



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3256/2
EAW:wlj

2017 ASSEMBLY BILL 660

November 22, 2017 - Introduced by Representatives BORN, NYGREN, KESSLER, BERCEAU, BILLINGS, E. BROOKS, CROWLEY, GENRICH, GOYKE, HINTZ, KOLSTE, KULP, LOUDENBECK, MURSAU, NOVAK, QUINN, RIPP, ROHRKASTE, SHANKLAND, SPIROS, SPREITZER, SUBECK, C. TAYLOR and TITTL, cosponsored by Senators PETROWSKI, L. TAYLOR and JOHNSON. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to renumber and amend** 48.02 (1d), 48.02 (2), 938.02 (1), 938.02 (10m),
2 938.355 (4) (b), 948.01 (1), 990.01 (3) and 990.01 (20); **to amend** subchapter IX
3 (title) of chapter 48 [precedes 48.44], 48.44, 48.45 (1) (a), 48.45 (1) (am), 48.45
4 (3), 118.163 (4), 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1.,
5 165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a), 302.31 (7), 938.12 (2), 938.18 (2),
6 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m),
7 938.355 (4m) (a), 938.39, subchapter IX (title) of chapter 938 [precedes 938.44],
8 938.44, 938.45 (1) (a), 938.45 (3), 938.48 (4m) (title), 938.48 (4m) (a), 938.48 (4m)
9 (b), 938.48 (14), 938.57 (3) (title), 938.57 (3) (a) (intro.), 938.57 (3) (a) 1., 938.57
10 (3) (a) 3., 938.57 (3) (b), 939.632 (1) (e) 1., 939.632 (1) (e) 3., 946.50 (intro.),
11 948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (1), 961.46,
12 961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2) and 961.575 (3); and **to create**
13 20.437 (1) (ck), 48.02 (1d) (a), 48.02 (1d) (b), 48.02 (2) (a), 48.02 (2) (b), 938.02
14 (1) (a), 938.02 (1) (b), 938.02 (10m) (a), 938.02 (10m) (b), 938.355 (4) (b) 2.,

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1 938.487, 948.01 (1) (a), 948.01 (1) (b), 990.01 (3) (a), 990.01 (3) (b), 990.01 (20)
2 (a) and 990.01 (20) (b) of the statutes; **relating to:** the age at which a person
3 is subject to juvenile court jurisdiction and making appropriations.

Analysis by the Legislative Reference Bureau

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 if the person has not been charged with committing certain violent offenses and has not, after previously being convicted of a crime or adjudicated delinquent, been charged with a crime.

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.

The 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 if the person has not been alleged, in a complaint or citation filed with the court, to have violated a civil law or municipal ordinance after previously being convicted of a crime or adjudicated delinquent.

Under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code.

The bill appropriates \$5,000,000 in fiscal year 2018-19 to the Department of Children and Families to reimburse counties for the cost of providing juvenile delinquency-related services to 17-year-olds and requires DCF to work with county departments to develop a plan to distribute the funds. The plan must be submitted to the Joint Committee on Finance for passive review. If the cost to counties exceeds \$5,000,000, the bill requires DCF to request up to \$5,000,000 in additional funding from JCF in fiscal year 2018-19. The bill also requires DCF, in collaboration with the counties, and by no later than October 30, 2019, to submit a report to JCF on the cost of providing juvenile delinquency-related services to 17-year-olds during the first year of implementation of the bill.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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

2017-18 2018-19

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

4 (1) CHILDREN AND FAMILY SERVICES

5 (ck) *Juvenile delinquency-related ser-*

6 *VICES for 17-year-olds* GPR A -0- \$5,000,000

7 **SECTION 2.** 20.437 (1) (ck) of the statutes is created to read:

8 20.437 (1) (ck) *Juvenile delinquency-related services for 17-year-olds.* The
9 amounts in the schedule for reimbursement to counties under s. 938.487 for the cost
10 of purchasing and providing juvenile delinquency-related services to 17-year-olds.

