



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5802/1
EAW/EHS/FFK:all

2019 ASSEMBLY BILL 1036

March 26, 2020 - Introduced by Representatives GOYKE, EMERSON, CROWLEY, DOYLE, ANDERSON, BOWEN, CONSIDINE, SPREITZER, OHNSTAD, BILLINGS, POPE, NEUBAUER, ZAMARRIPA and C. TAYLOR, cosponsored by Senators MILLER, LARSON and SMITH. Referred to Committee on Rules.

1 **AN ACT** *to repeal* 48.355 (4) (b) 3., 48.357 (6) (a) 3., 48.365 (5) (b) 3., 48.623 (1m)
2 (b), 48.975 (3m) (b), 938.18 (1) (c), 938.31 (3) (c) 1., 938.31 (3) (c) 2., 938.31 (3)
3 (c) 3., 938.355 (4) (am) 3., 938.357 (6) (a) 3. and 938.365 (5) (b) 3.; *to renumber*
4 938.245 (1) and 938.549 (2) (intro.), (b) and (c); *to renumber and amend*
5 938.195 (3), 938.245 (6) and 938.549 (2) (a); *to amend* 48.02 (1d), 48.02 (2),
6 48.355 (4) (b) 4., 48.357 (6) (a) 4., 48.365 (5) (b) 4., 48.366 (1) (intro.), 48.366 (1)
7 (a), 48.366 (2) (b) 4., 48.366 (3) (a), 48.366 (3) (c), 48.396 (1), subchapter IX (title)
8 of chapter 48 [precedes 48.44], 48.44, 48.45 (1) (a), 48.45 (1) (am), 48.45 (3),
9 48.57 (3m) (a) 1. (intro.), 48.57 (3m) (a) 1. a., 48.57 (3m) (a) 1. b., 48.57 (3n) (a)
10 1. (intro.), 48.57 (3n) (a) 1. a., 48.57 (3n) (a) 1. b., 48.57 (3n) (am) 6. a., 48.623
11 (1m) (intro.), 48.623 (1m) (a), 48.623 (1m) (c), 48.645 (1) (intro.), 48.645 (1) (a),
12 48.645 (1) (b), 48.685 (1) (bm), 48.686 (1) (bm), 48.975 (3m) (intro.), 48.975 (3m)
13 (a), 48.975 (3m) (c), 118.163 (4), 119.04 (1), 125.07 (4) (d), 125.07 (4) (e) 1.,
14 125.085 (3) (bt), 165.83 (1) (c) 1., 165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a),

ASSEMBLY BILL 1036

1 301.26 (4) (cm) 1., 302.31 (7), 938.02 (1), 938.02 (3m), 938.02 (10m), 938.067
2 (6m), 938.12 (1), 938.12 (2), 938.13 (12), 938.18 (1) (a), 938.18 (1) (b), 938.18 (2),
3 938.183 (1) (intro.), 938.183 (1) (am), 938.183 (3), 938.195 (title), 938.195 (1) (a),
4 938.195 (2) (title), 938.195 (2) (a), 938.195 (2) (b), 938.195 (3) (title), 938.24 (2)
5 (title) and (b), 938.245 (1m), 938.245 (2g), 938.255 (1) (intro.), 938.31 (3) (a) 1.,
6 938.31 (3) (b), 938.31 (3) (c) (intro.), 938.31 (3) (c) 5., 938.32 (1x), 938.34 (4h) (a),
7 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (am) 4., 938.355 (4)
8 (b), 938.355 (4m) (a), 938.357 (6) (a) 4., 938.365 (5) (b) 4., 938.366 (1) (intro.),
9 938.366 (1) (a), 938.366 (2) (b) 4., 938.366 (3) (a), 938.366 (3) (c), 938.39, 938.396
10 (1) (b) 5., subchapter IX (title) of chapter 938 [precedes 938.44], 938.44, 938.45
11 (1) (a), 938.45 (3), 938.48 (4m) (title), 938.48 (4m) (a), 938.48 (4m) (b), 938.48
12 (14), 938.52 (1) (d), 938.57 (3) (title), 938.57 (3) (a) (intro.), 938.57 (3) (a) 1.,
13 938.57 (3) (a) 3., 938.57 (3) (b), 939.632 (1) (e) 1., 939.632 (1) (e) 3., 946.50
14 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.40 (1), 948.40 (2), 948.45 (1),
15 948.60 (2) (d), 948.61 (4), 961.455 (title), 961.455 (1), 961.455 (2), 961.46,
16 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2), 961.575 (3), 990.01 (3) and
17 990.01 (20); and **to create** 20.437 (1) (be), 20.437 (1) (cL), 48.366 (1m), 48.5275,
18 48.645 (1) (c), 118.256, 938.18 (1) (bm), 938.183 (1d), 938.195 (1m), 938.195 (3)
19 (b), 938.24 (2) (ag) and (ar), 938.245 (1b), 938.245 (1g), 938.245 (6) (b), 938.366
20 (1m), 938.532, 938.545, 970.032 (3) and 971.31 (13) (c) of the statutes; **relating**
21 **to:** juvenile court jurisdiction; the serious juvenile offender program; extending
22 out-of-home care to 21 years of age for certain persons; juvenile interrogations;
23 deferred prosecution agreements and diversion services for juveniles; the
24 authority of school districts and school resource officers to respond to
25 school-based behavior; providing an exemption from emergency rule

ASSEMBLY BILL 1036

1 procedures; providing an exemption from rule-making procedures; granting
2 rule-making authority; and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill makes changes to the jurisdiction of the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court), the jurisdiction of the criminal court, procedures under the Juvenile Justice Code, dispositions available in juvenile delinquency proceedings, and out-of-home care placements.

AGE OF JUVENILE COURT JURISDICTION

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.

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 juvenile court. 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 bill appropriates to the Department of Children and Families a sum sufficient for youth aids-related purposes to reimburse counties, beginning on January 1, 2021, for costs associated with juveniles who were alleged to have violated a state or federal criminal law or any civil law or municipal ordinance at age 17. The bill requires DCF to consult with county representatives to determine those expenses that are eligible for reimbursement.

AGE OF DELINQUENCY

Under current law, a child age ten or over may be adjudged delinquent by the juvenile court for an act that would be a crime if committed by an adult. Under this bill, a child age 13 or over may be adjudged delinquent for an act that would be a crime if committed by an adult.

ORIGINAL ADULT COURT JURISDICTION

This bill eliminates the original jurisdiction of a court of criminal jurisdiction over a juvenile who is alleged to have 1) committed assault or battery while placed

ASSEMBLY BILL 1036

in a juvenile correctional facility; 2) committed first-degree or second-degree intentional homicide or first-degree reckless homicide on or after the juvenile's tenth birthday; or 3) violated any state criminal law, if the juvenile has previously been convicted of a crime either under the original jurisdiction of a court of criminal jurisdiction or following a waiver of jurisdiction by the juvenile court. Under the bill, a juvenile who is alleged to be delinquent on or after the effective date of the bill is subject to the jurisdiction of the juvenile court.

This bill also changes the procedure for requesting that the juvenile court waive its jurisdiction over a juvenile, which, if granted, places the juvenile under the criminal court's jurisdiction. Under current law, a petition may be filed requesting waiver of the juvenile court's jurisdiction if the juvenile is at least 14 years old and is alleged to have committed certain acts, or if the juvenile is at least 15 years old and is alleged to have violated any state criminal law. This bill raises from 14 to 16 the age at which waiver of juvenile court jurisdiction may be requested for the commission of certain acts, but allows waiver for a juvenile who is at least 14 years old and is alleged to have committed an act that would be a Class A or Class B felony if committed by an adult. This bill also removes the current law provision allowing waiver of juvenile court jurisdiction for a juvenile who is alleged to have violated any state criminal law.

SERIOUS JUVENILE OFFENDER PROGRAM

This bill makes changes to eligibility for the Serious Juvenile Offender Program (SJOP). Under current law, the juvenile court may order a juvenile to participate in the SJOP if the juvenile has been adjudicated delinquent for committing certain felony crimes. The SJOP provides a juvenile with supervision, care, and rehabilitation that is more restrictive than ordinary supervision in the community and includes component phases that are intensive, highly structured, and based on public safety considerations and the participant's need for supervision, care, and rehabilitation.

Under current law, in order to qualify for the SJOP, a juvenile must meet certain age limits, must be adjudicated delinquent for the commission or attempted commission of certain crimes, and must be found to be a danger to the public and to be in need of restrictive custodial treatment. This bill increases the age limits for participation in the SJOP.

EXTENDING OUT-OF-HOME CARE TO AGE 21

This bill permits a child to remain in a foster home, group home, or residential care center for children and youth, in the home of a relative, or in a supervised independent living arrangement (out-of-home care) until the child attains 21 years of age if the child 1) is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 21 years of age; 2) is enrolled in an institution that provides postsecondary or vocational education; 3) is participating in a program or activity designed to promote, or remove barriers to, employment; 4) is employed for at least 80 hours per month; or 5) is incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child's permanency plan. The bill also permits a relative, guardian, or adoptive parent of

ASSEMBLY BILL 1036

such a child to continue receiving kinship care payments, subsidized guardianship payments, or adoption assistance for the care and maintenance of such a child until the child attains 21 years of age.

Under current law, the federal Department of Health and Human Services provides foster care and adoption assistance under Title IV-E of the Social Security Act for the care of persons under 18 years of age and, at the option of a state, for persons under 19, 20, or 21 years of age, as a state may elect, who are 1) completing secondary education or a program leading to an equivalent credential; 2) enrolled in an institution that provides postsecondary or vocational education; 3) participating in a program or activity designed to promote, or remove barriers to, employment; 4) employed for at least 80 hours per month; or 5) incapable of doing any of those activities due to a medical condition, which incapacity is supported by regularly updated information in the child's case plan. Currently, this state permits a person to remain in out-of-home care until he or she has attained 19 years of age, if he or she is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, and permits a person to remain in out-of-home care until he or she has attained 21 years of age, if he or she is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program, which is a program under which special education and related services are provided to a person with a disability, is in effect for the person.

CUSTODIAL INTERROGATION OF A JUVENILE

This bill changes the requirements for conducting a custodial interrogation of a juvenile and limits the exceptions for admitting statements made during an improper interrogation into evidence at a hearing. Under current law, when a law enforcement officer conducts a custodial interrogation of a juvenile, the law enforcement officer is required to record the interrogation. If the interrogation is not recorded, a statement made during the interrogation is inadmissible as evidence at the juvenile's hearing, unless one of the following exceptions applies:

1. The juvenile refused to respond or cooperate in the custodial interrogation if an audio or audio and visual recording was made of the interrogation so long as a law enforcement officer or agent of a law enforcement agency made a contemporaneous audio or audio and visual recording or written record of the juvenile's refusal.

2. The statement was made in response to a question asked as part of the routine processing after the juvenile was taken into custody.

3. The law enforcement officer or agent of a law enforcement agency conducting the interrogation in good faith failed to make an audio or audio and visual recording of the interrogation because the recording equipment did not function, the officer or agent inadvertently failed to operate the equipment properly, or, without the officer's or agent's knowledge, the equipment malfunctioned or stopped operating.

4. The statement was made spontaneously and not in response to a question by a law enforcement officer or agent of a law enforcement agency.

ASSEMBLY BILL 1036

5. Exigent public safety circumstances existed that prevented the making of an audio or audio and visual recording or rendered the making of such a recording infeasible.

This bill requires a person who is conducting a custodial interrogation of a juvenile, in addition to recording the interrogation, to notify the juvenile's parent, guardian, legal custodian, or Indian custodian before conducting the interrogation, to notify a juvenile who is being interrogated that the interrogation is being recorded, and to notify a juvenile who is under the age of 16 that he or she is being interrogated. Under the bill, if the parent, guardian, legal custodian or Indian custodian did not receive notice of the interrogation, the juvenile did not receive the appropriate notice, or the interrogation was not recorded, a statement made during the interrogation is inadmissible as evidence at the juvenile's hearing, unless one of the following exceptions applies:

1. The statement was made spontaneously and not in response to a question by a law enforcement officer or agent of a law enforcement agency.

2. Exigent public safety circumstances existed that prevented the notification of the parent, guardian, legal custodian, or Indian custodian or prevented the making of an audio or audio and visual recording or rendered the making of such a recording infeasible.

