



2009 ASSEMBLY BILL 732

February 11, 2010 – Introduced by Representatives KESSLER, FRISKE, PASCH, ROYS, BLACK, A. OTT, TURNER, A. WILLIAMS, TOWNSEND, BIES, SINICKI and BERCEAU, cosponsored by Senators TAYLOR, RISSER, MILLER and GROTHMAN. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to renumber* 814.78 (1), 814.79 (1), 814.80 (1) and 814.81 (1); *to amend*
2 46.215 (2) (c) 3., 46.22 (1) (e) 3. c., 48.02 (1d), 48.02 (2), 48.366 (8), subchapter
3 IX (title) of chapter 48 [precedes 48.44], 48.44 (title), 48.44 (1), 48.45 (1) (a),
4 48.45 (1) (am), 48.45 (3), 118.163 (4), 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3)
5 (bt), 165.83 (1) (c) 1., 165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a), 301.26 (3) (c),
6 301.26 (4) (d) 3., 301.26 (6) (a), 301.26 (7) (intro.), 301.26 (7) (a), 302.31 (7),
7 938.02 (1), 938.02 (10m), 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.),
8 938.344 (3), 938.35 (1m), 938.355 (4) (b), 938.355 (4m) (a), 938.39, subchapter
9 IX (title) of chapter 938 [precedes 938.44], 938.44, 938.45 (1) (a), 938.45 (3),
10 938.48 (4m) (title), 938.48 (4m) (a), 938.48 (4m) (b), 938.48 (14), 938.57 (3)
11 (title), 938.57 (3) (a) 1., 938.57 (3) (a) 3., 938.57 (3) (b), 946.50 (intro.), 948.01
12 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (1),
13 961.46, 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2), 961.575 (3), 990.01 (3)
14 and 990.01 (20); *to repeal and recreate* 48.02 (1d), 48.02 (2), 48.45 (1) (a),

ASSEMBLY BILL 732

1 48.45 (1) (am), 48.45 (3), 165.83 (1) (c) 1., 165.83 (1) (c) 2., 301.12 (14) (a), 301.26
2 (4) (d) 3., 938.02 (1), 938.02 (10m), 938.12 (2), 938.18 (2), 938.255 (1) (intro.),
3 938.35 (1m), 938.355 (4m) (a), 938.39, 938.45 (1) (a), 938.45 (3), 946.50 (intro.),
4 948.01 (1), 948.60 (2) (d), 948.61 (4), 990.01 (3) and 990.01 (20); and **to create**
5 20.410 (3) (gr), 301.26 (4) (dm), 301.265, 814.75 (1h), 814.78 (1j), 814.79 (1j),
6 814.80 (1j) and 814.81 (1j) of the statutes; **relating to:** the age at which a person
7 who is alleged to have violated a criminal law, a civil law, or a municipal
8 ordinance is subject to circuit court or municipal court jurisdiction rather than
9 juvenile court jurisdiction; creating a community youth and family aids
10 surcharge; authorizing the Department of Corrections to set the youth aids
11 daily rates for care of a juvenile in a juvenile correctional facility or a treatment
12 facility; providing an exemption from rule-making procedures; and making an
13 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code. The change is effective on July 1, 2010, for a person who is alleged to have committed a misdemeanor and on July 1, 2011, for a person who's alleged to have committed a felony. The bill also provides that if between July 1, 2010, and June 30, 2011, a person 17 years of age is alleged to have committed a violation of a criminal law, the person is subject to the procedures specified in the Juvenile Justice Code until such time as the person is charged with a felony for committing that violation. If the person is charged with a felony, from that point the person is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the

ASSEMBLY BILL 732

Criminal Code. If the person is charged with a misdemeanor, the person remains subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, to a disposition under that code.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court. The change is effective on July 1, 2010.

Under current law relating to community youth and family aids, generally referred to as "youth aids," the Department of Corrections (DOC) must allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the cost of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$275 for care in a juvenile correctional facility or a treatment facility.

This bill eliminates those statutorily set assessments and instead directs DOC to set those assessments at least annually. The bill permits DOC to set one assessment for short-term placements of 30 days or less and another assessment for long-term placements of more than 30 days and permits DOC to adjust those assessments more frequently than annually as necessary to reflect the per person average daily cost of providing that care. The bill requires DOC to submit a plan for the implementation of a proposed assessment to the cochairpersons of the Joint Committee on Finance (JCF). If the proposed assessment involves an increase in the current assessment, DOC may also submit with the plan a request for supplemental funds to provide increased youth aids funding to counties to cover any increased charges expected under the proposed assessment. If the cochairpersons of JCF do not notify DOC that JCF has scheduled a meeting for the purpose of reviewing the plan and request for supplemental funds within 14 working days after submission of that plan and request to JCF, the plan and supplement are approved. If, within 14 working days after submission of the plan and request, the cochairpersons of JCF notify DOC that JCF has scheduled a meeting for the purpose of reviewing that plan and request, the plan may be implemented and the supplement may occur only as approved, or modified and approved, by JCF. The bill requires DOC to publish the assessment in the Wisconsin Administrative Register and exempts DOC from having to publish the assessment as a rule.

Under current law, when a court imposes a fine or forfeiture in certain actions, the court must also impose certain surcharges in addition to the fine or forfeiture, plus costs and fees, imposed. This bill requires a court to impose a community youth and family aids surcharge (youth aids surcharge) in the amount of \$14 when the

ASSEMBLY BILL 732

court imposes a forfeiture for a traffic violation. Youth aids surcharges must be transmitted to the secretary of administration, deposited into the general fund, and credited to an appropriation account of DOC, which must allocate those youth aids surcharges to counties for state-provided juvenile correctional services and local delinquency-related and juvenile justice services.

Finally, the bill increases the authorized full-time equivalent positions for the circuit courts by two reserve judge positions, to be funded from general purpose revenues, to provide two additional reserve judges for proceedings under the Juvenile Justice Code.

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:

1 **SECTION 1.** 20.410 (3) (gr) of the statutes is created to read:

2 20.410 (3) (gr) *Community youth and family aids surcharges.* All moneys
3 received from community youth and family aids surcharges collected under s.
4 301.265 for the improvement and provision of juvenile delinquency-related services
5 under s. 301.26.

6 **SECTION 2.** 46.215 (2) (c) 3. of the statutes, as affected by 2009 Wisconsin Act
7 28, is amended to read:

8 46.215 (2) (c) 3. A county department of social services shall develop, under the
9 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related
10 care and services to be purchased. The department of corrections may review the
11 contracts and approve them if they are consistent with s. 301.08 (2) and if state or
12 federal funds are available for such purposes. The joint committee on finance may
13 require the department of corrections to submit the contracts to the committee for
14 review and approval. The department of corrections may not make any payments
15 to a county for programs included in a contract under review by the committee. The

ASSEMBLY BILL 732

1 department of corrections shall reimburse each county for the contracts from the
2 appropriations under s. 20.410 (3) (cd), (gr), (ko), and (o) as appropriate.