11 **SECTION 3.** 48.02 (1d) of the statutes is renumbered 48.02 (1d) (intro.) and
12 amended to read:

13 48.02 (1d) (intro.) “Adult” means a person who is 18 years of age or older, except
14 that, for purposes of investigating or prosecuting a person who is alleged to have
15 violated any state or federal criminal law or any civil law or municipal ordinance,
16 “adult” means includes a person who has attained 17 years of age. for whom any of
17 the following applies:

18 **SECTION 4.** 48.02 (1d) (a) of the statutes is created to read:

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1 48.02 **(1d)** (a) The person is alleged, in a criminal complaint filed under s.
2 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or
3 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)
4 (b), (bm), (c), or (d).

5 **SECTION 5.** 48.02 (1d) (b) of the statutes is created to read:

6 48.02 **(1d)** (b) The person has previously been convicted of a crime or
7 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02
8 or under federal law to have committed a crime, alleged in a complaint filed under
9 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have
10 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation
11 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal
12 ordinance.

13 **SECTION 6.** 48.02 (2) of the statutes is renumbered 48.02 (2) (intro.) and
14 amended to read:

15 48.02 **(2)** (intro.) “Child,” when used without further qualification, means a
16 person who is less than 18 years of age, except that, for purposes of investigating or
17 prosecuting a person who is alleged to have violated a state or federal criminal law
18 or any civil law or municipal ordinance, “child” does not include a person who has
19 attained 17 years of age. for whom any of the following applies:

20 **SECTION 7.** 48.02 (2) (a) of the statutes is created to read:

21 48.02 **(2)** (a) The person is alleged, in a criminal complaint filed under s. 968.02,
22 to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any
23 misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b),
24 (bm), (c), or (d).

25 **SECTION 8.** 48.02 (2) (b) of the statutes is created to read:

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1 48.02 (2) (b) The person has previously been convicted of a crime or adjudicated
2 delinquent and is alleged in a criminal complaint filed under s. 968.02 or under
3 federal law to have committed a crime, alleged in a complaint filed under s. 23.65 or
4 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have violated a civil
5 law punishable by a forfeiture, or alleged in a complaint or citation filed with or
6 transmitted to the court under s. 800.01 (1) to have violated a municipal ordinance.

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

9 **CHAPTER 48**

10 SUBCHAPTER IX

11 JURISDICTION OVER ~~PERSON 17~~

12 OR OLDER ADULTS

13 **SECTION 10.** 48.44 of the statutes is amended to read:

14 **48.44 Jurisdiction over persons ~~17~~ or older adults.** The court has
15 jurisdiction over persons ~~17 years of age or older adults~~ as provided under ss. 48.133,
16 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in
17 this chapter.

18 **SECTION 11.** 48.45 (1) (a) of the statutes is amended to read:

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

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1 child and directing when, how, and from where funds for the maintenance or care
2 shall be paid.

3 **SECTION 12.** 48.45 (1) (am) of the statutes is amended to read:

4 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
5 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
6 that any person ~~17 years of age or over~~ adult has been guilty of contributing to,
7 encouraging, or tending to cause by any act or omission, ~~such~~ that condition of the
8 unborn child and expectant mother, the judge may make orders with respect to the
9 conduct of ~~such~~ that person in his or her relationship to the unborn child and
10 expectant mother.

11 **SECTION 13.** 48.45 (3) of the statutes is amended to read:

12 48.45 (3) If it appears at a court hearing that any person ~~17 years of age or older~~
13 adult has violated s. 948.40, the judge shall refer the record to the district attorney
14 for criminal proceedings as may be warranted in the district attorney's judgment.
15 This subsection does not prevent prosecution of violations of s. 948.40 without the
16 prior reference by the judge to the district attorney, as in other criminal cases.

