



**ASSEMBLY AMENDMENT 5,  
TO 1995 ASSEMBLY BILL 130**

March 23, 1995 – Offered by Representative LADWIG.

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

2 **1.** Page 49, line 20: delete the material beginning with that line and ending  
with page 52, line 16.

3 **2.** Page 55, line 5: delete lines 5 to 7 and substitute:

4 “SECTION 112m. 48.14 (4) of the statutes is repealed.”.

5 **3.** Page 60, line 5: delete “938.13” and substitute “938.14”.

6 **4.** Page 122, line 9: delete “educational” and substitute “school attendance”.

7 **5.** Page 125, line 3: delete “938.396 (1m) (a)”.

8 **6.** Page 125, line 4: delete “may” and substitute “may 938.396 (1m) (a) shall”;  
and delete “only” and substitute “only”.

9 **7.** Page 125, line 5: delete “and only” and substitute “and only”.

10 **8.** Page 127, line 20: before the period insert: “, except that those records may  
be used as the sole basis for expelling or suspending a pupil if the records indicate  
that the pupil engaged in conduct that is a ground for expulsion or suspension while

on or otherwise within 1,000 feet of a school premises or while on or within 1,000 feet of a school bus, as defined in s. 340.01 (56)”.

1           **9.** Page 128, line 2: delete “may” and substitute “may shall”.

2           **10.** Page 128, line 3: delete “938.396 (1m) (a) only” and substitute “only  
3           938.396 (1m) (a)”.

3           **11.** Page 128, line 5: delete “may” and substitute “shall”.

4           **12.** Page 128, line 6: before the underscored period insert: “, except that a  
5           school district may use those records as the sole basis for expelling or suspending a  
6           pupil if the records indicate that the pupil engaged in conduct that is a ground for  
7           expulsion or suspension while on or within 1,000 feet of a school premises or while  
8           on or within 1,000 feet of a school bus, as defined in s. 340.01 (56)”.

5           **13.** Page 128, line 8: delete “may” and substitute “shall”.

6           **14.** Page 128, line 9: delete “only”.

7           **15.** Page 128, line 11: delete “may not use information from” and substitute  
8           “shall not use”.

8           **16.** Page 128, line 12: before the last period insert: “, except that a school  
9           district may use those records as the sole basis for expelling or suspending a pupil  
10          if the records indicate that the pupil engaged in conduct that is a ground for expulsion  
11          or suspension while on or within 1,000 feet of a school premises or while on or within  
12          1,000 feet of a school bus, as defined in s. 340.01 (56)”.

9           **17.** Page 157, line 20: after that line insert:

10          “**SECTION 535r.** 757.69 (1) (intro.) of the statutes is amended to read:

1           757.69 (1) (intro.) On authority delegated by a judge, which may be by a  
2           standard order, and with the approval of the chief judge of the judicial administrative  
3           district, a court commissioner appointed under s. 48.065, 757.68, 757.72 ~~or~~, 767.13  
4           or 938.065 may:”.

5           **18. Page 158, line 12:** after that line insert:

6           “**SECTION 536d.** 757.69 (1) (k) of the statutes is amended to read:

7           757.69 (1) (k) Exercise the power of a juvenile court commissioner appointed  
8           under s. 48.065 or 938.065, a probate court commissioner appointed under s. 757.72  
9           or a family court commissioner appointed under s. 767.13.

10          **SECTION 536g.** 757.69 (2) (intro.) of the statutes is amended to read:

11          757.69 (2) (intro.) A judge may refer to a court commissioner appointed under  
12          s. 48.065, 757.68, 757.72 ~~or~~, 767.13 or 938.065 cases in which:

13          **SECTION 536m.** 757.69 (3) (intro.) of the statutes is amended to read:

14          757.69 (3) (intro.) Court commissioners appointed under s. 48.065, 757.68,  
15          757.72 ~~or~~, 767.13 or 938.065 may under their own authority:

16          **SECTION 536p.** 757.81 (2) of the statutes is amended to read:

17          757.81 (2) “Court commissioner” means a court commissioner under s. 757.68,  
18          a family court commissioner under s. 767.13, a juvenile court commissioner under  
19          s. 48.065 or 938.065 and a probate court commissioner under s. 757.72.”.

20          **19. Page 175, line 2:** after that line insert:

21          “(9m) “Habitual truant” has the meaning given in s. 118.16 (1) (a).”.