3 **SECTION 3.** 46.22 (1) (e) 3. c. of the statutes, as affected by 2009 Wisconsin Act
4 28, is amended to read:

5 46.22 (1) (e) 3. c. A county department of social services shall develop, under
6 the requirements of s. 301.08 (2), plans and contracts for juvenile
7 delinquency-related care and services to be purchased. The department of
8 corrections may review the contracts and approve them if they are consistent with
9 s. 301.08 (2) and to the extent that state or federal funds are available for such
10 purposes. The joint committee on finance may require the department of corrections
11 to submit the contracts to the committee for review and approval. The department
12 of corrections may not make any payments to a county for programs included in the
13 contract that is under review by the committee. The department of corrections shall
14 reimburse each county for the contracts from the appropriations under s. 20.410 (3)
15 (cd), (gr), (ko), and (o) as appropriate.

16 **SECTION 4.** 48.02 (1d) of the statutes is amended to read:

17 48.02 (1d) “Adult” means a person who is 18 years of age or older, except that
18 for purposes of investigating or prosecuting a person who is alleged to have violated
19 committed a violation of any state or federal criminal law ~~or any civil law or~~
20 ~~municipal ordinance~~ that is punishable as a felony, “adult” means a person who has
21 attained 17 years of age.

22 **SECTION 5.** 48.02 (1d) of the statutes, as affected by 2009 Wisconsin Act (this
23 act), is repealed and recreated to read:

24 48.02 (1d) “Adult” means a person who is 18 years of age or older.

25 **SECTION 6.** 48.02 (2) of the statutes is amended to read:

ASSEMBLY BILL 732**SECTION 6**

1 48.02 (2) “Child” means a person who is less than 18 years of age, except that
2 for purposes of investigating or prosecuting a person who is alleged to have violated
3 committed a violation of a state or federal criminal law ~~or any civil law or municipal~~
4 ~~ordinance that is punishable as a felony~~, “child” does not include a person who has
5 attained 17 years of age.

6 **SECTION 7.** 48.02 (2) of the statutes, as affected by 2009 Wisconsin Act (this
7 act), is repealed and recreated to read:

8 48.02 (2) “Child” means a person who is less than 18 years of age.

9 **SECTION 8.** 48.366 (8) of the statutes is amended to read:

10 48.366 (8) **TRANSFER TO OR BETWEEN FACILITIES.** The department of corrections
11 may transfer a person subject to an order between juvenile correctional facilities.
12 After the person attains the age of ~~17~~ 18 years, the department of corrections may
13 place the person in a state prison named in s. 302.01, ~~except that the department of~~
14 ~~corrections may not place any person under the age of 18 years in the correctional~~
15 ~~institution authorized in s. 301.16 (1n).~~ If the department of corrections places a
16 person subject to an order under this section in a state prison, that department shall
17 provide services for that person from the appropriate appropriation under s. 20.410
18 (1). The department of corrections may transfer a person placed in a state prison
19 under this subsection to or between state prisons named in s. 302.01 without
20 petitioning for revision of the order under sub. (5) (a), ~~except that the department of~~
21 ~~corrections may not transfer any person under the age of 18 years to the correctional~~
22 ~~institution authorized in s. 301.16 (1n).~~

23 **SECTION 9.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes
24 is amended to read:

25

CHAPTER 48

ASSEMBLY BILL 732

SUBCHAPTER IX

JURISDICTION OVER PERSON ~~17~~ 18 OR OLDER

SECTION 10. 48.44 (title) of the statutes is amended to read:

48.44 (title) Jurisdiction over persons ~~17~~ 18 or older.

SECTION 11. 48.44 (1) of the statutes is amended to read:

48.44 (1) The court has jurisdiction over persons ~~17~~ 18 years of age or older as provided under ss. 48.133, 48.355 (4), and 48.45 and as otherwise specifically provided in this chapter.

SECTION 12. 48.45 (1) (a) of the statutes is amended to read:

48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any person 17 years of age or older has been guilty of contributing to, encouraging, or tending to cause, by any act or omission, ~~such that is punishable as a felony, that~~ condition of the child or that any person 18 years of age or older has been guilty of contributing to, encouraging, or tending to cause, by any act or omission that is punishable as a misdemeanor, that condition of the child, the judge may make orders with respect to the conduct of ~~such that~~ person in his or her relationship to the child, including orders determining the ability of the person to provide for the maintenance or care of the child and directing when, how, and where funds for the maintenance or care shall be paid.

SECTION 13. 48.45 (1) (a) of the statutes, as affected by 2009 Wisconsin Act ... (this act), is repealed and recreated to read:

48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.13 it appears that any person 18 years of age or older has been guilty of contributing to, encouraging, or tending to cause, by any act or omission, that condition of the child, the judge may make orders with respect to the conduct

ASSEMBLY BILL 732

1 of that person in his or her relationship to the child, including orders determining
2 the ability of the person to provide for the maintenance or care of the child and
3 directing when, how, and where funds for the maintenance or care shall be paid.

4 **SECTION 14.** 48.45 (1) (am) of the statutes is amended to read:

5 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
6 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
7 that any person 17 years of age or over has been guilty of contributing to,
8 encouraging, or tending to cause, by any act or omission, ~~such~~ that is punishable as
9 a felony, that condition of the unborn child and expectant mother or that any person
10 18 years of age or over has been guilty of contributing to, encouraging, or tending to
11 cause, by any act or omission that is punishable as a misdemeanor, that condition of
12 the unborn child and expectant mother, the judge may make orders with respect to
13 the conduct of ~~such~~ that person in his or her relationship to the unborn child and
14 expectant mother.

15 **SECTION 15.** 48.45 (1) (am) of the statutes, as affected by 2009 Wisconsin Act
16 (this act), is repealed and recreated to read:

17 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
18 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
19 that any person 18 years of age or older has been guilty of contributing to,
20 encouraging, or tending to cause, by any act or omission, that condition of the unborn
21 child and expectant mother, the judge may make orders with respect to the conduct
22 of that person in his or her relationship to the unborn child and expectant mother.

23 **SECTION 16.** 48.45 (3) of the statutes is amended to read:

24 48.45 (3) If it appears at a court hearing that any person 17 years of age or older
25 has violated s. 948.40 and that the violation is punishable as a felony or that any

ASSEMBLY BILL 732

1 person 18 years of age or older has violated s. 948.40 and that the violation is
2 punishable as a misdemeanor, the judge shall refer the record to the district attorney
3 for criminal proceedings as may be warranted in the district attorney's judgment.
4 This subsection does not prevent prosecution of violations of s. 948.40 without the
5 prior reference by the judge to the district attorney, as in other criminal cases.

