

- 1       **AN ACT** *to renumber* 938.18 (2m); *to amend* 938.18 (2m) (title); and *to create* 938.18  
2       (2m) (b) of the statutes; **relating to:** assessment of waiver criteria.

*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.

Under current law, when a petition is filed to waive a juvenile who is alleged to be delinquent to adult criminal court, the juvenile court may designate the department of corrections, the county department of human or social services, or a licensed child welfare agency to submit a report analyzing the criteria the court must consider in determining whether to waive its jurisdiction over the juvenile.

The draft adds a provision requiring the court to designate a psychiatrist or psychologist, or by another expert appointed by the court, to examine the juvenile and submit a report assessing the juvenile's physical, psychological, mental, or developmental condition; alcohol or other drug abuse problems; and maturity if the district attorney or the juvenile allege that the juvenile may have a mental illness, a psychological or developmental condition, or an alcohol or drug abuse problem, unless a similar examination was conducted in the prior 6 months. The psychiatrist, psychologist, or other expert must file the report with the court and the court must ensure that copies of the report are given to the juvenile, any parent, guardian, or legal custodian of the juvenile and counsel at least 3 days before the waiver hearing. The court may rely on facts stated in the report in making its findings with respect to the criteria the court must consider in determining whether to waive its jurisdiction over the juvenile.

- 3       **SECTION 1.** 938.18 (2m) (title) of the statutes is amended to read:  
4       938.18 **(2m)** (title) ~~AGENCY-REPORT~~ REPORTS TO COURT.  
5       **SECTION 2.** 938.18 (2m) of the statutes is renumbered 938.18 (2m) (a).  
6       **SECTION 3.** 938.18 (2m) (b) of the statutes is created to read:

1           938.18 **(2m)** (b) If the district attorney or the juvenile alleges that the juvenile may have  
2 a mental illness, a psychological or developmental condition, or an alcohol or other drug abuse  
3 problem, the court shall designate a psychiatrist or licensed psychologist, or another expert  
4 appointed by the court holding at least a master's degree in social work or another related field  
5 of child development, to examine the juvenile and submit a report to the court assessing the  
6 juvenile's physical, psychological, mental, or developmental condition; any alcohol or other  
7 drug abuse problems; and the juvenile's maturity unless the court finds that a substantially  
8 similar examination of the juvenile has been conducted within the prior 6 months. The  
9 psychiatrist, psychologist, or other expert shall file the report with the court and the court shall  
10 cause copies of the report to be given to the juvenile, any parent, guardian, or legal custodian  
11 of the juvenile and the juvenile's counsel at least 3 days before the hearing. The court may  
12 rely on facts stated in the report in making its findings with respect to the criteria under sub.  
13 (5).

**NOTE:** Requires that, in a waiver proceeding in which the district attorney or the juvenile alleges that the juvenile has a mental illness, psychological or developmental condition, or an alcohol or other drug abuse problem, the court designate a psychiatrist, psychologist, or other expert to examine the juvenile and submit a report to the court assessing the juvenile's physical, psychological, mental, or developmental condition; alcohol or other drug abuse problems; and maturity unless the court finds that a substantially similar examination of the juvenile has been conducted within the prior 6 months.

(END)