

**Notice of Public Meeting**  
**Tuesday, March 13, 2018**  
**3:00 p.m.**

**LEGISLATIVE  
 COMMITTEE**

*Door County Government Center  
 Chambers Room (C102), 1st floor  
 421 Nebraska Street, Sturgeon Bay, WI*

**AGENDA**

1. Call Meeting to Order
2. Establish a Quorum ~ Roll Call
3. Adopt Agenda / Properly Noticed
4. Approve Minutes of February 13, 2018 Legislative Committee Meeting
5. Communications
6. Public Comment
7. Supervisor Response
8. Old Business
  - A. United to Amend – Draft Resolution to County Board
  - B. Update on NOAA National Marine Sanctuary
9. New Business
  - A. Review Resolutions from Other Counties and Refer to Appropriate Committees for Recommendation as to Action of the County Board
    1. Racine County – Opposing Legislation Relating to Changing the Authority of County Executives and County Boards
    2. Town of Union – Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions and Conduct a Non-Binding Statewide Referendum
  - B. Update on Legislation Related to Lincoln Hills
  - C. 17 Year Old to Juvenile System AB660
  - D. Badger Care / Food Share programs
10. Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee
11. Next Meeting Date: tbd
12. Meeting Per Diem Code
13. Adjourn

*Deviation from the order shown may occur*

<p align="center"><b>MINUTES</b></p> <p align="center">Tuesday, February 13, 2018</p>	<p align="center"><b>LEGISLATIVE COMMITTEE</b></p>	<p align="center"><i>Door County Government Center Chambers Room (C102), 1st floor 421 Nebraska Street, Sturgeon Bay, WI</i></p>
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**Call Meeting to Order**

Chair Susan Kohout called the February 13, 2018 meeting of the Legislative Committee to order at 3:00 p.m. at the Door County Government Center.

**Establish a Quorum – Roll Call**

Committee members present – Susan Kohout, Helen Bacon, Steve Sohns, and David Enigl. Roy Englebert was excused.

Others present – Administrator Ken Pabich, Assistant CC Karyn Behling, County Conservationist Erin Hanson, Soil & Water Conservationist Krista Lutzke, County Clerk Jill Lau, and public.

"These minutes have **not** been reviewed by the oversight committee and are subject to approval at the next regular committee meeting."

**Adopt Agenda / Properly Noticed**

Motion by Enigl, seconded by Bacon to approve the agenda. Motion carried by unanimous voice vote.

**Approve Minutes of January 9, 2018 Legislative Committee Meeting**

County Clerk Lau noted the minutes should be corrected under 'Old Business, paragraph 1 to reflect nine counties have passed this; five by referendum, 3 by resolution, and one by both a resolution and referendum. Motion by Bacon, seconded by Sohns to approve the minutes of January 9, 2018 meeting as corrected. Supervisor Sohns suggested adding that the Committee will continue to research holding a county-wide referendum. Motion carried by unanimous voice vote.

**Communications**

- Chair Kohout noted she had spoke with Clerk of Circuit Court Connie DeFere. Connie thanked the committee for looking at issues of importanance and specifically having her attend last months meeting to discuss an issue related to her department.
- Supervisor Sohns noted a thank you letter was received from Senator Tammy Baldwin regarding the J-1 Visa resolution recently sent to her.

**Public Comment**

No one from the public commented at this time.

**Supervisor Response**

N/A.

**Wetland Bill SB600 / AB547**

County Conservationist Erin Hanson and Soil & Water Conservationist Krista Lutzke attended the meeting. Erin explained the bill proposes removing state oversight over isolated wetlands (non-federal), those that are not directly connected to navigable waters. The bill proposes to allow for filling of isolated wet-lands, without DNR oversight, in urban and rural areas. The bill has passed both the Senate and Assembly Committees; expected to go for a vote in the near future. A draft letter opposing the bill was included in the meeting packet. Krista presented a revised letter from the original in the packet. Supervisor Sohns contacted Representative Joel Kitchens who explained the bill is most likely to pass and is related to the FoxConn development. The filling is for 1-acre and under. Administrator Pabich noted the League of Municipalities is in support of the bill. Krista explained if the wetlands are filled storm water issues will arise in the future. Erin noted the wetland areas serve a function and purpose in urban areas. The revised letter is addressed to three State Senators. Committee members supported sending the letter in opposition.

Motion by Bacon, seconded by Enigl to send the revised letter as quickly as possible. Motion carried by unanimous voice vote.

## **Old Business**

### **United to Amend – Draft Resolution to County Board**

Two draft resolutions were included in the meeting packet and were reviewed. Chair Kohout drafted a memo in an attempt to answer some of the questions related to why the county is considering this.

Dan Powers updated the committee noting the Town of Union has the issue on their agenda for tomorrow's meeting. Dan is attempting to present before the Town of Gardner's Board and will be presenting to the Village of Sister Bay.

