



**ASSEMBLY AMENDMENT 39,
TO 1995 ASSEMBLY BILL 130**

May 24, 1995 – Offered by Representative WOOD.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 48, line 10: delete that line.

3 **2.** Page 56, line 11: delete lines 11 to 17.

4 **3.** Page 56, line 20: delete lines 20 to 25.

5 **4.** Page 57, line 1 delete lines 1 to 9.

6 **5.** Page 59, line 17: delete that line and substitute:

7 **“SECTION 141m.** 48.21 (2) (intro.) and (c) of the statutes are amended to read:

8 48.21 (2) (title) PROCEEDINGS CONCERNING RUNAWAY OR DELINQUENT CHILDREN.

9 (intro.) Proceedings concerning a child who comes within the jurisdiction of the court
10 under s. 48.12 or 48.13 (7) or (12) shall be conducted according to this subsection.

11 (c) Prior to the commencement of the hearing, the child shall be informed by
12 the judge or juvenile court commissioner of the allegations that have been or may be
13 made, the nature and possible consequences of this hearing as compared to possible
14 future hearings, the provisions of s. 48.18 if applicable, the right to counsel under s.
15 48.23 regardless of ability to pay if the child is not yet represented by counsel, the

1 right to remain silent, the fact that the silence may not be adversely considered by
2 the judge or juvenile court commissioner, the right to confront and cross-examine
3 witnesses and the right to present witnesses.”.

4 **6.** Page 59, line 21: after “(11)” insert “, other than under s. 48.13 (7),”.

5 **7.** Page 63, line 22: delete lines 22 to 25.

6 **8.** Page 79, line 24: delete that line.

7 **9.** Page 80, line 1: delete lines 1 to 5.

8 **10.** Page 83, line 18: delete that line and substitute:

9 “**SECTION 279m.** 48.345 (2) of the statutes is renumbered 48.345 (14) and
10 amended to read:

11 48.345 (14) If the judge finds that a child is in need of protection or services
12 based on the fact that the child is a school dropout, as defined in s. 118.153 (1) (b),
13 or based on habitual truancy, and the judge also finds that the reason the child has
14 dropped out of school or is a habitual truant is a result of the child’s intentional
15 refusal to attend school rather than the failure of any other person to comply with
16 s. 118.15 (1) (a), the judge, instead of or in addition to any other disposition imposed
17 under ~~sub. (1)~~ this section, may enter an order permitted under s. ~~48.342~~ 938.342.”.

18 **11.** Page 85, line 11: after that line insert:

19 “**SECTION 290m.** 48.355 (6m) of the statutes is created to read:

20 48.355 (6m) SANCTIONS FOR VIOLATION OF ORDER: HABITUAL TRUANCY. (a) If a child
21 who has been found in need of protection or services based on habitual truancy from
22 school violates a condition specified under sub. (2) (b) 7., the court may order as a
23 sanction any combination of the operating privilege suspension specified in this
24 paragraph and the dispositions specified in s. 938.342 (1) (b) to (e) and (1m),

1 regardless of whether the disposition was imposed in the order violated by the child,
2 if at the dispositional hearing under s. 48.335 the court explained that condition to
3 the child and informed the child of the possible sanctions under this paragraph for
4 a violation. The court may order as a sanction suspension of the child's operating
5 privilege, as defined under s. 340.01 (40), for not more than one year. If the child does
6 not hold a valid operator's license under ch. 343, other than an instruction permit
7 under s. 343.07 or a restricted license under s. 343.08, on the date of the order issued
8 under this paragraph, the court may order the suspension to begin on the date that
9 the operator's license would otherwise be reinstated or issued after the child applies
10 and qualifies for issuance or 2 years after the date of the order issued under this
11 paragraph, whichever occurs first. If the court suspends an operating privilege
12 under this paragraph, it shall immediately take possession of the suspended license
13 and forward it to the department of transportation with a notice stating the reason
14 for and the duration of the suspension.