6 **SECTION 17.** 48.45 (3) of the statutes, as affected by 2009 Wisconsin Act (this
7 act), is repealed and recreated to read:

8 48.45 (3) If it appears at a court hearing that any person 18 years of age or older
9 has violated s. 948.40, the judge shall refer the record to the district attorney for
10 criminal proceedings as may be warranted in the district attorney's judgment. This
11 subsection does not prevent prosecution of violations of s. 948.40 without the prior
12 reference by the judge to the district attorney, as in other criminal cases.

13 **SECTION 18.** 118.163 (4) of the statutes is amended to read:

14 118.163 (4) A person who is under ~~17~~ 18 years of age on the date of disposition
15 is subject to s. 938.342.

16 **SECTION 19.** 125.07 (4) (d) of the statutes is amended to read:

17 125.07 (4) (d) A person who is under ~~17~~ 18 years of age on the date of disposition
18 is subject to s. 938.344 unless proceedings have been instituted against the person
19 in a court of civil or criminal jurisdiction after dismissal of the citation under s.
20 938.344 (3).

21 **SECTION 20.** 125.07 (4) (e) 1. of the statutes is amended to read:

22 125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty
23 of violating par. (a) or (b) who is ~~17~~, 18, 19, or 20 years of age.

24 **SECTION 21.** 125.085 (3) (bt) of the statutes is amended to read:

ASSEMBLY BILL 732

1 125.085 (3) (bt) A person who is under 17 18 years of age on the date of
2 disposition is subject to s. 938.344 unless proceedings have been instituted against
3 the person in a court of civil or criminal jurisdiction after dismissal of the citation
4 under s. 938.344 (3).

5 **SECTION 22.** 165.83 (1) (c) 1. of the statutes is amended to read:

6 165.83 (1) (c) 1. An act that is committed by a person who has attained the age
7 of 17 and that is a felony or an act that is committed by a person who has attained
8 the age of 18 and that is a misdemeanor.

9 **SECTION 23.** 165.83 (1) (c) 1. of the statutes, as affected by 2009 Wisconsin Act
10 (this act), is repealed and recreated to read:

11 165.83 (1) (c) 1. An act that is committed by a person who has attained the age
12 of 18 and that is a felony or a misdemeanor.

13 **SECTION 24.** 165.83 (1) (c) 2. of the statutes is amended to read:

14 165.83 (1) (c) 2. An act that is committed by a person who has attained the age
15 of 10 but who has not attained the age of 17 and that would be a felony or
16 ~~misdemeanor~~ if committed by an adult or an act that is committed by a person who
17 has attained the age of 10 but who has not attained the age of 18 and that would be
18 a misdemeanor if committed by an adult.

19 **SECTION 25.** 165.83 (1) (c) 2. of the statutes, as affected by 2009 Wisconsin Act
20 (this act), is repealed and recreated to read:

21 165.83 (1) (c) 2. An act that is committed by a person who has attained the age
22 of 10 but who has not attained the age of 18 and that would be a felony or
23 misdemeanor if committed by an adult.

24 **SECTION 26.** 301.12 (2m) of the statutes is amended to read:

ASSEMBLY BILL 732

1 301.12 **(2m)** The liability specified in sub. (2) shall not apply to persons ~~17~~ 18
2 and older receiving care, maintenance, services, and supplies provided by prisons
3 named in s. 302.01.

4 **SECTION 27.** 301.12 (14) (a) of the statutes is amended to read:

5 301.12 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person
6 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under ~~17~~
7 18 years of age in residential, nonmedical facilities such as group homes, foster
8 homes, treatment foster homes, residential care centers for children and youth, and
9 juvenile correctional institutions is determined in accordance with the cost-based
10 fee established under s. 301.03 (18). The department shall bill the liable person up
11 to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
12 3rd-party benefits, subject to rules ~~which~~ that include formulas governing ability to
13 pay promulgated by the department under s. 301.03 (18). Any liability of the resident
14 not payable by any other person terminates when the resident reaches age ~~17~~ 18,
15 unless the liable person has prevented payment by any act or omission.

16 **SECTION 28.** 301.12 (14) (a) of the statutes, as affected by 2009 Wisconsin Acts
17 28 and (this act), is repealed and recreated to read:

18 301.12 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person
19 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 18
20 years of age in residential, nonmedical facilities such as group homes, foster homes,
21 residential care centers for children and youth, and juvenile correctional institutions
22 is determined in accordance with the cost-based fee established under s. 301.03 (18).
23 The department shall bill the liable person up to any amount of liability not paid by
24 an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules
25 that include formulas governing ability to pay promulgated by the department under

ASSEMBLY BILL 732

1 s. 301.03 (18). Any liability of the resident not payable by any other person
2 terminates when the resident reaches age 18, unless the liable person has prevented
3 payment by any act or omission.

4 **SECTION 29.** 301.26 (3) (c) of the statutes, as affected by 2009 Wisconsin Act 28,
5 is amended to read:

6 301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd),
7 ~~(gr)~~, (ko), and (o), the department shall allocate funds to each county for services
8 under this section.

9 **SECTION 30.** 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin Act
10 28, section 2677, is amended to read:

11 301.26 (4) (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the
12 per person daily cost assessment to counties shall be \$275 the dollar amount set by
13 the department under par. (dm) 1. for care in a Type 1 juvenile correctional facility,
14 as defined in s. 938.02 (19), \$275 the dollar amount set by the department under par.
15 (dm) 1. for care for juveniles transferred from a juvenile correctional institution
16 under s. 51.35 (3), \$313 for care in a residential care center for children and youth,
17 \$200 for care in a group home for children, \$75 for care in a foster home, \$130 for care
18 in a treatment foster home, \$103 for departmental corrective sanctions services, and
19 \$41 for departmental aftercare services.

20 **SECTION 31.** 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin Act
21 28, section 2678, and 2009 Wisconsin Act (this act), is repealed and recreated to
22 read:

23 301.26 (4) (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the
24 per person daily cost assessment to counties shall be the dollar amount set by the
25 department under par. (dm) 1. for care in a Type 1 juvenile correctional facility, as

ASSEMBLY BILL 732

1 defined in s. 938.02 (19), the dollar amount set by the department under par. (dm)
2 1. for care for juveniles transferred from a juvenile correctional institution under s.
3 51.35 (3), \$313 for care in a residential care center for children and youth, \$200 for
4 care in a group home for children, \$75 for care in a foster home, \$130 for care in a
5 treatment foster home under rules promulgated under s. 48.62 (8) (c), \$103 for
6 departmental corrective sanctions services, and \$41 for departmental aftercare
7 services.