Assistant Corporation Counsel Behling reviewed each draft resolution. One resolution supports the other supports and calls for a statewide referendum. Chair Kohout has contacted Wisconsin Counties Association and spoke with Kyle Christiansen who noted WCA had not received many, if any, resolutions related to this. Kyle noted this is not WCA's traditional type of issue and it isn't expected that WCA would put a lot of resources towards this. Nine of the seventy-two counties have passed something. This is a small ratio of counties. Discussion regarding if there isn't interest by the public or if there just isn't enough push to make it through the counties.

Linda Wait, Bluff Court, Sturgeon Bay, commented regarding the issue. Transparency, accountability, registering and reporting is needed. Has United to Amend thought about taking the issue to the Federal Elections Commission asking for changes? The Door County Board of Supervisors is a non-partisan board. If this issue goes to the County Board the board needs to portray themselves as neutral, in a non-partisan manner. Constituents need to know the board is neutral and non-partisan. There are definitely political undertones. It was suggested that further discussion with WCA and the county's corporation counsel be held before moving forward.

Administrator Pabich, on behalf of CC Thomas, stressed the importance of the wording in the resolutions. CC Thomas is concerned with the wording and does it open up a big Pandora's Box? Discussion followed. Committee Members are cautioned moving forward. There are many different feelings on this issue and it is expected there would be a lengthy discussion on the floor of County Board. Assistant CC Behling noted a change to line 38 changing from referendum to resolution. Chair Kohout asked that copies be sent to WCA and other Wisconsin counties.

Motion by Bacon, seconded by Enigl to approve the draft resolution (page 5), with changes discussed, supporting a constitutional amendment to allow limits on campaign contributions and conducting a non-binding statewide referendum and move it forward to County Board. Motion carried by unanimous voice vote.

Discussion as to which month to send the resolution on to County Board. It was suggested a cover letter be included in the county board meeting packet, it be sent in February

### **United to Amend – Consideration of County-Wide Referendum**

No further action taken.

### **AG's Opinion re: County Board Members Attendance at Meetings Which May Cause a Quorum**

Chair Kohout reviewed an email from CC Thomas who suggested letting the WCA lead the charge legislatively on this. The County can let the WCA know that Representative Kitchens is interested in this legislation. It would be difficult to get anything done legislatively this session. This issue stems from an AG's opinion letter.

## **New Business**

### **Review Resolutions from Other Counties and Refer to Appropriate Committees for Recommendation as to Action of the County Board**

#### **Town of Clay Banks - Supporting Constitutional Amendment to Limit Campaign Contributions**

Reviewed.

#### **Adams County – Urging Creation of a Non-Partisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans**

Reviewed.

**Milwaukee – County Executive / County Administrator**

Reviewed. Chair Kohout noted this legislation isn't expected to go anywhere. WCA opposes this legislation. Administrator Pabich recommends monitoring this legislation.

**NOAA Marine Sanctuary**

Sulynn Moore, a Manitowoc County resident, presented information regarding a proposed NOAA Marine Sanctuary in the counties of Ozaukee, Sheboygan, and Manitowoc. The premise of NOAA's Marine Sanctuary is to protect shipwrecks and provide education. Sue provided a sample resolution in opposition and asked the committee to consider the resolution at a future meeting. Sue noted four communities had already passed resolutions of opposition. Sue asked Committee Members if they would sign a letter of opposition. Administrator Pabich reviewed information included in the meeting packet. No research or planning has been done for/or to include Door County. A plan needs to be put together prior to consideration of a NOAA Marine Sanctuary. At this time there is no indication Door County would be included or the Marine Sanctuary would be extended to Door County. Committee members discussed concerns. Administrator Pabich recommended further review at the next committee meeting. A resolution could be drafted for review at the next meeting.

**WCA Legislative Exchange Conference**

Supervisor Sohns and Supervisor Enigl reviewed the information gathered from their attendance at the conference.

**Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee**

- Lincoln Hills Legislation

**Next Meeting Date**

March 13, 2018 – 3:00 p.m.

**Meeting Per Diem Code**

213.

**Adjourn**

Motion by Sohns, seconded by Enigl to adjourn. Time 5:15 p.m. Motion carried by voice vote.

Respectfully submitted by Jill M. Lau, County Clerk



**DOOR COUNTY**

**Resolution No. 2018-11**  
**SUPPORTING A CONSTITUTIONAL AMENDMENT TO ALLOW LIMITS ON**  
**CAMPAIGN CONTRIBUTIONS**  
**AND**  
**CONDUCTING A NON-BINDING STATEWIDE REFERENDUM**

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BACON			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HALSTEAD			
KOCH			
KOHOUT			
LIENAU			
LUNDAHL			
MOELLER			
NEINAS			
ROBILLARD			
SCHULTZ			
SITTE			
SOHNS			
VIRLEE			
VLIES WOTACHEK			
WAIT			

**BOARD ACTION**

Vote Required: Majority Vote of a Quorum

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Motion to Approve      Adopted     

1st \_\_\_\_\_      Defeated     

2nd \_\_\_\_\_

Yes: \_\_\_\_\_      No: \_\_\_\_\_      Exc: \_\_\_\_\_

Reviewed by: \_\_\_\_\_, Corp. Counsel

Reviewed by: \_\_\_\_\_, Administrator

**FISCAL IMPACT: There is no fiscal impact to Door County as a result of adopting this resolution.**  
MEJ

**Certification:**

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 27th day of February, 2018 by the Door County Board of Supervisors.

