



State of Wisconsin  
2017 - 2018 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 953**

February 21, 2018 - Offered by Representatives SCHRAA and GOYKE.

1     **AN ACT to repeal 301.20; to renumber 938.48 (16); to renumber and amend**  
2           938.357 (3) and 938.357 (4) (a); **to amend** 16.99 (3b), 20.866 (1) (u), 20.866 (2)  
3           (ux), 20.866 (2) (v), 46.011 (1p), 46.057 (1), 46.20 (3), 46.22 (1) (a), 48.023 (4),  
4           48.526 (2) (c), 48.526 (6) (b), 48.526 (7) (bm), 48.66 (1) (b), 49.11 (1c), 49.45 (25)  
5           (bj), 51.35 (3) (a), 51.35 (3) (c) and (e), 301.01 (1n), 301.03 (9), 301.03 (10) (d),  
6           301.08 (1) (b) 3., 301.16 (1x), 301.37 (1), 938.02 (4), 938.02 (15g), 938.22 (1) (a),  
7           938.22 (2) (a), 938.225, 938.34 (2) (a), 938.34 (2) (b), 938.34 (3) (f) 1., 938.34 (4m)  
8           (intro.), 938.34 (4n) (intro.), 938.357 (1) (am) 1., 938.357 (4) (am), 938.357 (4) (b)  
9           1., 938.357 (4) (b) 2., 938.357 (4) (b) 4., 938.357 (4) (c) 1., 938.357 (4m), 938.48  
10          (3), 938.48 (4), 938.48 (4m) (b), 938.48 (5), 938.48 (6), 938.48 (14), 938.49 (title),  
11          938.49 (1), 938.49 (2) (intro.), 938.49 (2) (a), 938.505 (1), 938.52 (2) (a) and (c),  
12          938.53, 938.535, 938.539 (2), 938.539 (3), 938.539 (4), 938.539 (5), 938.54,  
13          938.59 (1) and 938.595; **to repeal and recreate** 938.357 (4) (title); and **to**

1           **create** 13.48 (27m), 13.94 (1) (v), 13.94 (1s) (c) 9., 20.410 (3) (f), 20.437 (1) (ck),  
2           20.866 (2) (uzc), 20.867 (3) (cv), 46.20 (1m), 48.527, 59.53 (8m), 121.79 (1) (e),  
3           301.16 (1f), 301.16 (1w), 301.18 (1) (fm), 301.37 (1m), 301.373, 302.01 (13),  
4           938.22 (2) (d), 938.357 (3) (b), (c) and (d), 938.357 (4) (ab), 938.357 (4) (d) and  
5           938.48 (16) (b) of the statutes; **relating to:** juvenile correctional facilities,  
6           secured residential care centers for children and youth, juvenile detention  
7           facilities, youth aids, granting bonding authority, providing an exemption from  
8           emergency rule procedures, granting rule-making authority, and making an  
9           appropriation.

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### ***Analysis by the Legislative Reference Bureau***

This substitute amendment requires the state to close the Lincoln Hills School and Copper Lake School by January 1, 2021, and authorizes the Department of Corrections to convert those facilities into an adult correctional facility, requires DOC to establish new Type 1 juvenile correctional facilities, requires the Department of Health Services to expand the Mendota Juvenile Treatment Center (MJTC), and authorizes counties to establish secured residential care centers for children and youth. Once the secured residential care centers for children and youth are established, the substitute amendment transfers the supervision of a juvenile under a correctional placement to the county department of human services or social services (county department) of the county in which the juvenile was adjudicated delinquent. The substitute amendment creates a council to study juvenile corrections issues and a grant program under which counties may apply for state funding towards the cost of establishing or constructing secured residential care centers for children and youth. The substitute amendment also expands the authorized uses of youth aids for program costs in juvenile detention facilities and secured residential care centers for children and youth and increases amounts paid to certain counties.

#### ***New facilities for juveniles.***

Under current law, DOC oversees all juvenile correctional services for juveniles who are under original adult court jurisdiction or who have been adjudged delinquent under the Juvenile Justice Code, placed under the supervision of DOC, and placed in a juvenile correctional facility, in the Serious Juvenile Offender Program (SJOP), or under community supervision. Under the substitute amendment, DOC maintains supervision over juveniles in SJOP, under community supervision, and under original adult court jurisdiction, but supervision over

juveniles who are under any other correctional placement under the Juvenile Justice Code is transferred to county departments.

This substitute amendment authorizes a county or American Indian tribe or band to establish, or contract with a child welfare agency to establish, a secured residential care center for children and youth. A county may establish a secured residential care center for children and youth on its own or jointly with one or more counties or may contract with another county to place juveniles in that county's secured residential care center for children and youth. In addition, as in current law, the substitute amendment allows a child welfare agency to be licensed to operate a secured residential care center for children and youth. By January 1, 2021, the substitute amendment requires DOC to construct or establish one or more Type 1 juvenile correctional facilities and requires DHS to expand MJTC to accommodate no fewer than 29 additional juveniles. The substitute amendment amends the 2017-19 Authorized State Building Program to add these projects. The DOC project is financed with \$25,000,000 in general fund supported borrowing, and the DHS project is financed with \$15,000,000 in general fund supported borrowing.

The substitute amendment creates in DOC a Juvenile Corrections Study Committee, which is required to research and develop recommendations on all of the following:

1. Optimal locations for the new Type 1 juvenile correctional facilities based on space and security needs, cost, proximity to the populations of juveniles the facilities would serve, and best practices for holding juveniles in secure custody. The substitute amendment requires the committee to favor the use of existing facilities and to conduct an inventory of existing state-owned facilities that have the capacity to be used as Type 1 juvenile correctional facilities. The substitute amendment requires the committee to submit its recommendations to DOC no later than November 1, 2018, and requires DOC to consider these recommendations in establishing the new facilities.

2. Rules governing the services and programming provided to juveniles in secured residential care centers for children and youth. The substitute amendment requires the committee to submit its findings and recommendations to DOC no later than September 1, 2018, and requires DOC to promulgate rules establishing standards for services in secured residential care centers for children and youth based on those recommendations. The substitute amendment requires DOC to promulgate emergency rules establishing these standards no later than December 31, 2018.

The committee is required under the substitute amendment to consult with one or more organizations that focus on developing best practices for holding juveniles in secure custody to aid the committee's research and development of recommendations. Under the substitute amendment, the committee terminates on January 1, 2021.

The substitute amendment requires the transfer from Lincoln Hills School and Copper Lake School of all juveniles who are under a correctional placement to the appropriate secured residential care center for children and youth and the transfer of all other juveniles to the new Type 1 juvenile correctional facilities. The substitute

amendment then requires the closure of Lincoln Hills School and Copper Lake School once all juveniles have been transferred, but no later than January 1, 2021, and authorizes DOC to then convert those facilities into an adult correctional institution named the Lincoln County Correctional Institution.

Under the substitute amendment, once a juvenile is placed in a secured residential care center for children and youth under a correctional placement, or once a juvenile who was under a correctional placement at Lincoln Hills School or Copper Lake School is transferred to a secured residential care center for children and youth, the juvenile is under the supervision of the county department of the county in which the juvenile was adjudicated delinquent. Under the substitute amendment, DOC maintains supervision over juveniles in secured residential care centers for children and youth that are in SJOP or under original adult court jurisdiction.

The substitute amendment maintains DOC's authority under current law to license, supervise, and inspect secured residential care centers for children and youth. Under the substitute amendment, a county, American Indian tribe or band, or child welfare agency that proposes to construct or operate a secured residential care center for children and youth is required to submit its plans to DOC for approval.

***Change of placement.***

Under the substitute amendment, generally, a juvenile who is given a correctional placement under a county department's supervision may only be placed in a secured residential care center for children and youth. However, if a secured residential care center for children and youth cannot meet the treatment needs of the juvenile, the county department may place the juvenile in a different secured residential care center for children and youth that offers more appropriate treatment without a hearing. Similarly, if a juvenile is placed under DOC's supervision in a secured residential care center for children and youth and the facility cannot meet the treatment needs of the juvenile, DOC may place the juvenile in a different secured residential care center for children and youth without a hearing. If DOC places a juvenile at a secured residential care center for children and youth or if a county department places a juvenile at a secured residential care center for children and youth other than its own, the substitute amendment requires that the entity operating the receiving secured residential care center for children and youth agree to the placement and requires that care and services for that juvenile be provided under a contract.

Also under the substitute amendment, a juvenile in a secured residential care center for children and youth under the supervision of either DOC or a county department may be placed in a Type 1 juvenile correctional facility after a hearing if the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) finds that the secured residential care center cannot meet the treatment needs of the juvenile and the Type 1 juvenile correctional facility can or that the county's secured residential care center for children and youth does not have space for the juvenile, and no other placement in a secured residential care center for children and youth can be found.

Under current law, MJTC is a Type 1 juvenile correctional facility that is operated by the Department of Health Services. Under current law, DOC can

transfer juveniles to MJTC from other Type 1 juvenile correctional facilities, with the approval of DHS. Under the substitute amendment, a juvenile who has been placed under the supervision of a county department in a secured residential care center for children and youth can be placed at MJTC by the juvenile court upon the recommendation of DHS in a change of placement hearing.

***Juvenile corrections grant program.***

The substitute amendment creates in DOC the Juvenile Corrections Grant Committee, which is required to establish and administer a juvenile corrections grant program. Under the grant program, a county may apply for one of the following grants:

1. A grant to pay 95 percent of the costs of designing and constructing a secured residential care center for children and youth.
2. A grant to pay 95 percent of the costs of designing and constructing a facility that houses both a secured residential care center for children and youth and a juvenile detention facility.
3. A grant to pay 100 percent of the costs of designing and constructing a secured residential care center for children and youth only for female juveniles or any portion that is only for female juveniles.

The substitute amendment provides that a grant also reimburses a successful applicant for any design costs incurred in preparing a grant application at the same percent as the grant covers other costs. The substitute amendment finances the grant program with \$40,000,000 in general fund supported borrowing.

The substitute amendment allows multiple counties to jointly submit a grant application for construction of a secured residential care center for children and youth that will hold juveniles from all of the cooperating counties. The substitute amendment requires the committee to establish requirements, guidelines, and criteria for the grant program but requires that, in developing a grant application, the applicant must consider best practices in designing and operating facilities that hold juveniles in secure custody and the feasibility of developing an existing facility, and must solicit input on the design of the facility from judges at the juvenile court for each county participating in the grant application. The substitute amendment also requires the committee to favor proposals that utilize existing facilities and to encourage multicounty coordination by favoring applications submitted jointly by multiple counties.

Under the substitute amendment, grant applications are due March 31, 2019, but the committee is authorized to work with applicants between that date and June 30, 2019, to modify applications in order to increase the likelihood of being awarded a grant. The substitute amendment requires the committee, in consultation with DOC and DCF, to develop a statewide plan that recommends which of the grant applications to approve based on an overall view towards a Wisconsin model of juvenile justice. The committee is prohibited from recommending approval of an application unless DOC approves the plans and specifications for the site and the design and construction of the facility.

The substitute amendment requires the Juvenile Corrections Grant Committee to submit its plan to the Joint Committee on Finance no later than July

1, 2019, to request approval to proceed with the plan under a passive review process. If approved, the substitute amendment requires DOC to implement the plan by awarding the grants under the plan, and requires the Juvenile Corrections Grant Committee to monitor the progress of the projects funded by the grants to ensure compliance with the grant program and completion in time to transfer juveniles from Lincoln Hills School and Copper Lake School to the new Type 1 juvenile correctional facilities and secured residential care centers for children and youth by January 1, 2021. Under the substitute amendment, the Juvenile Corrections Grant Committee terminates on the earlier of the date on which all projects funded with the grants are completed or January 1, 2021.

***Juvenile detention facilities.***

Under current law, a juvenile who is adjudicated delinquent may be placed in a juvenile detention facility for any combination of single or consecutive days totaling not more than 365 days if the county board of supervisors has adopted a resolution authorizing such a length of placement. Under this substitute amendment, with some exceptions, a juvenile may not be placed in a juvenile detention facility for more than 30 consecutive days.

The substitute amendment defines an “eligible juvenile detention facility” as a juvenile detention facility at which placements of juveniles for longer than 30 days is authorized as of January 1, 2018. With respect to an eligible juvenile detention facility that is awarded a grant under the substitute amendment, the limitation on placement in a juvenile detention facility to no more than 30 days does not apply until January 1, 2021. On that date, the portion of the facility that holds juveniles who are placed for more than 30 days becomes a secured residential care center for children and youth, at which juveniles may be placed under a correctional placement. However, it remains a juvenile detention facility with respect to juveniles placed in the juvenile detention facility prior to January 1, 2021.

Under the substitute amendment, an eligible juvenile detention facility that is not awarded a grant is authorized to continue to accept juveniles for placement for any combination of single or consecutive days totaling not more than 365 days if, after January 1, 2021, the number of juveniles that are housed at the juvenile detention facility does not exceed the number that are housed there on January 1, 2021, and if the facility is not altered or added to or repaired in excess of 50 percent of its assessed value. If the juvenile detention facility violates these conditions, it is no longer authorized to accept juveniles for placement for more than 30 consecutive days.