8 **SECTION 32.** 301.26 (4) (dm) of the statutes is created to read:

9 301.26 (4) (dm) 1. The department shall set the per person cost assessments
10 to counties under par. (d) 2. and 3. for care in a Type 1 juvenile correctional facility,
11 as defined in s. 938.02 (19), and for care for juveniles transferred from a juvenile
12 correctional institution under s. 51.35 (3). In setting those assessments, the
13 department may set one assessment for short-term placements of 30 days or less and
14 another assessment for long-term placements of more than 30 days. The
15 department shall set those assessments at least annually, effective on July 1 of each
16 year, and may adjust those assessments more frequently as necessary to reflect the
17 average per person daily cost of providing that care.

18 2. a. Before the department may set or adjust an assessment under subd. 1.,
19 the department shall submit a plan for the implementation of the proposed
20 assessment to the cochairpersons of the joint committee on finance. If the proposed
21 assessment involves an increase in the current assessment, the department may also
22 submit with the plan a request for supplemental funds from the appropriation
23 account under s. 20.865 (4) (a) to be credited to the appropriation account under s.
24 20.410 (3) (cd) to provide funding to counties under sub. (3) (c) to cover any increased
25 charges to counties expected under the proposed assessment. The joint committee

ASSEMBLY BILL 732

1 on finance may, from the appropriation account under s. 20.865 (4) (a), supplement
2 the appropriation account under s. 20.410 (3) (cd) in an amount equal to those
3 increased charges expected. If the joint committee on finance approves an increased
4 assessment and request for supplemental funds, the department shall increase the
5 funds allocated to counties under sub. (3) (c) in proportion to each county's
6 proportional use of the services specified in subd. 1.

7 b. If the cochairpersons of the joint committee on finance do not notify the
8 department that the committee has scheduled a meeting for the purpose of reviewing
9 the plan and request for supplemental funds within 14 working days after the date
10 on which the department submits that plan and request, the plan and supplement
11 are approved. If, within 14 working days after the date on which the department
12 submits the plan and request for supplemental funds, the cochairpersons of the joint
13 committee on finance notify the department that the committee has scheduled a
14 meeting for the purpose of reviewing that plan and request, the plan may be
15 implemented and the supplement may occur only as approved, or modified and
16 approved, by the committee.

17 3. The department shall publish any assessment set or adjusted under subd.
18 1. in the Wisconsin Administrative Register and is not required to promulgate that
19 assessment as a rule under ch. 227.

20 **SECTION 33.** 301.26 (6) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
21 is amended to read:

22 301.26 (6) (a) The intent of this subsection is to develop criteria to assist the
23 legislature in allocating funding, excluding funding for base allocations, from the
24 appropriations under s. 20.410 (3) (cd), (gr), (ko), and (o) for purposes described in
25 this section.

ASSEMBLY BILL 732

1 **SECTION 34.** 301.26 (7) (intro.) of the statutes, as affected by 2009 Wisconsin
2 Act 28, is amended to read:

3 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
4 of federal funds and of the appropriations under s. 20.410 (3) (cd), (gr), (ko), and (o),
5 the department shall allocate funds for community youth and family aids for the
6 period beginning on July 1, 2009, and ending on June 30, 2011, as provided in this
7 subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

8 **SECTION 35.** 301.26 (7) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
9 is amended to read:

10 301.26 (7) (a) For community youth and family aids under this section,
11 amounts not to exceed \$50,395,100 for the last 6 months of 2009, \$100,790,200 for
12 2010, and \$50,395,100 for the first 6 months of 2011. In addition to those amounts
13 for 2010 and the first 6 months of 2011, for 2010 the department shall allocate for that
14 purpose all moneys credited to the appropriation account under s. 20.410 (3) (gr)
15 during that year and for the first 6 months of 2011 the department shall allocate for
16 that purpose all moneys credited to that appropriation account during that period.

17 **SECTION 36.** 301.265 of the statutes is created to read:

18 **301.265 Community youth and family aids surcharges.** (1) If a court
19 imposes a forfeiture for a violation of a traffic regulation, as defined in s. 345.20 (1)
20 (b), the court shall impose under ch. 814 a community youth and family aids
21 surcharge of \$14.

22 (2) If a forfeiture is suspended in whole or in part, the community youth and
23 family aids surcharge shall be reduced in proportion to the suspension.

24 (3) If any deposit is made for an offense to which this section applies, the person
25 making the deposit shall also deposit a sufficient amount to include the community

ASSEMBLY BILL 732

1 youth and family aids surcharge under this section. If the deposit is forfeited, the
2 amount of that surcharge shall be transmitted to the secretary of administration
3 under sub. (4). If the deposit is returned, the amount of that surcharge shall also be
4 returned.

5 (4) (a) If the surcharge is imposed by a court of record, after the court
6 determines the amount due, the clerk of the court shall collect and transmit the
7 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer
8 shall then make payment to the secretary of administration as provided in s. 59.25
9 (3) (f) 2.

10 (b) If the surcharge is imposed by a municipal court, after a determination by
11 the court of the amount due, the court shall collect and transmit the amount to the
12 treasurer of the county, city, village, or town, and that treasurer shall make payment
13 to the secretary of administration as provided in s. 66.0114 (1) (bm).

14 (5) All moneys collected from community youth and family aids surcharges
15 shall be deposited by the secretary of administration in s. 20.410 (3) (gr) and utilized
16 in accordance with s. 301.26.

17 **SECTION 37.** 302.31 (7) of the statutes is amended to read:

18 302.31 (7) The temporary placement of persons in the custody of the
19 department, other than persons under ~~17~~ 18 years of age, and persons who have
20 attained the age of ~~17~~ 18 years but have not attained the age of 25 years who are
21 under the supervision of the department under s. 48.366 or 938.355 (4) and who have
22 been taken into custody pending revocation of aftercare supervision under s. 48.366
23 (5) or 938.357 (5) (e).

24 **SECTION 38.** 814.75 (1h) of the statutes is created to read:

25 814.75 (1h) The community youth and family aids surcharge under s. 301.265.

ASSEMBLY BILL 732

1 **SECTION 39.** 814.78 (1) of the statutes is renumbered 814.78 (1m).

2 **SECTION 40.** 814.78 (1j) of the statutes is created to read:

3 814.78 (1j) The community youth and family aids surcharge under s. 301.265.

4 **SECTION 41.** 814.79 (1) of the statutes is renumbered 814.79 (1r).

5 **SECTION 42.** 814.79 (1j) of the statutes is created to read:

6 814.79 (1j) The community youth and family aids surcharge under s. 301.265.