\_\_\_\_\_  
Jill M. Lau  
County Clerk, Door County

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

1        **WHEREAS**, Free and fair elections are essential to democracy and effective self-governance;  
 2        and

3        **WHEREAS**, The appearance of buying access to candidates or influencing policy, governance,  
 4        and judicial decisions because of large outsider donations erodes voter confidence in our elections  
 5        and democracy; and

6        **WHEREAS**, The County of Door has an interest in protecting itself and its citizens against  
 7        intrusions on local control by mitigating the influence of money and privileged access in state and  
 8        federal government and elections; and

9        **WHEREAS**, The U.S. Supreme Court's decisions in *Citizens United* and related cases allow  
 10        unlimited spending by certain groups known as Super-PACs to influence local, state, and federal  
 11        elections; and

12        **WHEREAS**, The above mentioned Supreme Court cases:

- 13        • have granted Corporations, Unions, non-profits, and other man-made entities (such as
- 14        Super-PACs) the same Constitutional protections given only to individual human beings
- 15        by the Framers of the Constitution, and;
- 16        • have declared money to be 'free speech'

17        **WHEREAS**, as of February 15, 2018, 78.9% of Door County municipalities (15/19) have called  
 18        upon the Door County Board of Supervisors to support their Resolutions Supporting a Constitutional  
 19        Amendment to Allow Limits on Campaign Contributions and Conducting a Non-Binding Statewide  
 20        Referendum.

21        **NOW, THEREFORE, BE IT RESOLVED**, that the Door County Board of Supervisors (joining  
 22        with the 120 Wisconsin communities to date, *including 9 other counties*) calls upon our elected  
 23        State Assembly Representative and State Senator and on the Wisconsin State Legislature to  
 24        hold a non-binding state-wide Referendum asking the voters if they wish the State of  
 25        Wisconsin to support an Amendment to the United States Constitution stating:

- 26        1. Only human beings are endowed with individual constitutional rights –not corporations,  
 27        unions, non-profits or artificial entities (such as SuperPACs)
- 28        2. Money is not speech, and therefore limiting political contributions and spending is not  
 29        equivalent to limiting political speech.

30        **BE IT FURTHER RESOLVED**, That following the Door County resolution, the County Clerk is  
 31        directed to forward a copy of this resolution to all other counties, the Wisconsin Counties Association,  
 32        and to our state and federal representatives, including the members of any state committees in which  
 33        such a referendum or bill resides, with instructions to enact resolutions, referenda, and legislation to  
 34        advance this effort.

**SUBMITTED BY: LEGISLATIVE COMMITTEE**

_____ Susan Kohout, Chairman	_____ David Enigl
_____ Helen Bacon	_____ Steve Sohns
_____ Roy Englebert	



**Russell A. Clark**  
 County Board Chairman  
 730 Wisconsin Avenue  
 Racine, WI 53403  
 262-636-3571  
 fax: 262-636-3491  
 Russell.Clark@racinecounty.com

February 15, 2018

**Re: 2017 Senate Bill 777 and 2017 Assembly Bill 923**

To the Honorable Members of the Wisconsin Legislature:

The Executive Committee of the Racine County Board of Supervisors is alarmed at the sudden appearance, without appropriate vetting and input, of proposed legislation which will significantly change the important balance between the powers of county boards, executives and administrators in the State of Wisconsin.

Although at least three proposals have surfaced within the last week, and some of them in their current form primarily impact only Milwaukee County, we are opposed to many of the proposals which could be included in a final version of a bill. We oppose 2017 Senate Bill 777 and 2017 Assembly Bill 923 in their entirety.

Specifically, we flat out oppose any provisions which would significantly change the current powers of county boards, executives and administrators in the following areas:

- 1) The ability to spend money;
- 2) The ability to borrow money;
- 3) The ability to set the property tax levy;
- 4) The ability to set the salaries of constitutional officers and county employees;
- 5) The authority regarding contracts;
- 6) The authority to confirm appointments;
- 7) The balance of ultimate authority between county boards and executives or administrators.

While we are not opposed to the modernization of the functions of county government, we can attest that the policy changes in the proposals have not been properly vetted. We respectfully request that, before the Legislature take any vote on bills in this area, the 72 Wisconsin counties, through their boards, constitutional officers, corporation counsel, and the Wisconsin Counties Association, be afforded ample time to give input on the implications of the bills. Further, we do not believe the proposals have the full support of all state county executives as suggested in recent reports.

We are proceeding with work on a resolution for our full County Board expressing the sentiments of this letter, and judging by supervisor comment at our meeting last night, we expect it to have strong support.

Thank you for consideration of our input.