This bill also changes the definition of "custodial interrogation" for the purposes of interrogating a juvenile to refer to a "reasonable juvenile of a similar age" instead of a "reasonable person."

JUVENILE CLASSIFICATION SYSTEM

Under current law, DCF, in consultation with the Department of Corrections, must make available to all counties a juvenile classification system that includes a risk assessment instrument for determining the probability that a juvenile who has committed an offense will commit another offense, a needs assessment instrument for determining the service needs of a juvenile who has committed an offense, and a services and placement guide for integrating the risk and needs of a juvenile who has committed an offense with other factors to determine an appropriate placement and level of services for the juvenile. Under current law, a county may use the juvenile classification system to determine, at the time of an intake inquiry, whether to close a case, enter into a deferred prosecution agreement, or refer the case to the district attorney; recommend, at the time of disposition, a placement and a plan of rehabilitation, treatment, and care for the juvenile; and determine, after disposition, the level or intensity of supervisory contacts required for a juvenile under county supervision.

This bill requires an intake worker to use the juvenile classification system as part of the intake inquiry with a juvenile after providing notice to the juvenile, parent, guardian, and legal custodian, but only if the juvenile has not refused to participate.

DEFERRED PROSECUTION AGREEMENT

Under current law, when a juvenile is alleged to have violated a law or municipal ordinance, he or she may be referred to the juvenile court for intake and a determination of whether a petition should be filed in that court. An intake worker

ASSEMBLY BILL 1036

provides intake services to the juvenile, such as screening and interviewing the juvenile, determining whether and where the juvenile should be held, and whether to close the case or request that a petition for delinquency be filed.

Under current law, as an alternative to closing a case or referring it to a district attorney to file a petition, an intake worker may enter into a written deferred prosecution agreement (DPA) with all parties if the intake worker has determined that neither the interests of the juvenile nor of the public require the filing of a delinquency petition; if the facts persuade the intake worker that the jurisdiction of the juvenile court, if sought, would exist; and if the juvenile and his or her parent, guardian, and legal custodian consent. The DPA may impose obligations on the juvenile, parent, guardian, or legal custodian, such as treatment, counseling, restitution, or a teen court program. If at any time during the period of a DPA the intake worker determines that the obligations imposed under it are not being met, the intake worker may cancel the agreement and request that a delinquency petition be filed. If the obligations under the DPA are met, then no petition may be filed or citation issued on the charges that brought about the agreement.

Under this bill, unless an intake worker decides to close a case, the intake worker must enter into a DPA with all parties if all of the following apply:

1. The juvenile is referred because he or she is alleged to have committed a status offense or an act that would be a misdemeanor if committed by an adult or violated a civil law punishable by forfeiture or a county, town, or other municipal ordinance.
2. The juvenile has no more than two prior adjudications.
3. The juvenile has no more than three prior unsuccessful deferred prosecution agreement attempts.
4. The juvenile, parent, guardian, and legal custodian consent.

An exception to this requirement to enter into a DPA is that the intake worker may instead refer the case to the district attorney if the results of the juvenile classification system indicate the juvenile is high risk, or the results indicate the juvenile is a moderate risk and the case arises out of an alleged act that would be a Class A misdemeanor in violation of laws prohibiting crimes against life and bodily security or crimes against health and safety if committed by an adult.

Under current law, a district attorney may terminate a DPA and instead file a delinquency petition against the juvenile. With respect to the circumstance under the bill in which a DPA is required, a district attorney may not terminate the agreement or file a delinquency petition against the juvenile unless one of the following applies:

1. The juvenile or his or her parent, guardian, or legal custodian fails to respond to the intake worker's preliminary inquiry regarding eligibility for a DPA or an offer of a DPA.
2. The juvenile or his or her parent, guardian, or legal custodian does not consent to the DPA.
3. The juvenile fails to substantially comply with the conditions in the DPA.
4. The intake worker refers the case to the district attorney under the exception based on the results of the juvenile classification system or the type of alleged act.

ASSEMBLY BILL 1036**MULTISYSTEMIC THERAPY**

Under current law, if a juvenile is adjudicated delinquent, the juvenile court must enter an order deciding one or more of the dispositions of the case under a care and treatment plan. The bill requires DCF to contract for or provide multisystemic therapy (MST) for a juvenile for whom that treatment is ordered under a disposition of the case. Under the bill, MST is an intensive and ongoing family-based and community-based treatment that addresses multiple factors that lead to antisocial behavior in juveniles and that is delivered in a juvenile's home, school, or community. The bill also requires DCF to promulgate rules governing MST and the licensing, training, and qualification requirements for a person who provides it.

RESPONSES TO SCHOOL-BASED BEHAVIOR

The bill prohibits a school district employee and school resource officer from referring to a law enforcement agency a minor pupil who is alleged to have committed a school-related offense. Under the bill, a school-related offense is habitual truancy or any of the following committed by a minor pupil on the property of the public school in which the minor pupil is enrolled during a school day or during a school-sponsored activity:

1. An offense that would be a misdemeanor, other than a violent misdemeanor, if committed by an adult.
2. A violation of a civil law punishable by forfeiture.
3. A violation of a county, town, or other municipal ordinance.
4. A status offense, meaning a violation of the law that would not be a violation if committed by an adult.

Instead, under the bill, such a minor pupil may be referred to either a restorative justice program or an evidence-based intervention developed or adopted by the school district or county. If the minor pupil refuses to participate in one of those alternatives, a school district employee may refer the minor pupil to the juvenile court. The bill authorizes a minor pupil to be referred to an alternative intervention instead of to the juvenile court if an alleged violation does not qualify as a school-related offense in certain circumstances.

JUVENILE DIVERSION SERVICES GRANT PROGRAM

The bill creates a grant program for juvenile diversion services under which DCF may provide grants of up to \$2,000,000 in each fiscal year to counties or Indian tribes to enable them to establish and operate evidence-based programs that provide services to juveniles as a method of diverting them from coming under the jurisdiction of the court.

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:

ASSEMBLY BILL 1036

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.437 Children and families, department of**

4 (1) CHILDREN AND FAMILY SERVICES

5 (be) Juvenile diversion services

6 grants	GPR	A	2,000,000	2,000,000
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7 **SECTION 2.** 20.437 (1) (be) of the statutes is created to read:

8 20.437 (1) (be) *Juvenile diversion services grants.* The amounts in the schedule
9 for grants under s. 938.545.

10 **SECTION 3.** 20.437 (1) (cL) of the statutes is created to read:

11 20.437 (1) (cL) *Seventeen-year-old juvenile justice aids.* A sum sufficient for
12 the purposes under s. 48.5275.

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

14 48.02 (1d) “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 ~~any state or federal criminal law or any civil law or municipal ordinance, “adult”~~
17 ~~means a person who has attained 17 years of age.~~

18 **SECTION 5.** 48.02 (2) of the statutes is amended to read:

19 48.02 (2) “Child,” when used without further qualification, means a person who
20 is less than 18 years of age, ~~except that for purposes of investigating or prosecuting~~
21 ~~a person who is alleged to have violated a state or federal criminal law or any civil~~
22 ~~law or municipal ordinance, “child” does not include a person who has attained 17~~
23 ~~years of age.~~

ASSEMBLY BILL 1036**SECTION 6**

1 **SECTION 6.** 48.355 (4) (b) 3. of the statutes is repealed.

2 **SECTION 7.** 48.355 (4) (b) 4. of the statutes is amended to read:

3 48.355 (4) (b) 4. The date on which the child is ~~granted a high school or high~~
4 ~~school equivalency diploma or the date on which the child~~ attains 21 years of age,
5 ~~whichever occurs first~~, if the child is a full-time student at a secondary school or its
6 vocational or technical equivalent and if ~~an individualized education program under~~
7 ~~s. 115.787 is in effect for the child~~ is reasonably expected to complete the program
8 before attaining 21 years of age; is enrolled in an institution that provides
9 postsecondary or vocational education; is participating in a program or activity
10 designed to promote, or remove barriers to, employment; is employed for at least 80
11 hours per month; or is incapable of doing any of those activities due to a medical
12 condition, which incapacity is supported by regularly updated information in the
13 child's permanency plan. The court may not grant an order that terminates as
14 provided in this subdivision unless the child is 17 years of age or older when the order
15 is granted and the child, or the child's guardian on behalf of the child, agrees to the
16 order. At any time after the child attains 18 years of age, the child, or the child's
17 guardian on behalf of the child, may request the court in writing to terminate the
18 order and, on receipt of such a request, the court, without a hearing, shall terminate
19 the order.

20 **SECTION 8.** 48.357 (6) (a) 3. of the statutes is repealed.

21 **SECTION 9.** 48.357 (6) (a) 4. of the statutes is amended to read:

22 48.357 (6) (a) 4. The date on which the child is ~~granted a high school or high~~
23 ~~school equivalency diploma or the date on which the child~~ attains 21 years of age,
24 ~~whichever occurs first~~, if the child is a full-time student at a secondary school or its
25 vocational or technical equivalent and if ~~an individualized education program under~~

ASSEMBLY BILL 1036

1 ~~s. 115.787 is in effect for the child is reasonably expected to complete the program~~
2 ~~before attaining 21 years of age; is enrolled in an institution that provides~~
3 ~~postsecondary or vocational education; is participating in a program or activity~~
4 ~~designed to promote, or remove barriers to, employment; is employed for at least 80~~
5 ~~hours per month; or is incapable of doing any of those activities due to a medical~~
6 ~~condition, which incapacity is supported by regularly updated information in the~~
7 ~~child's permanency plan.~~ The court may not grant an order that terminates as
8 provided in this subdivision unless the child is 17 years of age or older when the order
9 is granted and the child, or the child's guardian on behalf of the child, agrees to the
10 order. At any time after the child attains 18 years of age, the child, or the child's
11 guardian on behalf of the child, may request the court in writing to terminate the
12 order and, on receipt of such a request, the court, without a hearing, shall terminate
13 the order.

14 **SECTION 10.** 48.365 (5) (b) 3. of the statutes is repealed.

15 **SECTION 11.** 48.365 (5) (b) 4. of the statutes is amended to read:

16 48.365 **(5)** (b) 4. The date on which the child is ~~granted a high school or high~~
17 ~~school equivalency diploma or the date on which the child attains 21 years of age,~~
18 ~~whichever occurs first,~~ if the child is a full-time student at a secondary school or its
19 vocational or technical equivalent and ~~if an individualized education program under~~
20 ~~s. 115.787 is in effect for the child is reasonably expected to complete the program~~
21 ~~before attaining 21 years of age; is enrolled in an institution that provides~~
22 ~~postsecondary or vocational education; is participating in a program or activity~~
23 ~~designed to promote, or remove barriers to, employment; is employed for at least 80~~
24 ~~hours per month; or is incapable of doing any of those activities due to a medical~~
25 ~~condition, which incapacity is supported by regularly updated information in the~~

ASSEMBLY BILL 1036

1 child's permanency plan. The court may not grant an order that terminates as
2 provided in this subdivision unless the child is 17 years of age or older when the order
3 is granted and the child, or the child's guardian on behalf of the child, agrees to the
4 order. At any time after the child attains 18 years of age, the child, or the child's
5 guardian on behalf of the child, may request the court in writing to terminate the
6 order and, on receipt of such a request, the court, without a hearing, shall terminate
7 the order.

8 **SECTION 12.** 48.366 (1) (intro.) of the statutes is amended to read:

9 48.366 (1) APPLICABILITY. (intro.) This section applies to a person ~~who is a~~
10 ~~full-time student of a secondary school or its vocational or technical equivalent, for~~
11 ~~whom an individualized education program under s. 115.787 is in effect, and~~
12 described in sub. (1m) to whom any of the following applies:

13 **SECTION 13.** 48.366 (1) (a) of the statutes is amended to read:

14 48.366 (1) (a) The person is placed in a foster home, group home, or residential
15 care center for children and youth, in the home of a relative other than a parent, or
16 in a supervised independent living arrangement under an order under s. 48.355,
17 48.357, or 48.365 that terminates as provided in s. 48.355 (4) (b) 1., ~~2., or 3.~~ or 2.,
18 48.357 (6) (a) 1., ~~2., or 3.~~ or 2., or 48.365 (5) (b) 1., ~~2., or 3.~~ 2. on or after the person
19 attains 18 years of age.