7 **SECTION 43.** 814.80 (1) of the statutes is renumbered 814.80 (1m).

8 **SECTION 44.** 814.80 (1j) of the statutes is created to read:

9 814.80 (1j) The community youth and family aids surcharge under s. 301.265.

10 **SECTION 45.** 814.81 (1) of the statutes is renumbered 814.80 (2).

11 **SECTION 46.** 814.81 (1j) of the statutes is created to read:

12 814.81 (1j) The community youth and family aids surcharge under s. 301.265.

13 **SECTION 47.** 938.02 (1) of the statutes is amended to read:

14 938.02 (1) “Adult” means a person who is 18 years of age or older, except that
15 for purposes of investigating or prosecuting a person who is alleged to have violated
16 committed a violation of any state or federal criminal law ~~or any civil law or~~
17 ~~municipal ordinance~~ that is punishable as a felony, “adult” means a person who has
18 attained 17 years of age.

19 **SECTION 48.** 938.02 (1) of the statutes, as affected by 2009 Wisconsin Act ...
20 (this act), is repealed and recreated to read:

21 938.02 (1) “Adult” means a person who is 18 years of age or older.

22 **SECTION 49.** 938.02 (10m) of the statutes is amended to read:

23 938.02 (10m) “Juvenile” means a person who is less than 18 years of age, except
24 that for purposes of investigating or prosecuting a person who is alleged to have
25 violated committed a violation of a state or federal criminal law ~~or any civil law or~~

ASSEMBLY BILL 732

1 ~~municipal ordinance~~ that is punishable as a felony, “juvenile” does not include a
2 person who has attained 17 years of age.

3 **SECTION 50.** 938.02 (10m) of the statutes, as affected by 2009 Wisconsin Act ...
4 (this act), is repealed and recreated to read:

5 938.02 (10m) “Juvenile” means a person who is less than 18 years of age.

6 **SECTION 51.** 938.12 (2) of the statutes is amended to read:

7 938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ RETENTION OF JURISDICTION. If a petition
8 alleging that a juvenile is delinquent for committing an act that would be a felony
9 if committed by an adult is filed before the juvenile is 17 years of age, but the juvenile
10 becomes 17 years of age before admitting the facts of the petition at the plea hearing
11 or if the juvenile denies the facts, before an adjudication, the court retains
12 jurisdiction over the case. If a petition alleging that a juvenile is delinquent for
13 committing an act that would be a misdemeanor if committed by an adult is filed
14 before the juvenile is 18 years of age, but the juvenile becomes 18 years of age before
15 admitting the facts of the petition at the plea hearing or if the juvenile denies the
16 facts, before an adjudication, the court retains jurisdiction over the case.

17 **SECTION 52.** 938.12 (2) of the statutes, as affected by 2009 Wisconsin Act ...
18 (this act), is repealed and recreated to read:

19 938.12 (2) RETENTION OF JURISDICTION. If a petition alleging that a juvenile is
20 delinquent is filed before the juvenile is 18 years of age, but the juvenile becomes 18
21 years of age before admitting the facts of the petition at the plea hearing or if the
22 juvenile denies the facts, before an adjudication, the court retains jurisdiction over
23 the case.

24 **SECTION 53.** 938.18 (2) of the statutes is amended to read:

ASSEMBLY BILL 732

1 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the
2 district attorney or the juvenile or may be initiated by the court and shall contain a
3 brief statement of the facts supporting the request for waiver. The petition for waiver
4 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
5 delinquency and shall be filed prior to the plea hearing, except that if the juvenile
6 denies the facts of ~~the a~~ petition alleging that the juvenile has committed a violation
7 that would be punishable as a felony if committed by an adult and becomes 17 years
8 of age before an adjudication or if the juvenile denies that facts of a petition alleging
9 that the juvenile has committed a violation that would be punishable as a
10 misdemeanor if committed by and adult and becomes 18 years of age before an
11 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
12 the adjudication. If the court initiates the petition for waiver of jurisdiction, the
13 judge shall disqualify himself or herself from any future proceedings on the case.

14 **SECTION 54.** 938.18 (2) of the statutes, as affected by 2009 Wisconsin Act ...
15 (this act), is repealed and recreated to read:

16 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the
17 district attorney or the juvenile or may be initiated by the court and shall contain a
18 brief statement of the facts supporting the request for waiver. The petition for waiver
19 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
20 delinquency and shall be filed prior to the plea hearing, except that if the juvenile
21 denies the facts of the petition and becomes 18 years of age before an adjudication,
22 the petition for waiver of jurisdiction may be filed at any time prior to the
23 adjudication. If the court initiates the petition for waiver of jurisdiction, the judge
24 shall disqualify himself or herself from any future proceedings on the case.

25 **SECTION 55.** 938.183 (3) of the statutes is amended to read:

ASSEMBLY BILL 732

1 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. When a juvenile who is subject
2 to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., attains the age
3 of ~~17~~ 18 years, the department may place the juvenile in a state prison named in s.
4 302.01, ~~except that the department may not place any person under the age of 18~~
5 ~~years in the correctional institution authorized in s. 301.16 (1n)~~. A juvenile who is
6 subject to a criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for
7 an act committed before December 31, 1999, is eligible for parole under s. 304.06.

8 **SECTION 56.** 938.255 (1) (intro.) of the statutes is amended to read:

9 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
10 under this chapter, other than a petition initiating proceedings under s. 938.12,
11 ~~938.125~~, or 938.13 (12) alleging that the juvenile has committed a violation that
12 would be punishable as a felony if committed by an adult, shall be entitled, “In the
13 interest of (juvenile’s name), a person under the age of 18”. A petition initiating
14 proceedings under s. 938.12, ~~938.125~~, or 938.13 (12) alleging that the juvenile has
15 committed a violation that would be punishable as a felony if committed by an adult
16 shall be entitled, “In the interest of (juvenile’s name), a person under the age of 17”.
17 A petition initiating proceedings under this chapter shall specify all of the following:

18 **SECTION 57.** 938.255 (1) (intro.) of the statutes, as affected by 2009 Wisconsin
19 Act (this act), is repealed and recreated to read:

20 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
21 under this chapter shall be entitled, “In the interest of (juvenile’s name), a person
22 under the age of 18.” A petition initiating proceedings under this chapter shall
23 specify all of the following:

24 **SECTION 58.** 938.344 (3) of the statutes is amended to read:

ASSEMBLY BILL 732

1 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have
2 committed the violation is within 3 months of his or her 17th 18th birthday, the court
3 assigned to exercise jurisdiction under this chapter and ch. 48 may, at the request
4 of the district attorney or on its own motion, dismiss the citation without prejudice
5 and refer the matter to the district attorney for prosecution under s. 125.07 (4). The
6 juvenile is entitled to a hearing only on the issue of his or her age. This subsection
7 does not apply to violations under s. 961.573 (2), 961.574 (2), or 961.575 (2) or a local
8 ordinance that strictly conforms to one of those statutes.