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

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

20 **SECTION 15.** 125.07 (4) (d) of the statutes is amended to read:

21 125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of
22 disposition is subject to s. 938.344 unless proceedings have been instituted against
23 the person in a court of civil or criminal jurisdiction after dismissal of the citation
24 under s. 938.344 (3).

25 **SECTION 16.** 125.07 (4) (e) 1. of the statutes is amended to read:

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

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

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

8 **SECTION 18.** 165.83 (1) (c) 1. of the statutes is amended to read:

9 165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~
10 ~~of 17~~ an adult and that is a felony or a misdemeanor.

11 **SECTION 19.** 165.83 (1) (c) 2. of the statutes is amended to read:

12 165.83 (1) (c) 2. An act that is committed by a person minor who has attained
13 the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or
14 misdemeanor if committed by an adult.

15 **SECTION 20.** 301.12 (2m) of the statutes is amended to read:

16 301.12 (2m) The liability specified in sub. (2) shall not apply to persons ~~17~~ 18
17 and older receiving care, maintenance, services, and supplies provided by prisons
18 named in s. 302.01.

19 **SECTION 21.** 301.12 (14) (a) of the statutes is amended to read:

20 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
21 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under ~~17~~
22 18 years of age in residential, nonmedical facilities such as group homes, foster
23 homes, residential care centers for children and youth, and juvenile correctional
24 institutions is determined in accordance with the cost-based fee established under
25 s. 301.03 (18). The department shall bill the liable person up to any amount of

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1 liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party
2 benefits, subject to rules that include formulas governing ability to pay promulgated
3 by the department under s. 301.03 (18). Any liability of the resident not payable by
4 any other person terminates when the resident reaches age ~~17~~ 18, unless the liable
5 person has prevented payment by any act or omission.

6 **SECTION 22.** 302.31 (7) of the statutes, as affected by 2015 Wisconsin Act 55,
7 is amended to read:

8 302.31 (7) The temporary placement of persons in the custody of the
9 department, other than persons under 17 years of age minors, and persons who have
10 ~~attained the age of 17 years but have not attained~~ adults under the age of 25 years
11 who are under the supervision of the department under s. 938.355 (4) and who have
12 been taken into custody pending revocation of community supervision or aftercare
13 supervision under s. 938.357 (5) (e).

14 **SECTION 23.** 938.02 (1) of the statutes is renumbered 938.02 (1) (intro.) and
15 amended to read:

16 938.02 (1) (intro.) “Adult” means a person who is 18 years of age or older, except
17 that, for purposes of investigating or prosecuting a person who is alleged to have
18 violated any state or federal criminal law or any civil law or municipal ordinance,
19 “adult” means includes a person who has attained 17 years of age. for whom any of
20 the following applies:

21 **SECTION 24.** 938.02 (1) (a) of the statutes is created to read:

22 938.02 (1) (a) The person is alleged, in a criminal complaint filed under s.
23 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or
24 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)
25 (b), (bm), (c), or (d).

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1 **SECTION 25.** 938.02 (1) (b) of the statutes is created to read:

2 938.02 (1) (b) The person has previously been convicted of a crime or
3 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02
4 or under federal law to have committed a crime, alleged in a complaint filed under
5 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have
6 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation
7 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal
8 ordinance.

9 **SECTION 26.** 938.02 (10m) of the statutes is renumbered 938.02 (10m) (intro.)
10 and amended to read:

11 938.02 (10m) (intro.) “Juvenile,” when used without further qualification,
12 means a person who is less than 18 years of age, except that, for purposes of
13 investigating or prosecuting a person who is alleged to have violated a state or federal
14 criminal law or any civil law or municipal ordinance, “juvenile” does not include a
15 person who has attained 17 years of age. for whom any of the following applies:

16 **SECTION 27.** 938.02 (10m) (a) of the statutes is created to read:

17 938.02 (10m) (a) The person is alleged, in a criminal complaint filed under s.
18 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or
19 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)
20 (b), (bm), (c), or (d).