20 **SECTION 14.** 48.366 (1m) of the statutes is created to read:

21 48.366 (1m) DURATION OF ELIGIBILITY. A person may continue in out-of-home
22 care under a voluntary agreement under sub. (3) until the person attains 21 years
23 of age if the person is a full-time student at a secondary school or its vocational or
24 technical equivalent and is reasonably expected to complete the program before
25 attaining 21 years of age; is enrolled in an institution that provides postsecondary

ASSEMBLY BILL 1036

1 or vocational education; is participating in a program or activity designed to promote,
2 or remove barriers to, employment; is employed for at least 80 hours per month; or
3 is incapable of doing any of those activities due to a medical condition, which
4 incapacity is supported by regularly updated information in the person's
5 permanency plan.

6 **SECTION 15.** 48.366 (2) (b) 4. of the statutes is amended to read:

7 48.366 (2) (b) 4. If the court determines that the person who is the subject of
8 an order described in sub. (1) (a) or (b) understands that he or she may continue in
9 out-of-home care, but wishes to be discharged from that care on termination of the
10 order, the court shall advise the person that he or she may enter into a voluntary
11 agreement under sub. (3) at any time before he or she is ~~granted a high school or high~~
12 ~~school equivalency diploma or reaches~~ attains 21 years of age, ~~whichever occurs first,~~
13 so long as he or she is ~~a full-time student at a secondary school or its vocational or~~
14 ~~technical equivalent and an individualized education program under s. 115.787 is in~~
15 ~~effect for him or her~~ meets any of the conditions for eligibility described in sub. (1m).
16 If the court determines that the person wishes to continue in out-of-home care under
17 an extension of an order under s. 48.355, 48.357, or 48.365 described in sub. (1) (a),
18 the court shall schedule an extension hearing under s. 48.365. If the court
19 determines that the person wishes to continue in out-of-home care under a
20 voluntary agreement under sub. (3), the court shall order the agency primarily
21 responsible for providing services to the person under the order to provide
22 ~~transition-to-independent-living~~ services for the person under that voluntary
23 agreement.

24 **SECTION 16.** 48.366 (3) (a) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 48.366 (3) (a) On termination of an order described in sub. (1) (a) or (b), the
2 person who is the subject of the order, or the person's guardian on behalf of the
3 person, and the agency primarily responsible for providing services to the person
4 under the order may enter into a transition-to-independent-living agreement
5 under which the person continues in out-of-home care ~~and continues to be a~~
6 ~~full-time student at a secondary school or its vocational or technical equivalent~~
7 ~~under an individualized education program under s. 115.787~~ until the date on which
8 the person reaches attains 21 years of age, is ~~granted a high school or high school~~
9 ~~equivalency diploma~~ no longer meets any of the conditions for eligibility described
10 in sub. (1m), or terminates the agreement as provided in par. (b), whichever occurs
11 first, and the agency provides services to the person to assist him or her in
12 transitioning to independent living.

13 **SECTION 17.** 48.366 (3) (c) of the statutes is amended to read:

14 48.366 (3) (c) A person who terminates a voluntary agreement under this
15 subsection, or the person's guardian on the person's behalf, may request the agency
16 primarily responsible for providing services to the person under the agreement to
17 enter into a new voluntary agreement under this subsection at any time before the
18 person is ~~granted a high school or high school equivalency diploma or reaches~~ attains
19 21 years of age, ~~whichever occurs first~~, so long as the person is a ~~full-time student~~
20 ~~at a secondary school or its vocational or technical equivalent and an individualized~~
21 ~~education program under s. 115.787 is in effect for him or her~~ meets any of the
22 conditions for eligibility described in sub. (1m). If the request meets the conditions
23 set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new
24 voluntary agreement with that person.

25 **SECTION 18.** 48.396 (1) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 48.396 (1) Law enforcement officers' records of children shall be kept separate
2 from records of adults. Law enforcement officers' records of the adult expectant
3 mothers of unborn children shall be kept separate from records of other adults. Law
4 enforcement officers' records of children and the adult expectant mothers of unborn
5 children shall not be open to inspection or their contents disclosed except under sub.
6 (1b), (1d), (5), or (6) or s. 48.293 or 938.396 (2m) (c) 1p. or by order of the court. This
7 subsection does not apply to the representatives of newspapers or other reporters of
8 news who wish to obtain information for the purpose of reporting news without
9 revealing the identity of the child or adult expectant mother involved, to the
10 confidential exchange of information between the police and officials of the public or
11 private school attended by the child or other law enforcement or social welfare
12 agencies, or to children ~~10~~ 13 years of age or older who are subject to the jurisdiction
13 of the court of criminal jurisdiction. A public school official who obtains information
14 under this subsection shall keep the information confidential as required under s.
15 118.125, and a private school official who obtains information under this subsection
16 shall keep the information confidential in the same manner as is required of a public
17 school official under s. 118.125. This subsection does not apply to the confidential
18 exchange of information between the police and officials of the tribal school attended
19 by the child if the police determine that enforceable protections are provided by a
20 tribal school policy or tribal law that requires tribal school officials to keep the
21 information confidential in a manner at least as stringent as is required of a public
22 school official under s. 118.125. A law enforcement agency that obtains information
23 under this subsection shall keep the information confidential as required under this
24 subsection and s. 938.396 (1) (a). A social welfare agency that obtains information

ASSEMBLY BILL 1036

1 under this subsection shall keep the information confidential as required under ss.
2 48.78 and 938.78.

3 **SECTION 19.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes
4 is amended to read:

CHAPTER 48**SUBCHAPTER IX****JURISDICTION OVER PERSON ~~17~~****OR OLDER ADULTS**

5
6
7
8
9 **SECTION 20.** 48.44 of the statutes is amended to read:

10 **48.44 Jurisdiction over persons ~~17 or older adults.~~** The court has
11 jurisdiction over persons ~~17 years of age or older adults~~ as provided under ss. 48.133,
12 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in
13 this chapter.

14 **SECTION 21.** 48.45 (1) (a) of the statutes is amended to read:

15 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
16 described in s. 48.13 it appears that any person ~~17 years of age or older adult~~ has been
17 guilty of contributing to, encouraging, or tending to cause by any act or omission,
18 such ~~that~~ that condition of the child, the judge may make orders with respect to the
19 conduct of such ~~that~~ that person in his or her relationship to the child, including orders
20 determining the ability of the person to provide for the maintenance or care of the
21 child and directing when, how, and from where funds for the maintenance or care
22 shall be paid.

23 **SECTION 22.** 48.45 (1) (am) of the statutes is amended to read:

24 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
25 child's expectant mother alleged to be in a condition described in s. 48.133 it appears

ASSEMBLY BILL 1036

1 that any person ~~17 years of age or over~~ adult has been guilty of contributing to,
2 encouraging, or tending to cause by any act or omission, ~~such~~ that condition of the
3 unborn child and expectant mother, the judge may make orders with respect to the
4 conduct of ~~such~~ that person in his or her relationship to the unborn child and
5 expectant mother.

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

7 48.45 (3) If it appears at a court hearing that any person ~~17 years of age or older~~
8 adult has violated s. 948.40, the judge shall refer the record to the district attorney
9 for criminal proceedings as may be warranted in the district attorney's judgment.
10 This subsection does not prevent prosecution of violations of s. 948.40 without the
11 prior reference by the judge to the district attorney, as in other criminal cases.

12 **SECTION 24.** 48.5275 of the statutes is created to read:

13 **48.5275 Seventeen-year-old juvenile justice aids.** Notwithstanding s.
14 48.526, from the appropriation under s. 20.437 (1) (cL), the department shall
15 reimburse counties for the costs under s. 48.526 (2) (c) associated with juveniles who
16 were alleged to have violated a state or federal criminal law or any civil law or
17 municipal ordinance at age 17.

18 **SECTION 25.** 48.57 (3m) (a) 1. (intro.) of the statutes is amended to read:

19 48.57 (3m) (a) 1. (intro.) "Child" means a person under 18 years of age. "Child"
20 also includes a person 18 years of age or over, but under 21 years of age, if any of the
21 following applies:

22 **SECTION 26.** 48.57 (3m) (a) 1. a. of the statutes is amended to read:

23 48.57 (3m) (a) 1. a. The person is ~~under 19 years of age~~, is a full-time student
24 in good academic standing at a secondary school or its vocational or technical
25 equivalent, and is reasonably expected to complete his or her program of study and

ASSEMBLY BILL 1036**SECTION 26**

1 be granted a high school or high school equivalency diploma before attaining 21 years
2 of age; is enrolled in an institution that provides postsecondary or vocational
3 education; is participating in a program or activity designed to promote, or remove
4 barriers to, employment; is employed for at least 80 hours per month; or is incapable
5 of doing any of those activities due to a medical condition, which incapacity is
6 supported by regularly updated information in the child's permanency plan.

7 **SECTION 27.** 48.57 (3m) (a) 1. b. of the statutes is amended to read:

8 48.57 (3m) (a) 1. b. The person is ~~under 21 years of age, the person is a full-time~~
9 ~~student in good academic standing at a secondary school or its vocational or technical~~
10 ~~equivalent, an individualized education program under s. 115.787 is in effect for the~~
11 ~~person, and the person is placed in the home of the kinship care relative under an~~
12 ~~order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates~~
13 ~~under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years of age or~~
14 ~~under a voluntary transition-to-independent-living agreement under s. 48.366 (3)~~
15 ~~or 938.366 (3).~~

16 **SECTION 28.** 48.57 (3n) (a) 1. (intro.) of the statutes is amended to read:

17 48.57 (3n) (a) 1. (intro.) "Child" means a person under 18 years of age. "Child"
18 also includes a person 18 years of age or over, but under 21 years of age, if any of the
19 following applies:

20 **SECTION 29.** 48.57 (3n) (a) 1. a. of the statutes is amended to read:

21 48.57 (3n) (a) 1. a. The person is ~~under 19 years of age, is a full-time student~~
22 ~~in good academic standing at a secondary school or its vocational or technical~~
23 ~~equivalent, and is reasonably expected to complete his or her program of study and~~
24 ~~be granted a high school or high school equivalency diploma before attaining 21 years~~
25 ~~of age; is enrolled in an institution that provides postsecondary or vocational~~

ASSEMBLY BILL 1036

1 education; is participating in a program or activity designed to promote, or remove
2 barriers to, employment; is employed for at least 80 hours per month; or is incapable
3 of doing any of those activities due to a medical condition, which incapacity is
4 supported by regularly updated information in the child's permanency plan.

5 **SECTION 30.** 48.57 (3n) (a) 1. b. of the statutes is amended to read:

6 48.57 **(3n)** (a) 1. b. The person is ~~under 21 years of age, the person is a full-time~~
7 ~~student in good academic standing at a secondary school or its vocational or technical~~
8 ~~equivalent, an individualized education program under s. 115.787 is in effect for the~~
9 ~~person, and the person is placed in the home of the long-term kinship care relative~~
10 ~~under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that~~
11 ~~terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years~~
12 ~~of age or under a voluntary transition-to-independent-living agreement under s.~~
13 ~~48.366 (3) or 938.366 (3).~~

14 **SECTION 31.** 48.57 (3n) (am) 6. a. of the statutes is amended to read:

15 48.57 **(3n)** (am) 6. a. The date on which the child attains the age of 18 years;
16 or, if on that date the child is a full-time student in good academic standing at a
17 secondary school or its vocational or technical equivalent and is reasonably expected
18 to complete his or her program of study and be granted a high school or high school
19 equivalency diploma, ~~the date on which the child is granted a high school or high~~
20 ~~school equivalency diploma or the date on which the child attains the age of 19 years,~~
21 ~~whichever occurs first; or, if on that date the child is a full-time student in good~~
22 ~~academic standing at a secondary school or its vocational or technical equivalent and~~
23 ~~an individualized education program under s. 115.787 is in effect for the child before~~
24 ~~attaining 21 years of age, is enrolled in an institution that provides postsecondary~~
25 ~~or vocational education, is participating in a program or activity designed to promote,~~

ASSEMBLY BILL 1036**SECTION 31**

1 or remove barriers to, employment, is employed for at least 80 hours per month, or
2 is incapable of doing any of those activities due to a medical condition, which
3 incapacity is supported by regularly updated information in the child's permanency
4 plan, the date on which the child is granted a high school or high school equivalency
5 diploma ceases to meet any of those conditions for eligibility or the date on which the
6 child attains the age of 21 years, whichever occurs first.