9 **SECTION 59.** 938.35 (1m) of the statutes is amended to read:

10 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
11 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
12 under s. 938.12 or 938.13 (12) that the juvenile has committed a violation that would
13 be punishable as a felony if committed by an adult shall bar any future proceeding
14 on the same matter in criminal court when the juvenile attains 17 years of age.
15 Disposition by the court assigned to exercise jurisdiction under this chapter and ch.
16 48 of any allegation under s. 938.12 or 938.13 (12) that the juvenile has committed
17 a violation that would be punishable as a misdemeanor if committed by an adult shall
18 bar any future proceeding on the same matter in criminal court when the juvenile
19 attains 18 years of age. This ~~paragraph~~ subsection does not affect proceedings in
20 criminal court that have been transferred under s. 938.18.

21 **SECTION 60.** 938.35 (1m) of the statutes, as affected by 2009 Wisconsin Act
22 (this act), is repealed and recreated to read:

23 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
24 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
25 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter

ASSEMBLY BILL 732

1 in criminal court when the juvenile attains 18 years of age. This subsection does not
2 affect proceedings in criminal court that have been transferred under s. 938.18.

3 **SECTION 61.** 938.355 (4) (b) of the statutes is amended to read:

4 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
5 or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years
6 after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday,
7 whichever is earlier, unless the court specifies a shorter period of time or the court
8 terminates the order sooner. If the order does not specify a termination date, it shall
9 apply for one year after the date on which the order is granted or until the juvenile's
10 18th birthday, whichever is earlier, unless the court terminates the order sooner.
11 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the
12 juvenile attains 18 years of age shall apply for 5 years after the date on which the
13 order is granted, if the juvenile is adjudicated delinquent for committing a violation
14 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
15 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
16 juvenile is adjudicated delinquent for committing an act that would be punishable
17 as a Class A felony if committed by an adult. Except as provided in s. 938.368, an
18 extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile
19 attains ~~17~~ 18 years of age shall terminate at the end of one year after the date on
20 which the order is granted unless the court specifies a shorter period of time or the
21 court terminates the order sooner. No extension under s. 938.365 of an original
22 dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a
23 juvenile who is ~~17~~ 18 years of age or older when the original dispositional order
24 terminates.

25 **SECTION 62.** 938.355 (4m) (a) of the statutes is amended to read:

ASSEMBLY BILL 732

1 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
2 1993 stats., or s. 938.12 for committing a violation that would be punishable as a
3 felony if committed by an adult may, on attaining 17 years of age, petition the court
4 to expunge the court's record of the juvenile's adjudication. A juvenile who has been
5 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 for committing a
6 violation that would be punishable as a misdemeanor if committed by an adult may,
7 on attaining 18 years of age, petition the court to expunge the court's record of the
8 juvenile's adjudication. Subject to par. (b), the court may expunge the record if the
9 court determines that the juvenile has satisfactorily complied with the conditions of
10 his or her dispositional order and that the juvenile will benefit from, and society will
11 not be harmed by, the expungement.

12 **SECTION 63.** 938.355 (4m) (a) of the statutes, as affected by 2009 Wisconsin Act
13 (this act), is repealed and recreated to read:

14 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
15 1993 stats., or s. 938.12 may, on attaining 18 years of age, petition the court to
16 expunge the court's record of the juvenile's adjudication. Subject to par. (b), the court
17 may expunge the record if the court determines that the juvenile has satisfactorily
18 complied with the conditions of his or her dispositional order and that the juvenile
19 will benefit from, and society will not be harmed by, the expungement.

20 **SECTION 64.** 938.39 of the statutes is amended to read:

21 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
22 court of any violation of state law within its jurisdiction under s. 938.12 that would
23 be punishable as a felony if committed by an adult bars any future criminal
24 proceeding on the same matter in circuit court when the juvenile reaches the age of
25 17. Disposition by the court of any violation of state law within its jurisdiction under

ASSEMBLY BILL 732

1 s. 938.12 that would be punishable as a misdemeanor if committed by an adult bars
2 any future criminal proceeding on the same matter in circuit court when the juvenile
3 reaches the age of 18. This section does not affect criminal proceedings in circuit
4 court that were transferred under s. 938.18.

5 **SECTION 65.** 938.39 of the statutes, as affected by 2009 Wisconsin Act ... (this
6 act), is repealed and recreated to read:

7 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
8 court of any violation of state law within its jurisdiction under s. 938.12 bars any
9 future criminal proceeding on the same matter in circuit court when the juvenile
10 reaches the age of 18. This section does not affect criminal proceedings in circuit
11 court that were transferred under s. 938.18.

12 **SECTION 66.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the
13 statutes is amended to read:

CHAPTER 938**SUBCHAPTER IX****JURISDICTION OVER PERSONS ~~17~~ 18 OR OLDER**

16 **SECTION 67.** 938.44 of the statutes is amended to read:

17 **938.44 Jurisdiction over persons ~~17~~ 18 or older.** The court has jurisdiction
18 over persons ~~17~~ 18 years of age or older as provided under ss. 938.355 (4) and 938.45
19 and as otherwise specified in this chapter.
20

21 **SECTION 68.** 938.45 (1) (a) of the statutes is amended to read:

22 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
23 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
24 person 17 years of age or older has been guilty of contributing to, encouraging, or
25 tending to cause, by any act or omission, ~~such~~ that is punishable as a felony, that

ASSEMBLY BILL 732

1 condition of the juvenile or that any person 18 years of age or older has been guilty
2 of contributing to, encouraging, or tending to cause, by an act or omission that is
3 punishable as a misdemeanor, that condition of the juvenile, the court may make
4 orders with respect to the conduct of that person in his or her relationship to the
5 juvenile, including orders relating to determining the ability of the person to provide
6 for the maintenance or care of the juvenile and directing when, how, and where funds
7 for the maintenance or care shall be paid.

8 **SECTION 69.** 938.45 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
9 (this act), is repealed and recreated to read:

10 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
11 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
12 person 18 years of age or older has been guilty of contributing to, encouraging, or
13 tending to cause, by any act or omission, that condition of the juvenile, the court may
14 make orders with respect to the conduct of that person in his or her relationship to
15 the juvenile, including orders relating to determining the ability of the person to
16 provide for the maintenance or care of the juvenile and directing when, how, and
17 where funds for the maintenance or care shall be paid.