21 **SECTION 28.** 938.02 (10m) (b) of the statutes is created to read:

22 938.02 (10m) (b) The person has previously been convicted of a crime or
23 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02
24 or under federal law to have committed a crime, alleged in a complaint filed under
25 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have

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1 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation
2 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal
3 ordinance.

4 **SECTION 29.** 938.12 (2) of the statutes is amended to read:

5 938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition
6 alleging that a juvenile is delinquent is filed before the juvenile ~~is 17 years of age~~
7 becomes an adult, but the juvenile becomes 17 years of age an adult before admitting
8 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before
9 an adjudication, the court retains jurisdiction over the case.

10 **SECTION 30.** 938.18 (2) of the statutes is amended to read:

11 938.18 (2) **PETITION.** The petition for waiver of jurisdiction may be filed by the
12 district attorney or the juvenile or may be initiated by the court and shall contain a
13 brief statement of the facts supporting the request for waiver. The petition for waiver
14 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
15 delinquency and shall be filed prior to the plea hearing, except that if the juvenile
16 denies the facts of the petition and becomes 17 years of age an adult before an
17 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
18 the adjudication. If the court initiates the petition for waiver of jurisdiction, the
19 judge shall disqualify himself or herself from any future proceedings on the case.

20 **SECTION 31.** 938.183 (3) of the statutes is amended to read:

21 938.183 (3) **PLACEMENT IN STATE PRISON; PAROLE.** When a juvenile who is subject
22 to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., ~~attains the age~~
23 ~~of 17 years~~ becomes an adult, the department of corrections may place the juvenile
24 in a state prison named in s. 302.01, except that that department may not place any
25 person under the age of 18 years in the correctional institution authorized in s.

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1 301.16 (1n). A juvenile who is subject to a criminal penalty under sub. (1m) or under
2 s. 938.183 (2), 2003 stats., for an act committed before December 31, 1999, is eligible
3 for parole under s. 304.06.

4 **SECTION 32.** 938.255 (1) (intro.) of the statutes is amended to read:

5 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
6 under this chapter, other than a petition initiating proceedings under s. 938.12,
7 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a
8 person under the age of 18". 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 person
10 ~~under the age of 17". juvenile.~~ A petition initiating proceedings under this chapter
11 shall specify all of the following:

12 **SECTION 33.** 938.34 (8) of the statutes is amended to read:

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

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1 29 or, if the license is issued under ch. 343, the court may take possession of, and if
2 possession is taken, shall destroy, the license. The court shall forward to the
3 department ~~which~~ that issued the license a notice of suspension stating that the
4 suspension is for failure to pay a forfeiture imposed by the court, together with any
5 license issued under ch. 29 of which the court takes possession. If the forfeiture is
6 paid during the period of suspension, the suspension shall be reduced to the time
7 period ~~which~~ that has already elapsed and the court shall immediately notify the
8 department, which shall then, if the license is issued under ch. 29, return the license
9 to the juvenile. Any recovery under this subsection shall be reduced by the amount
10 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

11 **SECTION 34.** 938.343 (2) of the statutes is amended to read:

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

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1 department, which shall, if the license is issued under ch. 29, return the license to
2 the person. Any recovery under this subsection shall be reduced by the amount
3 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

4 **SECTION 35.** 938.344 (3) of the statutes is amended to read:

5 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have
6 committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an
7 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,
8 at the request of the district attorney or on its own motion, dismiss the citation
9 without prejudice and refer the matter to the district attorney for prosecution under
10 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.
11 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or
12 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

13 **SECTION 36.** 938.35 (1m) of the statutes is amended to read:

14 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
15 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
16 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter
17 in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This
18 subsection does not affect proceedings in criminal court that have been transferred
19 under s. 938.18.

20 **SECTION 37.** 938.355 (4) (b) of the statutes is renumbered 938.355 (4) (b) 1. and
21 amended to read:

22 938.355 (4) (b) 1. Except as provided in s. 938.368, an order under s. 938.34 (4d)
23 or (4m) made before the juvenile attains ~~18~~ 17 years of age may apply for up to 2 years
24 after the date on which the order is granted or until the juvenile's 18th birthday,
25 whichever is earlier, unless the court specifies a shorter period of time or the court

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1 terminates the order sooner. If the order does not specify a termination date, it shall
2 apply for one year after the date on which the order is granted or until the juvenile's
3 18th birthday, whichever is earlier, unless the court terminates the order sooner.

4 3. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
5 the juvenile attains 18 years of age shall apply for 5 years after the date on which the
6 order is granted, if the juvenile is adjudicated delinquent for committing a violation
7 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
8 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
9 juvenile is adjudicated delinquent for committing an act that would be punishable
10 as a Class A felony if committed by an adult.

11 4. Except as provided in s. 938.368, an extension of an order under s. 938.34
12 (4d), (4h), (4m), or (4n) made before the juvenile attains 17 years of age shall
13 terminate at the end of one year after the date on which the order is granted unless
14 the court specifies a shorter period of time or the court terminates the order sooner.
15 No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d),
16 (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when
17 the original dispositional order terminates.

18 **SECTION 38.** 938.355 (4) (b) 2. of the statutes is created to read:

19 938.355 (4) (b) 2. Except as provided in s. 938.368, an order under s. 938.34 (4d)
20 or (4m) made while the juvenile is 17 years of age may apply for up to 2 years after
21 the date on which the order is granted or until the juvenile's 19th birthday, whichever
22 is earlier, unless the court specifies a shorter period of time or the court terminates
23 the order. If the order does not specify a termination date, it shall apply for one year
24 after the date on which the order is granted or until the juvenile's 19th birthday,
25 whichever is earlier, unless the court terminates the order sooner.

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1 **SECTION 39.** 938.355 (4m) (a) of the statutes is amended to read:

2 938.355 (~~4m~~) (a) A juvenile who has been adjudged delinquent under s. 48.12,
3 1993 stats., or s. 938.12 may, on attaining 17 years of age ~~becoming an adult~~, petition
4 the court to expunge the court’s record of the juvenile’s adjudication. Subject to par.
5 (b), the court may expunge the record if the court determines that the juvenile has
6 satisfactorily complied with the conditions of his or her dispositional order and that
7 the juvenile will benefit from, and society will not be harmed by, the expungement.

8 **SECTION 40.** 938.39 of the statutes is amended to read:

9 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
10 court of any violation of state law within its jurisdiction under s. 938.12 bars any
11 future criminal proceeding on the same matter in circuit court when the juvenile
12 reaches ~~the age of 17~~ becomes an adult. This section does not affect criminal
13 proceedings in circuit court that were transferred under s. 938.18.

14 **SECTION 41.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the
15 statutes is amended to read:

16 **CHAPTER 938**

17 SUBCHAPTER IX

18 **JURISDICTION OVER PERSONS ~~17~~**

19 **OR OLDER ADULTS**

20 **SECTION 42.** 938.44 of the statutes is amended to read:

21 **938.44 Jurisdiction over ~~persons 17 or older~~ adults.** The court has
22 jurisdiction over ~~persons 17 years of age or older~~ adults as provided under ss. 938.355
23 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

24 **SECTION 43.** 938.45 (1) (a) of the statutes is amended to read:

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1 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
2 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
3 ~~person 17 years of age or older~~ adult has been guilty of contributing to, encouraging,
4 or tending to cause by any act or omission, ~~such~~ that condition of the juvenile, the
5 court may make orders with respect to the conduct of that person in his or her
6 relationship to the juvenile, including orders relating to determining the ability of
7 the person to provide for the maintenance or care of the juvenile and directing when,
8 how, and from where funds for the maintenance or care shall be paid.

9 **SECTION 44.** 938.45 (3) of the statutes is amended to read:

10 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.
11 If it appears at a court hearing that any ~~person 17 years of age or older~~ adult has
12 violated s. 948.40, the court shall refer the record to the district attorney. This
13 subsection does not prohibit prosecution of violations of s. 948.40 without the prior
14 reference by the court to the district attorney.

15 **SECTION 45.** 938.48 (4m) (title) of the statutes is amended to read:

16 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO
17 BECOME ADULTS.

18 **SECTION 46.** 938.48 (4m) (a) of the statutes is amended to read:

19 938.48 (4m) (a) Is ~~at least 17 years of age~~ an adult.

20 **SECTION 47.** 938.48 (4m) (b) of the statutes is amended to read:

21 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,
22 938.34 (4h), (4m), or (4n), or 938.357 (4) when the person ~~reached 17 years of age~~
23 became an adult.

24 **SECTION 48.** 938.48 (14) of the statutes is amended to read:

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1 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME
2 ADULTS. Pay maintenance, tuition, and related expenses from the appropriation
3 under s. 20.410 (3) (ho) for persons who, when they ~~attained 17 years of age~~ became
4 adults, were students regularly attending a school, college, or university or regularly
5 attending a course of vocational or technical training designed to prepare them for
6 gainful employment, and who upon ~~attaining that age~~ becoming adults were under
7 the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or
8 938.357 (4) as a result of a judicial decision.

9 **SECTION 49.** 938.487 of the statutes is created to read:

10 **938.487 Reimbursements to counties for juvenile delinquency-related**
11 **services for 17-year-olds.** From the appropriation under s. 20.437 (1) (ck), the
12 department shall distribute the amounts necessary to reimburse counties for the
13 costs counties incur in purchasing or providing juvenile delinquency-related
14 services for 17-year-olds, including the costs for community-based juvenile
15 delinquency-related services, juvenile correctional services, or services provided in
16 juvenile detention facilities, county jails, municipal lockup facilities, or temporary
17 shelter care facilities. Funds to counties under this subsection may not be used for
18 the purposes of land purchase, building construction, or maintenance of buildings
19 under s. 46.17, 46.175, or 301.37.

20 **SECTION 50.** 938.57 (3) (title) of the statutes is amended to read:

21 938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME
22 ADULTS.

23 **SECTION 51.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 660**SECTION 51**

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

4 **SECTION 52.** 938.57 (3) (a) 1. of the statutes is amended to read:

5 938.57 (3) (a) 1. Is ~~17 years of age or older~~ an adult.

6 **SECTION 53.** 938.57 (3) (a) 3. of the statutes is amended to read:

7 938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to
8 ~~his or her 17th birthday~~ becoming an adult.

9 **SECTION 54.** 938.57 (3) (b) of the statutes is amended to read:

10 938.57 (3) (b) The funding provided for the maintenance of a juvenile person
11 under par. (a) shall be in an amount equal to that ~~to~~ which the juvenile person would
12 receive under s. 48.569 (1) (d) if the person were a juvenile ~~were 16 years of age~~.

13 **SECTION 55.** 939.632 (1) (e) 1. of the statutes is amended to read:

14 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
15 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,
16 940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)
17 or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055,
18 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1.
19 b. applies.

20 **SECTION 56.** 939.632 (1) (e) 3. of the statutes is amended to read:

21 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
22 ~~(2)~~, 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

23 **SECTION 57.** 946.50 (intro.) of the statutes is amended to read:

24 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
25 who intentionally fails to appear before the court assigned to exercise jurisdiction

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1 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
2 does not return to that court for a dispositional hearing before ~~attaining the age of~~
3 ~~17 years~~ becoming an adult is guilty of the following:

4 **SECTION 58.** 948.01 (1) of the statutes is renumbered 948.01 (1) (intro.) and
5 amended to read:

6 948.01 (1) (intro.) “Child” means a person who has not attained the age of 18
7 years, except that, for purposes of prosecuting a person who is alleged to have
8 violated a state or federal criminal law, “child” does not include a person who ~~has~~
9 ~~attained the age of 17 years.~~ of age for whom any of the following apply:

10 **SECTION 59.** 948.01 (1) (a) of the statutes is created to read:

11 948.01 (1) (a) The person is alleged, in a criminal complaint filed under s.
12 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or
13 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)
14 (b), (bm), (c), or (d).

15 **SECTION 60.** 948.01 (1) (b) of the statutes is created to read:

16 948.01 (1) (b) The person has previously been convicted of a crime or
17 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02
18 or under federal law to have committed a crime.

19 **SECTION 61.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

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

25 **SECTION 62.** 948.45 (1) of the statutes is amended to read:

ASSEMBLY BILL 660**SECTION 62**

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

5 **SECTION 63.** 948.60 (2) (d) of the statutes is amended to read:

6 948.60 (2) (d) A ~~person under 17 years of age~~ child who has violated this
7 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under
8 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
9 under s. 938.183.

10 **SECTION 64.** 948.61 (4) of the statutes is amended to read:

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

15 **SECTION 65.** 961.455 (1) of the statutes is amended to read:

16 961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who
17 knowingly solicits, hires, directs, employs, or uses a person who is ~~under the age of~~
18 17 years of age or under for the purpose of violating s. 961.41 (1) is guilty of a Class
19 F felony.

20 **SECTION 66.** 961.46 of the statutes is amended to read:

21 **961.46 Distribution to persons under age 18.** If ~~a person 17 years of age~~
22 ~~or over~~ an adult violates s. 961.41 (1) by distributing or delivering a controlled
23 substance or a controlled substance analog to a person 17 years of age or under who
24 is at least 3 years his or her junior, the applicable maximum term of imprisonment

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1 prescribed under s. 961.41 (1) for the offense may be increased by not more than 5
2 years.

3 **SECTION 67.** 961.573 (2) of the statutes is amended to read:

4 961.573 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~
5 is subject to a disposition under s. 938.344 (2e).

6 **SECTION 68.** 961.574 (2) of the statutes is amended to read:

7 961.574 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~
8 is subject to a disposition under s. 938.344 (2e).

9 **SECTION 69.** 961.575 (1) of the statutes is amended to read:

10 961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)
11 by delivering drug paraphernalia to a person 17 years of age or under who is at least
12 3 years younger than the violator may be fined not more than \$10,000 or imprisoned
13 for not more than 9 months or both.

14 **SECTION 70.** 961.575 (2) of the statutes is amended to read:

15 961.575 (2) Any person minor who violates this section ~~who is under 17 years~~
16 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

17 **SECTION 71.** 961.575 (3) of the statutes is amended to read:

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

21 **SECTION 72.** 990.01 (3) of the statutes is renumbered 990.01 (3) (intro.) and
22 amended to read:

23 990.01 (3) ADULT. (intro.) "Adult" means a person who has attained the age of
24 18 years, except that, for purposes of investigating or prosecuting a person who is
25 alleged to have violated any state or federal criminal law or any civil law or municipal

ASSEMBLY BILL 660**SECTION 72**

1 ordinance, “adult” means includes a person who has attained the age of 17 years. of
2 age for whom any of the following applies:

3 **SECTION 73.** 990.01 (3) (a) of the statutes is created to read:

4 990.01 (3) (a) The person is alleged, in a criminal complaint filed under s.
5 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or
6 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)
7 (b), (bm), (c), or (d).

8 **SECTION 74.** 990.01 (3) (b) of the statutes is created to read:

9 990.01 (3) (b) The person has previously been convicted of a crime or
10 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02
11 or under federal law to have committed a crime, alleged in a complaint filed under
12 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have
13 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation
14 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal
15 ordinance.