7 **SECTION 32.** 48.623 (1m) (intro.) of the statutes is amended to read:

8 48.623 **(1m)** DURATION OF ELIGIBILITY. (intro.) Subsidized guardianship
9 payments under sub. (1) or (6) may be continued after until the child attains 18 21
10 years of age if any all of the following applies apply:

11 **SECTION 33.** 48.623 (1m) (a) of the statutes is amended to read:

12 48.623 **(1m)** (a) The child is ~~under 19 years of age~~, is a full-time student at a
13 secondary school or its vocational or technical equivalent, and is reasonably expected
14 to complete the program before ~~reaching 19~~ attaining 21 years of age; is enrolled in
15 an institution that provides postsecondary or vocational education; is participating
16 in a program or activity designed to promote, or remove barriers to, employment; is
17 employed for at least 80 hours per month; or is incapable of doing any of those
18 activities due to a medical condition, which incapacity is supported by regularly
19 updated information in the child's permanency plan.

20 **SECTION 34.** 48.623 (1m) (b) of the statutes is repealed.

21 **SECTION 35.** 48.623 (1m) (c) of the statutes is amended to read:

22 48.623 **(1m)** (c) The child is ~~under 21 years of age~~, is a full-time student at a
23 secondary school or its vocational or technical equivalent, an individualized
24 education program under s. 115.787 is in effect for the child, and the subsidized

ASSEMBLY BILL 1036

1 guardianship agreement for the child became effective on or after the date on which
2 the child attained 16 years of age.

3 **SECTION 36.** 48.645 (1) (intro.) of the statutes is amended to read:

4 48.645 (1) DEFINITION. (intro.) In this section, “dependent child” means a child
5 ~~under the age of 18 or, if the child is a full-time student at a secondary school or its~~
6 ~~vocational or technical equivalent and is reasonably expected to complete the~~
7 ~~program before reaching 19 years of age, is under the age of 19, or, if the child is a~~
8 ~~full-time student at a secondary school or its vocational or technical equivalent for~~
9 ~~whom an individualized educational program under s. 115.787 is in effect, is person~~
10 under 21 years of age, who meets all of the following conditions:

11 **SECTION 37.** 48.645 (1) (a) of the statutes, as affected by 2019 Wisconsin Act 9,
12 is amended to read:

13 48.645 (1) (a) The ~~child~~ person is living in a foster home licensed under s. 48.62
14 if a license is required under that section, in a foster home located within the
15 boundaries of a reservation in this state and licensed by the tribal governing body
16 of the reservation, in a group home licensed under s. 48.625, in a subsidized
17 guardianship home under s. 48.623, in a residential care center for children and
18 youth licensed under s. 48.60, with a parent in a qualifying residential family-based
19 treatment facility, or in a supervised independent living arrangement and has been
20 placed in that home, center, or arrangement by a county department under s. 46.215,
21 46.22, or 46.23, by the department, or by a governing body of an Indian tribe in this
22 state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

23 **SECTION 38.** 48.645 (1) (b) of the statutes is amended to read:

24 48.645 (1) (b) The ~~child~~ person would qualify for aid under s. 49.19, 1993 stats.

25 **SECTION 39.** 48.645 (1) (c) of the statutes is created to read:

ASSEMBLY BILL 1036**SECTION 39**

1 48.645 (1) (c) The person, if 18 years of age or over, is a full-time student at a
2 secondary school or its vocational or technical equivalent and is reasonably expected
3 to complete the program before attaining 21 years of age; is enrolled in an institution
4 that provides postsecondary or vocational education; is participating in a program
5 or activity designed to promote, or remove barriers to, employment; is employed for
6 at least 80 hours per month; or is incapable of doing any of those activities due to a
7 medical condition, which incapacity is supported by regularly updated information
8 in the person's permanency plan.

9 **SECTION 40.** 48.685 (1) (bm) of the statutes is amended to read:

10 48.685 (1) (bm) "Nonclient resident" means a person, including a person who
11 is under 18 years of age, but not under ~~10~~ 13 years of age, who resides, or is expected
12 to reside, at an entity or with a caregiver specified in par. (ag) 1. am., who is not a
13 client of the entity or caregiver, and who has, or is expected to have, regular, direct
14 contact with clients of the entity or caregiver.

15 **SECTION 41.** 48.686 (1) (bm) of the statutes, as affected by 2019 Wisconsin Act
16 9, is amended to read:

17 48.686 (1) (bm) "Household member" means a person who is age ~~10~~ 13 or older,
18 who resides, or is expected to reside, at a child care program, and who is not a client
19 of the child care program or caregiver.

20 **SECTION 42.** 48.975 (3m) (intro.) of the statutes is amended to read:

21 48.975 (3m) DURATION. (intro.) The adoption assistance may be continued ~~after~~
22 until the adoptee attains ~~18~~ 21 years of age if ~~any~~ all of the following ~~applies~~ apply:

23 **SECTION 43.** 48.975 (3m) (a) of the statutes is amended to read:

24 48.975 (3m) (a) The adoptee is ~~under 19 years of age,~~ is a full-time student at
25 a secondary school or its vocational or technical equivalent, and is reasonably

ASSEMBLY BILL 1036

1 expected to complete the program before ~~reaching 19~~ attaining 21 years of age; is
2 enrolled in an institution that provides postsecondary or vocational education; is
3 participating in a program or activity designed to promote, or remove barriers to,
4 employment; is employed for at least 80 hours per month; or is incapable of doing any
5 of those activities due to a medical condition, which incapacity is supported by
6 regularly updated information in the adoptee's permanency plan.

7 **SECTION 44.** 48.975 (3m) (b) of the statutes is repealed.

8 **SECTION 45.** 48.975 (3m) (c) of the statutes is amended to read:

9 48.975 **(3m)** (c) The adoptee is under 21 years of age, is a full-time student at
10 a secondary school or its vocational or technical equivalent, an individualized
11 education program under s. 115.787 is in effect for the adoptee, and the adoption
12 assistance agreement for the adoptee became effective on or after the date on which
13 the adoptee attained 16 years of age.

14 **SECTION 46.** 118.163 (4) of the statutes is amended to read:

15 118.163 **(4)** A person who is under 17 years of age a minor on the date of
16 disposition is subject to s. 938.342.

17 **SECTION 47.** 118.256 of the statutes is created to read:

18 **118.256 Responses to school-based behavior.** (1) In this section:

19 (a) "Court" means the court assigned to exercise jurisdiction under ch. 938.

20 (b) "Evidence-based intervention" means a program or practice to which any
21 of the following applies:

22 1. It has had multiple randomized control studies or a meta-analysis
23 demonstrating that the program or practice is effective for a specific population.

24 2. It has been rated as effective by a standardized program evaluation tool.

25 3. It has been approved by the state superintendent.

ASSEMBLY BILL 1036

1 (c) “Restorative justice program” means a program used or adopted by a school
2 district that is designed to do all of the following:

3 1. Enhance school safety, reduce school suspensions, and limit referrals to
4 court.

5 2. Help pupils take responsibility for and repair the harm of behavior that
6 occurs in school.

7 (d) “School-related offense” means habitual truancy or any of the following
8 committed by a minor pupil on the property of the public school in which the minor
9 pupil is enrolled during a school day or during a school-sponsored activity:

10 1. An offense that would be a misdemeanor, other than a violent misdemeanor,
11 as defined in s. 941.29 (1g) (b), if committed by an adult.

12 2. A violation of a civil law punishable by forfeiture.

13 3. A violation of a county, town, or other municipal ordinance.

14 4. A status offense.

15 (e) “School resource officer” means a law enforcement officer who is all of the
16 following:

17 1. Trained in school-based policing and crisis response.

18 2. Employed and assigned by a law enforcement agency to work in a public
19 school using a community-oriented policing approach.

20 (f) “School-sponsored activity” means an activity or event that is authorized
21 by a school district and satisfies at least one of the following:

22 1. The activity or event is managed or supervised by a school district employee.

23 2. The activity or event uses school district facilities, equipment, or other school
24 district resources.

ASSEMBLY BILL 1036

1 3. The school district provides substantial financial support for the activity or
2 event.

3 (g) "Status offense" means a violation of the law that would not be a violation
4 if committed by an adult.

5 **(2)** (a) Except as provided in sub. (5), neither a school district employee nor a
6 school resource officer may refer a minor pupil to a law enforcement agency for an
7 alleged school-related offense.

8 (b) For an alleged school-related offense, a school district employee or a school
9 resource officer may refer a minor pupil to any of the following:

10 1. A restorative justice program.

11 2. An evidence-based intervention developed or adopted by the school district
12 or county.

13 **(3)** Notwithstanding sub. (2), a school resource officer may do all of the
14 following:

15 (a) Transport a minor pupil to a location as permitted by law.

16 (b) Take temporary custody of a minor as permitted by law.

17 **(4)** A minor pupil may be referred to an alternative intervention under sub. (2)

18 (b) instead of to court or to a law enforcement agency if any of the following applies:

19 (a) A school district employee or school resource officer has cause to believe that
20 the minor pupil committed a violation that would be a Class A or Class B
21 misdemeanor if committed by an adult on the property of the public school in which
22 the minor pupil is enrolled during a school day or during a school-sponsored activity.

23 (b) A law enforcement officer has reason to believe that a minor pupil
24 committed a violation of law on the property of the public school in which the minor
25 pupil is enrolled but not during the school day or during a school-sponsored event.

ASSEMBLY BILL 1036

1 **(5)** (a) Subject to pars. (b) and (c), a school district employee may refer a minor
2 pupil to court for an alleged school-related offense if the minor pupil refuses to
3 participate in an alternative intervention described under sub. (2) (b).

4 (b) If a minor pupil is referred to court under par. (a), the school district shall
5 appoint a school representative to continue to engage with the minor pupil and the
6 minor pupil's family through the court process. The representative appointed under
7 this paragraph may not be a school resource officer.

8 (c) A school district employee shall include all of the following in its referral to
9 the court:

10 1. Attendance records for the pupil.

11 2. A report of alternative interventions offered to the pupil before referral to
12 the court, including any outcomes.

13 3. The name and contact information of the representative assigned by the
14 school district to participate in the court process with the minor and the minor's
15 family.

16 4. Any other information the school district considers relevant to the referral.

17 (d) A minor pupil who is referred to court under par. (a) may not be held in
18 secured custody.

19 **SECTION 48.** 119.04 (1) of the statutes, as affected by 2019 Wisconsin Act 83,
20 is amended to read:

21 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
22 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
23 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.445,
24 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125
25 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,

ASSEMBLY BILL 1036

1 118.19, 118.196, 118.20, 118.223, 118.225, 118.256, 118.24 (1), (2) (c) to (f), (6), (8), and
2 (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43,
3 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15)
4 to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37),
5 (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a
6 1st class city school district and board but not, unless explicitly provided in this
7 chapter or in the terms of a contract, to the commissioner or to any school transferred
8 to an opportunity schools and partnership program.

9 **SECTION 49.** 125.07 (4) (d) of the statutes is amended to read:

10 125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of
11 disposition is subject to s. 938.344 unless proceedings have been instituted against
12 the person in a court of civil or criminal jurisdiction after dismissal of the citation
13 under s. 938.344 (3).

14 **SECTION 50.** 125.07 (4) (e) 1. of the statutes is amended to read:

15 125.07 (4) (e) 1. In this paragraph, “defendant” means a person found guilty
16 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

17 **SECTION 51.** 125.085 (3) (bt) of the statutes is amended to read:

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

22 **SECTION 52.** 165.83 (1) (c) 1. of the statutes is amended to read:

23 165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~
24 ~~of 17~~ an adult and that is a felony or a misdemeanor.

25 **SECTION 53.** 165.83 (1) (c) 2. of the statutes is amended to read:

ASSEMBLY BILL 1036

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

4 **SECTION 54.** 301.12 (2m) of the statutes is amended to read:

5 301.12 (2m) The liability specified in sub. (2) shall not apply to ~~persons 17 and~~
6 ~~older~~ adults receiving care, maintenance, services, and supplies provided by prisons
7 named in s. 302.01.