***Department of Corrections employees.***

The substitute amendment authorizes some preferential treatment for employees of Lincoln Hills School or Copper Lake School in applying for open positions at the new Type 1 juvenile correctional facilities and secured residential care centers for children and youth. Under the substitute amendment, a classified employee who, on the date DOC begins accepting applications for a position at a Type 1 juvenile correctional facility is employed at the Lincoln Hills School or Copper Lake School may apply to DOC to transfer to a position at the Type 1 juvenile correctional facility and DOC is authorized to transfer such an employee to certain positions at

a new Type 1 juvenile correctional facility without competitive procedures. Similarly, an applicant for a position at a secured residential care center for children and youth operated by a county who is employed at Lincoln Hills School or Copper Lake School on the date that the county begins accepting applications for the position may be selected by the county without regard to the requirements of any county civil service system that would otherwise apply. Finally, if, prior to January 1, 2021, a county enters into a contract with a child welfare agency under which the child welfare agency agrees to operate a new secured residential care center for children and youth, the county shall include in the contract a requirement that the child welfare agency grant an initial interview to any applicant for a position at the new secured residential care center for children and youth who is an employee of Lincoln Hills School or Copper Lake School on the date that the child welfare agency begins accepting applications for that position.

***Youth aids funding.***

Current law requires Department of Children and Families to allocate to counties various state and federal moneys to pay for juvenile correctional services and community-based juvenile delinquency-related services (commonly referred to as “youth aids”). Under current law, youth aids funding may not be used to pay for land purchase, building construction, or maintenance of county buildings, for reimbursement of costs relating to holding juveniles in secure custody, city lockups, or temporary shelter care. Under current law, youth aids may be used to reimburse costs of program services in juvenile detention facilities, except for the costs of basic care and supervision. The substitute amendment removes this exception, so that youth aids may be used to reimburse costs of basic care and supervision in juvenile detention facilities, and adds that youth aids may be used to reimburse costs of program services in secured residential care centers for children and youth. This substitute amendment also requires DCF to provide a bonus payment of 15 percent of a county’s youth aids payment in the preceding year, up to \$750,000, if the county operates a joint secured residential care center for children and youth that was funded by the juvenile corrections grant program under the substitute amendment.

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

- 1           **SECTION 1.** 13.48 (27m) of the statutes is created to read:
- 2           **13.48 (27m)** SECURED RESIDENTIAL CARE CENTERS FOR CHILDREN AND YOUTH. (a)
- 3           The legislature finds and determines that the legislative intent set forth under s.
- 4           938.01 (2) is served by the design and construction of secured residential care centers
- 5           for children and youth and attached juvenile detention facilities and that the design

1 and construction of such facilities is a statewide concern of statewide dimension. It  
2 is therefore in the public interest, and it is the public policy of this state, to assist  
3 counties in designing and constructing secured residential care centers for children  
4 and youth and attached juvenile detention facilities, including expanding or  
5 remodeling existing facilities into secured residential care centers for children and  
6 youth and remodeling attached juvenile detention facilities.

7 (b) The building commission may authorize up to a total of \$40,000,000 in  
8 general fund supported borrowing to assist counties in establishing or constructing  
9 secured residential care centers for children and youth, including expanding or  
10 remodeling existing facilities into secured residential care centers for children and  
11 youth and remodeling attached juvenile detention facilities. Any such state funding  
12 commitment shall be in the form of a grant to a county issued under 2017 Wisconsin  
13 Act .... (this act), section 110 (4).

14 (c) If the building commission authorizes a grant to a county under par. (b), and  
15 if, for any reason, the facility that is established, constructed, or remodeled with  
16 funds from the grant is not used for the purposes identified in the grant under 2017  
17 Wisconsin Act .... (this act), section 110 (4), the state shall retain an ownership  
18 interest in the facility equal to the amount of the state's grant.

19 **SECTION 2.** 13.94 (1) (v) of the statutes is created to read:

20 13.94 (1) (v) Conduct an audit, at the request of the department of corrections,  
21 of a county's net operating costs for a secured residential care center for children and  
22 youth that holds only female juveniles for the purpose of determining the amount,  
23 if any, of a net operating loss to be reimbursed by the department of corrections to  
24 a county under s. 301.373. The bureau shall report the result of the audit to the  
25 department of corrections as soon as practicable.



1           **SECTION 3.** 13.94 (1s) (c) 9. of the statutes is created to read:

2           13.94 **(1s)** (c) 9. The department of corrections for the cost of an audit performed  
3 under sub. (1) (v).

4           **SECTION 4.** 16.99 (3b) of the statutes is amended to read:

5           16.99 **(3b)** “Juvenile correctional facility” means ~~the Copper Lake School and~~  
6 ~~the Lincoln Hills School a~~ Type 1 juvenile correctional facility, as defined in s. 938.02  
7 (19), but does not include the Mendota juvenile treatment center under s. 46.057.

8           **SECTION 5.** 20.410 (3) (f) of the statutes is created to read:

9           20.410 **(3)** (f) *Operating loss reimbursement program.* A sum sufficient for  
10 reimbursement to counties under s. 301.373 for audits conducted by the legislative  
11 audit bureau under s. 13.94 (1) (v).

12           **SECTION 6.** 20.437 (1) (ck) of the statutes is created to read:

13           20.437 **(1)** (ck) *Community youth and family aids; bonus for county facilities.*  
14 The amounts in the schedule for bonuses to qualifying counties with a secured  
15 residential care center for children and youth under s. 48.527.

16           **SECTION 7.** 20.866 (1) (u) of the statutes, as affected by 2017 Wisconsin Act 59,  
17 is amended to read:

18           20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys  
19 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (s), 20.190 (1)  
20 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
21 20.255 (1) (d), 20.285 (1) (d), (je), and (gj), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7)  
22 (aa), (ad), (ag), (aq), (ar), (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (cr), (cs), (ct), (ea),  
23 (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3)  
24 (e), 20.435 (2) (ee), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505  
25 (4) (es), (et), (ha), and (hb) and (5) (c), (g), and (kc), 20.855 (8) (a), and 20.867 (1) (a)

1 and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bj), (bL), (bm), (bn), (bq),  
2 (br), (bt), (bu), (bv), (bw), (bx), (cb), (cd), (cf), (ch), (cj), (cq), (cr), (cs), (cv), (g), (h), (i),  
3 (kd), and (q) for the payment of principal, interest, premium due, if any, and payment  
4 due, if any, under an agreement or ancillary arrangement entered into under s. 18.06  
5 (8) (a) relating to any public debt contracted under subchs. I and IV of ch. 18.

6 **SECTION 8.** 20.866 (2) (ux) of the statutes, as affected by 2017 Wisconsin Act 59,  
7 is amended to read:

8 20.866 (2) (ux) *Corrections; correctional facilities.* From the capital  
9 improvement fund, a sum sufficient for the department of corrections to acquire,  
10 construct, develop, enlarge, or improve adult and juvenile correctional facilities. The  
11 state may contract public debt in an amount not to exceed ~~\$926,679,900~~  
12 \$951,679,900 for this purpose.

13 **SECTION 9.** 20.866 (2) (uzc) of the statutes is created to read:

14 20.866 (2) (uzc) *Secured residential care centers for children and youth.* From  
15 the capital improvement fund, a sum sufficient for the provision of grants to counties  
16 for designing and constructing secured residential care centers for children and  
17 youth and attached juvenile detention facilities as specified in s. 13.48 (27m). The  
18 state may contract public debt in an amount not to exceed \$40,000,000 for this  
19 purpose.

20 **SECTION 10.** 20.866 (2) (v) of the statutes, as affected by 2017 Wisconsin Act 59,  
21 is amended to read:

22 20.866 (2) (v) *Health services; mental health and secure treatment facilities.*  
23 From the capital improvement fund, a sum sufficient for the department of health  
24 services to acquire, construct, develop, enlarge, or extend mental health and secure

1 treatment facilities. The state may contract public debt in an amount not to exceed  
2 ~~\$208,646,200~~ \$223,646,200 for this purpose.

3 **SECTION 11.** 20.867 (3) (cv) of the statutes is created to read:

4 20.867 (3) (cv) *Secured residential care centers for children and youth.* A sum  
5 sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs  
6 incurred in financing the design and construction of secured residential care centers  
7 for children and youth and attached juvenile detention facilities as specified in s.  
8 13.48 (27m), to make the payments determined by the building commission under  
9 s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in  
10 financing those projects, and to make payments under an agreement or ancillary  
11 arrangement entered into under s. 18.06 (8) (a).

12 **SECTION 12.** 46.011 (1p) of the statutes is amended to read:

13 46.011 (1p) “Juvenile correctional services” means services provided for a  
14 juvenile who is under the supervision of the department of corrections under s.  
15 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

16 **SECTION 13.** 46.011 (1p) of the statutes, as affected by 2017 Wisconsin Act ....  
17 (this act), is amended to read:

18 46.011 (1p) “Juvenile correctional services” means services provided for a  
19 juvenile who is under the supervision of the department of corrections under s.  
20 938.183, 938.34 ~~(2)~~, (4h), ~~(4m)~~, (4n), or (7g), or 938.357 (3) or (4).

21 **SECTION 14.** 46.057 (1) of the statutes is amended to read:

22 46.057 (1) The department shall establish, maintain, and operate the Mendota  
23 juvenile treatment center on the grounds of the Mendota Mental Health Institute.  
24 The department may designate staff at the Mendota Mental Health Institute as  
25 responsible for administering, and providing services at, the center.

1 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the  
2 Mendota juvenile treatment center as a juvenile correctional facility, as defined in  
3 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33  
4 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as  
5 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center  
6 shall provide psychological and psychiatric evaluations and treatment for juveniles  
7 whose behavior presents a serious problem to themselves or others in other juvenile  
8 correctional facilities and whose mental health needs can be met at the center. With  
9 the approval of the department of health services, the department of corrections may  
10 transfer to the center any juvenile who has been placed in a juvenile correctional  
11 facility or a secured residential care center for children and youth under the  
12 supervision of the department of corrections under s. 938.183, 938.34 (4h) or (4m),  
13 or 938.357 (4) or (5) (e) in the same manner that the department of corrections  
14 transfers juveniles between other juvenile correctional facilities. Upon the  
15 recommendation of the department of health services, a court may place a juvenile  
16 at the center under the supervision of a county department in a proceeding for a  
17 change in placement order under s. 938.357 (3).

18 **SECTION 15.** 46.057 (1) of the statutes, as affected by 2017 Wisconsin Act ...  
19 (this act), is amended to read:

20 46.057 (1) The department shall establish, maintain, and operate the Mendota  
21 juvenile treatment center on the grounds of the Mendota Mental Health Institute.  
22 The department may designate staff at the Mendota Mental Health Institute as  
23 responsible for administering, and providing services at, the center.  
24 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the  
25 Mendota juvenile treatment center as a juvenile correctional facility, as defined in

1 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33  
2 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as  
3 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center  
4 shall provide psychological and psychiatric evaluations and treatment for juveniles  
5 whose behavior presents a serious problem to themselves or others in other juvenile  
6 correctional facilities and whose mental health needs can be met at the center. With  
7 the approval of the department of health services, the department of corrections may  
8 transfer to the center any juvenile who has been placed in a juvenile correctional  
9 facility or a secured residential care center for children and youth under the  
10 supervision of the department of corrections under s. 938.183, 938.34 (4h) ~~or (4m)~~,  
11 or 938.357 (4) or (5) (e) in the same manner that the department of corrections  
12 transfers juveniles between other juvenile correctional facilities. Upon the  
13 recommendation of the department of health services, a court may place a juvenile  
14 at the center under the supervision of a county department in a proceeding for a  
15 change in placement order under s. 938.357 (3).

16 **SECTION 16.** 46.20 (1m) of the statutes is created to read:

17 46.20 (1m) Any 2 or more counties may jointly, by majority vote of all the  
18 members of each county board, provide for a secured residential care center for  
19 children and youth, as defined in s. 938.02 (15g), under ss. 59.52 (7) and 66.0301. A  
20 secured residential care center for children and youth established under this section  
21 shall be the county secured residential care center for children and youth of each of  
22 the counties so joining.

23 **SECTION 17.** 46.20 (3) of the statutes is amended to read:

24 46.20 (3) Upon approval of the site, plans, and specifications for the institution,  
25 as provided in ss. 46.17 and 301.37, ~~as to other institutions~~, the joint committee shall

1 report to the several county boards the estimated cost of the site and buildings, and  
2 the amount thereof chargeable to each county on the basis set forth in sub. (6) (a),  
3 appending to each report a copy of the plans and specifications and all matter  
4 relating to the site and buildings. If the report is approved by each county board, the  
5 joint committee shall purchase the site and cause the buildings to be erected in  
6 accordance with the plans and specifications.

7 **SECTION 18.** 46.22 (1) (a) of the statutes is amended to read:

8 46.22 (1) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county  
9 board of supervisors of any county with a population of less than 500,000 750,000,  
10 or the county boards of 2 or more counties, shall establish a county department of  
11 social services on a single-county or multicounty basis. The county department of  
12 social services shall consist of a county social services board, a county social services  
13 director and necessary personnel.

