



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa2299/1  
EHS:klm&kjf

**ASSEMBLY AMENDMENT 3,  
TO ASSEMBLY BILL 737**

February 16, 2016 - Offered by Representative KESSLER.

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

2 **1.** Page 1, line 4: after "child abuse," insert "diversion from the juvenile justice  
3 system of juveniles who are alleged to have engaged in prostitution,".

4 **2.** Page 3, line 2: after that line insert:

5 "SECTION 1. 48.02 (1d) of the statutes is amended to read:

6 48.02 (1d) "Adult" means a person who is 18 years of age or older, except that  
7 for purposes of investigating or prosecuting a person who is alleged to have violated  
8 any state or federal criminal law, other than s. 944.30 (1m), or any civil law or  
9 municipal ordinance, "adult" means a person who has attained 17 years of age.

10 **SECTION 2.** 48.02 (2) of the statutes is amended to read:

11 48.02 (2) "Child", when used without further qualification, means a person  
12 who is less than 18 years of age, except that for purposes of investigating or  
13 prosecuting a person who is alleged to have violated a state or federal criminal law,

1 other than s. 944.30 (1m), or any civil law or municipal ordinance, “child” does not  
2 include a person who has attained 17 years of age.

3 **SECTION 3.** 48.19 (1) (d) 3. of the statutes is created to read:

4 48.19 (1) (d) 3. The child is committing or has committed a violation of s. 944.30  
5 (1m).”.

6 **3.** Page 5, line 6: after that line insert:

7 “**SECTION 4.** 938.02 (1) of the statutes is amended to read:

8 938.02 (1) “Adult” means a person who is 18 years of age or older, except that  
9 for purposes of investigating or prosecuting a person who is alleged to have violated  
10 any state or federal criminal law, other than s. 944.30 (1m), or any civil law or  
11 municipal ordinance, “adult” means a person who has attained 17 years of age.

12 **SECTION 5.** 938.02 (3m) of the statutes is amended to read:

13 938.02 (3m) “Delinquent” means a juvenile who is 10 years of age or older who  
14 has violated any state or federal criminal law, except as provided in ss. 938.17, 938.18  
15 and 938.183, or who has committed a contempt of court, as defined in s. 785.01 (1),  
16 as specified in s. 938.355 (6g). “Delinquent” does not include a juvenile who is alleged  
17 to have violated s. 944.30 (1m).

18 **SECTION 6.** 938.02 (10m) of the statutes is amended to read:

19 938.02 (10m) “Juvenile”, ” when used without further qualification, means a  
20 person who is less than 18 years of age, except that for purposes of investigating or  
21 prosecuting a person who is alleged to have violated a state or federal criminal law,  
22 other than s. 944.30 (1m), or any civil law or municipal ordinance, “juvenile” does not  
23 include a person who has attained 17 years of age.

24 **SECTION 7.** 938.18 (1) (c) of the statutes is amended to read:

1           938.18 (1) (c) The juvenile is alleged to have violated any state criminal law,  
2 other than s. 944.30 (1m), on or after the juvenile's 15th birthday.

3           **SECTION 8.** 938.19 (1) (d) 3. of the statutes is amended to read:

4           938.19 (1) (d) 3. The juvenile is committing or has committed an act which is  
5 a violation of a state or federal criminal law, except that a juvenile who is committing  
6 or has committed a violation of s. 944.30 (1m) may not be taken into custody under  
7 this subdivision. Such a juvenile may be taken into custody under s. 48.19 (1) (d) 3.

8           **SECTION 9.** 938.34 (15) (a) 1. of the statutes, as affected by 2013 Wisconsin Act  
9 362, is amended to read:

10           938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a  
11 violation that would be a felony if committed by an adult in this state or of a violation  
12 of s. 940.225 (3m), 941.20 (1), 944.20, ~~944.30 (1m)~~, 944.31, 944.33, 946.52, or 948.10  
13 (1) (b), the court shall require the juvenile to comply with the requirement under s.  
14 165.76 (1) (am) by providing a biological specimen to the state crime laboratories for  
15 deoxyribonucleic acid analysis. The court shall inform the juvenile that he or she  
16 may request expungement under s. 165.77 (4).”.

17           **4.** Page 6, line 2: after that line insert:

18           **“SECTION 10.** 990.01 (3) of the statutes is amended to read:

19           990.01 (3) ADULT. “Adult” means a person who has attained the age of 18 years,  
20 except that for purposes of investigating or prosecuting a person who is alleged to  
21 have violated any state or federal criminal law, other than s. 944.30 (1m), or any civil  
22 law or municipal ordinance, “adult” means a person who has attained the age of 17  
23 years.

24           **SECTION 11.** 990.01 (20) of the statutes is amended to read:

