



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0340/1
EAW:ahe&kjf

**SENATE AMENDMENT 3,
TO SENATE BILL 168**

June 17, 2019 - Offered by Senators WANGGAARD and L. TAYLOR.

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

2 **1.** Page 8, line 10: after that line insert:

3 “**SECTION 19m.** 301.37 (1m) of the statutes is amended to read:

4 301.37 **(1m)** ~~Subject to the~~ The rules promulgated by the department under
5 sub. (1), shall allow a secured residential care center for children and youth ~~may to~~
6 use less restrictive physical security barriers than a Type 1 juvenile correctional
7 facility while ensuring the safety of the public, staff, and youth. The rules
8 promulgated under sub. (1) shall allow a secured residential care center for children
9 and youth to be located in a portion of a juvenile detention facility or a Type 1 juvenile
10 correctional facility. A secured residential care center for children and youth that is
11 located in a portion of a juvenile detention facility or a Type 1 juvenile correctional
12 facility shall provide trauma-informed, evidence-based programming and services
13 as required by the department under s. 938.48 (16) (b).”.

1 **2.** Page 9, line 8: delete lines 8 to 11 and substitute:

2 “938.02 **(15g)** “Secured residential care center for children and youth” means
3 a facility that complies with the requirements of ss. 301.37 and 938.48 (16) (b)
4 operated by an Indian tribe or a county under ss. 46.20, 59.53 (8m), ~~301.26, 301.27,~~
5 and 938.22 (1) (a) or by a child welfare agency that is licensed under s. 48.66 (1) (b)
6 to hold in secure custody persons adjudged delinquent.”.

7 **3.** Page 14, line 12: after “met.” insert “A court may not order a placement
8 under this paragraph at the Mendota juvenile treatment center that the department
9 has not approved. A juvenile under the supervision of a county in a secured
10 residential care center for children and youth who is transferred to Mendota juvenile
11 treatment center under this paragraph remains under the supervision of that
12 county.”.

13 **4.** Page 14, line 19: delete “and (f) of the statutes are” and substitute “of the
14 statutes is”.

15 **5.** Page 15, line 1: delete lines 1 to 3.

16 **6.** Page 18, line 1: before that line insert:

17 “**SECTION 45m.** 938.48 (16) (b) of the statutes is amended to read:

18 938.48 **(16)** (b) Promulgate rules governing services and programming for
19 juveniles in a secured residential care center for children and youth. ~~The department~~
20 rules shall include uniform data reporting standards for require counties or Indian
21 tribes that operate or contract with a child welfare agency for a secured residential
22 care center for children and youth in rules promulgated under this paragraph to
23 implement trauma-informed principles and evidence-based practices at the
24 facilities and shall include uniform data reporting standards. The department shall

1 base the rules it promulgates under this paragraph on the recommendations
2 provided by the juvenile corrections study committee under 2017 Wisconsin Act 185,
3 section 110 (6) (c) 1.”.

4 **7.** Page 25, line 24: after that line insert:

5 “(2m) SECURED RESIDENTIAL CARE CENTERS FOR CHILDREN AND YOUTH; VARIANCE FOR
6 COST-SAVING MEASURES. The department of corrections shall grant a variance from the
7 rules promulgated under s. 301.37 requested by a county for a secured residential
8 care center for children and youth if all of the following apply:

9 (a) The juvenile corrections grant committee determines that the variance is
10 necessary to achieve a reasonable cost-saving measure that will not compromise the
11 quality or type of evidence-based, trauma-informed care that is offered at the
12 facility or determines that the variance is necessary to incorporate new practices of
13 evidence-based, trauma-informed care at the facility.

14 (b) The juvenile corrections grant committee includes the variance in its
15 recommendations for funding to the joint committee on finance under 2017
16 Wisconsin Act 185, SECTION 110 (4) (e).

17 (c) The proposed secured residential care center for children and youth,
18 including the proposed variance, is part of the plan approved by the joint committee
19 on finance and receives funding from the juvenile corrections grant program under
20 2017 Wisconsin Act 185, SECTION 110 (4).

21 (d) The proposed secured residential care center for children and youth meets
22 the minimum requirements of the commercial building code adopted under subch.
23 I of ch. 101.”.