14 **SECTION 19.** 48.023 (4) of the statutes is amended to read:

15 48.023 (4) The rights and responsibilities of legal custody except when legal  
16 custody has been vested in another person or when the child is under the supervision  
17 of the department of corrections under s. 938.183, 938.34 (4h), (4m), or (4n), or  
18 938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4d),  
19 (4m), or (4n).

20 **SECTION 20.** 48.023 (4) of the statutes, as affected by 2017 Wisconsin Act ...  
21 (this act), is amended to read:

22 48.023 (4) The rights and responsibilities of legal custody except when legal  
23 custody has been vested in another person or when the child is under the supervision  
24 of the department of corrections under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or

1 938.357 (3) or (4) or the supervision of a county department under s. 938.34 (4d),  
2 (4m), or (4n).

3 **SECTION 21.** 48.526 (2) (c) of the statutes is amended to read:

4 48.526 (2) (c) All funds to counties under this section shall be used to purchase  
5 or provide community-based juvenile delinquency-related services, as defined in s.  
6 46.011 (1c), and to purchase juvenile correctional services, as defined in s. 46.011  
7 (1p), except that no funds to counties under this section may be used for purposes of  
8 land purchase, building construction, or maintenance of buildings under s. 46.17,  
9 46.175, or 301.37, for reimbursement of costs under s. 938.209, for city lockups, or  
10 for reimbursement of care costs in temporary shelter care under s. 938.22. Funds to  
11 counties under this section may be used for reimbursement of costs of program  
12 services, ~~other than~~ including basic care and supervision costs, in juvenile detention  
13 facilities and secured residential care centers for children and youth.

14 **SECTION 22.** 48.526 (6) (b) of the statutes is amended to read:

15 48.526 (6) (b) The criteria developed under par. (a) shall include performance  
16 standards criteria to be used to determine whether counties are successfully  
17 diverting juveniles from juvenile correctional facilities and secured residential care  
18 centers for children and youth to less restrictive community programs and are  
19 successfully rehabilitating juveniles who are adjudged delinquent. Counties shall  
20 provide information requested by the department in order to apply the criteria and  
21 assess their performances.

22 **SECTION 23.** 48.526 (7) (bm) of the statutes is amended to read:

23 48.526 (7) (bm) Of the amounts specified in par. (a), the department shall  
24 allocate \$6,250,000 for the last 6 months of 2015, \$12,500,000 for 2016, and  
25 \$6,250,000 for the first 6 months of 2017 to counties based on each county's

1 proportion of the number of juveniles statewide who are placed in a juvenile  
2 correctional facility or a secured residential care center for children and youth during  
3 the most recent 3-year period for which that information is available.

4 **SECTION 24.** 48.527 of the statutes is created to read:

5 **48.527 Community youth and family aids; bonus for county facilities.**

6 From the appropriation under s. 20.437 (1) (ck), the department shall allocate an  
7 amount equal to 15 percent of a county's allocation in the preceding fiscal year under  
8 s. 48.526 or \$750,000, whichever is less, in additional funds for a county that operates  
9 a joint secured residential care center for children and youth under s. 46.20 (1m) that  
10 was funded by a grant under 2017 Wisconsin Act .... (this act), section 110 (4).

11 **SECTION 25.** 48.66 (1) (b) of the statutes, as affected by 2017 Wisconsin Act 47,  
12 is amended to read:

13 48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections  
14 may license a child welfare agency to operate a secured residential care center for  
15 children and youth for holding in secure custody juveniles who have been convicted  
16 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or  
17 (4m) and referred to the child welfare agency by the court, the county department,  
18 or the department of corrections and to provide supervision, care, and maintenance  
19 for those juveniles.

20 **SECTION 26.** 49.11 (1c) of the statutes is amended to read:

21 49.11 (1c) "Community-based juvenile delinquency-related services" means  
22 juvenile delinquency-related services provided under ch. 938 other than services  
23 provided for a juvenile who is under the supervision of the department of corrections  
24 under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).



1           **SECTION 27.** 49.11 (1c) of the statutes, as affected by 2017 Wisconsin Act .... (this  
2 act), is amended to read:

3           49.11 **(1c)** “Community-based juvenile delinquency-related services” means  
4 juvenile delinquency-related services provided under ch. 938 other than services  
5 provided for a juvenile who is under the supervision of the department of corrections  
6 under s. 938.183, 938.34 ~~(2)~~, (4h), ~~(4m)~~, (4n), or (7g), or 938.357 (3) or (4).

7           **SECTION 28.** 49.45 (25) (bj) of the statutes is amended to read:

8           49.45 **(25)** (bj) The department of corrections may elect to provide case  
9 management services under this subsection to persons who are under the  
10 supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or  
11 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or  
12 more of the conditions specified in par. (am). The amount of the allowable charges  
13 for those services under the Medical Assistance program that is not provided by the  
14 federal government shall be paid from the appropriation account under s. 20.410 (3)  
15 (hm), (ho), or (hr).

16           **SECTION 29.** 49.45 (25) (bj) of the statutes, as affected by 2017 Wisconsin Act  
17 .... (this act), is amended to read:

18           49.45 **(25)** (bj) The department of corrections may elect to provide case  
19 management services under this subsection to persons who are under the  
20 supervision of that department under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or  
21 938.357 (3) or (4), who are Medical Assistance beneficiaries, and who meet one or  
22 more of the conditions specified in par. (am). The amount of the allowable charges  
23 for those services under the Medical Assistance program that is not provided by the  
24 federal government shall be paid from the appropriation account under s. 20.410 (3)  
25 (hm), (ho), or (hr).

1           **SECTION 30.** 51.35 (3) (a) of the statutes is amended to read:

2           51.35 (3) (a) A licensed psychologist of a juvenile correctional facility or a  
3 secured residential care center for children and youth, or a licensed physician of a  
4 county department under s. 938.02 (2g) or the department of corrections, who has  
5 reason to believe that any individual confined in the juvenile correctional facility or  
6 secured residential care center for children and youth is, in his or her opinion, in need  
7 of services for developmental disability, alcoholism, or drug dependency or in need  
8 of psychiatric services, and who has obtained consent to make a transfer for  
9 treatment, shall make a report, in writing, to the superintendent of the juvenile  
10 correctional facility or secured residential care center for children and youth, stating  
11 the nature and basis of the belief and verifying the consent. In the case of a minor  
12 age 14 or older who is in need of services for developmental disability or who is in  
13 need of psychiatric services, the minor and the minor's parent or guardian shall  
14 consent unless the minor is admitted under s. 51.13 (1) (c) or unless the minor refuses  
15 to consent, in which case the minor's parent or guardian may consent on behalf of the  
16 minor. In the case of a minor age 14 or older who is in need of services for alcoholism  
17 or drug dependency or a minor under the age of 14 who is in need of services for  
18 developmental disability, alcoholism, or drug dependency or in need of psychiatric  
19 services, only the minor's parent or guardian needs to consent unless the minor is  
20 admitted under s. 51.13 (1) (c). The superintendent shall inform, orally and in  
21 writing, the minor and the minor's parent or guardian, that transfer is being  
22 considered and shall inform them of the basis for the request and their rights as  
23 provided in s. 51.13 (3) (am). If the county department or the department of  
24 corrections, upon review of a request for transfer, determines that transfer is  
25 appropriate, that department shall immediately notify the department of health

1 services and, if the department of health services consents, the county department  
2 or department of corrections may immediately transfer the individual. The  
3 department of health services shall file a petition under s. 51.13 (4) (a) in the court  
4 assigned to exercise jurisdiction under chs. 48 and 938 of the county where the  
5 treatment facility is located.

6 **SECTION 31.** 51.35 (3) (c) and (e) of the statutes, as affected by 2017 Wisconsin  
7 Act 34, are amended to read:

8 51.35 (3) (c) A licensed psychologist of a juvenile correctional facility or a  
9 secured residential care center for children and youth or a licensed physician of a  
10 county department under s. 938.02 (2g) or the department of corrections, who has  
11 reason to believe that any individual confined in the juvenile correctional facility or  
12 secured residential care center for children and youth, in his or her opinion, has a  
13 mental illness, drug dependency, or developmental disability and is dangerous as  
14 described in s. 51.20 (1) (a) 2., or is dangerous and is an alcoholic or a person who is  
15 drug dependent as described in s. 51.45 (13) (a) 1. and 2., shall file a written report  
16 with the superintendent of the juvenile correctional facility or secured residential  
17 care center for children and youth, stating the nature and basis of the belief. If the  
18 superintendent, upon review of the allegations in the report, determines that  
19 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
20 in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county  
21 where the juvenile correctional facility or secured residential care center for children  
22 and youth is located. The court shall hold a hearing according to procedures provided  
23 in s. 51.20 or 51.45 (13).

24 (e) The department of corrections or a county department under s. 938.02 (2g)  
25 may authorize emergency transfer of an individual from a juvenile correctional

1 facility or a secured residential care center for children and youth to a state  
2 treatment facility if there is cause to believe that the individual has a mental illness,  
3 drug dependency, or developmental disability and exhibits conduct that constitutes  
4 a danger as described under s. 51.20 (1) (a) 2. a., b., c., or d. to the individual or to  
5 others, has a mental illness, is dangerous, and satisfies the standard under s. 51.20  
6 (1) (a) 2. e., or is dangerous and is an alcoholic or a person who is drug dependent as  
7 provided in s. 51.45 (13) (a) 1. and 2. The custodian of the sending juvenile  
8 correctional facility or secured residential care center for children and youth shall  
9 execute a statement of emergency detention or petition for emergency commitment  
10 for the individual and deliver it to the receiving state treatment facility. The  
11 department of health services shall file the statement or petition with the court  
12 within 24 hours after the subject individual is received for detention or commitment.  
13 The statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After  
14 an emergency transfer is made, the director of the receiving facility may file a  
15 petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the  
16 individual to the juvenile correctional facility or secured residential care center for  
17 children and youth from which the transfer was made. As an alternative to this  
18 procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except that  
19 no individual may be released without the approval of the court that directed  
20 confinement in the juvenile correctional facility or secured residential care center for  
21 children and youth.

22 **SECTION 32.** 59.53 (8m) of the statutes is created to read:

23 **59.53 (8m) SECURED RESIDENTIAL CARE CENTER FOR CHILDREN AND YOUTH.** The  
24 board may establish, or contract with a child welfare agency to establish, a secured  
25 residential care center for children and youth, on its own or jointly with one or more

1 counties, under ss. 46.20 (1m), 59.52 (7), 66.0301, and 938.22 (1) (a), or may contract  
2 with another county to place juveniles in that county's secured residential care  
3 center for children and youth. If a board contracts with another county to place a  
4 juvenile at that county's secured residential care center for children and youth, that  
5 secured residential care center for children and youth shall be the county secured  
6 residential care center for children and youth of the placing county with respect to  
7 the placed juvenile.

8 **SECTION 33.** 121.79 (1) (e) of the statutes is created to read:

9 121.79 (1) (e) For pupils in secured residential care centers for children and  
10 youth, as defined under s. 938.02 (15g).

11 **SECTION 34.** 301.01 (1n) of the statutes is amended to read:

12 301.01 (1n) "Juvenile correctional services" means services provided for a  
13 juvenile who is under the supervision of the department of corrections under s.  
14 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

15 **SECTION 35.** 301.01 (1n) of the statutes, as affected by 2017 Wisconsin Act ....  
16 (this act), is amended to read:

17 301.01 (1n) "Juvenile correctional services" means services provided for a  
18 juvenile who is under the supervision of the department of corrections under s.  
19 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or (4).

20 **SECTION 36.** 301.03 (9) of the statutes is amended to read:

21 301.03 (9) Supervise all persons placed in a state prison under s. 938.183, all  
22 persons placed under court-ordered departmental supervision under s. 938.34 (2),  
23 all persons placed in the serious juvenile offender program under s. 938.34 (4h), all  
24 persons placed in a juvenile correctional facility or a secured residential treatment  
25 center for children and youth under s. 938.34 (4m) or 938.357 (4), all persons placed

1 ~~under community supervision under s. 938.34 (4n) or 938.357 (4), and all persons~~  
2 ~~placed in an experiential education program under the supervision of the~~  
3 ~~department under s. 938.34 (7g) and all persons placed under the supervision of the~~  
4 ~~department by the court under ch. 938.~~

5 **SECTION 37.** 301.03 (10) (d) of the statutes is amended to read:

6 301.03 (10) (d) Administer the office of juvenile offender review in the division  
7 of juvenile corrections in the department. The office shall be responsible for decisions  
8 regarding case planning and the release of juvenile offenders who are under the  
9 supervision of the department from juvenile correctional facilities or secured  
10 residential care centers for children and youth to aftercare or community supervision  
11 placements.

12 **SECTION 38.** 301.03 (10) (d) of the statutes, as affected by 2017 Wisconsin Act  
13 .... (this act), is amended to read:

14 301.03 (10) (d) Administer the office of juvenile offender review in the division  
15 of juvenile corrections in the department. The office shall be responsible for decisions  
16 regarding case planning and the release of juvenile offenders who are under the  
17 supervision of the department from juvenile correctional facilities or secured  
18 residential care centers for children and youth to ~~aftercare or~~ community supervision  
19 placements.