22          **20. Page 177, line 10:** after that line insert:

23          “(18m) “Truancy” has the meaning given in s. 118.16 (1) (c).”.

24          **21. Page 178, line 6:** delete lines 6 to 13 and substitute:

1           **“938.06 Services for court. (1)** COUNTIES WITH A POPULATION OF 500,000 OR  
2 MORE. (a) 1. In counties with a population of 500,000 or more, the county board of  
3 supervisors shall provide the court with the services necessary for investigating and  
4 supervising cases by operating a children’s court center under the supervision of a  
5 director who is appointed as provided in s. 46.21 (1m) (a). The director is the chief  
6 administrative officer of the center and of the intake and probation sections and  
7 secure detention facilities of the center except as otherwise provided in this  
8 subsection. The director is charged with administration of the personnel and  
9 services of the sections and of the secure detention facilities, and is responsible for  
10 supervising both the operation of the physical plant and the maintenance and  
11 improvement of the buildings and grounds of the center. The center shall include  
12 investigative services for all juveniles alleged to be in need of protection or services  
13 to be provided by the county department, and the services of an assistant district  
14 attorney or assistant corporation counsel or both, who shall be assigned to the center  
15 to provide investigative as well as legal work in the cases.

16           2. The chief judge of the judicial administrative district shall formulate written  
17 judicial policy governing intake and court services for juvenile matters and the  
18 director shall be charged with executing the judicial policy. The chief judge shall  
19 direct and supervise the work of all personnel of the court, except the work of the  
20 district attorney or corporation counsel assigned to the court. The chief judge may  
21 delegate his or her supervisory functions under s. 938.065 (1).

22           3. The county board of supervisors shall develop policies and establish  
23 necessary rules for the management and administration of the nonjudicial  
24 operations of the children’s court center. The director of the center shall report and  
25 is responsible to the director of the county department for the execution of all

1 nonjudicial operational policies and rules governing the center, including activities  
2 of probation officers whenever they are not performing services for the court. The  
3 director of the center is also responsible for the preparation and submission to the  
4 county board of supervisors of the annual budget for the center except for the judicial  
5 functions or responsibilities which are delegated by law to the judge or judges and  
6 clerk of circuit court. The county board of supervisors shall make provision in the  
7 organization of the office of director for the devolution of the director's authority in  
8 the case of temporary absence, illness, disability to act or a vacancy in position and  
9 shall establish the general qualifications for the position. The county board of  
10 supervisors also has the authority to investigate, arbitrate and resolve any conflict  
11 in the administration of the center as between judicial and nonjudicial operational  
12 policy and rules. The county board of supervisors does not have authority and may  
13 not assert jurisdiction over the disposition of any case or juvenile after a written  
14 order is made under s. 938.21 or if a petition is filed under s. 938.25. All personnel  
15 of the intake and probation sections and of the secure detention facilities shall be  
16 appointed under civil service by the director except that existing court service  
17 personnel having permanent civil service status may be reassigned to any of the  
18 respective sections within the center specified in this paragraph.

19 (am) 1. All intake workers beginning employment after May 15, 1980, shall  
20 have the qualifications required to perform entry level social work in a county  
21 department and shall have successfully completed 30 hours of intake training  
22 approved or provided by the department prior to the completion of the first 6 months  
23 of employment in the position. The department shall monitor compliance with this  
24 subdivision according to rules promulgated by the department.

1           2. The department shall make training programs available annually that  
2 permit intake workers to satisfy the requirements specified under subd. 1.

3           (b) Notwithstanding par. (a), the county board of supervisors may institute  
4 changes in the administration of services to the children's court center in order to  
5 qualify for the maximum amount of federal and state aid as provided in sub. (4) and  
6 s. 49.52.

7           **(2) COUNTIES WITH A POPULATION UNDER 500,000.** (a) In counties having less than  
8 500,000 population, the county board of supervisors shall authorize the county  
9 department or court or both to provide intake services required by s. 938.067 and the  
10 staff needed to carry out the objectives and provisions of this chapter under s.  
11 938.069. Intake services shall be provided by employes of the court or county  
12 department and may not be subcontracted to other individuals or agencies, except  
13 as provided in par. (am). Intake workers shall be governed in their intake work,  
14 including their responsibilities for recommending the filing of a petition and entering  
15 into an informal disposition, by general written policies which shall be formulated  
16 by the circuit judges for the county, subject to the approval of the chief judge of the  
17 judicial administrative district.