8 **SECTION 55.** 301.12 (14) (a) of the statutes is amended to read:

9 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
10 specified in sub. (2) or s. 301.03 (18) for care and maintenance of ~~persons under 17~~
11 ~~years of age~~ minors in residential, nonmedical facilities such as group homes, foster
12 homes, residential care centers for children and youth, and juvenile correctional
13 institutions is determined in accordance with the cost-based fee established under
14 s. 301.03 (18). The department shall bill the liable person up to any amount of
15 liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party
16 benefits, subject to rules that include formulas governing ability to pay promulgated
17 by the department under s. 301.03 (18). Any liability of the resident not payable by
18 any other person terminates when the resident ~~reaches age 17~~ becomes an adult,
19 unless the liable person has prevented payment by any act or omission.

20 **SECTION 56.** 301.26 (4) (cm) 1. of the statutes is amended to read:

21 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b), and (bm), the department
22 shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the
23 appropriations under s. 20.410 (3) (hm), (ho), and (hr) for the purpose of reimbursing
24 juvenile correctional facilities, secured residential care centers for children and
25 youth, alternate care providers, and community supervision providers for costs

ASSEMBLY BILL 1036

1 incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age or over
2 who has been placed in a juvenile correctional facility based on a delinquent act that
3 is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or s. 948.36,
4 1999 stats., or s. 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31,
5 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1),
6 or 948.30 (2), that is a conspiracy to commit any of those violations, or that is an
7 attempted violation of s. 943.32 (2) and for the care of any juvenile ~~10~~ 13 years of age
8 or over who has been placed in a juvenile correctional facility or secured residential
9 care center for children and youth for attempting or committing a violation of s.
10 940.01 or for committing a violation of s. 940.02 or 940.05.

11 **SECTION 57.** 302.31 (7) of the statutes is amended to read:

12 302.31 (7) The temporary placement of persons in the custody of the
13 department, other than ~~persons under 17 years of age~~ minors, and ~~persons who have~~
14 ~~attained the age of 17 years but have not attained~~ adults under the age of 25 years
15 who are under the supervision of the department under s. 938.355 (4) and who have
16 been taken into custody pending revocation of community supervision or aftercare
17 supervision under s. 938.357 (5) (e).

18 **SECTION 58.** 938.02 (1) of the statutes is amended to read:

19 938.02 (1) "Adult" means a person who is 18 years of age or older, ~~except that~~
20 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~
21 ~~any state or federal criminal law or any civil law or municipal ordinance, "adult"~~
22 ~~means a person who has attained 17 years of age.~~

23 **SECTION 59.** 938.02 (3m) of the statutes is amended to read:

24 938.02 (3m) "Delinquent" means a juvenile who is ~~10~~ 13 years of age or older
25 who has violated any state or federal criminal law, except as provided in ss. 938.17,

ASSEMBLY BILL 1036

1 938.18 and 938.183, or who has committed a contempt of court, as defined in s. 785.01
2 (1), as specified in s. 938.355 (6g).

3 **SECTION 60.** 938.02 (10m) of the statutes is amended to read:

4 938.02 (10m) "Juvenile," when used without further qualification, means a
5 person who is less than 18 years of age, ~~except that for purposes of investigating or~~
6 ~~prosecuting a person who is alleged to have violated a state or federal criminal law~~
7 ~~or any civil law or municipal ordinance, "juvenile" does not include a person who has~~
8 ~~attained 17 years of age.~~

9 **SECTION 61.** 938.067 (6m) of the statutes is amended to read:

10 938.067 (6m) MULTIDISCIPLINARY JUVENILE CLASSIFICATION SYSTEM AND
11 MULTIDISCIPLINARY SCREEN. ~~Conduct the multidisciplinary screen~~ Subject to s. 938.24
12 (2) (b), conduct the juvenile classification system under s. 938.549 and, in counties
13 that have a pilot program under s. 938.547, conduct the multidisciplinary screen.

14 **SECTION 62.** 938.12 (1) of the statutes is amended to read:

15 938.12 (1) IN GENERAL. The court has exclusive jurisdiction, except as provided
16 in ss. 938.17, 938.18, and 938.183, over any juvenile ~~10~~ 13 years of age or older who
17 is alleged to be delinquent.

18 **SECTION 63.** 938.12 (2) of the statutes is amended to read:

19 938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition
20 alleging that a juvenile is delinquent is filed before the juvenile ~~is 17 years of age~~
21 becomes an adult, but the juvenile becomes 17 years of age an adult before admitting
22 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before
23 an adjudication, the court retains jurisdiction over the case.

24 **SECTION 64.** 938.13 (12) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 938.13 **(12)** DELINQUENT ACT BEFORE AGE ~~10~~ 13. The juvenile is under ~~10~~ 13 years
2 of age and has committed a delinquent act.

3 **SECTION 65.** 938.18 (1) (a) of the statutes is amended to read:

4 938.18 **(1)** (a) The juvenile is alleged to have violated s. 940.03, 940.06, 940.225
5 ~~(1) or (2)~~, 940.305 (2), 940.31 (1) or (2) (b), 943.10 (2), 943.32 (2), 943.87 or 961.41 (1)
6 on or after the juvenile's 14th 16th birthday.

7 **SECTION 66.** 938.18 (1) (b) of the statutes is amended to read:

8 938.18 **(1)** (b) The juvenile is alleged to have committed a violation on or after
9 the juvenile's 14th 16th birthday at the request of or for the benefit of a criminal gang,
10 as defined in s. 939.22 (9), that would constitute a felony under chs. 939 to 948 or 961
11 if committed by an adult.

12 **SECTION 67.** 938.18 (1) (bm) of the statutes is created to read:

13 938.18 **(1)** (bm) The juvenile is alleged to have committed a violation on or after
14 the juvenile's 14th birthday that would constitute a Class A or Class B felony.

15 **SECTION 68.** 938.18 (1) (c) of the statutes is repealed.

16 **SECTION 69.** 938.18 (2) of the statutes is amended to read:

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

ASSEMBLY BILL 1036

1 **SECTION 70.** 938.183 (1) (intro.) of the statutes is amended to read:

2 938.183 (1) JUVENILES UNDER ADULT COURT JURISDICTION. (intro.)
3 Notwithstanding ss. 938.12 (1) and 938.18, but subject to sub. (1d), courts of criminal
4 jurisdiction have exclusive original jurisdiction over all of the following:

5 **SECTION 71.** 938.183 (1) (am) of the statutes is amended to read:

6 938.183 (1) (am) A juvenile who is alleged to have attempted or committed a
7 violation of s. 940.01 or to have committed a violation of s. 940.02 or 940.05 on or after
8 the juvenile's ~~10th~~ 13th birthday.

9 **SECTION 72.** 938.183 (1d) of the statutes is created to read:

10 938.183 (1d) NONAPPLICABILITY. A court of criminal jurisdiction does not have
11 exclusive original jurisdiction over a juvenile as provided in sub. (1) with respect to
12 any violation committed on or after the effective date of this subsection [LRB
13 inserts date]. A juvenile who is alleged to have committed a violation described in
14 sub. (1) on or after the effective date of this subsection [LRB inserts date], is
15 subject to the jurisdiction of the court assigned to exercise jurisdiction under this
16 chapter as provided in s. 938.12.

17 **SECTION 73.** 938.183 (3) of the statutes is amended to read:

18 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. ~~When~~ Subject to s. 973.013
19 (3m), when a juvenile who is subject to a criminal penalty under sub. (1m) or s.
20 938.183 (2), 2003 stats., ~~attains the age of 17 years~~ becomes an adult, the department
21 of corrections may place the juvenile in a state prison named in s. 302.01, except that
22 that department may not place any person under the age of 18 years in the
23 correctional institution authorized in s. 301.16 (1n). A juvenile who is subject to a
24 criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for an act
25 committed before December 31, 1999, is eligible for parole under s. 304.06.

ASSEMBLY BILL 1036

1 **SECTION 74.** 938.195 (title) of the statutes is amended to read:

2 **938.195** (title) **Recording—custodial Custodial interrogations;**
3 **notification; recording.**

4 **SECTION 75.** 938.195 (1) (a) of the statutes is amended to read:

5 938.195 (1) (a) “Custodial interrogation” ~~has the meaning given in s. 968.073~~
6 (1) (a) means an interrogation by a law enforcement officer or an agent of a law
7 enforcement agency of a juvenile who is suspected to have violated any state or
8 federal criminal law from the time the juvenile is or should be informed of his or her
9 rights to counsel and to remain silent until the questioning ends, during which the
10 officer or agent asks a question that is reasonably likely to elicit an incriminating
11 response and during which a reasonable juvenile of a similar age would believe that
12 he or she is in custody or otherwise deprived of his or her freedom of action in any
13 significant way.

14 **SECTION 76.** 938.195 (1m) of the statutes is created to read:

15 938.195 (1m) NOTIFICATION OF PARENT, GUARDIAN, LEGAL CUSTODIAN, OR INDIAN
16 CUSTODIAN. Prior to conducting a custodial interrogation of a juvenile, the law
17 enforcement agency that intends to conduct the interrogation shall provide notice of
18 that intent to the juvenile’s parent, guardian, legal custodian, or Indian custodian.
19 No law enforcement officer or agent of a law enforcement agency may commence a
20 custodial interrogation of a juvenile until the juvenile’s parent, guardian, legal
21 custodian, or Indian custodian has received that notice.

22 **SECTION 77.** 938.195 (2) (title) of the statutes is amended to read:

23 938.195 (2) (title) **WHEN RECORDING REQUIRED.**

24 **SECTION 78.** 938.195 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 938.195 (2) (a) A law enforcement agency shall make an audio or audio and
2 visual recording of any custodial interrogation of a juvenile that is conducted at a
3 place of detention unless a condition under s. 938.31 (3) (c) ~~1. to 4.~~ 4. or 5. applies.

4 **SECTION 79.** 938.195 (2) (b) of the statutes is amended to read:

5 938.195 (2) (b) If feasible, a law enforcement agency shall make an audio or
6 audio and visual recording of any custodial interrogation of a juvenile that is
7 conducted at a place other than a place of detention unless a condition under s. 938.31
8 (3) (c) ~~1. to 4.~~ 4. or 5. applies.

9 **SECTION 80.** 938.195 (3) (title) of the statutes is amended to read:

10 938.195 (3) (title) NOTICE NOT REQUIRED.

11 **SECTION 81.** 938.195 (3) of the statutes is renumbered 938.195 (3) (a) and
12 amended to read:

13 938.195 (3) (a) A law enforcement officer or agent of a law enforcement agency
14 conducting a custodial interrogation is not required to inform the subject of the
15 interrogation that the officer or agent is making an audio or audio and visual
16 recording of the interrogation.

17 **SECTION 82.** 938.195 (3) (b) of the statutes is created to read:

18 938.195 (3) (b) Prior to conducting a custodial interrogation of a juvenile who
19 has not yet attained the age of 16, a law enforcement officer or agent of a law
20 enforcement agency shall notify the juvenile that he or she is in custody for the
21 purposes of an interrogation.

22 **SECTION 83.** 938.24 (2) (title) and (b) of the statutes are amended to read:

23 938.24 (2) (title) MULTIDISCIPLINARY SCREENS; INTAKE CONFERENCES; PRELIMINARY
24 INQUIRIES; JUVENILE CLASSIFICATION SYSTEM.

ASSEMBLY BILL 1036

1 (b) No juvenile or other person may be compelled by an intake worker to appear
2 at any conference, participate in a multidisciplinary screen or use of the juvenile
3 classification system under s. 938.549, produce any papers, or visit any place.

4 **SECTION 84.** 938.24 (2) (ag) and (ar) of the statutes are created to read:

5 938.24 (2) (ag) As part of the intake inquiry, the intake worker shall make a
6 preliminary inquiry to determine whether the juvenile is eligible for a deferred
7 prosecution agreement under s. 938.245 (1g).

8 (ar) As part of the intake inquiry, the intake worker, after providing notice to
9 the juvenile, parent, guardian, and legal custodian, and if the juvenile has not
10 refused to participate under par. (b), the intake worker shall use the juvenile
11 classification system under s. 938.549.

12 **SECTION 85.** 938.245 (1) of the statutes is renumbered 938.245 (1d).

13 **SECTION 86.** 938.245 (1b) of the statutes is created to read:

14 938.245 (1b) DEFINITION. In this section, “status offense” means a violation of
15 the law that would not be a violation if committed by an adult.

16 **SECTION 87.** 938.245 (1g) of the statutes is created to read:

17 938.245 (1g) WHEN REQUIRED. (a) Unless an intake worker decides to close a
18 case, and except as provided under par. (c) and sub. (6) (b), the intake worker shall
19 enter into a written deferred prosecution agreement with all parties as provided in
20 this section if all of the following apply:

21 1. The juvenile is referred because he or she is alleged to have committed a
22 status offense or an act that would be a misdemeanor if committed by an adult or
23 violated a civil law punishable by forfeiture or a county, town, or other municipal
24 ordinance.

25 2. The juvenile has no more than 2 prior adjudications.

ASSEMBLY BILL 1036

1 3. The juvenile has no more than 3 prior unsuccessful deferred prosecution
2 agreement attempts.

3 4. The juvenile, parent, guardian, and legal custodian consent.

4 (b) For purposes of this subsection, an adjudication or deferred prosecution
5 agreement is an action based on a single episode of conduct that is closely related in
6 time and is incident to an attempt or an accomplishment of a single objective.

7 (c) Notwithstanding par. (a), an intake worker may refer the case to the district
8 attorney if any of the following applies:

9 1. The results of the juvenile classification system indicate the juvenile is high
10 risk.

11 2. The results of the juvenile classification system indicate the juvenile is a
12 moderate risk and the case arises out of an alleged act that would be a Class A
13 misdemeanor in violation of ch. 940 or 941 if committed by an adult.

14 **SECTION 88.** 938.245 (1m) of the statutes is amended to read:

15 938.245 (1m) VICTIMS; RIGHT TO CONFER WITH INTAKE WORKER. If a juvenile is
16 alleged to be delinquent under s. 938.12 or to be in need of protection or services
17 under s. 938.13 (12), an intake worker shall, as soon as practicable but before
18 entering into a deferred prosecution agreement under sub. ~~(1)~~ (1d) or (1g), offer all
19 of the victims of the juvenile's alleged act who have so requested an opportunity to
20 confer with the intake worker concerning the proposed deferred prosecution
21 agreement. The duty to offer an opportunity to confer under this subsection does not
22 limit the obligation of the intake worker to perform his or her responsibilities under
23 this section.

24 **SECTION 89.** 938.245 (2g) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 938.245 (2g) GRAFFITI VIOLATION. If the deferred prosecution agreement is
2 based on an allegation that the juvenile violated s. 943.017 and the juvenile has
3 attained ~~10~~ 13 years of age, the agreement may require that the juvenile participate
4 for not less than 10 hours nor more than 100 hours in a supervised work program
5 under s. 938.34 (5g) or perform not less than 10 hours nor more than 100 hours of
6 other community service work, except that if the juvenile has not attained 14 years
7 of age the maximum number of hours is 40.

8 **SECTION 90.** 938.245 (6) of the statutes is renumbered 938.245 (6) (a) and
9 amended to read:

10 938.245 (6) (a) ~~-A~~ Except as provided under par. (b), a deferred prosecution
11 agreement arising out of an alleged delinquent act is terminated if the district
12 attorney files a delinquency petition within 20 days after receipt of notice of the
13 deferred prosecution agreement under s. 938.24 (5). If a petition is filed, statements
14 made to the intake worker during the intake inquiry are inadmissible.

15 **SECTION 91.** 938.245 (6) (b) of the statutes is created to read:

16 938.245 (6) (b) If a juvenile qualifies for a deferred prosecution agreement
17 under sub. (1g), the district attorney may not file a delinquency petition against the
18 juvenile unless one of the following applies:

19 1. The juvenile or his or her parent, guardian, or legal custodian fails to respond
20 to the intake worker's preliminary inquiry under s. 938.24 (2) (ag) regarding
21 eligibility for a deferred prosecution agreement under sub. (1g) or an offer of a
22 deferred prosecution agreement under sub. (1g).

23 2. The juvenile or his or her parent, guardian, or legal custodian does not
24 consent to the deferred prosecution agreement under sub. (1g).

ASSEMBLY BILL 1036**SECTION 91**

1 3. The juvenile fails to substantially comply with the conditions in the deferred
2 prosecution agreement. Failure to pay a fine or fee may not serve as a basis for filing
3 a petition under this paragraph if the juvenile has substantially complied with the
4 other conditions in the deferred prosecution agreement.

5 4. The intake worker refers the case to the district attorney under sub. (1g) (c).

6 **SECTION 92.** 938.255 (1) (intro.) of the statutes is amended to read:

7 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
8 under this chapter, other than a petition initiating proceedings under s. 938.12,
9 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a
10 person under the age of 18".." A petition initiating proceedings under s. 938.12,
11 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person
12 under the age of 17". juvenile." A petition initiating proceedings under this chapter
13 shall specify all of the following:

14 **SECTION 93.** 938.31 (3) (a) 1. of the statutes is amended to read:

15 938.31 (3) (a) 1. "Custodial interrogation" ~~has the meaning given in s. 968.073~~
16 (1) (a) means an interrogation by a law enforcement officer or an agent of a law
17 enforcement agency of a juvenile who is suspected to have violated any state or
18 federal criminal law from the time the juvenile is or should be informed of his or her
19 rights to counsel and to remain silent until the questioning ends, during which the
20 officer or agent asks a question that is reasonably likely to elicit an incriminating
21 response and during which a reasonable juvenile of a similar age would believe that
22 he or she is in custody or otherwise deprived of his or her freedom of action in any
23 significant way.

24 **SECTION 94.** 938.31 (3) (b) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 938.31 (3) (b) Except as provided under par. (c), a statement made by the
2 juvenile during a custodial interrogation is not admissible in evidence against the
3 juvenile in any court proceeding alleging the juvenile to be delinquent unless the
4 requirements of s. 938.195 have been met and an audio or audio and visual recording
5 of the interrogation was ~~made as required under s. 938.195 (2)~~ and is available.

6 **SECTION 95.** 938.31 (3) (c) (intro.) of the statutes is amended to read:

7 938.31 (3) (c) (intro.) A juvenile's statement is not inadmissible in evidence
8 under par. (b) if any of the following applies ~~or if other good cause exists for not~~
9 ~~suppressing a juvenile's statement under par. (b):~~

10 **SECTION 96.** 938.31 (3) (c) 1. of the statutes is repealed.

11 **SECTION 97.** 938.31 (3) (c) 2. of the statutes is repealed.

12 **SECTION 98.** 938.31 (3) (c) 3. of the statutes is repealed.

13 **SECTION 99.** 938.31 (3) (c) 5. of the statutes is amended to read:

14 938.31 (3) (c) 5. Exigent public safety circumstances existed that prevented
15 notification under s. 938.195 (1m) or prevented the making of an audio or audio and
16 visual recording or rendered the making of such a recording infeasible.

17 **SECTION 100.** 938.32 (1x) of the statutes is amended to read:

18 938.32 (1x) SUPERVISED WORK PROGRAM. If the petition alleges that the juvenile
19 violated s. 943.017 and the juvenile has attained ~~10~~ 13 years of age, the court may
20 require, as a condition of the consent decree, that the juvenile participate for not less
21 than 10 hours nor more than 100 hours in a supervised work program under s. 938.34
22 (5g) or perform not less than 10 hours nor more than 100 hours of other community
23 service work, except that if the juvenile has not attained 14 years of age the
24 maximum number of hours is a total of 40 under the consent decree.

25 **SECTION 101.** 938.34 (4h) (a) of the statutes is amended to read:

ASSEMBLY BILL 1036**SECTION 101**

1 938.34 (4h) (a) The juvenile is ~~14~~ 16 years of age or over and has been
2 adjudicated delinquent for committing ~~or conspiring to commit~~ a violation of s.
3 ~~939.31~~, 939.32 (1) (a), 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327
4 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30
5 (2) or attempting a violation of s. 943.32 (2) or the juvenile is ~~10~~ 13 years of age or
6 over and has been adjudicated delinquent for attempting or committing a violation
7 of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

8 **SECTION 102.** 938.34 (8) of the statutes is amended to read:

9 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
10 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.
11 The maximum forfeiture that the court may impose under this subsection for a
12 violation by a juvenile is the maximum amount of the fine that may be imposed on
13 an adult for committing that violation or, if the violation is applicable only to ~~a person~~
14 ~~under 18 years of age~~ juveniles, \$100. The order shall include a finding that the
15 juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months
16 for payment. If the juvenile fails to pay the forfeiture, the court may vacate the
17 forfeiture and order other alternatives under this section; or the court may suspend
18 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
19 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
20 than 2 years. If the court suspends any license under this subsection, the clerk of the
21 court shall immediately take possession of the suspended license if issued under ch.
22 29 or, if the license is issued under ch. 343, the court may take possession of, and if
23 possession is taken, shall destroy, the license. The court shall forward to the
24 department ~~which~~ that issued the license a notice of suspension stating that the
25 suspension is for failure to pay a forfeiture imposed by the court, together with any

ASSEMBLY BILL 1036

1 license issued under ch. 29 of which the court takes possession. If the forfeiture is
2 paid during the period of suspension, the suspension shall be reduced to the time
3 period ~~which~~ that has already elapsed and the court shall immediately notify the
4 department, which shall then, if the license is issued under ch. 29, return the license
5 to the juvenile. Any recovery under this subsection shall be reduced by the amount
6 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

7 **SECTION 103.** 938.343 (2) of the statutes is amended to read:

8 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
9 forfeiture that may be imposed on an adult for committing that violation or, if the
10 violation is only applicable to ~~a person under 18 years of age juveniles~~, \$50. The
11 order shall include a finding that the juvenile alone is financially able to pay and
12 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,
13 the court may suspend any license issued under ch. 29 or suspend the juvenile's
14 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court
15 shall immediately take possession of the suspended license if issued under ch. 29 or,
16 if the license is issued under ch. 343, the court may take possession of, and if
17 possession is taken, shall destroy, the license. The court shall forward to the
18 department ~~which~~ that issued the license the notice of suspension stating that the
19 suspension is for failure to pay a forfeiture imposed by the court, together with any
20 license issued under ch. 29 of which the court takes possession. If the forfeiture is
21 paid during the period of suspension, the court shall immediately notify the
22 department, which shall, if the license is issued under ch. 29, return the license to
23 the person. Any recovery under this subsection shall be reduced by the amount
24 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

25 **SECTION 104.** 938.344 (3) of the statutes is amended to read:

ASSEMBLY BILL 1036

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 birthday becoming an
3 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,
4 at the request of the district attorney or on its own motion, dismiss the citation
5 without prejudice and refer the matter to the district attorney for prosecution under
6 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.
7 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or
8 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

9 **SECTION 105.** 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) shall bar any future proceeding on the same matter
13 in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This
14 subsection does not affect proceedings in criminal court that have been transferred
15 under s. 938.18.

16 **SECTION 106.** 938.355 (4) (am) 3. of the statutes is repealed.

17 **SECTION 107.** 938.355 (4) (am) 4. of the statutes is amended to read:

18 938.355 (4) (am) 4. The date on which the juvenile is ~~granted a high school or~~
19 ~~high school equivalency diploma or the date on which the juvenile~~ attains 21 years
20 of age, ~~whichever occurs first~~, if the juvenile is a full-time student at a secondary
21 school or its vocational or technical equivalent and ~~if an individualized education~~
22 ~~program under s. 115.787 is in effect for the juvenile~~ is reasonably expected to
23 complete the program before attaining 21 years of age; is enrolled in an institution
24 that provides postsecondary or vocational education; is participating in a program
25 or activity designed to promote, or remove barriers to, employment; is employed for

ASSEMBLY BILL 1036

1 at least 80 hours per month; or is incapable of doing any of those activities due to a
2 medical condition, which incapacity is supported by regularly updated information
3 in the juvenile's permanency plan. The court may not grant an order that terminates
4 as provided in this subdivision unless the juvenile is 17 years of age or older when
5 the order is granted and the juvenile, or the juvenile's guardian on behalf of the
6 juvenile, agrees to the order. At any time after the juvenile attains 18 years of age,
7 the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the
8 court in writing to terminate the order and, on receipt of such a request, the court,
9 without a hearing, shall terminate the order.