20 **SECTION 39.** 301.08 (1) (b) 3. of the statutes is amended to read:

21 301.08 (1) (b) 3. Contract with public, private, or voluntary agencies for the  
22 supervision, maintenance, and operation of juvenile correctional facilities,  
23 residential care centers for children and youth, as defined in s. 938.02 (15d), and  
24 secured residential care centers for children and youth for the placement of juveniles  
25 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183

1 or 938.34 (4d), (4h), or (4m). The department may designate a juvenile correctional  
2 facility, or a residential care center for children and youth,~~or a secured residential~~  
3 ~~care center for children and youth~~ contracted for under this subdivision as a Type 2  
4 juvenile correctional facility, as defined in s. 938.02 (20), and may designate a  
5 residential care center for children and youth ~~or secured residential care center for~~  
6 ~~children and youth~~ contracted for under this subdivision as a Type 2 residential care  
7 center for children and youth, as defined in s. 938.02 (19r).

8 **SECTION 40.** 301.16 (1f) of the statutes is created to read:

9 301.16 (1f) In addition to the institutions under sub. (1), the department may  
10 establish and operate an adult correctional institution in the town of Irma, Lincoln  
11 County, at the location that was the Lincoln Hills School and Copper Lake School.

12 **SECTION 41.** 301.16 (1w) of the statutes is created to read:

13 301.16 (1w) The department shall establish one or more Type 1 juvenile  
14 correctional facilities, as enumerated in 2017 Wisconsin Act .... (this act), section 110  
15 (10) (a).

16 **SECTION 42.** 301.16 (1x) of the statutes is amended to read:

17 301.16 (1x) Inmates from the Wisconsin state prisons may be transferred to the  
18 institutions under this section and they, except that inmates may not be transferred  
19 to a Type 1 juvenile correctional facility established under sub. (1w) unless required  
20 under s. 973.013 (3m). Inmates transferred under this subsection shall be subject  
21 to all laws pertaining to inmates of other penal institutions of this state. Officers and  
22 employees of the institutions shall be subject to the same laws as pertain to other  
23 penal institutions. Inmates shall not be received on direct commitment from the  
24 courts.

25 **SECTION 43.** 301.18 (1) (fm) of the statutes is created to read:

1           301.18 (1) (fm) Provide the facilities necessary for each Type 1 juvenile  
2 correctional facility established under s. 301.16 (1w).

3           **SECTION 44.** 301.20 of the statutes is repealed.

4           **SECTION 45.** 301.37 (1) of the statutes is amended to read:

5           301.37 (1) The department shall fix reasonable standards and regulations for  
6 the design, construction, repair, and maintenance of all houses of correction,  
7 reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30,  
8 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),  
9 lockup facilities, as defined in s. 302.30, work camps under s. 303.10, Huber facilities  
10 under s. 303.09, and, after consulting with the department of children and families,  
11 all juvenile detention facilities and secured residential care centers for children and  
12 youth, with respect to their adequacy and fitness for the needs which they are to  
13 serve.

14           **SECTION 46.** 301.37 (1m) of the statutes is created to read:

15           301.37 (1m) Subject to the rules promulgated by the department under sub.  
16 (1), a secured residential care center for children and youth may be located in a  
17 portion of a juvenile detention facility or a Type 1 juvenile correctional facility. A  
18 secured residential care center for children and youth that is located in a portion of  
19 a juvenile detention facility or a Type 1 juvenile correctional facility shall provide  
20 programming and services as required by the department under s. 938.48 (16) (b).

21           **SECTION 47.** 301.373 of the statutes is created to read:

22           **301.373 Operating loss reimbursement program.** The department shall  
23 reimburse a county that operates a secured residential care center for children and  
24 youth that holds only female juveniles in secure custody and that was established  
25 using funding from the grant program under 2017 Wisconsin Act ... (this act), section



1 110 (4) for any annual net operating loss. A county seeking reimbursement under  
2 this section shall submit its request and supporting financial statements for the prior  
3 fiscal year to the department and the legislative audit bureau in a format prescribed  
4 by the department. The department shall reimburse the county for the amount of  
5 the net operating loss, as determined by the legislative audit bureau under s. 13.94  
6 (1) (v), from the appropriation under s. 20.410 (3) (f). The department may pay for  
7 the cost of the audit by the legislative audit bureau under s. 13.94 (1) (v) from the  
8 appropriation under s. 20.410 (3) (f).

9 **SECTION 48.** 302.01 (13) of the statutes is created to read:

10 302.01 (13) The adult correctional institution established under s. 301.16 (1f)  
11 is named “Lincoln County Correctional Institution.”

12 **SECTION 49.** 938.02 (4) of the statutes is amended to read:

13 938.02 (4) “Department” means the department of children and families,  
14 except that with respect to a juvenile who is under the supervision of the department  
15 of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or  
16 (4), “department” means the department of corrections.

17 **SECTION 50.** 938.02 (4) of the statutes, as affected by 2017 Wisconsin Act ...  
18 (this act), is amended to read:

19 938.02 (4) “Department” means the department of children and families,  
20 except that with respect to a juvenile who is under the supervision of the department  
21 of corrections under s. 938.183, 938.34 (2), (4h), (4m), (4n), or (7g), or 938.357 (3) or  
22 (4), “department” means the department of corrections.

23 **SECTION 51.** 938.02 (15g) of the statutes is amended to read:

24 938.02 (15g) “Secured residential care center for children and youth” means  
25 a residential care center for children and youth facility operated by an Indian tribe

1 or a county under ss. 46.20, 59.53 (8m), 301.26, 301.27, and 938.22 (1) (a) or by a child  
2 welfare agency that is licensed under s. 48.66 (1) (b) to hold in secure custody persons  
3 adjudged delinquent.

4 **SECTION 52.** 938.22 (1) (a) of the statutes is amended to read:

5 938.22 (1) (a) Subject to s. 48.66 (1) (b), the The county board of supervisors of  
6 a county may establish a juvenile detention facility or secured residential care center  
7 for children and youth in accordance with ss. 301.36 and 301.37 or the county boards  
8 of supervisors for 2 or more counties may jointly establish a juvenile detention  
9 facility or secured residential care center for children and youth in accordance with  
10 ss. 46.20, 59.53 (8m), 301.36, and 301.37. An Indian tribe may establish a secured  
11 residential care center for children and youth in accordance with ss. 301.36 and  
12 301.37. The county board of supervisors of a county may establish a shelter care  
13 facility in accordance with ss. 48.576 and 48.578 or the county boards of supervisors  
14 for 2 or more counties may jointly establish a shelter care facility in accordance with  
15 ss. 46.20, 48.576, and 48.578. A private entity may establish a juvenile detention  
16 facility in accordance with ss. 301.36 and 301.37 and contract with one or more  
17 county boards of supervisors under s. 938.222 to hold juveniles in the private juvenile  
18 detention facility. Subject to ss. 48.66 (1) (b), 301.36, and 301.37, a child welfare  
19 agency may establish a secured residential care center for children and youth and  
20 contract with one or more county boards of supervisors to hold juveniles in the  
21 secured residential care center for children and youth.

22 **SECTION 53.** 938.22 (2) (a) of the statutes is amended to read:

23 938.22 (2) (a) Counties shall submit plans for a juvenile detention facility,  
24 secured residential care center for children and youth, or juvenile portion of the  
25 county jail to the department of corrections and submit plans for a shelter care

1 facility to the department of children and families. A private entity that proposes to  
2 establish a juvenile detention facility or an Indian tribe or a child welfare agency that  
3 proposes to establish a secured residential care center for children and youth shall  
4 submit plans for the facility to the department of corrections. The applicable  
5 department shall review the submitted plans. A county ~~or a~~, Indian tribe, private  
6 entity, or child welfare agency may not implement a plan unless the applicable  
7 department has approved the plan. The department of corrections shall promulgate  
8 rules establishing minimum requirements for the approval and operation of juvenile  
9 detention facilities, secured residential care centers for children and youth, and the  
10 juvenile portion of county jails. The plans and rules shall be designed to protect the  
11 health, safety, and welfare of the juveniles placed in those facilities.

12 **SECTION 54.** 938.22 (2) (d) of the statutes is created to read:

13 938.22 (2) (d) 1. Except as provided in subd. 2., a juvenile detention facility is  
14 authorized to accept juveniles for placement for more than 30 consecutive days under  
15 s. 938.34 (3) (f) 1. if all of the following apply:

16 a. The juvenile detention facility is operated by a county, the county board of  
17 supervisors of which has adopted a resolution under section 938.34 (3) (f) 3., prior to  
18 January 1, 2018, authorizing placement of juveniles at the juvenile detention facility  
19 under section 938.34 (3) (f) for more than 30 consecutive days.

20 b. The county that operates the juvenile detention facility is not awarded a  
21 grant under 2017 Wisconsin Act ... (this act), section 110 (4).

22 2. After January 1, 2021, the number of juveniles that may be housed at a  
23 juvenile detention facility under subd. 1. is limited to the number that are housed at  
24 the juvenile detention facility on January 1, 2021, and the juvenile detention facility  
25 may not be altered or added to or repaired in excess of 50 percent of its assessed value.

1 If a juvenile detention facility violates this subdivision, it is no longer authorized to  
2 accept juveniles for placement for more than 30 consecutive days.

3 **SECTION 55.** 938.225 of the statutes is amended to read:

4 **938.225 Statewide plan for juvenile detention and correctional**  
5 **facilities.** The department of corrections shall assist counties in establishing  
6 juvenile detention facilities and secured residential care centers for children and  
7 youth under s. 938.22 by developing and promulgating a statewide plan for the  
8 establishment and maintenance of suitable juvenile detention facilities reasonably  
9 accessible to each court and secured residential care centers for children and youth  
10 reasonably accessible to each county.

11 **SECTION 56.** 938.34 (2) (a) of the statutes is amended to read:

12 938.34 (2) (a) Place the juvenile under the supervision of an agency, the county  
13 department, the department of corrections, if that department approves, or a  
14 suitable adult, including a friend of the juvenile, under conditions prescribed by the  
15 court, including reasonable rules for the juvenile's conduct, designed for the physical,  
16 mental, and moral well-being and behavior of the juvenile.

17 **SECTION 57.** 938.34 (2) (a) of the statutes, as affected by 2017 Wisconsin Act ...  
18 (this act), is amended to read:

19 938.34 (2) (a) Place the juvenile under the supervision of an agency, the county  
20 department, ~~the department of corrections, if that department approves,~~ or a  
21 suitable adult, including a friend of the juvenile, under conditions prescribed by the  
22 court, including reasonable rules for the juvenile's conduct, designed for the physical,  
23 mental, and moral well-being and behavior of the juvenile.

24 **SECTION 58.** 938.34 (2) (b) of the statutes is amended to read:

1           938.34 (2) (b) If the juvenile is placed in the juvenile's home under the  
2 supervision of an agency, the county department, or the department of corrections,  
3 order that agency or department to provide specified services to the juvenile and the  
4 juvenile's family, including individual, family, or group counseling, homemaker or  
5 parent aide services, respite care, housing assistance, child care, or parent skills  
6 training.

7           **SECTION 59.** 938.34 (2) (b) of the statutes, as affected by 2017 Wisconsin Act ...  
8 (this act), is amended to read:

9           938.34 (2) (b) If the juvenile is placed in the juvenile's home under the  
10 supervision of an agency, or the county department, ~~or the department of corrections~~,  
11 order that agency or department to provide specified services to the juvenile and the  
12 juvenile's family, including individual, family, or group counseling, homemaker or  
13 parent aide services, respite care, housing assistance, child care, or parent skills  
14 training.

15           **SECTION 60.** 938.34 (3) (f) 1. of the statutes is amended to read:

16           938.34 (3) (f) 1. The placement may be for any combination of single or  
17 consecutive days totalling not more than 365 in a juvenile detention facility under  
18 s. 938.22 (2) (d) 1. and may be for no more than 30 consecutive days in any other  
19 juvenile detention facility, including any placement under pars. (a) to (e). The  
20 juvenile shall be given credit against the period of detention or nonsecure custody  
21 imposed under this paragraph for all time spent in secure detention in connection  
22 with the course of conduct for which the detention or nonsecure custody was imposed.