18           (am) 1. Notwithstanding par. (a), any county which had intake services  
19 subcontracted from the county sheriff's department on April 1, 1980, may continue  
20 to subcontract intake services from the county sheriff's department.

21           2. Notwithstanding par. (a), any county in which the county sheriff's  
22 department operates a secure detention facility may subcontract intake services  
23 from the county sheriff's department as provided in this subdivision. If a county  
24 subcontracts intake services from the county sheriff's department, employes of the  
25 county sheriff's department who staff the secure detention facility may make secure

1 custody determinations under s. 938.208 between the hours of 6 p.m. and 6 a.m. and  
2 any determination under s. 938.208 made by an employe of the county sheriff's  
3 department shall be reviewed by an intake worker employed by the court or county  
4 department within 24 hours after that determination is made.

5 (b) 1. All intake workers beginning employment after May 15, 1980, including  
6 county sheriff's department employes who provide intake services under par. (am),  
7 shall have the qualifications required to perform entry level social work in a county  
8 department and shall have successfully completed 30 hours of intake training  
9 approved or provided by the department prior to the completion of the first 6 months  
10 of employment in the position. The department shall monitor compliance with this  
11 paragraph according to rules promulgated by the department.

12 2. The department shall make training programs available annually that  
13 permit intake workers to satisfy the requirements specified under subd. 1.”.

14 **22.** [Page 179, line 6](#): after the last period insert: “(1) The board of supervisors  
of any county may authorize the chief judge of the judicial administrative district to  
appoint one or more part-time or full-time juvenile court commissioners who shall  
serve at the discretion of the chief judge. A juvenile court commissioner shall be  
licensed to practice law in this state and shall have been so licensed for at least 2  
years immediately prior to appointment and shall have a demonstrated interest in  
the welfare of children. The chief judge may assign law clerks, bailiffs and deputies  
to the court commissioner. The chief judge shall supervise juvenile court  
commissioners, law clerks, bailiffs and deputies, except that the chief judge may  
delegate any of those duties.”.

15 **23.** [Page 181, line 5](#): on lines 5 and 11, delete “48.06” and substitute “938.06”.

1           **24.** Page 182, line 21: delete “48.06” and substitute “938.06”.

2           **25.** Page 185, line 23: after that line insert:

3           “(6) By any appropriate person designated by the county board of supervisors  
4 in any matter arising under s. 938.14.”.

5           **26.** Page 187, line 23: after that line insert:

6           “**938.14 Jurisdiction over interstate compact proceedings.** The court  
7 has exclusive jurisdiction over proceedings under the interstate compact for  
8 juveniles under s. 938.991.”.

9           **27.** Page 187, line 25: delete “or 938.13” and substitute “, 938.13 or 938.14”.

10          **28.** Page 196, line 22: before the period insert: “, a secure detention facility  
or a secured child caring institution”.

11          **29.** Page 197, line 22: after “offense” insert: “, and the lesser offense is not an  
offense for which the court assigned to exercise jurisdiction under this chapter and  
ch. 48 may waive its jurisdiction over the juvenile”.

12          **30.** Page 221, line 8: after “48.14” insert “or 938.14”.

13          **31.** Page 227, line 23: delete “or” and substitute a comma.

14          **32.** Page 227, line 24: after “938.13” insert “or 938.14”.

15          **33.** Page 229, line 22: delete “(a)”.

16          **34.** Page 232, line 21: delete “or 938.13” and substitute “, 938.13 or 938.14”.

17          **35.** Page 233, line 8: delete that line and substitute: “der s. 938.13 or 938.14.

The district attorney, corporation counsel or other appropriate person designated by  
the court may initiate proceedings under s. 938.14 in a manner specified by the  
court.”.



1           **36.** Page 235, line 23: after “(14)” insert “or 938.14”.

2           **37.** Page 238, line 20: after that line insert:

3           “(6) When a proceeding is initiated under s. 938.14, all interested parties shall  
4 receive notice and appropriate summons shall be issued in a manner specified by the  
5 court, consistent with applicable governing statutes.”.

6           **38.** Page 240, line 4: delete “or 938.13” and substitute “, 938.13 or 938.14”.