18 **SECTION 70.** 938.45 (3) of the statutes is amended to read:

19 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.
20 If it appears at a court hearing that any person 17 years of age or older has violated
21 s. 948.40 and that the violation is punishable as a felony or that any person 18 years
22 of age or older has violated s. 948.40 and that the violation is punishable as a
23 misdemeanor, the court shall refer the record to the district attorney. This subsection
24 does not prohibit prosecution of violations of s. 948.40 without the prior reference by
25 the court to the district attorney.

ASSEMBLY BILL 732

1 **SECTION 71.** 938.45 (3) of the statutes, as affected by 2009 Wisconsin Act ...
2 (this act), is repealed and recreated to read:

3 **938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.**
4 If it appears at a court hearing that any person 18 years of age or older has violated
5 s. 948.40, the court shall refer the record to the district attorney. This subsection does
6 not prohibit prosecution of violations of s. 948.40 without the prior reference by the
7 court to the district attorney.

8 **SECTION 72.** 938.48 (4m) (title) of the statutes is amended to read:

9 **938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES OVER 17 18.**

10 **SECTION 73.** 938.48 (4m) (a) of the statutes is amended to read:

11 **938.48 (4m) (a)** Is at least 17 18 years of age.

12 **SECTION 74.** 938.48 (4m) (b) of the statutes is amended to read:

13 **938.48 (4m) (b)** Was under the supervision of the department under s. 938.183,
14 938.34 (4h), (4m), or (4n) or 938.357 (4) when the person reached 17 18 years of age.

15 **SECTION 75.** 938.48 (14) of the statutes is amended to read:

16 **938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17 18.** Pay
17 maintenance, tuition, and related expenses from the appropriation under s. 20.410
18 (3) (ho) for persons who, when they attained 17 18 years of age, were students
19 regularly attending a school, college, or university or regularly attending a course of
20 vocational or technical training designed to prepare them for gainful employment,
21 and who upon attaining that age were under the supervision of the department
22 under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4) as a result of a judicial
23 decision.

24 **SECTION 76.** 938.57 (3) (title) of the statutes is amended to read:

25 **938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES OVER 17 18.**

ASSEMBLY BILL 732

1 **SECTION 77.** 938.57 (3) (a) 1. of the statutes is amended to read:

2 938.57 (3) (a) 1. Is ~~17~~ 18 years of age or older.

3 **SECTION 78.** 938.57 (3) (a) 3. of the statutes is amended to read:

4 938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to
5 his or her ~~17th~~ 18th birthday.

6 **SECTION 79.** 938.57 (3) (b) of the statutes is amended to read:

7 938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.
8 (a) shall be in an amount equal to that to which the juvenile would receive under s.
9 48.569 (1) (d) if the juvenile were ~~16~~ 17 years of age.

10 **SECTION 80.** 946.50 (intro.) of the statutes is amended to read:

11 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
12 who intentionally fails to appear before the court assigned to exercise jurisdiction
13 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
14 does not return to that court for a dispositional hearing before attaining the age of
15 17 years, if adjudicated delinquent for committing a violation that would be a felony
16 if committed by an adult, or 18 years, if adjudicated delinquent for committing a
17 violation that would be a misdemeanor if committed by an adult, is guilty of the
18 following:

19 **SECTION 81.** 946.50 (intro.) of the statutes, as affected by 2009 Wisconsin Act
20 (this act), is repealed and recreated to read:

21 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
22 who intentionally fails to appear before the court assigned to exercise jurisdiction
23 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
24 does not return to that court for a dispositional hearing before attaining the age of
25 18 years is guilty of the following:

ASSEMBLY BILL 732

1 **SECTION 82.** 948.01 (1) of the statutes is amended to read:

2 948.01 (1) “Child” means a person who has not attained the age of 18 years,
3 except that for purposes of prosecuting a person who is alleged to have violated
4 committed a violation of a state or federal criminal law that is punishable as a felony,
5 “child” does not include a person who has attained the age of 17 years.

6 **SECTION 83.** 948.01 (1) of the statutes, as affected by 2009 Wisconsin Act ...
7 (this act), is repealed and recreated to read:

8 948.01 (1) “Child” means a person who has not attained the age of 18 years.

9 **SECTION 84.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

10 948.11 (2) (am) (intro.) Any person who has attained the age of ~~17~~ 18 and who,
11 with knowledge of the character and content of the description or narrative account,
12 verbally communicates, by any means, a harmful description or narrative account
13 to a child, with or without monetary consideration, is guilty of a Class I felony if any
14 of the following applies:

15 **SECTION 85.** 948.45 (1) of the statutes is amended to read:

16 948.45 (1) Except as provided in sub. (2), any person ~~17~~ 18 years of age or older
17 who, by any act or omission, knowingly encourages or contributes to the truancy, as
18 defined under s. 118.16 (1) (c), of a person ~~17~~ 18 years of age or under is guilty of a
19 Class C misdemeanor.

20 **SECTION 86.** 948.60 (2) (d) of the statutes is amended to read:

21 948.60 (2) (d) A person under 17 years of age who has violated ~~this subsection~~
22 par. (b) or (c) is subject to ~~the provisions of ch. 938 unless jurisdiction is waived under~~
23 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
24 under s. 938.183. A person under 18 years of age who has violated par. (a) is subject

ASSEMBLY BILL 732

1 to ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the
2 jurisdiction of a court of criminal jurisdiction under s. 938.183.

3 **SECTION 87.** 948.60 (2) (d) of the statutes, as affected by 2009 Wisconsin Act
4 (this act), is repealed and recreated to read:

5 948.60 (2) (d) A person under 18 years of age who has violated this subsection
6 is subject to ch. 938 unless jurisdiction is waived under s. 938.18 or the person is
7 subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

8 **SECTION 88.** 948.61 (4) of the statutes is amended to read:

9 948.61 (4) A person under 17 years of age who has violated ~~this section sub. (2)~~
10 (b) is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18
11 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
12 938.183. A person under 18 years of age who has violated sub. (2) (a) is subject to ch.
13 938, unless jurisdiction is waived under s. 938.18 or the person is subject to the
14 jurisdiction of a court of criminal jurisdiction under s. 938.183.

15 **SECTION 89.** 948.61 (4) of the statutes, as affected by 2009 Wisconsin Act
16 (this act), is repealed and recreated to read:

17 948.61 (4) A person under 18 years of age who has violated this section is
18 subject to ch. 938, unless jurisdiction is waived under s. 938.18 or the person is
19 subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

20 **SECTION 90.** 961.455 (1) of the statutes is amended to read:

21 961.455 (1) Any person who has attained the age of 17 18 years who knowingly
22 solicits, hires, directs, employs, or uses a person who is under the age of 17 18 years
23 for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

24 **SECTION 91.** 961.46 of the statutes is amended to read:

ASSEMBLY BILL 732

1 **961.46 Distribution to persons under age 18.** If a person ~~17~~ 18 years of age
2 or over violates s. 961.41 (1) by distributing or delivering a controlled substance or
3 a controlled substance analog to a person 17 years of age or under who is at least 3
4 years his or her junior, the applicable maximum term of imprisonment prescribed
5 under s. 961.41 (1) for the offense may be increased by not more than 5 years.