Russell A. Clark  
 Racine County Board Chairman, on behalf of the Racine County Executive Committee

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February 27, 2018

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**RESOLUTION NO. 2017-111**

**RESOLUTION BY EXECUTIVE COMMITTEE OPPOSING THE PASSAGE OF 2017 SENATE BILL 777 AND 2017 ASSEMBLY BILL 923 RELATING TO CHANGING THE AUTHORITY OF COUNTY EXECUTIVES AND COUNTY BOARDS**

To the Honorable Members of the Racine County Board of Supervisors:

**WHEREAS**, the Legislative and Executive branches of Racine County government are proud of the years of successfully working together, embracing fiscal responsibility, and continuing to demonstrate creativity in the execution of governance duties; and

**WHEREAS**, this relationship – admired by other counties – has had its challenges but it remains intact and viable because each branch takes its responsibilities to citizens seriously, and feels duty bound to produce the best policies possible; and

**WHEREAS**, proposed 2017 Senate Bill 777 (“SB 777”) and 2017 Assembly Bill 923 (“AB 923”) make a number of changes to laws relating to the authority of county executives and county boards, both exclusive to any county with a population of 750,000 or more (populous county) and statewide; and

**WHEREAS**, SB 777 and AB 923 generally provide that any power conferred to a county executive or administrator must be broadly and liberally construed and limited only by express language, and that, to the extent that a conflict exists between county board action and county executive or administrator action, the action of the executive or administrator shall prevail, to the extent of the conflict; and

**WHEREAS**, SB 777 and AB 923 change the authority of county executives and county boards statewide relative to acceptance of donations, gifts, and grants, and transportation leases; and

**WHEREAS**, SB 777 and AB 923 restrict county board actions related to the budget, including the disallowance of any items other than: a) the county or municipal tax levy; b) anticipated revenue amounts from all sources; and c) appropriations for all departments, and for any other obligations of the county or municipality; and prohibiting the county board of a county with a county executive and a municipality’s governing body from issuing municipal obligations in an amount that is higher than the amount initially proposed by the county or chief executive in his or her proposed budget for that biennium; and

**WHEREAS**, SB 777 and AB 923 allow the county executive to determine whether to utilize biennial budgeting; and

**WHEREAS**, SB 777 and AB 923, generally, fundamentally expand the powers that may be exercised by the county executive and limit the powers that may be exercised by a county board of a populous county, and the Racine County Board of Supervisors is concerned that such disruption to the checks and balances between local branches of government, though limited to a populous county, may lead to passage of similar changes statewide; and

1 Res No. 2017-111  
2 Page Two

3  
4 **WHEREAS**, the Racine County Board of Supervisors is alarmed at the sudden  
5 appearance and rapid ascension of SB 777 and AB 923, without appropriate vetting and input  
6 from the 72 Wisconsin counties, through their boards, constitutional officers, corporation  
7 counsel, and the Wisconsin Counties Association; and

8  
9 **WHEREAS**, the Racine County Board of Supervisors is strongly opposed to any  
10 provisions that would significantly change the current powers of county boards, executives and  
11 administrators in the following areas:

- 12
- 13 • The ability to spend money;
- 14 • The ability to borrow money;
- 15 • The ability to set the property tax levy;
- 16 • The ability to set the salaries of constitutional officers and county employees;
- 17 • The authority regarding contracts;
- 18 • The authority to confirm appointments and dismissals;
- 19 • The balance of ultimate authority between county boards and executives or
- 20 administrators;
- 21

22 **WHEREAS**, although the Racine County Board of Supervisors is not opposed to the  
23 modernization of the functions of county government, the policy changes in SB 777 and AB 923  
24 have not been properly vetted by the aforementioned interested parties nor has the general  
25 public been properly informed of the shift in the balance of power among their local elected  
26 officials; and

27  
28 **NOW, THEREFORE, BE IT RESOLVED** that the Racine County Board of Supervisors  
29 hereby expresses its opposition to 2017 Senate Bill 777 and 2017 Assembly Bill 923.


30  
31 **BE IT FURTHER RESOLVED** that the County Clerk is hereby directed to transmit a  
32 copy of this Resolution to Governor Scott Walker, all Wisconsin Legislative Representatives, all  
33 Wisconsin Counties, and the Wisconsin Counties Association.

34  
35 Respectfully submitted,

36  
37 1st Reading 2-27-18

**EXECUTIVE COMMITTEE**

38  
39 2nd Reading 2-27-18

  
\_\_\_\_\_  
Russell A. Clark, Chairman

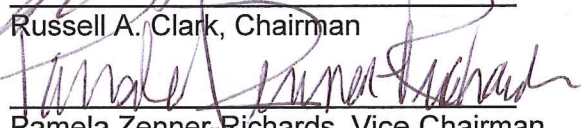
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41 **BOARD ACTION**


42 Adopted yes

43 For \_\_\_\_\_

44 Against \_\_\_\_\_

45 Absent \_\_\_\_\_

  
\_\_\_\_\_  
Pamela Zenner-Richards, Vice Chairman

  
\_\_\_\_\_  
Q.A. Shakoor, II, Secretary

46  
47 **VOTE REQUIRED:** Majority


48  
49 Prepared by:  
50 Corporation Counsel

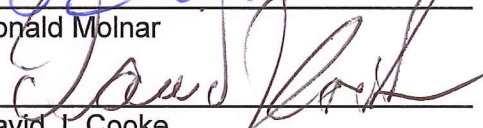
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Mark M. Gleason

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1 Res No. 2017-111  
2 Page Three

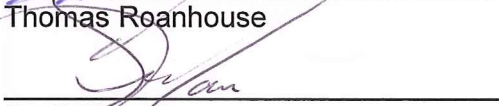
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6 Ronald Molnar

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8 David J. Cooke

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11 Janet Bernberg

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15 Robert N. Miller

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18 Thomas Roanhouse

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21 Scott Maier

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24 **The foregoing legislation adopted by the County Board of Supervisors of**  
25 **Racine County, Wisconsin, is hereby:**

26 **Approved:** \_\_\_\_\_

27 **Vetoed:** \_\_\_\_\_

28  
29 **Date:** \_\_\_\_\_,

30  
31 \_\_\_\_\_  
32 **Jonathan Delagrave, County Executive**

Town of Union

Resolution

#02142018

Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions
And Conducting a Non-binding Statewide Referendum

Whereas, free and fair elections are essential to democracy and effective self-governance, and:

Whereas: even the appearance of being able to buy access to candidates or influence policy and governing decisions based on large donations erodes the voter's confidence in our elections and democracy.

Whereas: the U. S. Supreme Court's decisions in Citizens United and related cases allow unlimited spending by certain groups know as Super-PACs to influence local, state, and federal elections.

Whereas: the above mentioned Supreme Court Cases:

- 1) have granted Corporations, Unions, Super-PACs and other man-made entities the same Constitutional protections given only to "We the People..." (i.e. individual human beings) by the Framers of the Constitution, and
2. have declared money to be "free speech"

Now therefore, be it resolved that the Town Board of the Town of Union, Door County, Wisconsin, does hereby respectfully request the Door County Board of Supervisors to support this Resolution and asks the Wisconsin State Legislature, and our locally elected state representatives, to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to United States Constitution stating:

- 1) Only human being-not corporations, unions, Super-PACs, or similar associations- are endowed with individual constitutional rights, and
2) Money is not speech, and therefore limited political contributions and spending is not equivalent to restricting political speech

Be it further resolved, that the Clerk of the Town of Union send a copy of this Resolution to the Door County Board and to our state and federal representatives with instructions to enact resolutions, referenda, and legislation to advance this effort.

Adopted this 14th day of February, 2018

Brian Renard (signature)

Brian Renard, Chairman

Jeff LeGrave (signature)

Jeff LeGrave, Supervisor #2

Bruce Alberts (signature)

Bruce Alberts, Supervisor #1

Rena LaLuzerne (signature)

Attest: Rena LaLuzerne, Clerk



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3256/2  
EAW:wlj

## 2017 ASSEMBLY BILL 660

November 22, 2017 - Introduced by Representatives BORN, NYGREN, KESSLER, BERCEAU, BILLINGS, E. BROOKS, CROWLEY, GENRICH, GOYKE, HINTZ, KOLSTE, KULP, LOUDENBECK, MURSAU, NOVAK, QUINN, RIPP, ROHRKASTE, SHANKLAND, SPIROS, SPREITZER, SUBECK, C. TAYLOR and TITTL, cosponsored by Senators PETROWSKI, L. TAYLOR and JOHNSON. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to renumber and amend* 48.02 (1d), 48.02 (2), 938.02 (1), 938.02 (10m),  
2           938.355 (4) (b), 948.01 (1), 990.01 (3) and 990.01 (20); *to amend* subchapter IX  
3           (title) of chapter 48 [precedes 48.44], 48.44, 48.45 (1) (a), 48.45 (1) (am), 48.45  
4           (3), 118.163 (4), 125.07 (4) (d), 125.07 (4) (e) 1., 125.085 (3) (bt), 165.83 (1) (c) 1.,  
5           165.83 (1) (c) 2., 301.12 (2m), 301.12 (14) (a), 302.31 (7), 938.12 (2), 938.18 (2),  
6           938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344 (3), 938.35 (1m),  
7           938.355 (4m) (a), 938.39, subchapter IX (title) of chapter 938 [precedes 938.44],  
8           938.44, 938.45 (1) (a), 938.45 (3), 938.48 (4m) (title), 938.48 (4m) (a), 938.48 (4m)  
9           (b), 938.48 (14), 938.57 (3) (title), 938.57 (3) (a) (intro.), 938.57 (3) (a) 1., 938.57  
10          (3) (a) 3., 938.57 (3) (b), 939.632 (1) (e) 1., 939.632 (1) (e) 3., 946.50 (intro.),  
11          948.11 (2) (am) (intro.), 948.45 (1), 948.60 (2) (d), 948.61 (4), 961.455 (1), 961.46,  
12          961.573 (2), 961.574 (2), 961.575 (1), 961.575 (2) and 961.575 (3); and *to create*  
13          20.437 (1) (ck), 48.02 (1d) (a), 48.02 (1d) (b), 48.02 (2) (a), 48.02 (2) (b), 938.02  
14          (1) (a), 938.02 (1) (b), 938.02 (10m) (a), 938.02 (10m) (b), 938.355 (4) (b) 2.,

**ASSEMBLY BILL 660**

1 938.487, 948.01 (1) (a), 948.01 (1) (b), 990.01 (3) (a), 990.01 (3) (b), 990.01 (20)  
2 (a) and 990.01 (20) (b) of the statutes; **relating to:** the age at which a person  
3 is subject to juvenile court jurisdiction and making appropriations.