16 **SECTION 75.** 990.01 (20) of the statutes is renumbered 990.01 (20) (intro.) and
17 amended to read:

18 990.01 (20) MINOR. (intro.) “Minor” means a person who has not attained the
19 age of 18 years, except that, for purposes of investigating or prosecuting a person who
20 is alleged to have violated a state or federal criminal law or any civil law or municipal
21 ordinance, “minor” does not include a person who has attained the age of 17 years.
22 of age for whom any of the following applies:

23 **SECTION 76.** 990.01 (20) (a) of the statutes is created to read:

24 990.01 (20) (a) The person is alleged, in a criminal complaint filed under s.
25 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or

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1 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)
2 (b), (bm), (c), or (d).

3 **SECTION 77.** 990.01 (20) (b) of the statutes is created to read:

4 990.01 **(20)** (b) The person has previously been convicted of a crime or
5 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02
6 or under federal law to have committed a crime, alleged in a complaint filed under
7 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have
8 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation
9 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal
10 ordinance.

11 **SECTION 78. Nonstatutory provisions.**

12 (1) PAYMENT PLAN.

13 (a) No later than July 1, 2018, the department of children and families, in
14 consultation with the county departments, as defined under section 938.02 (2g) of the
15 statutes, shall submit a plan to the joint committee on finance outlining how funds
16 will be distributed under section 938.487 of the statutes.

17 (b) If the cochairpersons of the joint committee on finance do not notify the
18 department of children and families within 14 working days after the date of the
19 submittal of the plan under paragraph (a) that the committee has scheduled a
20 meeting to review the plan, the department shall implement the plan. If, within 14
21 working days after the date of the submittal of the plan, the cochairpersons of the
22 joint committee on finance notify the department of children and families that the
23 committee has scheduled a meeting to review the plan, the department may not
24 implement the plan unless the committee approves or modifies the plan. If the

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1 committee modifies the plan, the department of children and families may
2 implement the plan only as modified by the committee.

3 (2) SUPPLEMENTAL FUNDS. If costs described in section 938.487 of the statutes
4 exceed the moneys available under section 20.437 (1) (ck) of the statutes for fiscal
5 year 2018-19, the department shall request the joint committee on finance to
6 increase the appropriation under section 20.437 (1) (ck) of the statutes for up to an
7 additional \$5,000,000 under section 13.101 of the statutes. The requirement of a
8 finding of emergency under section 13.101 (3) (a) 1. of the statutes does not apply to
9 such a request.

10 (3) REPORT.

11 (a) No later than September 30, 2019, each county department that provides
12 juvenile delinquency-related services to 17-year-olds shall submit a report to the
13 department of children and families on all of the following for the preceding fiscal
14 year:

15 1. The number and demographics of 17-year-olds for which the county
16 department provided services.

17 2. The types of offenses committed or alleged to be committed by the
18 17-year-olds under subdivision 1.

19 3. The cost to the county department for providing delinquency-related
20 services to 17-year-olds.

21 (b) No later than 30 days after receipt of the information under paragraph (a),
22 the department of children and families shall submit a report on the information it
23 receives from the county departments to the joint committee on finance.

24 **SECTION 79. Fiscal changes.**

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1 (1) REIMBURSEMENTS TO COUNTIES FOR JUVENILE DELINQUENCY-RELATED SERVICES;
2 APPROPRIATION INCREASE. In the schedule under section 20.005 (3) of the statutes for
3 the appropriation to the joint committee on finance under section 20.865 (4) (a) of the
4 statutes, the dollar amount for fiscal year 2018-19 is increased by \$5,000,000 to
5 grant a request by the department of children and families for an appropriation
6 increase to reimburse counties for the costs counties incur in purchasing or providing
7 juvenile delinquency-related services for 17-year-olds.

8 **SECTION 80. Initial applicability.**

9 (1) AGE OF ADULT JURISDICTION. This act first applies to a violation of a criminal
10 law, civil law, or municipal ordinance allegedly committed on the effective date of this
11 subsection.

12 **SECTION 81. Effective dates.** This act takes effect on July 1, 2018, except as
13 follows:

14 (1) SECTION 78 of this act takes effect on the day after publication.

15 (END)