23           **SECTION 61.** 938.34 (4m) (intro.) of the statutes is amended to read:

24           938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a juvenile  
25 correctional facility or a secured residential care center for children and youth under

1 the supervision of the county department or the department of corrections if all of the  
2 following apply:

3 **SECTION 62.** 938.34 (4m) (intro.) of the statutes, as affected by 2017 Wisconsin  
4 Act .... (this act), is amended to read:

5 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a juvenile  
6 ~~correctional facility or a~~ secured residential care center for children and youth under  
7 the supervision of the county department ~~or the department of corrections~~ if all of the  
8 following apply:

9 **SECTION 63.** 938.34 (4n) (intro.) of the statutes is amended to read:

10 938.34 (4n) COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION. (intro.) In the  
11 case of a juvenile who has received a correctional placement under sub. (4m),  
12 designate the county department to provide aftercare supervision for the juvenile  
13 following the juvenile's release from a secured residential care center for children  
14 and youth or Type 1 juvenile correctional facility. In the case of a juvenile who has  
15 been placed in a juvenile correctional facility or a secured residential care center for  
16 children and youth under the supervision of the department of corrections, designate  
17 the department of corrections to provide community supervision for the juvenile  
18 following the juvenile's release from that facility or center or, subject to any  
19 arrangement between the department of corrections and a county department  
20 regarding the provision of aftercare supervision for juveniles who have been released  
21 from a juvenile correctional facility or a secured residential care center for children  
22 and youth, designate one of the following to provide aftercare supervision for the  
23 juvenile following the juvenile's release from that facility or center:

24 **SECTION 64.** 938.357 (1) (am) 1. of the statutes is amended to read:

1           938.357 (1) (am) 1. Except as provided in par. (c), the person or agency  
2 primarily responsible for implementing the dispositional order, the district attorney,  
3 or the corporation counsel may request a change in placement under this subsection  
4 by causing written notice of the proposed change in placement to be sent to the  
5 juvenile, the juvenile's counsel or guardian ad litem, the parent, guardian, and legal  
6 custodian of the juvenile, and any foster parent or other physical custodian described  
7 in s. 48.62 (2) of the juvenile. If the request is for a change in placement under sub.  
8 (3), notice shall be sent to the entity that operates the secured residential care center  
9 for children and youth or Type 1 juvenile correctional facility where placement is  
10 proposed. If the juvenile is an Indian juvenile who has been removed from the home  
11 of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), written  
12 notice shall also be sent to the Indian juvenile's Indian custodian and tribe. The  
13 notice shall contain the name and address of the new placement, the reasons for the  
14 change in placement, a statement describing why the new placement is preferable  
15 to the present placement, and a statement of how the new placement satisfies  
16 objectives of the treatment plan or permanency plan ordered by the court. The  
17 person sending the notice shall file the notice with the court on the same day that the  
18 notice is sent.

19           **SECTION 65.** 938.357 (3) of the statutes is renumbered 938.357 (3) (a) and  
20 amended to read:

21           938.357 (3) (a) Subject to subs. (4) (b) ~~and, (c), and (d),~~ and (5) (e), if the proposed  
22 change in placement would involve placing a juvenile in a juvenile correctional  
23 facility or a secured residential care center for children and youth, notice shall be  
24 given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the  
25 juvenile, parent, guardian, and legal custodian, before the court makes a decision on

1 the request. The juvenile is entitled to counsel at the hearing, and any party  
2 opposing or favoring the proposed new placement may present relevant evidence and  
3 cross-examine witnesses. The department of corrections shall have the opportunity  
4 to object to a change of placement of a juvenile from a secured residential care center  
5 for children and youth to a Type 1 juvenile correctional facility under par. (b). The  
6 proposed new placement may be approved only if the court finds, on the record, that  
7 the conditions set forth in s. 938.34 (4m) (a) and (b) have been met.

8 **SECTION 66.** 938.357 (3) (b), (c) and (d) of the statutes are created to read:

9 938.357 (3) (b) Notwithstanding s. 938.34 (4m) and subject to par. (c), the court  
10 may order placement in a Type 1 juvenile correctional facility under supervision of  
11 the department of corrections for a juvenile who was adjudicated delinquent under  
12 s. 938.34 (4m) if the court finds, after a hearing under this section, that any of the  
13 following apply:

14 1. The juvenile is placed at a secured residential care center for children and  
15 youth and all of the following apply:

16 a. The secured residential care center for children and youth where the juvenile  
17 is placed is not able to meet the juvenile's treatment needs.

18 b. The programming available at the proposed Type 1 juvenile correctional  
19 facility as of the date of the hearing is able to meet the treatment needs of the  
20 juvenile.

21 c. No other secured residential care center for children and youth is willing and  
22 able to meet the juvenile's treatment needs.

23 2. The county department does not have space for the juvenile in its secured  
24 residential care center for children and youth and no other secured residential care



1 center for children and youth is willing and able to meet the juvenile's treatment  
2 needs.

3 (c) Upon the recommendation of the department of health services, the court  
4 may order the placement of a juvenile under par. (b) at the Mendota juvenile  
5 treatment center.

6 (d) A juvenile who is placed in a Type 1 juvenile correctional facility under par.  
7 (b) or (c) is the financial responsibility of the county department of the county where  
8 the juvenile was adjudicated delinquent and that county department shall  
9 reimburse the department of corrections at the rate specified under s. 301.26 (4) (d)  
10 2. or 3., whichever is applicable, for the cost of the juvenile's care while placed in a  
11 Type 1 juvenile correctional facility.

12 **SECTION 67.** 938.357 (4) (title) of the statutes is repealed and recreated to read:  
13 938.357 (4) (title) CHANGE IN PLACEMENT WITHOUT A HEARING.

14 **SECTION 68.** 938.357 (4) (a) of the statutes is renumbered 938.357 (4) (am) and  
15 amended to read:

16 938.357 (4) (am) When the juvenile is placed with the department of  
17 corrections, that department may, after an examination under s. 938.50, place the  
18 juvenile in a juvenile correctional facility or, with the consent of the operating entity,  
19 a secured residential care center for children and youth or on community supervision  
20 or aftercare supervision, either immediately or after a period of placement in a  
21 juvenile correctional facility or a secured residential care center for children and  
22 youth. The department of corrections shall send written notice of the change in  
23 placement to the parent, guardian, legal custodian, county department designated  
24 under s. 938.34 (4n), if any, and committing court. If the department of corrections  
25 places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare

1 agency, that department shall reimburse the child welfare agency at the rate  
2 established under s. 49.343 that is applicable to the type of placement that the child  
3 welfare agency is providing for the juvenile. If the department of corrections places  
4 a juvenile in a secured residential care center for children and youth under this  
5 paragraph, the department of corrections shall contract with the operating entity for  
6 the care and services provided under s. 301.08. A juvenile who is placed in a Type 2  
7 juvenile correctional facility or a secured residential care center for children and  
8 youth under this paragraph remains under the supervision of the department of  
9 corrections, remains subject to the rules and discipline of that department, and is  
10 considered to be in custody, as defined in s. 946.42 (1) (a).

11 **SECTION 69.** 938.357 (4) (ab) of the statutes is created to read:

12 938.357 (4) (ab) In this subsection, “operating entity” means the county  
13 department, the Indian tribe, or the child welfare agency, whichever entity operates  
14 a secured residential care center for children and youth.

15 **SECTION 70.** 938.357 (4) (am) of the statutes, as affected by 2017 Wisconsin Act  
16 .... (this act), is amended to read:

17 938.357 (4) (am) When the juvenile is placed with the department of  
18 corrections, that department may, after an examination under s. 938.50, place the  
19 juvenile in a juvenile correctional facility or, with the consent of the operating entity,  
20 a secured residential care center for children and youth or on community supervision  
21 ~~or aftercare supervision~~, either immediately or after a period of placement in a  
22 juvenile correctional facility or a secured residential care center for children and  
23 youth. The department of corrections shall send written notice of the change in  
24 placement to the parent, guardian, legal custodian, county department designated  
25 under s. 938.34 (4n), if any, and committing court. If the department of corrections

1 places a juvenile in a Type 2 juvenile correctional facility operated by a child welfare  
2 agency, that department shall reimburse the child welfare agency at the rate  
3 established under s. 49.343 that is applicable to the type of placement that the child  
4 welfare agency is providing for the juvenile. If the department of corrections places  
5 a juvenile in a secured residential care center for children and youth under this  
6 paragraph, the department of corrections shall contract with the operating entity for  
7 the care and services provided under s. 301.09. A juvenile who is placed in a Type 2  
8 juvenile correctional facility or a secured residential care center for children and  
9 youth under this paragraph remains under the supervision of the department of  
10 corrections, remains subject to the rules and discipline of that department, and is  
11 considered to be in custody, as defined in s. 946.42 (1) (a).

12 **SECTION 71.** 938.357 (4) (b) 1. of the statutes is amended to read:

13 938.357 (4) (b) 1. If a juvenile whom the department of corrections has placed  
14 in a Type 2 juvenile correctional facility operated by a child welfare agency violates  
15 a condition of his or her placement in the Type 2 juvenile correctional facility, the  
16 child welfare agency operating the Type 2 juvenile correctional facility shall notify  
17 the department of corrections and that department, after consulting with the child  
18 welfare agency, may place the juvenile in a Type 1 juvenile correctional facility or,  
19 with the consent of the operating entity, a secured residential care center for children  
20 and youth, a under the supervision of the department, without a hearing under sub.  
21 (1) (am) 2.

22 **SECTION 72.** 938.357 (4) (b) 2. of the statutes is amended to read:

23 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential  
24 care center for children and youth under s. 938.34 (4d) violates a condition of his or  
25 her placement in the Type 2 residential care center for children and youth, the child

1 welfare agency operating the Type 2 residential care center for children and youth  
2 shall notify the county department that has supervision over the juvenile and, if the  
3 county department agrees to a change in placement under this subdivision, the child  
4 welfare agency shall notify the department of corrections, and that. The county  
5 department, after consulting with the child welfare agency, may place the juvenile  
6 in a ~~Type 1 juvenile correctional facility under the supervision of the department of~~  
7 ~~corrections~~ secured residential care center for children and youth, without a hearing  
8 under sub. (1) (am) 2., for not more than 10 days. ~~If a juvenile is placed in a Type 1~~  
9 ~~juvenile correctional facility under this subdivision, the county department that has~~  
10 ~~supervision over the juvenile shall reimburse the child welfare agency operating the~~  
11 ~~Type 2 residential care center for children and youth in which the juvenile was~~  
12 ~~placed at the rate established under s. 49.343, and that child welfare agency shall~~  
13 ~~reimburse the department of corrections at the rate specified in s. 301.26 (4) (d) 2.~~  
14 ~~or 3., whichever is applicable, for the cost of the juvenile's care while placed in a~~  
15 ~~Type 1 juvenile correctional facility.~~

16 **SECTION 73.** 938.357 (4) (b) 4. of the statutes is amended to read:

17 938.357 (4) (b) 4. A juvenile may seek review of a decision of the department  
18 of corrections or the county department under subd. 1. or 2. only by the common law  
19 writ of certiorari.

20 **SECTION 74.** 938.357 (4) (c) 1. of the statutes is amended to read:

21 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility  
22 operated by a child welfare agency under par. (a) (am) and it appears that a less  
23 restrictive placement would be appropriate for the juvenile, the department of  
24 corrections, after consulting with the child welfare agency that is operating the  
25 Type 2 juvenile correctional facility, may place the juvenile in a less restrictive

1 placement, and may return the juvenile to the Type 2 juvenile correctional facility  
2 without a hearing under sub. (1) (am) 2. The rate for each type of placement shall  
3 be established by the department of children and families, in consultation with the  
4 department of corrections, in the manner provided in s. 49.343.

5 **SECTION 75.** 938.357 (4) (d) of the statutes is created to read:

6 938.357 (4) (d) 1. If a juvenile under the supervision of the department of  
7 corrections is placed in a secured residential care center for children and youth and  
8 that secured residential care center for children and youth is unable to meet the  
9 treatment needs of the juvenile, the operating entity shall notify the department of  
10 corrections and the department of corrections, after consulting with the operating  
11 entity, may place the juvenile in a secured residential care center for children and  
12 youth that is able to meet the treatment needs of the juvenile without a hearing  
13 under sub. (1) (am) 2. if the receiving operating entity agrees. The department of  
14 corrections shall send written notice of the change in placement to the parent,  
15 guardian, legal custodian, county department designated under s. 938.34 (4n), if any,  
16 and committing court. If the department of corrections places a juvenile in a secured  
17 residential care center for children and youth under this subdivision, the department  
18 of corrections shall contract with the operating entity for the care and services  
19 provided under s. 301.08. A juvenile who is placed in a secured residential care  
20 center for children and youth under this subdivision remains under the supervision  
21 of the department of corrections, remains subject to the rules and discipline of that  
22 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

23 2. If a juvenile under the supervision of a county department is placed in a  
24 secured residential care center for children and youth and that secured residential  
25 care center for children and youth is unable to meet the treatment needs of the

1 juvenile, the supervising county department, after consulting with the operating  
2 entity, may transfer the juvenile to a different secured residential care center for  
3 children and youth that is able to meet the treatment needs of the juvenile and offers  
4 more appropriate care and services without a hearing under sub. (1) (am) 2. if the  
5 receiving operating entity agrees. The supervising county department shall send  
6 written notice of the change in placement to the parent, guardian, legal custodian,  
7 county department designated under s. 938.34 (4n), if any, and committing court. If  
8 a county department places a juvenile in a secured residential care center for  
9 children and youth under this subdivision, the county department shall contract  
10 with the operating entity for the care and services provided. If a county department  
11 places a juvenile in a secured residential care center for children and youth under  
12 this subdivision, the juvenile remains under the supervision of the placing county  
13 department, remains subject to the rules and discipline of that county department,  
14 and is considered to be in custody, as defined in s. 946.42 (1) (a).

15 3. A juvenile may seek review of a decision by the department of corrections or  
16 county department under subd. 1. or 2. only by the common law writ of certiorari.

17 **SECTION 76.** 938.357 (4m) of the statutes is amended to read:

18 **938.357 (4m) RELEASE TO COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION.**  
19 The department of corrections shall try to release a juvenile to community  
20 supervision ~~or~~ and the county department with supervision of a juvenile shall try to  
21 release the juvenile to aftercare supervision under sub. (4) within 30 days after the  
22 date on which ~~that~~ the department of corrections or county department determines  
23 the juvenile is eligible for the release.

24 **SECTION 77.** 938.48 (3) of the statutes is amended to read:

1           938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over  
2 juveniles transferred to it by the court under s. 938.183, 938.34 (4h), (4m), or (4n),  
3 or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed  
4 by the court. Except as provided in s. 938.505 (2), a court may not direct the  
5 department to administer psychotropic medications to juveniles who receive special  
6 treatment or care under this subsection.

7           **SECTION 78.** 938.48 (3) of the statutes, as affected by 2017 Wisconsin Act ...  
8 (this act), is amended to read:

9           938.48 (3) SUPERVISION AND SPECIAL TREATMENT OR CARE. Accept supervision over  
10 juveniles transferred to it by the court under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n),  
11 or 938.357 (3) or (4), and provide special treatment or care to juveniles when directed  
12 by the court. Except as provided in s. 938.505 (2), a court may not direct the  
13 department to administer psychotropic medications to juveniles who receive special  
14 treatment or care under this subsection.

15           **SECTION 79.** 938.48 (4) of the statutes is amended to read:

16           938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and  
17 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or  
18 (4n), or 938.357 (3) or (4), including serving those juveniles in their own homes,  
19 placing them in licensed foster homes or licensed group homes under s. 48.63 or in  
20 independent living situations as provided in s. 938.34 (3) (e), contracting for their  
21 care by licensed child welfare agencies, or replacing them in juvenile correctional  
22 facilities or secured residential care centers for children and youth in accordance  
23 with rules promulgated under ch. 227, except that the department may not purchase  
24 the educational component of private day treatment programs for a juvenile in its  
25 custody unless the department, the school board, as defined in s. 115.001 (7), and the

1 state superintendent of public instruction all determine that an appropriate public  
2 education program is not available for the juvenile. Disputes between the  
3 department and the school district shall be resolved by the state superintendent of  
4 public instruction.

5 **SECTION 80.** 938.48 (4) of the statutes, as affected by 2017 Wisconsin Act ....  
6 (this act), is amended to read:

7 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and  
8 training for juveniles under its supervision under s. 938.183, 938.34 (4h), ~~(4m)~~, or  
9 (4n), or 938.357 (3) or (4), including serving those juveniles in their own homes,  
10 placing them in licensed foster homes or licensed group homes under s. 48.63 or in  
11 independent living situations as provided in s. 938.34 (3) (e), contracting for their  
12 care by licensed child welfare agencies, or replacing them in juvenile correctional  
13 facilities or secured residential care centers for children and youth in accordance  
14 with rules promulgated under ch. 227, except that the department may not purchase  
15 the educational component of private day treatment programs for a juvenile in its  
16 custody unless the department, the school board, as defined in s. 115.001 (7), and the  
17 state superintendent of public instruction all determine that an appropriate public  
18 education program is not available for the juvenile. Disputes between the  
19 department and the school district shall be resolved by the state superintendent of  
20 public instruction.

21 **SECTION 81.** 938.48 (4m) (b) of the statutes is amended to read:

22 938.48 (4m) (b) Was under the supervision of the department under s. 938.183,  
23 938.34 (4h), (4m) or (4n) or 938.357 (3) or (4) when the person reached 17 years of age.

24 **SECTION 82.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin Act  
25 .... (this act), is amended to read:



1           938.48 **(4m)** (b) Was under the supervision of the department under s. 938.183,  
2           938.34 (4h), ~~(4m)~~ or (4n) or 938.357 (3) or (4) when the person reached 17 years of age.

3           **SECTION 83.** 938.48 (5) of the statutes is amended to read:

4           938.48 **(5)** MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious  
5           training of a juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or  
6           (4n), or 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the  
7           juvenile's parents.

8           **SECTION 84.** 938.48 (5) of the statutes, as affected by 2017 Wisconsin Act ....  
9           (this act), is amended to read:

10          938.48 **(5)** MORAL AND RELIGIOUS TRAINING. Provide for the moral and religious  
11          training of a juvenile under its supervision under s. 938.183, 938.34 (4h), ~~(4m)~~, or  
12          (4n), or 938.357 (3) or (4) according to the religious beliefs of the juvenile or of the  
13          juvenile's parents.

14          **SECTION 85.** 938.48 (6) of the statutes is amended to read:

15          938.48 **(6)** EMERGENCY SURGERY. Consent to emergency surgery under the  
16          direction of a licensed physician or surgeon for any juvenile under its supervision  
17          under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) upon notification by  
18          a licensed physician or surgeon of the need for the surgery and if reasonable effort,  
19          compatible with the nature and time limitation of the emergency, has been made to  
20          secure the consent of the juvenile's parent or guardian.

21          **SECTION 86.** 938.48 (6) of the statutes, as affected by 2017 Wisconsin Act ....  
22          (this act), is amended to read:

23          938.48 **(6)** EMERGENCY SURGERY. Consent to emergency surgery under the  
24          direction of a licensed physician or surgeon for any juvenile under its supervision  
25          under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) upon notification by

1 a licensed physician or surgeon of the need for the surgery and if reasonable effort,  
2 compatible with the nature and time limitation of the emergency, has been made to  
3 secure the consent of the juvenile's parent or guardian.

4 **SECTION 87.** 938.48 (14) of the statutes is amended to read:

5 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay  
6 maintenance, tuition, and related expenses from the appropriation under s. 20.410  
7 (3) (ho) for persons who, when they attained 17 years of age, were students regularly  
8 attending a school, college, or university or regularly attending a course of vocational  
9 or technical training designed to prepare them for gainful employment, and who  
10 upon attaining that age were under the supervision of the department under s.  
11 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) as a result of a judicial  
12 decision.

13 **SECTION 88.** 938.48 (14) of the statutes, as affected by 2017 Wisconsin Act ...  
14 (this act), is amended to read:

15 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES OVER 17. Pay  
16 maintenance, tuition, and related expenses from the appropriation under s. 20.410  
17 (3) (ho) for persons who, when they attained 17 years of age, were students regularly  
18 attending a school, college, or university or regularly attending a course of vocational  
19 or technical training designed to prepare them for gainful employment, and who  
20 upon attaining that age were under the supervision of the department under s.  
21 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) as a result of a judicial  
22 decision.

23 **SECTION 89.** 938.48 (16) of the statutes is renumbered 938.48 (16) (a).

24 **SECTION 90.** 938.48 (16) (b) of the statutes is created to read:

1           938.48 **(16)** (b) Promulgate rules governing services and programming for  
2 juveniles in a secured residential care center for children and youth. The department  
3 shall include uniform data reporting standards for counties or Indian tribes that  
4 operate or contract with a child welfare agency for a secured residential care center  
5 for children and youth in rules promulgated under this paragraph. The department  
6 shall base the rules it promulgates under this paragraph on the recommendations  
7 provided by the juvenile corrections study committee under 2017 Wisconsin Act ...  
8 (this act), section 110 (6) (c) 1.

9           **SECTION 91.** 938.49 (title) of the statutes is amended to read:

10           **938.49 (title) Notification by court of placement with a county**  
11 **department or the department of corrections; transfer of reports and**  
12 **records.**

13           **SECTION 92.** 938.49 (1) of the statutes is amended to read:

14           938.49 **(1)** NOTICE TO COUNTY DEPARTMENT OR DEPARTMENT OF CORRECTIONS OF  
15 PLACEMENT. When a court places a juvenile in a juvenile correctional facility under  
16 the supervision of a county department or the department of corrections or a secured  
17 residential care center for children and youth under the supervision of ~~the~~  
18 ~~department of corrections~~ a county department, the court shall immediately notify  
19 ~~that~~ the county department or the department of corrections of that action. The court  
20 shall, in accordance with procedures established by the department of corrections,  
21 provide transportation for the juvenile to a receiving center designated by ~~that~~ the  
22 county department or the department of corrections or deliver the juvenile to  
23 personnel of ~~that~~ the county department or the department of corrections.

24           **SECTION 93.** 938.49 (2) (intro.) of the statutes is amended to read:

1           938.49 (2) TRANSFER OF COURT REPORT AND PUPIL RECORDS. (intro.) When a court  
2 places a juvenile in a juvenile correctional facility or a secured residential care center  
3 for children and youth under the supervision of the department of corrections or a  
4 county department, the court and all other public agencies shall immediately do all  
5 of the following:

6           **SECTION 94.** 938.49 (2) (a) of the statutes is amended to read:

7           938.49 (2) (a) Transfer to the department of corrections or the county  
8 department a copy of the report submitted to the court under s. 938.33 or, if the report  
9 was presented orally, a transcript of the report and all other pertinent data in their  
10 possession.

11          **SECTION 95.** 938.505 (1) of the statutes is amended to read:

12          938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY  
13 DEPARTMENT. When a juvenile is placed under the supervision of the department of  
14 corrections under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (3), (4), or (5) (e) or  
15 under the supervision of a county department under s. 938.34 (4m) or (4n), the  
16 department of corrections or county department, whichever has supervision over the  
17 juvenile, shall have the right and duty to protect, train, discipline, treat, and confine  
18 the juvenile and to provide food, shelter, legal services, education, and ordinary  
19 medical and dental care for the juvenile, subject to the rights, duties, and  
20 responsibilities of the guardian of the juvenile and subject to any residual parental  
21 rights and responsibilities and the provisions of any court order.

22          **SECTION 96.** 938.505 (1) of the statutes, as affected by 2017 Wisconsin Act ...  
23 (this act), is amended to read:

24          938.505 (1) RIGHTS AND DUTIES OF DEPARTMENT OF CORRECTIONS OR COUNTY  
25 DEPARTMENT. When a juvenile is placed under the supervision of the department of

1 corrections under s. 938.183, 938.34 (4h), ~~(4m)~~ or (4n), or 938.357 (3), (4), or (5) (e)  
2 or under the supervision of a county department under s. 938.34 (4m) or (4n), the  
3 department of corrections or county department, whichever has supervision over the  
4 juvenile, shall have the right and duty to protect, train, discipline, treat, and confine  
5 the juvenile and to provide food, shelter, legal services, education, and ordinary  
6 medical and dental care for the juvenile, subject to the rights, duties, and  
7 responsibilities of the guardian of the juvenile and subject to any residual parental  
8 rights and responsibilities and the provisions of any court order.

9 **SECTION 97.** 938.52 (2) (a) and (c) of the statutes are amended to read:

10 938.52 (2) (a) In addition to facilities and services under sub. (1), the  
11 department of corrections may use other facilities and services under its jurisdiction.  
12 The department of corrections may contract for and pay for the use of other public  
13 facilities or private facilities for the care and treatment of juveniles in its care.  
14 Placement of a juvenile in a private or public facility that is not under the jurisdiction  
15 of the department of corrections does not terminate that department's supervision  
16 over the juvenile under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4).  
17 Placements in institutions for persons with a mental illness or development  
18 disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am)  
19 and ch. 51.

20 (c) The department of corrections may inspect any facility it is using and  
21 examine and consult with persons under its supervision under s. 938.183, 938.34  
22 (4h), (4m), or (4n), or 938.357 (3) or (4) who have been placed in the facility.

23 **SECTION 98.** 938.52 (2) (a) and (c) of the statutes, as affected by 2017 Wisconsin  
24 Act .... (this act), are amended to read:

1           938.52 (2) (a) In addition to facilities and services under sub. (1), the  
2 department of corrections may use other facilities and services under its jurisdiction.  
3 The department of corrections may contract for and pay for the use of other public  
4 facilities or private facilities for the care and treatment of juveniles in its care.  
5 Placement of a juvenile in a private or public facility that is not under the jurisdiction  
6 of the department of corrections does not terminate that department's supervision  
7 over the juvenile under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4).  
8 Placements in institutions for persons with a mental illness or development  
9 disability shall be made in accordance with ss. 48.14 (5), 48.63, and 938.34 (6) (am)  
10 and ch. 51.

11           (c) The department of corrections may inspect any facility it is using and  
12 examine and consult with persons under its supervision under s. 938.183, 938.34  
13 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) who have been placed in the facility.

14           **SECTION 99.** 938.53 of the statutes is amended to read:

15           **938.53 Duration of control of department of corrections over**  
16 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent  
17 who has been placed under the supervision of the department of corrections under  
18 s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (3) or (4) shall be discharged as soon  
19 as that department determines that there is a reasonable probability that  
20 departmental supervision is no longer necessary for the rehabilitation and  
21 treatment of the juvenile or for the protection of the public.