15 (b) A motion for the imposition of a sanction under par. (a) may be brought by
16 the person or agency primarily responsible for providing dispositional services to the
17 child, the administrator of the school district in which the child is enrolled or resides,
18 the district attorney, the corporation counsel or the court that entered the
19 dispositional order. If the court initiates the motion, that court is disqualified from
20 holding a hearing on the motion. Notice of the motion shall be given to the child,
21 guardian ad litem, counsel, parent, guardian, legal custodian and all parties present
22 at the original dispositional hearing.

23 (c) Before imposing a sanction under par. (a), the court shall hold a hearing at
24 which the child is entitled to be represented by legal counsel and to present evidence.
25 The hearing shall be held within 15 days after the filing of a motion under par. (b).”

- 1 **12.** Page 129, line 9: delete lines 9 to 25.
- 2 **13.** Page 130, line 1: delete lines 1 to 10.
- 3 **14.** Page 130, line 13: delete “~~48.13 (6)~~ 938.13 (6)” and substitute “48.13 (6)”.
- 4 **15.** Page 131, line 15: delete “~~48.24~~ 938.24” and substitute “48.24”.
- 5 **16.** Page 131, line 18: delete lines 18 to 22.
- 6 **17.** Page 173, line 17: delete “938.13 (4), (6), (6m) or (7)” and substitute
“938.125 or 938.13 (4)”.
- 7 **18.** Page 175, line 10: delete that line and substitute: “court under s. 938.125
or 938.13 (4).”.
- 8 **19.** Page 187, line 3 delete lines 3 to 11.
- 9 **20.** Page 200, line 13: delete lines 13 to 19.
- 10 **21.** Page 201, line 8: delete “(g)” and substitute “(d)”.
- 11 **22.** Page 201, line 23: delete lines 23 to 25.
- 12 **23.** Page 202, line 1: delete lines 1 to 25.
- 13 **24.** Page 203, line 1: delete lines 1 to 8.
- 14 **25.** Page 203, line 9: delete “or (g)”.
- 15 **26.** Page 211, line 6: delete “RUNAWAY OR”.
- 16 **27.** Page 211, line 8: delete “(7) or”; and after “(12)” insert “or (14)”.
- 17 **28.** Page 212, line 7: delete “, (6), (6m)”.
- 18 **29.** Page 226, line 13: delete “, (6), (6m) or (7)”.
- 19 **30.** Page 235, line 22: on lines 22 and 23, delete “, (6), (6m), (7)”.

- 1 **31.** Page 243, line 7: delete “, (6), (6m) or (7)”.
- 2 **32.** Page 243, line 9: delete that line and substitute “or 938.13 (4) or (12).”.
- 3 **33.** Page 254, line 9: delete “, (6), (6m), (7)”.
- 4 **34.** Page 255, line 2: delete “, (6), (6m), (7)”.
- 5 **35.** Page 260, line 21: delete “, (6), (6m), (7)”.
- 6 **36.** Page 299, line 25: delete “(1)”.
- 7 **37.** Page 300, line 4: delete “(a)” and substitute “(1)”.
- 8 **38.** Page 300, line 6: delete “(b)” and substitute “(2)”.
- 9 **39.** Page 300, line 7: delete “(c)” and substitute “(3)”.
- 10 **40.** Page 300, line 8: delete “(d)” and substitute “(4)”; and delete “, except as”.
- 11 **41.** Page 300, line 9: delete “provided under sub. (2)”.
- 12 **42.** Page 300, line 10: delete “(e)” and substitute “(5)”.
- 13 **43.** Page 300, line 13: delete “(f)” and substitute “(6)”.
- 14 **44.** Page 300, line 14: delete “except as provided in sub. (2)”.
- 15 **45.** Page 300, line 15: delete “(g)” and substitute “(7)”.
- 16 **46.** Page 300, line 17: delete lines 17 to 23.
- 17 **47.** Page 309, line 24: delete “Subject to sub. (6m), if” and substitute “If”.
- 18 **48.** Page 312, line 1: delete “48.13” and substitute “938.13”.
- 19 **49.** Page 313, line 13: delete lines 13 to 25.
- 20 **50.** Page 314, line 1: delete lines 1 to 18.