



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2438/1
EAW:amn

2021 SENATE BILL 264

March 31, 2021 - Introduced by Senators STROEBEL and FELZKOWSKI, cosponsored by Representatives GUNDRUM, HORLACHER, LOUDENBECK, RAMTHUN, BROOKS, SPIROS, DITTRICH, MURSAU, MOSES, SKOWRONSKI and KNODL. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 938.21 (1) (a) of the statutes; **relating to:** hearing timelines
2 for juveniles in custody.

Analysis by the Legislative Reference Bureau

Under current law, within 24 hours after the end of the day on which a juvenile is taken into custody under the Juvenile Justice Code, the juvenile court must hold a hearing to determine whether to continue to hold the juvenile in custody. Under current law, the 24-hour period excludes Saturdays, Sundays, and legal holidays. Under this bill, a day that the clerk of court's office is closed is also excluded, if the closure is due to inclement weather or another unforeseen emergency.

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:

3 **SECTION 1.** 938.21 (1) (a) of the statutes is amended to read:
4 938.21 (1) (a) If a juvenile who has been taken into custody is not released
5 under s. 938.20, a hearing to determine whether to continue to hold the juvenile in
6 custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the court

SENATE BILL 264**SECTION 1**

1 within 24 hours after the end of the day on which the decision to hold the juvenile
2 was made, excluding Saturdays, Sundays, and legal holidays, and days on which the
3 clerk of court's office is closed due to inclement weather or another unforeseen
4 emergency. By the time of the hearing a petition under s. 938.25 or a request for a
5 change in placement under s. 938.357, a request for a revision of the dispositional
6 order under s. 938.363, or a request for an extension of a dispositional order under
7 s. 938.365 shall be filed, except that no petition or request need be filed if a juvenile
8 is taken into custody under s. 938.19 (1) (b) or (d) 2., 6., or 7. or if the juvenile is a
9 runaway from another state, in which case a written statement of the reasons for
10 holding a juvenile in custody shall be substituted if the petition is not filed. If no
11 hearing has been held within 24 hours or if no petition, request, or statement has
12 been filed at the time of the hearing, the juvenile shall be released except as provided
13 in par. (b). The court shall grant a rehearing upon request of a parent not present
14 at the hearing for good cause shown.

SECTION 2. Initial applicability.

15 (1) This act first applies to a juvenile who is taken into custody under s. 938.19
16 on the effective date of this subsection.
17

18 (END)