

1 **AN ACT** to amend 938.18 (2) of the statutes; relating to: filing waiver petition.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on High–Risk Juvenile Offenders.

Current law specifies, that under certain circumstances, the juvenile court may waive its jurisdiction over a juvenile alleged to be delinquent and transfer the case to adult criminal court. The waiver proceeding is initiated by a petition for waiver. The petition may be filed by the district attorney or the juvenile or may be initiated by the court.

This draft repeals the language permitting a juvenile to file a petition for waiver to adult court.

2 **SECTION 1.** 938.18 (2) of the statutes is amended to read:

3 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the district
4 attorney ~~or the juvenile~~ or may be initiated by the court and shall contain a brief statement of
5 the facts supporting the request for waiver. The petition for waiver of jurisdiction shall be
6 accompanied by or filed after the filing of a petition alleging delinquency and shall be filed
7 prior to the plea hearing, except that if the juvenile denies the facts of the petition and becomes
8 17 years of age before an adjudication, the petition for waiver of jurisdiction may be filed at
9 any time prior to the adjudication. If the court initiates the petition for waiver of jurisdiction,
10 the judge shall disqualify himself or herself from any future proceedings on the case.

NOTE: Repeals the language permitting a juvenile to file a petition for waiver to adult court.