10 **SECTION 108.** 938.355 (4) (b) of the statutes is amended to read:

11 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
12 or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years
13 after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday,
14 whichever is earlier, unless the court specifies a shorter period of time or the court
15 terminates the order sooner. If the order does not specify a termination date, it shall
16 apply for one year after the date on which the order is granted or until the juvenile's
17 ~~18th~~ 19th birthday, whichever is earlier, unless the court terminates the order
18 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
19 the juvenile attains 18 years of age shall apply for 5 years after the date on which the
20 order is granted, if the juvenile is adjudicated delinquent for committing a violation
21 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
22 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
23 juvenile is adjudicated delinquent for committing an act that would be punishable
24 as a Class A felony if committed by an adult. Except as provided in s. 938.368, an
25 extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile

ASSEMBLY BILL 1036**SECTION 108**

1 ~~attains 17 years of age~~ becomes an adult shall terminate at the end of one year after
2 the date on which the order is granted unless the court specifies a shorter period of
3 time or the court terminates the order sooner. No extension under s. 938.365 of an
4 original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted
5 for a juvenile who is ~~17 years of age or older when~~ becomes an adult by the time the
6 original dispositional order terminates.

7 **SECTION 109.** 938.355 (4m) (a) of the statutes is amended to read:

8 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
9 1993 stats., or s. 938.12 may, on ~~attaining 17 years of age~~ becoming an adult, petition
10 the court to expunge the court's record of the juvenile's adjudication. Subject to par.
11 (b), the court may expunge the record if the court determines that the juvenile has
12 satisfactorily complied with the conditions of his or her dispositional order and that
13 the juvenile will benefit from, and society will not be harmed by, the expungement.

14 **SECTION 110.** 938.357 (6) (a) 3. of the statutes is repealed.

15 **SECTION 111.** 938.357 (6) (a) 4. of the statutes is amended to read:

16 938.357 (6) (a) 4. The date on which the juvenile is ~~granted a high school or high~~
17 ~~school equivalency diploma or the date on which the juvenile~~ attains 21 years of age,
18 ~~whichever occurs first~~, if the juvenile is a full-time student at a secondary school or
19 its vocational or technical equivalent and ~~if an individualized education program~~
20 ~~under s. 115.787 is in effect for the juvenile~~ is reasonably expected to complete the
21 program before attaining 21 years of age; is enrolled in an institution that provides
22 postsecondary or vocational education; is participating in a program or activity
23 designed to promote, or remove barriers to, employment; is employed for at least 80
24 hours per month; or is incapable of doing any of those activities due to a medical
25 condition, which incapacity is supported by regularly updated information in the

ASSEMBLY BILL 1036

1 juvenile's permanency plan. The court may not grant an order that terminates as
2 provided in this subdivision unless the juvenile is 17 years of age or older when the
3 order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile,
4 agrees to the order. At any time after the juvenile attains 18 years of age, the
5 juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court
6 in writing to terminate the order and, on receipt of such a request, the court, without
7 a hearing, shall terminate the order.

8 **SECTION 112.** 938.365 (5) (b) 3. of the statutes is repealed.

9 **SECTION 113.** 938.365 (5) (b) 4. of the statutes is amended to read:

10 938.365 (5) (b) 4. The date on which the juvenile is granted a high school or high
11 school equivalency diploma or the date on which the juvenile attains 21 years of age,
12 whichever occurs first, if the juvenile is a full-time student at a secondary school or
13 its vocational or technical equivalent and if an individualized education program
14 under s. 115.787 is in effect for the juvenile is reasonably expected to complete the
15 program before attaining 21 years of age; is enrolled in an institution that provides
16 postsecondary or vocational education; is participating in a program or activity
17 designed to promote, or remove barriers to, employment; is employed for at least 80
18 hours per month; or is incapable of doing any of those activities due to a medical
19 condition, which incapacity is supported by regularly updated information in the
20 juvenile's permanency plan. The court may not grant an order that terminates as
21 provided in this subdivision unless the juvenile is 17 years of age or older when the
22 order is granted and the juvenile, or the juvenile's guardian on behalf of the juvenile,
23 agrees to the order. At any time after the juvenile attains 18 years of age, the
24 juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court

ASSEMBLY BILL 1036**SECTION 113**

1 in writing to terminate the order and, on receipt of such a request, the court, without
2 a hearing, shall terminate the order.

3 **SECTION 114.** 938.366 (1) (intro.) of the statutes is amended to read:

4 938.366 (1) APPLICABILITY. (intro.) This section applies to a person who is a
5 full-time student of a secondary school or its vocational or technical equivalent, for
6 whom an individualized education program under s. 115.787 is in effect, and
7 described in sub. (1m) to whom any of the following applies:

8 **SECTION 115.** 938.366 (1) (a) of the statutes is amended to read:

9 938.366 (1) (a) The person is placed in a foster home, group home, or residential
10 care center for children and youth, in the home of a relative other than a parent, or
11 in a supervised independent living arrangement under an order under s. 938.355,
12 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3. or
13 2., 938.357 (6) (a) 1., 2., or 3. or 2., or 938.365 (5) (b) 1., 2., or 3. or 2. on or after the
14 person attains 18 years of age.

15 **SECTION 116.** 938.366 (1m) of the statutes is created to read:

16 938.366 (1m) DURATION OF ELIGIBILITY. A person may continue in out-of-home
17 care under a voluntary agreement under sub. (3) until the person attains 21 years
18 of age if the person is a full-time student at a secondary school or its vocational or
19 technical equivalent and is reasonably expected to complete the program before
20 attaining 21 years of age; is enrolled in an institution that provides postsecondary
21 or vocational education; is participating in a program or activity designed to promote,
22 or remove barriers to, employment; is employed for at least 80 hours per month; or
23 is incapable of doing any of those activities due to a medical condition, which
24 incapacity is supported by regularly updated information in the person's
25 permanency plan.

ASSEMBLY BILL 1036

1 **SECTION 117.** 938.366 (2) (b) 4. of the statutes is amended to read:

2 938.366 **(2)** (b) 4. If the court determines that the person who is the subject of
3 an order described in sub. (1) (a) understands that he or she may continue in
4 out-of-home care, but wishes to be discharged from that care on termination of the
5 order, the court shall advise the person that he or she may enter into a voluntary
6 agreement under sub. (3) at any time before he or she is ~~granted a high school or high~~
7 ~~school equivalency diploma or reaches~~ attains 21 years of age, ~~whichever occurs first,~~
8 so long as he or she is ~~a full-time student at a secondary school or its vocational or~~
9 ~~technical equivalent and an individualized education program under s. 115.787 is in~~
10 ~~effect for him or her~~ meets any of the conditions for eligibility described in sub. (1m).
11 If the court determines that the person wishes to continue in out-of-home care under
12 an extension of the order described in sub. (1) (a), the court shall schedule an
13 extension hearing under s. 938.365. If the court determines that the person wishes
14 to continue in out-of-home care under a voluntary agreement under sub. (3), the
15 court shall order the agency primarily responsible for providing services to the
16 person under the order to provide transition-to-independent-living services for the
17 person under that voluntary agreement.

18 **SECTION 118.** 938.366 (3) (a) of the statutes is amended to read:

19 938.366 **(3)** (a) On termination of an order described in sub. (1) (a), the person
20 who is the subject of the order, or the person's guardian on behalf of the person, and
21 the agency primarily responsible for providing services to the person under the order
22 may enter into a transition-to-independent-living agreement under which the
23 person continues in out-of-home care ~~and continues to be a full-time student at a~~
24 ~~secondary school or its vocational or technical equivalent under an individualized~~
25 ~~education program under s. 115.787~~ until the date on which the person reaches

ASSEMBLY BILL 1036**SECTION 118**

1 attains 21 years of age, ~~is granted a high school or high school equivalency diploma~~
2 no longer meets any of the conditions for eligibility described in sub. (1m), or
3 terminates the agreement as provided in par. (b), whichever occurs first, and the
4 agency provides services to the person to assist him or her in transitioning to
5 independent living.

6 **SECTION 119.** 938.366 (3) (c) of the statutes is amended to read:

7 938.366 **(3)** (c) A person who terminates a voluntary agreement under this
8 subsection, or the person's guardian on the person's behalf, may request the agency
9 primarily responsible for providing services to the person under the agreement to
10 enter into a new voluntary agreement under this subsection at any time before the
11 person ~~is granted a high school or high school equivalency diploma or reaches~~ attains
12 21 years of age, ~~whichever occurs first~~, so long as the person is a ~~full-time student~~
13 ~~at a secondary school or its vocational or technical equivalent and an individualized~~
14 ~~education program under s. 115.787 is in effect for him or her~~ meets any of the
15 conditions for eligibility described in sub. (1m). If the request meets the conditions
16 set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new
17 voluntary agreement with that person.

18 **SECTION 120.** 938.39 of the statutes is amended to read:

19 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
20 court of any violation of state law within its jurisdiction under s. 938.12 bars any
21 future criminal proceeding on the same matter in circuit court when the juvenile
22 ~~reaches the age of 17~~ becomes an adult. This section does not affect criminal
23 proceedings in circuit court that were transferred under s. 938.18.

24 **SECTION 121.** 938.396 (1) (b) 5. of the statutes is amended to read:

ASSEMBLY BILL 1036

1 subsection does not prohibit prosecution of violations of s. 948.40 without the prior
2 reference by the court to the district attorney.

3 **SECTION 126.** 938.48 (4m) (title) of the statutes is amended to read:

4 938.48 (**4m**) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17 WHO~~
5 BECOME ADULTS.

6 **SECTION 127.** 938.48 (4m) (a) of the statutes is amended to read:

7 938.48 (**4m**) (a) Is ~~at least 17 years of age~~ an adult.

8 **SECTION 128.** 938.48 (4m) (b) of the statutes, as affected by 2019 Wisconsin Act
9 8, is amended to read:

10 938.48 (**4m**) (b) Was under the supervision of the department under s. 938.183,
11 938.34 (4h), or 938.357 (3) or (4) when the person ~~reached 17 years of age~~ became an
12 adult.

13 **SECTION 129.** 938.48 (14) of the statutes, as affected by 2019 Wisconsin Act 8,
14 is amended to read:

15 938.48 (**14**) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17 WHO BECOME~~
16 ADULTS. Pay maintenance, tuition, and related expenses from the appropriation
17 under s. 20.410 (3) (ho) for persons who, when they ~~attained 17 years of age~~ became
18 adults, were students regularly attending a school, college, or university or regularly
19 attending a course of vocational or technical training designed to prepare them for
20 gainful employment, and who upon ~~attaining that age~~ becoming adults were under
21 the supervision of the department under s. 938.183, 938.34 (4h), or 938.357 (3) or (4)
22 as a result of a judicial decision.

23 **SECTION 130.** 938.52 (1) (d) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 938.52 (1) (d) Institutions, facilities, and services, including forestry or
2 conservation camps, for the training and treatment of juveniles ~~10~~ 13 years of age
3 or older who have been adjudged delinquent.

4 **SECTION 131.** 938.532 of the statutes is created to read:

5 **938.532 Multisystemic therapy. (1)** In this section, “multisystemic therapy”
6 means an intensive and ongoing family-based and community-based treatment
7 that addresses multiple factors that lead to antisocial behavior in juveniles and that
8 is delivered in a juvenile’s home, school, or community.

9 **(2)** The department shall license multisystemic therapy providers who provide
10 services under sub. (3).

11 **(3)** The department shall contract for or provide multisystemic therapy for a
12 juvenile for whom this treatment has been ordered under s. 938.34.

13 **(4)** The department shall promulgate rules to implement this section and to
14 govern the licensing, training, and qualification requirements for a person who
15 provides multisystemic therapy under sub. (3).

16 **SECTION 132.** 938.545 of the statutes is created to read:

17 **938.545 Diversion services grant program. (1)** The department of
18 children and families may make grants available to counties or Indian tribes to
19 enable them to establish and operate evidence-based programs that provide services
20 to juveniles as a method of diverting them from coming under the jurisdiction of the
21 court.

22 **(2)** The department of children and families may make the grants for the
23 programs specified in sub. (1) within the availability of funding under s. 20.437 (1)
24 (be).

ASSEMBLY BILL 1036

1 **(3)** A county or Indian tribe that operates a program funded under this section
2 shall do all of the following:

3 (a) Establish eligibility criteria for a juvenile's participation in the program.

4 (b) Provide services to program participants that are consistent with
5 evidence-based practices in treatment and prevention services needed by those
6 participants and intensive case management services.

