



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3957/1
GMM:klm

2015 ASSEMBLY BILL 986

March 10, 2016 – Introduced by Representatives GOYKE, BARNES, BOWEN, BROSTOFF, KESSLER, BERCEAU, JOHNSON, SPREITZER and ZAMARRIPA, cosponsored by Senator L. TAYLOR. Referred to Committee on Judiciary.

1 **AN ACT to amend** 938.183 (1) (intro.), 948.60 (2) (d) and 948.61 (4); and **to create**
2 938.183 (1d), 970.032 (3) and 971.31 (13) (c) of the statutes; **relating to:**
3 elimination of the original jurisdiction of a court of criminal jurisdiction over
4 a juvenile.

Analysis by the Legislative Reference Bureau

This bill eliminates the original jurisdiction of a court of criminal jurisdiction over a juvenile who is alleged to have 1) committed assault or battery while placed in a juvenile correctional facility; 2) committed first-degree or second-degree intentional homicide or first-degree reckless homicide on or after the juvenile's tenth birthday; 3) violated any state criminal law, if the juvenile has previously been convicted of a crime either under the original jurisdiction of a court of criminal jurisdiction or following a waiver of jurisdiction by a court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court). Under the bill, a juvenile who is alleged to have committed any of those violations on or after the effective date of the bill is subject to the jurisdiction of the juvenile court.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 986**SECTION 1**

1 **SECTION 1.** 938.183 (1) (intro.) of the statutes is amended to read:

2 938.183 (1) JUVENILES UNDER ADULT COURT JURISDICTION. (intro.)

3 Notwithstanding ss. 938.12 (1) and 938.18, but subject to sub. (1d), courts of criminal
4 jurisdiction have exclusive original jurisdiction over all of the following:

5 **SECTION 2.** 938.183 (1d) of the statutes is created to read:

6 938.183 (1d) NONAPPLICABILITY. A court of criminal jurisdiction does not have
7 exclusive original jurisdiction over a juvenile as provided in sub. (1) with respect to
8 any violation committed on or after the effective date of this subsection [LRB
9 inserts date]. A juvenile who is alleged to have committed a violation described in
10 sub. (1) on or after the effective date of this subsection [LRB inserts date], is
11 subject to the jurisdiction of the court assigned to exercise jurisdiction under this
12 chapter as provided in s. 938.12.

13 **SECTION 3.** 948.60 (2) (d) of the statutes is amended to read:

14 948.60 (2) (d) A person under 17 years of age who has violated this subsection
15 is subject to the provisions of ch. 938 unless jurisdiction is waived under s. 938.18 ~~or~~
16 ~~the person is subject to the jurisdiction of a court of criminal jurisdiction under s.~~
17 ~~938.183.~~

18 **SECTION 4.** 948.61 (4) of the statutes is amended to read:

19 948.61 (4) A person under 17 years of age who has violated this section is
20 subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18 ~~or~~
21 ~~the person is subject to the jurisdiction of a court of criminal jurisdiction under s.~~
22 ~~938.183.~~

23 **SECTION 5.** 970.032 (3) of the statutes is created to read:

24 970.032 (3) This section does not apply to a violation committed on or after the
25 effective date of this subsection [LRB inserts date].

