment if the juvenile has committed a delinquent act that would be a felony if committed by an adult in this state.

### SENATE AMENDMENT 1

Senate Amendment 1 modifies the bill so that a juvenile's acts that would be a Class G felony or higher if committed by an adult in this state would qualify a juvenile for placement in SJOP and may serve as prima facie evidence that the juvenile is a danger to the public and in need of restrictive custodial treatment for purposes of determining eligibility for a correctional placement, if placement in SJOP is not appropriate.

## **BILL HISTORY**

Senator Wanggaard offered Senate Amendment 1 on February 10, 2020. On February 11, 2020, the Senate Committee on Judiciary and Public Safety recommended adoption of the amendment on votes of Ayes, 5; Noes, 0, and passage of the bill, as amended, on votes of Ayes, 3; Noes, 2.

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