



WISCONSIN LEGISLATIVE COUNCIL

RECODIFICATION OF CH. 938, THE JUVENILE JUSTICE CODE

Room 328 Northwest, State Capitol
Madison, Wisconsin

March 30, 2005
10:00 a.m. – 11:00 a.m.

[The following is a summary of the March 30, 2005 meeting of the Special Committee on Recodification of Ch. 938, the Juvenile Justice Code. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

Call to Order and Roll Call

Chair Suder called the meeting to order and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Scott Suder, Chair; Reps. Garey Bies, Samantha Kerkman, and Carol Owens; and Public Members David Borowski, Don Garber, Gina Pruski, and Tom Schleitwiler.

COMMITTEE MEMBERS EXCUSED: Sens. Robert Jauch and David Zien; and Rep. Marlin Schneider.

COUNCIL STAFF PRESENT: Don Salm and Anne Sappenfield, Senior Staff Attorneys.

***ATTENTION:** This was the final meeting of the Special Committee on Recodification of Ch. 938, the Juvenile Justice Code. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

Description of Material Distributed

Memo No. 3, Summary of WLC: 0081/2, Relating to Recodification of Ch. 938, Stats., as Developed by the Drafting Subcommittee of the Special Committee (March 21, 2005)

Don Salm and Anne Sappenfield described Memo No. 3.

Mr. Garber stated that he did not believe that the language in the bill draft codifying the decision of *In re Lindsay A.F.*, relating to dismissal of petitions under the Juvenile Justice Code, should be included. He said that the Legislature should consider how to respond to the case in separate legislation. Representative Bies agreed. There was consensus to remove the language from the draft. Mr. Salm stated that the language codifying the case contained in ss. 938.21 (7) and 938.263 would be deleted.

Ms. Sappenfield asked committee members to review the language in s. 983.355 (4) (b) of the bill draft relating to the length of a dispositional order placing a juvenile in a juvenile correctional facility. Mr. Borowski said that such dispositional orders should specify a termination date. There was consensus to modify the language to require such an order to apply for one year and to permit it to apply for up to two years. Ms. Sappenfield said that she would add a sentence to the provision stating, "If the order does not specify a termination date, the order shall apply for one year after the date on which the order is granted or until the juvenile's 18th birthday, whichever is earlier, unless the court terminates the order sooner."

Representative Bies moved, seconded by Representative Owens, to approve WLC: 0081/2, as amended, on a vote of Ayes, 8 (Reps. Suder, Bies, Kerkman, and Owens; and Public Members Borowski, Garber, Pruski, and Schleitwiler); Noes, 0; and Absent, 3 (Sens. Jauch and Zien; and Rep. Schneider).

Chair Suder thanked the committee members for their work on the Special Committee.

Other Business

There was no other business brought before the committee.

Adjournment

The meeting was adjourned at 11:00 a.m.

AS:jal