7           **39.** Page 277, line 6: after “department” insert: “, unless the department, after  
an examination under s. 938.50, determines that placement in a secured correctional  
facility is more appropriate”.

8           **40.** Page 282, line 22: delete “evaluation under s. 938.295 and the”.

9           **41.** Page 304, line 7: after the last period insert: “If the disposition places a  
juvenile who has been adjudicated delinquent outside the home under s. 938.34 (3)  
(c) or (d), the order shall include a finding that the juvenile’s current residence will  
not safeguard the welfare of the juvenile or the community due to the serious nature  
of the act for which the juvenile was adjudicated delinquent.”.

10          **42.** Page 310, line 5: after “sanction” insert: “of placement in a place of  
nonsecure custody”.

11          **43.** Page 311, line 1: after “and” insert “the provision of”.

12          **44.** Page 311, line 17: on lines 17 and 25, after “938.21”, insert: “but subject  
to any general written policies adopted by the court under s. 938.06 (1) or (2)”.

13          **45.** Page 311, line 22: delete that line and substitute: “for not more than 72  
hours as a sanction, if at the”.

14          **46.** Page 311, line 24: delete “placement” and substitute “sanction”.

1           **47.** Page 312, line 3: delete “while”.

2           **48.** Page 313, line 4: delete that line and substitute: “as a sanction, if at the  
dispositional hearing the court”.

3           **49.** Page 313, line 6: delete “placement” and substitute “sanction”.

4           **50.** Page 330, line 14: after “facility” insert “, a secure detention facility”.

5           **51.** Page 343, line 8: delete “may” and substitute “shall”; and delete “only”.

6           **52.** Page 343, line 12: delete “may” and substitute “shall”.

7           **53.** Page 343, line 13: delete “only”.

8           **54.** Page 347, line 21: after that line insert:

9           “(bm) Notwithstanding sub. (2) (a), in addition to the disclosure made under  
10 par. (a) or (b), if a juvenile is adjudicated delinquent and as a result of the  
11 dispositional order is enrolled in a different school district from the school district in  
12 which the juvenile is enrolled at the time of the dispositional order, the court clerk,  
13 within 5 days after the date on which the dispositional order is entered, shall provide  
14 the school board of the juvenile’s new school district or the school board’s designee  
15 with the information specified in par. (a) or (b), whichever is applicable, and, in  
16 addition, shall notify that school board or designee of whether the juvenile has been  
17 adjudicated delinquent previously by that court, the nature of any previous  
18 violations committed by the juvenile and the dispositions imposed on the juvenile  
19 under s. 938.34 as a result of those previous violations.”.

20           **55.** Page 347, line 23: delete “or (b)” and substitute: “, (b) or (bm)”;

21           and delete  
“principal of the”.

21           **56.** Page 348, line 6: delete “may” and substitute “shall”, in both places.

- 1           **57.** Page 348, line 8: before the period insert: “, except that a school board may  
use that information as the sole basis for expelling or suspending a juvenile if the  
information indicates that the pupil engaged in conduct that is a ground for  
expulsion or suspension while on or within 1,000 feet of a school premises or while  
on or within 1,000 feet of a school bus, as defined in s. 340.01 (56)”.
- 2           **58.** Page 355, line 24: after “medication” insert: “for not more than 10 days  
after the date of the request”.
- 3           **59.** Page 355, line 25: before the period insert: “which shall be held within  
those 10 days”.
- 4           **60.** Page 362, line 2: delete that line and substitute: “as a sanction, if at the  
dispositional hearing the”.
- 5           **61.** Page 362, line 4: delete “placement” and substitute “sanction”.
- 6           **62.** Page 362, line 6: delete “crisis”.
- 7           **63.** Page 362, line 7: delete that line and substitute: “a sanction, if at the  
dispositional”.
- 8           **64.** Page 362, line 8: delete “placement” and substitute “sanction”.
- 9           **65.** Page 381, line 1: on lines 1 and 4, after “(15m),” insert: “a secure detention  
facility, as defined in s. 938.02 (16),”.
- 10          **66.** Page 390, line 25: after “**facility**” insert: “, a secure detention facility”.
- 11          **67.** Page 391, line 3: on lines 3, 7 and 23, after “(15m),” insert: “a secure  
detention facility, as defined in s. 938.02 (16),”.
- 12          **68.** Page 398, line 15 after “48.09 (6)” insert “or 938.09 (6)”.