7 **(4)** A county or Indian tribe that receives a grant under this section shall
8 submit data requested by the department of children and families to the department
9 of children and families each quarter. The department of children and families may
10 request any data regarding a program funded under this section that is necessary
11 to evaluate the program and prepare the reports under subs. (5) and (6).

12 **(5)** The department of children and families shall, annually, analyze the data
13 submitted under sub. (4) for the previous year and prepare a progress report that
14 evaluates the effectiveness of the grant program. The department of children and
15 families shall make the report available to the public.

16 **(6)** The department of children and families shall, every 5 years, prepare a
17 comprehensive report that analyzes the data submitted under sub. (4) for the
18 previous 5 years. The department of children and families shall submit the report
19 to the legislature under s. 13.172 (2).

20 **(7)** A county or Indian tribe may, together with one or more counties or Indian
21 tribes, jointly apply for and receive a grant under this section. A joint application
22 shall include a written agreement specifying the role of each county or Indian tribe
23 in developing, administering, and evaluating the program.

24 **SECTION 133.** 938.549 (2) (intro.), (b) and (c) of the statutes are renumbered
25 938.549 (2) (bg) (intro.), 1. and 2.

ASSEMBLY BILL 1036

1 **SECTION 134.** 938.549 (2) (a) of the statutes is renumbered 938.549 (2) (br) and
2 amended to read:

3 938.549 (2) (br) At the time of an intake inquiry, subject to s. 938.24 (2), a county
4 shall use the juvenile classification system to determine whether to close a case,
5 enter into a deferred prosecution agreement, or refer the case to the district attorney.

6 **SECTION 135.** 938.57 (3) (title) of the statutes is amended to read:

7 938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME
8 ADULTS.

9 **SECTION 136.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

10 938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),
11 counties may provide funding for the maintenance of any juvenile person who meets
12 all of the following qualifications:

13 **SECTION 137.** 938.57 (3) (a) 1. of the statutes is amended to read:

14 938.57 (3) (a) 1. Is ~~17 years of age or older~~ an adult.

15 **SECTION 138.** 938.57 (3) (a) 3. of the statutes is amended to read:

16 938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to
17 ~~his or her 17th birthday~~ becoming an adult.

18 **SECTION 139.** 938.57 (3) (b) of the statutes is amended to read:

19 938.57 (3) (b) The funding provided for the maintenance of a juvenile person
20 under par. (a) shall be in an amount equal to that which the juvenile person would
21 receive under s. 48.569 (1) (d) if the person were a juvenile ~~were 16 years of age.~~

22 **SECTION 140.** 939.632 (1) (e) 1. of the statutes is amended to read:

23 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
24 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,
25 940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)

ASSEMBLY BILL 1036

1 or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055,
2 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1.
3 b. applies.

4 **SECTION 141.** 939.632 (1) (e) 3. of the statutes is amended to read:

5 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
6 ~~(2)~~, 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

7 **SECTION 142.** 946.50 (intro.) of the statutes is amended to read:

8 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
9 who intentionally fails to appear before the court assigned to exercise jurisdiction
10 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
11 does not return to that court for a dispositional hearing before ~~attaining the age of~~
12 ~~17 years~~ becoming an adult is guilty of the following:

13 **SECTION 143.** 948.01 (1) of the statutes is amended to read:

14 948.01 (1) "Child" means a person who has not attained the age of 18 years,
15 ~~except that for purposes of prosecuting a person who is alleged to have violated a~~
16 ~~state or federal criminal law, "child" does not include a person who has attained the~~
17 ~~age of 17 years.~~

18 **SECTION 144.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

19 948.11 (2) (am) (intro.) ~~Any person who has attained the age of 17 and adult~~
20 who, with knowledge of the character and content of the description or narrative
21 account, verbally communicates, by any means, a harmful description or narrative
22 account to a child, with or without monetary consideration, is guilty of a Class I
23 felony if any of the following applies:

24 **SECTION 145.** 948.40 (1) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 948.40 (1) No person may intentionally encourage or contribute to the
2 delinquency of a child. This subsection includes intentionally encouraging or
3 contributing to an act by a child under the age of ~~10~~ 13 which would be a delinquent
4 act if committed by a child ~~10~~ 13 years of age or older.

5 **SECTION 146.** 948.40 (2) of the statutes is amended to read:

6 948.40 (2) No person responsible for the child's welfare may, by disregard of the
7 welfare of the child, contribute to the delinquency of the child. This subsection
8 includes disregard that contributes to an act by a child under the age of ~~10~~ 13 that
9 would be a delinquent act if committed by a child ~~10~~ 13 years of age or older.

10 **SECTION 147.** 948.45 (1) of the statutes is amended to read:

11 948.45 (1) Except as provided in sub. (2), any ~~person 17 years of age or older~~
12 adult who, by any act or omission, knowingly encourages or contributes to the
13 truancy, as defined under s. 118.16 (1) (c), of a ~~person 17 years of age or under~~ child
14 is guilty of a Class C misdemeanor.

15 **SECTION 148.** 948.60 (2) (d) of the statutes is amended to read:

16 948.60 (2) (d) A ~~person under 17 years of age~~ child who has violated this
17 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under
18 s. 938.18 ~~or the person is subject to the jurisdiction of a court of criminal jurisdiction~~
19 ~~under s. 938.183.~~

20 **SECTION 149.** 948.61 (4) of the statutes is amended to read:

21 948.61 (4) A ~~person under 17 years of age~~ child who has violated this section
22 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18
23 ~~or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.~~
24 ~~938.183.~~

25 **SECTION 150.** 961.455 (title) of the statutes is amended to read:

ASSEMBLY BILL 1036

1 **961.455** (title) **Using a ~~child~~ minor for illegal drug distribution or**
2 **manufacturing purposes.**

3 **SECTION 151.** 961.455 (1) of the statutes is amended to read:

4 961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who
5 knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of~~
6 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

7 **SECTION 152.** 961.455 (2) of the statutes is amended to read:

8 961.455 (2) The knowledge requirement under sub. (1) does not require proof
9 of knowledge of the age of the ~~child~~ minor. It is not a defense to a prosecution under
10 this section that the actor mistakenly believed that the person solicited, hired,
11 directed, employed, or used under sub. (1) had attained the age of 18 years, even if
12 the mistaken belief was reasonable.

13 **SECTION 153.** 961.46 of the statutes is amended to read:

14 **961.46 Distribution to ~~persons under age 18~~ minors.** ~~If a person 17 years~~
15 ~~of age or over~~ an adult violates s. 961.41 (1) by distributing or delivering a controlled
16 substance or a controlled substance analog to a ~~person 17 years of age or under~~ minor
17 who is at least 3 years his or her junior, the applicable maximum term of
18 imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not
19 more than 5 years.

20 **SECTION 154.** 961.573 (2) of the statutes is amended to read:

21 961.573 (2) Any ~~person~~ minor who violates sub. (1) ~~who is under 17 years of age~~
22 is subject to a disposition under s. 938.344 (2e).

23 **SECTION 155.** 961.574 (2) of the statutes is amended to read:

24 961.574 (2) Any ~~person~~ minor who violates sub. (1) ~~who is under 17 years of age~~
25 is subject to a disposition under s. 938.344 (2e).

ASSEMBLY BILL 1036

1 **SECTION 156.** 961.575 (1) of the statutes is amended to read:

2 961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)
3 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor who is
4 at least 3 years younger than the violator may be fined not more than \$10,000 or
5 imprisoned for not more than 9 months or both.

6 **SECTION 157.** 961.575 (2) of the statutes is amended to read:

7 961.575 (2) Any person minor who violates this section ~~who is under 17 years~~
8 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

9 **SECTION 158.** 961.575 (3) of the statutes is amended to read:

10 961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)
11 by delivering drug paraphernalia to a person ~~17 years of age or under~~ minor is guilty
12 of a Class G felony.

13 **SECTION 159.** 970.032 (3) of the statutes is created to read:

14 970.032 (3) This section does not apply to a violation committed on or after the
15 effective date of this subsection [LRB inserts date].

16 **SECTION 160.** 971.31 (13) (c) of the statutes is created to read:

17 971.31 (13) (c) This subsection does not apply to a violation committed on or
18 after the effective date of this paragraph [LRB inserts date].

19 **SECTION 161.** 990.01 (3) of the statutes is amended to read:

20 990.01 (3) ADULT. "Adult" means a person who has attained the age of 18 years,
21 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~
22 ~~have violated any state or federal criminal law or any civil law or municipal~~
23 ~~ordinance,~~ "adult" means a person who has attained the age of 17 years.

24 **SECTION 162.** 990.01 (20) of the statutes is amended to read:

ASSEMBLY BILL 1036**SECTION 162**

1 990.01 (20) MINOR. “Minor” means a person who has not attained the age of
2 18 years, ~~except that for purposes of investigating or prosecuting a person who is~~
3 ~~alleged to have violated a state or federal criminal law or any civil law or municipal~~
4 ~~ordinance, “minor” does not include a person who has attained the age of 17 years.~~

SECTION 163. Nonstatutory provisions.

6 (1) CRIMINAL HISTORY AND CHILD ABUSE RECORD SEARCHES.

7 (a) Notwithstanding s. 48.685 (1) (bm), for the purposes of conducting a
8 criminal history and child abuse record search under s. 48.685, “nonclient resident”
9 includes a person who has attained 10 years of age on the effective date of this
10 paragraph.

11 (b) Notwithstanding s. 48.686 (1) (bm), for the purposes of conducting a
12 criminal history and child abuse record search under s. 48.686, “household member”
13 includes a person who has attained 10 years of age on the effective date of this
14 paragraph.

15 (2) SEVENTEEN-YEAR-OLD JUVENILE JUSTICE AIDS. The department of children and
16 families shall consult with county representatives to determine eligible expenses to
17 be reimbursed under s. 48.5275.

18 (3) EXTENDED OUT-OF-HOME CARE TO AGE 21; RULES.

19 (a) *Permanent rules.* The department of children and families shall present the
20 statement of scope of the rules required under ss. 48.366 (4) and 938.366 (4) to the
21 governor for approval under s. 227.135 (2) no later than the 30th day after the
22 effective date of this paragraph. The department of children and families shall
23 submit in proposed form the rules required under ss. 48.366 (4) and 938.366 (4) to
24 the legislative council staff under s. 227.15 (1) no later than the first day of the 4th
25 month beginning after the governor approves the statement of scope for the rules.

ASSEMBLY BILL 1036

1 (b) *Emergency rules.* Using the procedure under s. 227.24, the department of
2 children and families may promulgate the rules required under ss. 48.366 (4) and
3 938.366 (4) for the period before the effective date of the rules submitted under
4 paragraph (a), but not to exceed the period authorized under s. 227.24 (1) (c), subject
5 to extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3),
6 the department of children and families is not required to provide evidence that
7 promulgating a rule under this paragraph as an emergency rule is necessary for the
8 preservation of the public peace, health, safety, or welfare and is not required to
9 provide a finding of emergency for a rule promulgated under this paragraph.

SECTION 164. Initial applicability.

11 (1) AGE OF JUVENILE COURT JURISDICTION, AGE OF JUVENILE DELINQUENCY,
12 ELIMINATION OF ORIGINAL ADULT COURT JURISDICTION OVER A JUVENILE, AND WAIVER OF
13 JUVENILE COURT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), 48.396 (1),
14 48.44, 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3)
15 (bt), 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 301.26 (4) (cm) 1., 302.31 (7),
16 938.02 (1), (3m), and (10m), 938.12 (1) and (2), 938.13 (12), 938.18 (1) (a), (b), (bm),
17 and (c) and (2), 938.183 (1) (intro.), (1d), and (3), 938.245 (2g), 938.255 (1) (intro.),
18 938.32 (1x), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m), 938.355 (4) (b) and (4m)
19 (a), 938.39, 938.396 (1) (b) 5., 938.44, 938.45 (1) (a) and (3), 938.48 (4m) (title), (a),
20 and (b) and (14), 938.52 (1) (d), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b), 939.632
21 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.40 (1) and (2),
22 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46, 961.573 (2),
23 961.574 (2), 961.575 (1), (2), and (3), 970.032 (3), 971.31 (13) (c), and 990.01 (3) and
24 (20), subch. IX (title) of ch. 48, and subch. IX (title) of ch. 938 first applies to a juvenile
25 who is alleged to be delinquent on the effective date of this subsection.

