



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Senate Bill 264

June 2, 2021

Thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for hearing Senate Bill 264. This legislation is a re-introduction of 2019 Senate Bill 652, which passed through this committee unanimously in February of 2020. The companion to 2019 SB 652 (2019 AB 724) passed the Assembly on a voice vote, but was not taken up in the Senate due to the cancellation of the March 2020 floor session. SB 264 incorporates a compromise amendment with the Department of Children and Families from last session.

Last session's iteration of SB 264 was introduced in response to an issue that was brought to our attention by a Washington County Circuit Court judge. The issue lies in the computation of the timeline in which detention hearings for juveniles must be held after they are taken into custody. Under Chapter 48 of the statutes, a detention hearing is required to be held within 48 hours, excluding Saturdays, Sundays and legal holidays. Under Chapter 938, a detention hearing is required to be held within 24 hours with the same exclusions.

The disparity between the detention hearing timelines raised concerns within Washington County's Circuit Court in January 2019, when the courthouse incurred additional expenses to remain open during a period of life-threatening temperatures so as to not risk losing jurisdiction over pending Chapter 938 matters. County employees and courthouse staff must also be prepared to report for Chapter 938 detention hearings on certain "non-legal" holidays, such as the Friday after Thanksgiving and Christmas Eve. A county risks losing jurisdiction over a pending case and undermining public safety if it fails to hold a detention hearing within the prescribed statutory timeline.

SB 264 provides a narrowly-tailored solution to the narrow problem identified by county officials. The bill simply excludes days in which the clerk of court's office is closed due to inclement weather or other unforeseen circumstances from the computation of the detention hearing timeline under Chapter 938. It is our belief that this compromise will help county courthouses avoid situations where they are forced to hold detention hearings at an increased expense, while at the same time avoiding prolonged stays at juvenile detention facilities for individuals brought into custody.



RICK GUNDRUM

STATE REPRESENTATIVE • 58TH ASSEMBLY DISTRICT

Testimony on Senate Bill 264

Senate Committee on Judiciary and Public Safety | June 2, 2021 | Room 411 South

Thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for holding a hearing on Senate Bill 264. This legislation seeks to provide a narrowly tailored solution to a narrow problem that was brought to my attention by a circuit court judge in Washington County.

The root of the problem lies in a discrepancy between parallel statutes that compute the deadline for holding detention hearings. Due to this discrepancy, county courthouses must be prepared to remain open under circumstances where they would otherwise be closed. For example, the Children’s Code (Chapter 48) requires a detention hearing to be held within *48 hours* of the time in which the decision to hold a child is made, with the exception of Saturdays, Sundays, and legal holidays [s. 48.21(1)(a), Stats.]. Under the Juvenile Justice Code (Chapter 938), the detention hearing must be held within *24 hours* after the end of the day in which the decision to hold the juvenile is made, with the exception of Saturdays, Sundays, and legal holidays [s. 938.21(1)(a), Stats.].

Washington County’s courthouse remained open during periods of life-threatening temperatures experienced in winter months so as to not risk losing jurisdiction over pending Chapter 938 matters. County employees and courthouse staff also must be prepared to report for Chapter 938 detention hearings on certain “non-legal” holidays, such as the Friday after Thanksgiving and Christmas Eve [s. 995.20, Stats.].

SB 264 seeks to place county governments in a better position to save limited resources and protect the safety of their employees and the public by excluding a day in which the clerk of courts office is closed from the computation of the 24-hour detention hearing deadline under Chapter 938.

It should be noted that county human service departments aim to place youth in the least restrictive placement setting whenever possible. From the moment a youth is taken into custody, the staff assigned to the case is held accountable for getting the youth to a lower level of care as soon as possible, regardless of when the detention hearing is held. SB 264 is not seeking to significantly increase the frequency or duration of placements in secure detention or shelter settings. Moreover, the bill does nothing to alter the responsibility of county HSDs to strike the appropriate balance based on the seriousness of the offense in question.

In light of the narrow scope of the problem we are seeking to address, and in understanding that juvenile detention facilities are not an ideal setting for our youth, we believe the mechanism created under SB 264 serves as a viable alternative to an across-the-board increase in the default hearing deadline.