22           **SECTION 100.** 938.53 of the statutes, as affected by 2017 Wisconsin Act .... (this  
23 act), is amended to read:

24           **938.53 Duration of control of department of corrections over**  
25 **delinquents.** Except as provided under s. 938.183, a juvenile adjudged delinquent

1 who has been placed under the supervision of the department of corrections under  
2 s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n), or 938.357 (3) or (4) shall be discharged as soon  
3 as that department determines that there is a reasonable probability that  
4 departmental supervision is no longer necessary for the rehabilitation and  
5 treatment of the juvenile or for the protection of the public.

6 **SECTION 101.** 938.535 of the statutes is amended to read:

7 **938.535 Early release and intensive supervision program; limits.** The  
8 department of corrections or a county department may establish a program for the  
9 early release and intensive supervision of juveniles who have been placed in a  
10 juvenile correctional facility or a secured residential care center for children and  
11 youth under s. 938.183 ~~or~~ 938.34 (4m), or 938.357 (3). The program may not include  
12 any juveniles who have been placed in a juvenile correctional facility or a secured  
13 residential care center for children and youth as a result of a delinquent act involving  
14 the commission of a violent crime as defined in s. 969.035, but not including the crime  
15 specified in s. 948.02 (1).

16 **SECTION 102.** 938.539 (2) of the statutes is amended to read:

17 **938.539 (2) TYPE 2 JUVENILE CORRECTIONAL FACILITY; DEPARTMENT OF CORRECTIONS**  
18 **CONTROL.** A juvenile who is placed in a Type 2 juvenile correctional facility under s.  
19 938.357 (4) ~~(a)~~ (am) or who, having been so placed, is replaced in a less restrictive  
20 placement under s. 938.357 (4) (c) is under the supervision and control of the  
21 department of corrections, is subject to the rules and discipline of that department,  
22 and is considered to be in custody, as defined in s. 946.42 (1) (a).

23 **SECTION 103.** 938.539 (3) of the statutes is amended to read:

24 **938.539 (3) VIOLATION OF CONDITION OF PLACEMENT.** Notwithstanding ss. 938.19  
25 to 938.21, if a juvenile placed in a Type 2 residential care center for children and

1 youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2 juvenile correctional  
2 facility under s. 938.357 (4) ~~(a)~~ (am) or (c) violates a condition of his or her placement  
3 in the center or facility, the juvenile may be placed in a Type 1 juvenile correctional  
4 facility as provided in s. 938.357 (4) (b) 1. or in a secured residential care center for  
5 children and youth as provided in s. 938.357 (4) (b) 2. This subsection does not  
6 preclude a juvenile who has violated a condition of the juvenile's placement in a Type  
7 2 juvenile correctional facility or a Type 2 residential care center for children and  
8 youth from being taken into and held in custody under ss. 938.19 to 938.21.

9 **SECTION 104.** 938.539 (4) of the statutes is amended to read:

10 938.539 (4) ESCAPE OR ABSENCE. A juvenile placed in a Type 2 residential care  
11 center for children and youth under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2  
12 juvenile correctional facility under s. 938.357 (4) ~~(a)~~ (am) or (c) who intentionally fails  
13 to remain within the extended limits of his or her placement or to return within the  
14 time prescribed by the administrator of the center or facility is considered an escape  
15 under s. 946.42 (3) (c).

16 **SECTION 105.** 938.539 (5) of the statutes is amended to read:

17 938.539 (5) OPERATION AS TYPE 2 PLACEMENT. With respect to a juvenile who is  
18 placed in a ~~secured~~ residential care center for children and youth under s. 938.34 (4d)  
19 or 938.357 (4) ~~(a)~~ (am) or in a less restrictive placement under s. 938.357 (4) (c), the  
20 child welfare agency operating the center in which the juvenile is placed, and the  
21 person operating any less restrictive placement in which the juvenile is placed, shall  
22 operate that center or less restrictive placement as a Type 2 residential care center  
23 for children and youth or a Type 2 juvenile correctional facility. This subsection does  
24 not preclude a child welfare agency or other person from placing in a residential care  
25 center for children and youth or less restrictive placement in which a juvenile is



1 placed under s. 938.34 (4d) or 938.357 (4) ~~(a)~~ (am) or (c) a juvenile who is not placed  
2 under s. 938.34 (4d) or 938.357 (4) ~~(a)~~ (am) or (c).

3 **SECTION 106.** 938.54 of the statutes is amended to read:

4 **938.54 Records.** The department of corrections shall keep a complete record  
5 on each juvenile under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n) or  
6 938.357 (3) or (4). This record shall include the information received from the court,  
7 the date of reception, all available data on the personal and family history of the  
8 juvenile, the results of all tests and examinations given the juvenile, and a complete  
9 history of all placements of the juvenile while under the supervision of the  
10 department of corrections.

11 **SECTION 107.** 938.54 of the statutes, as affected by 2017 Wisconsin Act .... (this  
12 act), is amended to read:

13 **938.54 Records.** The department of corrections shall keep a complete record  
14 on each juvenile under its supervision under s. 938.183, 938.34 (4h), ~~(4m)~~, or (4n) or  
15 938.357 (3) or (4). This record shall include the information received from the court,  
16 the date of reception, all available data on the personal and family history of the  
17 juvenile, the results of all tests and examinations given the juvenile, and a complete  
18 history of all placements of the juvenile while under the supervision of the  
19 department of corrections.

20 **SECTION 108.** 938.59 (1) of the statutes is amended to read:

21 938.59 (1) INVESTIGATION AND EXAMINATION. The county department shall  
22 investigate the personal and family history and environment of any juvenile  
23 transferred to its legal custody or placed under its supervision under s. 938.34 (2),  
24 (4d), (4m), or (4n) and make any physical or mental examinations of the juvenile  
25 considered necessary to determine the type of care necessary for the juvenile. The

1 county department shall screen a juvenile who is examined to determine whether the  
2 juvenile is in need of special treatment or care because of alcohol or other drug abuse,  
3 mental illness, or severe emotional disturbance. The county department shall keep  
4 a complete record of the information received from the court, the date of reception,  
5 all available data on the personal and family history of the juvenile, the results of all  
6 tests and examinations given the juvenile, and a complete history of all placements  
7 of the juvenile while in the legal custody or under the supervision of the county  
8 department.

9 **SECTION 109.** 938.595 of the statutes is amended to read:

10 **938.595 Duration of control of county departments over delinquents.**

11 A juvenile who has been adjudged delinquent and placed under the supervision of  
12 a county department under s. 938.34 (2), (4d), (4m), or (4n) shall be discharged as  
13 soon as the county department determines that there is a reasonable probability that  
14 it is no longer necessary either for the rehabilitation and treatment of the juvenile  
15 or for the protection of the public that the county department retain supervision.

16 **SECTION 110. Nonstatutory provisions.**

17 (1) TRANSFER OF JUVENILES.

18 (a) Upon the establishment of the Type 1 juvenile correctional facilities under  
19 subsection (7) and the secured residential care centers for children and youth under  
20 subsections (4) and (7m), the department of corrections shall begin to transfer each  
21 juvenile held in secure custody at the Lincoln Hills School and Copper Lake School  
22 to the appropriate Type 1 juvenile correctional facility or secured residential care  
23 center for children and youth. No juvenile may be transferred to a Type 1 juvenile  
24 correctional facility until the department of corrections determines the facility to be  
25 ready to accept juveniles, and no juvenile may be transferred to a secured residential

1 care center for children and youth until the entity operating the facility determines  
2 it to be ready to accept juveniles. The transfers may occur in phases. The department  
3 shall transfer all juveniles under this subsection no later than January 1, 2021.

4 (b) On the date on which a juvenile who was under the supervision of the  
5 department of corrections under section 938.34 (2) or (4m) of the statutes is  
6 transferred to a secured residential care center for children and youth under  
7 paragraph (a), the juvenile is under the supervision of the county department of the  
8 county of the court that adjudicated the juvenile delinquent under section 938.34 (2)  
9 or (4m) of the statutes.

10 (2) CLOSURE AND CONVERSION OF FACILITIES.

11 (a) On the earlier of the date on which all juveniles have been transferred to  
12 secured residential care centers for children and youth and Type 1 juvenile  
13 correctional facilities under subsection (1) or January 1, 2021, the department of  
14 corrections shall permanently close the Type 1 juvenile correctional facilities housed  
15 at the Lincoln Hills School and Copper Lake School in the town of Irma, Lincoln  
16 County.

17 (b) The department of corrections shall send a notice to the legislative reference  
18 bureau for publication in the Wisconsin Administrative Register that states the date  
19 on which the facilities under paragraph (a) are closed.

20 (3) JUVENILE CORRECTIONS GRANT COMMITTEE.

21 (a) *Committee; members.* There is created in the department of corrections a  
22 juvenile corrections grant committee consisting of the following members:

- 23 1. The governor, or his or her designee.
- 24 2. The secretary of corrections, or his or her designee.
- 25 3. The secretary of children and families, or his or her designee.

1           4. Three senators appointed by the president of the senate or the appointed  
2 senator's designee.

3           5. Three representatives to the assembly appointed by the speaker of the  
4 assembly or that appointed representative's designee.

5           6. One representative of a nonprofit that focuses on best practices for holding  
6 juveniles in secure custody, appointed by the governor.

7           (b) *Duties.* The juvenile corrections grant committee shall establish and  
8 administer the juvenile corrections grant program under subsection (4).

9           (c) *Termination.* The juvenile corrections grant committee terminates on the  
10 earlier of the date on which all projects funded with grants under subsection (4) are  
11 completed or January 1, 2021.

12           (4) JUVENILE CORRECTIONS GRANT PROGRAM.

13           (a) *Grants.*

14           1. There is created a juvenile corrections grant program, administered by the  
15 juvenile corrections grant committee and the department of corrections. Under the  
16 juvenile corrections grant program, a county may apply for any of the following:

17           a. A grant to pay 95 percent of the costs of designing and constructing a secured  
18 residential care center for children and youth.

19           b. A grant to pay 95 percent of the costs of designing and constructing a facility  
20 that houses both a secured residential care center for children and youth and a  
21 juvenile detention facility, as defined under subsection (7m) (a).

22           c. A grant to pay 100 percent of the costs of designing and constructing a  
23 secured residential care center for children and youth only for female juveniles or any  
24 portion that is only for female juveniles.

1           2. Construction costs that are eligible to be paid by a grant under this  
2 subsection include costs of renovating an existing structure.

3           3. A grant awarded under this subsection shall reimburse 95 percent of any  
4 design costs incurred by a successful applicant in preparing the grant application,  
5 or 100 percent of any design costs incurred by a successful applicant in preparing the  
6 grant application with respect to a facility or portion of a facility for female juveniles.

7           (b) *Multicounty coordination.* Multiple counties may coordinate to submit one  
8 grant application for construction or establishment of a secured residential care  
9 center for children and youth that will hold juveniles from all of the cooperating  
10 counties.

11           (c) *Requirements.* The juvenile corrections grant committee shall establish  
12 requirements, guidelines, and criteria for the grant proposals and for awarding the  
13 grants. The committee shall require that, in developing a grant application, the  
14 county or counties consider best practices in designing and operating facilities that  
15 hold juveniles in secure custody and the feasibility of developing an existing facility  
16 into the secured residential care center for children and youth, and solicit input on  
17 the design of the secured residential care center for children and youth from judges  
18 at the court assigned to exercise jurisdiction under chapters 48 and 938 of the  
19 statutes for that county or, for multicounty grant applications under paragraph (b),  
20 at the court assigned to exercise jurisdiction under chapters 48 and 938 of the  
21 statutes for each county. The juvenile corrections grant committee shall favor  
22 proposals that utilize existing facilities that consider proximity to the populations  
23 of juveniles the facility would serve and shall encourage multicounty coordination  
24 by favoring applications under paragraph (b).

1           (d) *Deadline.* Grant applications are due no later than March 31, 2019.  
2           Between that date and June 30, 2019, the juvenile corrections grant committee may  
3           work with applicants to modify their applications in order to increase the likelihood  
4           of being awarded a grant.

5           (e) *Wisconsin model of juvenile justice; statewide plan.* The juvenile corrections  
6           grant committee shall develop a statewide plan that recommends which grant  
7           applications to approve, based on an overall view toward a Wisconsin model of  
8           juvenile justice. The committee shall consult with the departments of corrections  
9           and children and families on the statewide plan and may not recommend approval  
10          of an application unless the department of corrections approves the plans and  
11          specifications for the site and the design and construction of the proposed secured  
12          residential care center for children and youth under section 301.37 of the statutes.

13          (f) *Plan approval.* No later than July 1, 2019, the juvenile corrections grant  
14          committee shall submit the plan under paragraph (e) to the joint committee on  
15          finance. If the cochairpersons of the joint committee on finance do not notify the  
16          juvenile corrections grant committee secretary that the joint committee on finance  
17          has scheduled a meeting for the purpose of reviewing the plan to be held within 14  
18          working days after the date of submittal, the juvenile corrections grant committee  
19          and the department of corrections shall implement the plan. If the cochairpersons  
20          of the joint committee on finance notify the juvenile corrections grant committee that  
21          the joint committee on finance has scheduled a meeting for the purpose of reviewing  
22          the plan to be held within 14 working days after the date of the submittal, the  
23          juvenile corrections grant committee may not implement the plan until it is approved  
24          by the joint committee on finance, as submitted or as modified.