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

This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code if the person has not been charged with committing certain violent offenses and has not, after previously being convicted of a crime or adjudicated delinquent, been charged with a crime.

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility.

The bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court if the person has not been alleged, in a complaint or citation filed with the court, to have violated a civil law or municipal ordinance after previously being convicted of a crime or adjudicated delinquent.

Under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures of the court assigned to exercise jurisdiction under the Juvenile Justice Code.

The bill appropriates \$5,000,000 in fiscal year 2018-19 to the Department of Children and Families to reimburse counties for the cost of providing juvenile delinquency-related services to 17-year-olds and requires DCF to work with county departments to develop a plan to distribute the funds. The plan must be submitted to the Joint Committee on Finance for passive review. If the cost to counties exceeds \$5,000,000, the bill requires DCF to request up to \$5,000,000 in additional funding from JCF in fiscal year 2018-19. The bill also requires DCF, in collaboration with the counties, and by no later than October 30, 2019, to submit a report to JCF on the cost of providing juvenile delinquency-related services to 17-year-olds during the first year of implementation of the bill.

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

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

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2           the following amounts for the purposes indicated:

**2017-18           2018-19**

3           **20.437 Children and families, department of**

4           (1) CHILDREN AND FAMILY SERVICES

5           (ck) *Juvenile delinquency-related ser-*

6           *VICES for 17-year-olds*                   GPR    A                   -0-   \$5,000,000

7           **SECTION 2.** 20.437 (1) (ck) of the statutes is created to read:

8           20.437 (1) (ck) *Juvenile delinquency-related services for 17-year-olds.* The  
9           amounts in the schedule for reimbursement to counties under s. 938.487 for the cost  
10          of purchasing and providing juvenile delinquency-related services to 17-year-olds.

11          **SECTION 3.** 48.02 (1d) of the statutes is renumbered 48.02 (1d) (intro.) and  
12          amended to read:

13          48.02 (1d) (intro.) “Adult” means a person who is 18 years of age or older, except  
14          that, for purposes of investigating or prosecuting a person who is alleged to have  
15          violated any state or federal criminal law or any civil law or municipal ordinance,  
16          “adult” means includes a person who ~~has attained~~ 17 years of age. for whom any of  
17          the following applies:

18          **SECTION 4.** 48.02 (1d) (a) of the statutes is created to read:

**ASSEMBLY BILL 660****SECTION 4**

1           48.02 **(1d)** (a) The person is alleged, in a criminal complaint filed under s.  
2           968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
3           any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
4           (b), (bm), (c), or (d).

5           **SECTION 5.** 48.02 (1d) (b) of the statutes is created to read:

6           48.02 **(1d)** (b) The person has previously been convicted of a crime or  
7           adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
8           or under federal law to have committed a crime, alleged in a complaint filed under  
9           s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have  
10          violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
11          filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
12          ordinance.

13          **SECTION 6.** 48.02 (2) of the statutes is renumbered 48.02 (2) (intro.) and  
14          amended to read:

15          48.02 **(2)** (intro.) “Child,” when used without further qualification, means a  
16          person who is less than 18 years of age, except that, for purposes of investigating or  
17          prosecuting a person who is alleged to have violated a state or federal criminal law  
18          or any civil law or municipal ordinance, “child” does not include a person who has  
19          attained 17 years of age. for whom any of the following applies:

20          **SECTION 7.** 48.02 (2) (a) of the statutes is created to read:

21          48.02 **(2)** (a) The person is alleged, in a criminal complaint filed under s. 968.02,  
22          to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or any  
23          misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1) (b),  
24          (bm), (c), or (d).

25          **SECTION 8.** 48.02 (2) (b) of the statutes is created to read:

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1 48.02 (2) (b) The person has previously been convicted of a crime or adjudicated  
 2 delinquent and is alleged in a criminal complaint filed under s. 968.02 or under  
 3 federal law to have committed a crime, alleged in a complaint filed under s. 23.65 or  
 4 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have violated a civil  
 5 law punishable by a forfeiture, or alleged in a complaint or citation filed with or  
 6 transmitted to the court under s. 800.01 (1) to have violated a municipal ordinance.

7 **SECTION 9.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes  
 8 is amended to read:

**CHAPTER 48****SUBCHAPTER IX****JURISDICTION OVER ~~PERSON 17~~****OR OLDER ADULTS**

13 **SECTION 10.** 48.44 of the statutes is amended to read:

14 **48.44 Jurisdiction over persons ~~17 or older adults~~.** The court has  
 15 jurisdiction over ~~persons 17 years of age or older~~ adults as provided under ss. 48.133,  
 16 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in  
 17 this chapter.