6 **SECTION 92.** 961.573 (2) of the statutes is amended to read:

7 961.573 (2) Any person ~~who violates sub. (1) who is under 17~~ 18 years of age
8 who violates sub. (1) is subject to a disposition under s. 938.344 (2e).

9 **SECTION 93.** 961.574 (2) of the statutes is amended to read:

10 961.574 (2) Any person ~~who violates sub. (1) who is under 17~~ 18 years of age
11 who violates sub. (1) is subject to a disposition under s. 938.344 (2e).

12 **SECTION 94.** 961.575 (1) of the statutes is amended to read:

13 961.575 (1) Any person ~~17~~ 18 years of age or over who violates s. 961.574 (1)
14 by delivering drug paraphernalia to a person 17 years of age or under who is at least
15 3 years younger than the violator may be fined not more than \$10,000 or imprisoned
16 for not more than 9 months or both.

17 **SECTION 95.** 961.575 (2) of the statutes is amended to read:

18 961.575 (2) Any person ~~who violates this section who is under 17~~ under 18 years
19 of age who violates s. 961.574 (3) is subject to a disposition under s. 938.344 (2e).

20 **SECTION 96.** 961.575 (3) of the statutes is amended to read:

21 961.575 (3) Any person ~~17~~ 18 years of age or over who violates s. 961.574 (3)
22 by delivering drug paraphernalia to a person 17 years of age or under is guilty of a
23 Class G felony.

24 **SECTION 97.** 990.01 (3) of the statutes is amended to read:

ASSEMBLY BILL 732

1 990.01 (3) ADULT. “Adult” means a person who has attained the age of 18 years,
2 except that for purposes of investigating or prosecuting a person who is alleged to
3 have ~~violated~~ committed a violation of any state or federal criminal law ~~or any civil~~
4 ~~law or municipal ordinance~~ that is punishable as a felony, “adult” means a person
5 who has attained the age of 17 years.

6 **SECTION 98.** 990.01 (3) of the statutes, as affected by 2009 Wisconsin Act ...
7 (this act), is repealed and recreated to read:

8 990.01 (3) ADULT. “Adult” means a person who has attained the age of 18 years.

9 **SECTION 99.** 990.01 (20) of the statutes is amended to read:

10 990.01 (20) MINOR. “Minor” means a person who has not attained the age of
11 18 years, except that for purposes of investigating or prosecuting a person who is
12 alleged to have ~~violated~~ committed a violation of a state or federal criminal law ~~or~~
13 ~~any civil law or municipal ordinance~~ that is punishable as a felony, “minor” does not
14 include a person who has attained the age of 17 years.

15 **SECTION 100.** 990.01 (20) of the statutes, as affected by 2009 Wisconsin Act ...
16 (this act), is repealed and recreated to read:

17 990.01 (20) MINOR. “Minor” means a person who has not attained the age of
18 18 years.

19 **SECTION 101. Nonstatutory provisions.**

20 (1) TRANSITIONAL PROVISION. Notwithstanding chapters 967 to 979 of the
21 statutes, if beginning on July 1, 2010, and ending on June 30, 2011, a person 17 years
22 of age is alleged to have committed a violation of a criminal law, the person is subject
23 to the procedures specified in subchapters IV to VI of chapter 938 of the statutes, as
24 affected by this act, until such time as the person is charged with a felony for
25 committing that violation. If the person is charged with a felony, from that point the

ASSEMBLY BILL 732

1 person is subject to the procedures specified in chapters 967 to 979 of the statutes.
2 If the person is charged with a misdemeanor, the person remains subject to the
3 procedures specified in subchapters IV to VI of chapter 938 of the statutes, as affected
4 by this act.

5 (2) **YOUTH AIDS DAILY RATES.** Notwithstanding section 301.26 (4) (d) 3. of the
6 statutes, as affected by this act, the per person daily cost assessments to counties for
7 care in a Type 1 juvenile correctional facility, as defined in section 938.02 (19) of the
8 statutes, and for care for juveniles transferred from a juvenile correctional
9 institution under section 51.35 (3) of the statutes specified in section 301.26 (4) (d)
10 3. of the statutes, as affected by this act, on the day before the effective date of this
11 subsection remain in effect until the publication in the Wisconsin Administrative
12 Register of the assessments specified in section 301.26 (4) (dm) of the statutes, as
13 created by this act.

14 (3) **RESERVE JUDGE POSITIONS.** The authorized FTE positions for the circuit
15 courts are increased by 2.0 GPR reserve judge positions, to be funded from the
16 appropriation account under section 20.625 (1) of the statutes, to provide 2 additional
17 reserve judges for proceedings under chapter 938 of the statutes, as affected by this
18 act.

19 **SECTION 102. Effective dates.** This act takes effect on July 1, 2010, except as
20 follows:

21 (1) **FELONIES.** The treatment of sections 48.366 (8), 48.44 (title) and (1), 301.12
22 (2m), 302.31 (7), 938.183 (3), 938.355 (4) (b), 938.44, 938.48 (4m) (title), (a), and (b)
23 and (14), 938.57 (3) (title), (a) 1. and 3., and (b), 948.11 (2) (am) (intro.), 961.455 (1),
24 961.46, and 961.575 (3) of the statutes and subchapter IX (title) of chapter 48 and
25 subchapter IX (title) of chapter 938 of the statutes, the amendment of section 301.12

ASSEMBLY BILL 732

1 (14) (a) of the statutes, and the repeal and recreation of sections 48.02 (1d) and (2),
2 48.45 (1) (a) and (am) and (3), 165.83 (1) (c) 1. and 2., 938.02 (1) and (10m), 938.12
3 (2), 938.18 (2), 938.255 (1) (intro.), 938.35 (1m), 938.355 (4m) (a), 938.45 (1) (a) and
4 (3), 946.50 (intro.), 948.01 (1), 948.60 (2) (d), and 948.61 (4) of the statutes take effect
5 on July 1, 2011.

6 (2) TREATMENT FOSTER HOMES. The repeal and recreation of sections 301.12 (14)
7 (a) and 301.26 (4) (d) 3. of the statutes takes effect on the date stated in the notice
8 provided by the secretary of children and families and published in the Wisconsin
9 Administrative Register under section 48.62 (9) of the statutes.

10

(END)