1           (g) *Grant issuance.* In implementing the plan under paragraph (e), the  
2 department of corrections shall award the grants under the plan and the juvenile  
3 corrections grant committee shall monitor the progress of the projects funded by the  
4 grants to ensure compliance with the grant program and completion in time to  
5 transfer juveniles as provided under subsection (1).

6           (5) EMERGENCY RULE MAKING.

7           (a) Using the procedure under section 227.24 of the statutes, the department  
8 of corrections shall promulgate emergency rules under section 938.22 (2) (a) and  
9 301.37 (1) of the statutes as needed to establish standards for the approval, design,  
10 construction, repair, maintenance, and operation of secured residential care centers  
11 for children and youth. Using the procedure under section 227.24 of the statutes, the  
12 department of corrections shall promulgate emergency rules under section 938.48  
13 (16) (b) of the statutes as needed to establish standards for services, programming,  
14 and uniform data reporting requirements for counties or Indian tribes that operate  
15 or contract with a child welfare agency to operate a secured residential care center  
16 for children and youth. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,  
17 the department is not required to provide evidence that promulgating a rule under  
18 this subsection as an emergency rule is necessary for the preservation of the public  
19 peace, health, safety, or welfare and is not required to provide a finding of emergency  
20 for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c)  
21 and (2) of the statutes, emergency rules promulgated under this subsection remain  
22 in effect for 2 years after the date they become effective, or until the date on which  
23 permanent rules take effect, whichever is sooner, and the effective period may not  
24 be further extended under section 227.24 (2) of the statutes.

1 (b) The department of corrections shall present the statement of scope of the  
2 rules required under paragraph (a) to the department of administration for  
3 gubernatorial approval under section 227.135 (2) of the statutes no later than than  
4 August 24, 2018. Notwithstanding section 227.24 (1) (e) 1d. of the statutes, if the  
5 governor does not disapprove the statement of scope of the rules under this  
6 paragraph by the 7th day after the department presents the statement to the  
7 governor, the statement is considered approved by the governor.

8 (c) The department of corrections shall submit to the governor the rules  
9 required under paragraph (a) in final draft form no later than December 17, 2018.  
10 Notwithstanding section 227.24 (1) (e) 1g. of the statutes, if the governor does not  
11 reject the rules under this paragraph by the 14th day after the rules are submitted  
12 to the governor in final draft form, the rules are considered to be approved by the  
13 governor.

14 (6) JUVENILE CORRECTIONS STUDY COMMITTEE.

15 (a) *Committee; members.* There is created in the department of corrections a  
16 juvenile corrections study committee consisting of all of the following members:

17 1. The secretary of corrections, or his or her designee, who shall serve as  
18 cochairperson.

19 2. The secretary of children and families, or his or her designee, who shall serve  
20 as cochairperson.

21 3. The secretary of health services, or his or her designee.

22 4. The superintendent of public instruction, or his or her designee.

23 5. The state public defender, or his or her designee.

24 6. Three representatives to the assembly appointed by the speaker of the  
25 assembly or the appointed representative's designee.



1           7. Three senators appointed by the president of the senate or the appointed  
2 senator's designee.

3           8. Two circuit court judges, appointed by the governor.

4           9. Two district attorneys, appointed by the governor.

5           10. Two representatives of law enforcement agencies in this state, appointed  
6 by the governor.

7           11. One representative of a national organization that focuses on eliminating  
8 race-based discrimination, appointed by the governor.

9           12. One representative of a nonprofit that focuses on issues relating to juvenile  
10 justice, appointed by the governor.

11           13. One representative of a nonprofit that focuses on best practices for holding  
12 juveniles in secure custody, appointed by the governor.

13           14. One representative of the county department of social services or human  
14 services in the county with the highest percentage of juveniles under the supervision  
15 of either the department of corrections or a county department under ch. 938,  
16 appointed by the governor.

17           15. One representative of a county department of social services or human  
18 services of a county that operates a regional juvenile detention facility that is also  
19 an eligible juvenile detention facility, as defined under subsection (7m) (a).

20           16. One representative of a county department of social services or human  
21 services of a county not described in subdivision 14. or 15., appointed by the governor.

22           17. One citizen who either has been under the supervision of the department  
23 of corrections under chapter 938 of the statutes or has had a close family member who  
24 has been under the supervision of the department of corrections under chapter 938  
25 of the statutes, appointed by the governor.

1           (b) *Staff.* The state agencies with membership on the committee shall provide  
2 adequate staff to conduct the functions of the committee.

3           (c) *Duties.*

4           1. The juvenile corrections study committee shall research and develop  
5 recommendations for rules governing the services and programming provided to  
6 juveniles in secured residential care centers for children and youth. The committee  
7 shall submit to the department of corrections its findings and recommendations no  
8 later than September 1, 2018.

9           2. The juvenile corrections study committee shall study and develop  
10 recommendations for the location of Type 1 juvenile correctional facilities under  
11 section 301.16 (1w) (a) of the statutes based on space and security needs, cost,  
12 proximity to the populations of juveniles the facilities would serve, and best practices  
13 for holding juveniles in secure custody. In developing these recommendations, the  
14 committee shall conduct an inventory of existing state-owned facilities that have the  
15 capacity be used as Type 1 juvenile correctional facilities and shall favor the use of  
16 existing facilities. The committee shall submit to the department of corrections its  
17 recommendations for these facilities no later than November 1, 2018.

18           (d) *Consultation.* The juvenile corrections study committee shall consult with  
19 one or more organizations that focus on developing best practices for holding  
20 juveniles in secure custody to aid the committee's research and development of  
21 recommendations under paragraph (c).

22           (e) *Termination.* The juvenile corrections study committee terminates on  
23 January 1, 2021.

24           (7) **TYPE 1 JUVENILE CORRECTIONAL FACILITIES.** The department of corrections  
25 shall establish or construct the Type 1 juvenile correctional facilities under section

1 301.16 (1w) (a) of the statutes no later than January 1, 2021. The department shall  
2 consider the recommendations of the juvenile corrections study committee under  
3 subsection (6) (c) 2. in establishing or constructing these facilities.

4 (7g) MENDOTA JUVENILE TREATMENT CENTER. The department of health services  
5 shall construct an expansion of the Mendota juvenile treatment center to  
6 accommodate no fewer than 29 additional juveniles.

7 (7m) CERTAIN JUVENILE DETENTION FACILITIES.

8 (a) In this subsection, an “eligible juvenile detention facility” is a juvenile  
9 detention facility operated by a county board of supervisors that has adopted a  
10 resolution under section 938.34 (3) (f) 3. of the statutes, prior to January 1, 2018,  
11 authorizing placement of a juvenile at the juvenile detention facility under section  
12 938.34 (3) (f) of the statutes for more than 30 consecutive days and that is not a  
13 juvenile detention facility described under section 938.22 (2) (d) 1. of the statutes.

14 (b) 1. Notwithstanding section 938.22 (1) and (2) of the statutes, except as  
15 provided in subdivision 2., on January 1, 2021, the portion of an eligible juvenile  
16 detention facility that holds juveniles who are placed under section 938.34 (3) (f) of  
17 the statutes for more than 30 days is a secured residential care center for children  
18 and youth and juveniles may be placed there under section 938.34 (4m) of the  
19 statutes.

20 2. Notwithstanding subdivision 1., on January 1, 2021, the portion of an eligible  
21 juvenile detention facility that holds juveniles who are placed under section 938.34  
22 (3) (f) of the statutes for more than 30 days is, with respect to a juvenile placed under  
23 section 938.34 (3) (f) of the statutes prior to January 1, 2021, a juvenile detention  
24 facility.

25 (8) EMPLOYEES OF LINCOLN HILLS SCHOOL AND COPPER LAKE SCHOOL.

1           (a) *Type 1 juvenile correctional facility.* A classified employee who, on the date  
2 the department of corrections begins accepting applications for a position at a Type  
3 1 juvenile correctional facility established under subsection (7), is employed at the  
4 Lincoln Hills School or Copper Lake School may apply to the department of  
5 corrections to transfer to a position at the Type 1 juvenile correctional facility.  
6 Notwithstanding section 230.29 of the statutes, the department of corrections may  
7 transfer a classified employee who applies for a transfer under this paragraph to any  
8 of the following positions without competitive procedures:

9           1. A position assigned to a class having the same or counterpart pay rate or pay  
10 range as a class to which any of the employee's current positions at Lincoln Hills  
11 School or Copper Lake School is assigned.

12           2. A position in a class having a lower pay rate or pay range maximum for which  
13 the person is qualified to perform the work after the customary orientation provided  
14 to newly hired workers in the position.

15           (b) *Secured residential care center for children and youth established by a*  
16 *county.* An applicant for a position at a secured residential care center for children  
17 and youth operated by a county who is employed at Lincoln Hills School or Copper  
18 Lake School on the date that the county begins accepting applications for the position  
19 may be selected by the county without regard to the requirements of any civil service  
20 system under section 59.52 (8) of the statutes or subchapter I of chapter 63 of the  
21 statutes that would otherwise apply to such employees or applicants.

22           (c) *Secured residential care center for children and youth established by a child*  
23 *welfare agency.* If, prior to the date specified in the notice under subsection (2) (b),  
24 a county enters into a contract with a child welfare agency under which the child  
25 welfare agency agrees to operate a new secured residential care center for children

1 and youth established under section 59.53 (8m) of the statutes, the county shall  
2 include in the contract a requirement that the child welfare agency grant an initial  
3 interview to any applicant for a position at the new secured residential care center  
4 for children and youth who is an employee of Lincoln Hills School or Copper Lake  
5 School on the date that the child welfare agency begins accepting applications for  
6 that position.

7 (9) BUDGET REQUESTS.

8 (a) The department of health services shall include in its 2019-21 biennial  
9 budget request the cost for staffing, operating, and maintaining the expansion of the  
10 Mendota Juvenile Treatment Center under subsection (7g).

11 (b) The department of corrections shall include in its 2019-21 biennial budget  
12 request the cost for staffing, operating, and maintaining the new Type 1 juvenile  
13 correctional facilities constructed or established under section 301.16 (1w) of the  
14 statutes.

15 (c) The department shall include in its 2019-21 biennial budget request a  
16 proposal to increase the appropriation under section 20.437 (1) (ck) of the statutes  
17 to provide bonuses under section 48.527 of the statutes to counties that operate a  
18 joint secured residential care center for children and youth.

19 (10) 2017-19 AUTHORIZED STATE BUILDING PROGRAM ADDITIONS. In 2017  
20 Wisconsin Act 59, SECTION 9104 (1), the following projects are added to the 2017-19  
21 Authorized State Building Program and the appropriate totals are increased by the  
22 amounts shown:

23 (a) In paragraph (c) 1., under projects financed by general fund supported  
24 borrowing:

em. Type 1 juvenile correctional facilities —  
statewide \$25,000,000

1 (b) In paragraph (c) 1., under projects financed by general fund supported  
2 borrowing:

eq. County secured residential care centers for  
children and youth — statewide \$40,000,000

3 (c) In paragraph (d) 1., under projects financed by general fund supported  
4 borrowing:

bh. Expansion of the Mendota Juvenile Treatment  
Center — Madison \$15,000,000

5 **SECTION 111. Initial applicability.**

6 (1) The treatment of sections 938.34 (4m) (intro.) and (4n) (intro.) and 938.357  
7 (4) (a), (ab), (b) 1., 2., and 4., (c) 1. and 4., and (d) of the statutes, the renumbering  
8 and amendment of section 938.357 (3) of the statutes, and the creation of section  
9 938.357 (3) (b), (c), and (d) of the statutes with respect to a county department's  
10 supervision of a juvenile, first applies to a juvenile adjudicated delinquent by the  
11 court of the county and placed at that county's secured residential care center for  
12 children and youth under section 938.34 (4m) of the statutes.

13 (2) The treatment of section 938.34 (3) (f) 1. of the statutes, with respect to  
14 juvenile detention facilities that are not eligible juvenile detention facilities under  
15 SECTION 110 (7m) first applies to a juvenile adjudicated delinquent on the effective  
16 date of this subsection.

1 (3) The treatment of section 938.34 (3) (f) 1. of the statutes, with respect to an  
2 eligible juvenile detention facility under SECTION 110 (7m), first applies to a juvenile  
3 adjudicated delinquent on January 1, 2021.

4 **SECTION 112. Effective dates.** This act takes effect on the day after  
5 publication, except as follows:

6 (1) The treatment of sections 46.011 (1p) (by SECTION 13), 48.023 (4) (by SECTION  
7 20), 49.11 (1c) (by SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION  
8 35), 301.03 (10) (d) (by SECTION 38), 301.20, 938.02 (4) (by SECTION 50), 938.34 (2) (a)  
9 (by SECTION 57) and (b) (by SECTION 59) and (4m) (intro.) (by SECTION 62), 938.357 (4)  
10 (am) (by SECTION 70), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b) (by  
11 SECTION 82), (5) (by SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88), 938.505  
12 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION 100),  
13 and 938.54 (by Section 107) of the statutes takes effect on the date specified in the  
14 notice under SECTION 110 (2) (b) or January 1, 2021, whichever is earlier.

15 (END)