18 **SECTION 11.** 48.45 (1) (a) of the statutes is amended to read:

19 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition  
 20 described in s. 48.13 it appears that any ~~person 17 years of age or older~~ adult has been  
 21 guilty of contributing to, encouraging, or tending to cause by any act or omission,  
 22 ~~such that~~ that condition of the child, the judge may make orders with respect to the  
 23 conduct of ~~such that~~ that person in his or her relationship to the child, including orders  
 24 determining the ability of the person to provide for the maintenance or care of the

**ASSEMBLY BILL 660****SECTION 11**

1 child and directing when, how, and from where funds for the maintenance or care  
2 shall be paid.

3 **SECTION 12.** 48.45 (1) (am) of the statutes is amended to read:

4 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn  
5 child's expectant mother alleged to be in a condition described in s. 48.133 it appears  
6 that any person ~~17 years of age or over~~ adult has been guilty of contributing to,  
7 encouraging, or tending to cause by any act or omission, ~~such~~ that condition of the  
8 unborn child and expectant mother, the judge may make orders with respect to the  
9 conduct of ~~such~~ that person in his or her relationship to the unborn child and  
10 expectant mother.

11 **SECTION 13.** 48.45 (3) of the statutes is amended to read:

12 48.45 (3) If it appears at a court hearing that any person ~~17 years of age or older~~  
13 adult has violated s. 948.40, the judge shall refer the record to the district attorney  
14 for criminal proceedings as may be warranted in the district attorney's judgment.  
15 This subsection does not prevent prosecution of violations of s. 948.40 without the  
16 prior reference by the judge to the district attorney, as in other criminal cases.

17 **SECTION 14.** 118.163 (4) of the statutes is amended to read:

18 118.163 (4) A person who is ~~under 17 years of age~~ a minor on the date of  
19 disposition is subject to s. 938.342.

20 **SECTION 15.** 125.07 (4) (d) of the statutes is amended to read:

21 125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of  
22 disposition is subject to s. 938.344 unless proceedings have been instituted against  
23 the person in a court of civil or criminal jurisdiction after dismissal of the citation  
24 under s. 938.344 (3).

25 **SECTION 16.** 125.07 (4) (e) 1. of the statutes is amended to read:



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1           125.07 (4) (e) 1. In this paragraph, “defendant” means a person found guilty  
2 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

3           **SECTION 17.** 125.085 (3) (bt) of the statutes is amended to read:

4           125.085 (3) (bt) A person who is ~~under 17 years of age~~ a minor on the date of  
5 disposition is subject to s. 938.344 unless proceedings have been instituted against  
6 the person in a court of civil or criminal jurisdiction after dismissal of the citation  
7 under s. 938.344 (3).

8           **SECTION 18.** 165.83 (1) (c) 1. of the statutes is amended to read:

9           165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~  
10 ~~of 17~~ an adult and that is a felony or a misdemeanor.

11           **SECTION 19.** 165.83 (1) (c) 2. of the statutes is amended to read:

12           165.83 (1) (c) 2. An act that is committed by a person minor who has attained  
13 the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or  
14 misdemeanor if committed by an adult.

15           **SECTION 20.** 301.12 (2m) of the statutes is amended to read:

16           301.12 (2m) The liability specified in sub. (2) shall not apply to persons ~~17~~ 18  
17 and older receiving care, maintenance, services, and supplies provided by prisons  
18 named in s. 302.01.

19           **SECTION 21.** 301.12 (14) (a) of the statutes is amended to read:

20           301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person  
21 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under ~~17~~  
22 18 years of age in residential, nonmedical facilities such as group homes, foster  
23 homes, residential care centers for children and youth, and juvenile correctional  
24 institutions is determined in accordance with the cost-based fee established under  
25 s. 301.03 (18). The department shall bill the liable person up to any amount of

**ASSEMBLY BILL 660****SECTION 21**

1 liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party  
2 benefits, subject to rules that include formulas governing ability to pay promulgated  
3 by the department under s. 301.03 (18). Any liability of the resident not payable by  
4 any other person terminates when the resident reaches age ~~17~~ 18, unless the liable  
5 person has prevented payment by any act or omission.

6 **SECTION 22.** 302.31 (7) of the statutes, as affected by 2015 Wisconsin Act 55,  
7 is amended to read:

8 302.31 (7) The temporary placement of persons in the custody of the  
9 department, other than persons under 17 years of age minors, and persons who have  
10 ~~attained the age of 17 years but have not attained~~ adults under the age of 25 years  
11 who are under the supervision of the department under s. 938.355 (4) and who have  
12 been taken into custody pending revocation of community supervision or aftercare  
13 supervision under s. 938.357 (5) (e).

14 **SECTION 23.** 938.02 (1) of the statutes is renumbered 938.02 (1) (intro.) and  
15 amended to read:

16 938.02 (1) (intro.) “Adult” means a person who is 18 years of age or older, except  
17 that, for purposes of investigating or prosecuting a person who is alleged to have  
18 violated any state or federal criminal law or any civil law or municipal ordinance,  
19 “adult” means includes a person who has attained 17 years of age. for whom any of  
20 the following applies:

21 **SECTION 24.** 938.02 (1) (a) of the statutes is created to read:

22 938.02 (1) (a) The person is alleged, in a criminal complaint filed under s.  
23 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
24 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
25 (b), (bm), (c), or (d).

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1           **SECTION 25.** 938.02 (1) (b) of the statutes is created to read:

2           938.02 (1) (b) The person has previously been convicted of a crime or  
3 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
4 or under federal law to have committed a crime, alleged in a complaint filed under  
5 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have  
6 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
7 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
8 ordinance.

9           **SECTION 26.** 938.02 (10m) of the statutes is renumbered 938.02 (10m) (intro.)  
10 and amended to read:

11           938.02 (10m) (intro.) “Juvenile,” when used without further qualification,  
12 means a person who is less than 18 years of age, except that, for purposes of  
13 investigating or prosecuting a person who is alleged to have violated a state or federal  
14 criminal law or any civil law or municipal ordinance, “juvenile” does not include a  
15 person who has attained 17 years of age. for whom any of the following applies:

16           **SECTION 27.** 938.02 (10m) (a) of the statutes is created to read:

17           938.02 (10m) (a) The person is alleged, in a criminal complaint filed under s.  
18 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
19 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
20 (b), (bm), (c), or (d).

21           **SECTION 28.** 938.02 (10m) (b) of the statutes is created to read:

22           938.02 (10m) (b) The person has previously been convicted of a crime or  
23 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
24 or under federal law to have committed a crime, alleged in a complaint filed under  
25 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have

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1 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
2 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
3 ordinance.

4 **SECTION 29.** 938.12 (2) of the statutes is amended to read:

5 938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition  
6 alleging that a juvenile is delinquent is filed before the juvenile ~~is 17 years of age~~  
7 becomes an adult, but the juvenile becomes 17 years of age an adult before admitting  
8 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before  
9 an adjudication, the court retains jurisdiction over the case.

10 **SECTION 30.** 938.18 (2) of the statutes is amended to read:

11 938.18 (2) **PETITION.** The petition for waiver of jurisdiction may be filed by the  
12 district attorney or the juvenile or may be initiated by the court and shall contain a  
13 brief statement of the facts supporting the request for waiver. The petition for waiver  
14 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging  
15 delinquency and shall be filed prior to the plea hearing, except that if the juvenile  
16 denies the facts of the petition and becomes 17 years of age an adult before an  
17 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to  
18 the adjudication. If the court initiates the petition for waiver of jurisdiction, the  
19 judge shall disqualify himself or herself from any future proceedings on the case.

20 **SECTION 31.** 938.183 (3) of the statutes is amended to read:

21 938.183 (3) **PLACEMENT IN STATE PRISON; PAROLE.** When a juvenile who is subject  
22 to a criminal penalty under sub. (1m) or s. 938.183 (2), 2003 stats., ~~attains the age~~  
23 ~~of 17 years~~ becomes an adult, the department of corrections may place the juvenile  
24 in a state prison named in s. 302.01, except that that department may not place any  
25 person under the age of 18 years in the correctional institution authorized in s.

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1 301.16 (1n). A juvenile who is subject to a criminal penalty under sub. (1m) or under  
2 s. 938.183 (2), 2003 stats., for an act committed before December 31, 1999, is eligible  
3 for parole under s. 304.06.

4 **SECTION 32.** 938.255 (1) (intro.) of the statutes is amended to read:

5 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings  
6 under this chapter, other than a petition initiating proceedings under s. 938.12,  
7 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a  
8 person under the age of 18". A petition initiating proceedings under s. 938.12,  
9 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person  
10 ~~under the age of 17". juvenile.~~ A petition initiating proceedings under this chapter  
11 shall specify all of the following:

12 **SECTION 33.** 938.34 (8) of the statutes is amended to read:

13 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
14 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.  
15 The maximum forfeiture that the court may impose under this subsection for a  
16 violation by a juvenile is the maximum amount of the fine that may be imposed on  
17 an adult for committing that violation or, if the violation is applicable only to ~~a person~~  
18 ~~under 18 years of age~~ juveniles, \$100. The order shall include a finding that the  
19 juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months  
20 for payment. If the juvenile fails to pay the forfeiture, the court may vacate the  
21 forfeiture and order other alternatives under this section; or the court may suspend  
22 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or  
23 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
24 than 2 years. If the court suspends any license under this subsection, the clerk of the  
25 court shall immediately take possession of the suspended license if issued under ch.

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1 29 or, if the license is issued under ch. 343, the court may take possession of, and if  
2 possession is taken, shall destroy, the license. The court shall forward to the  
3 department ~~which~~ that issued the license a notice of suspension stating that the  
4 suspension is for failure to pay a forfeiture imposed by the court, together with any  
5 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
6 paid during the period of suspension, the suspension shall be reduced to the time  
7 period ~~which~~ that has already elapsed and the court shall immediately notify the  
8 department, which shall then, if the license is issued under ch. 29, return the license  
9 to the juvenile. Any recovery under this subsection shall be reduced by the amount  
10 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

11 **SECTION 34.** 938.343 (2) of the statutes is amended to read:

12 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
13 forfeiture that may be imposed on an adult for committing that violation or, if the  
14 violation is only applicable to ~~a person under 18 years of age~~ juveniles, \$50. The  
15 order shall include a finding that the juvenile alone is financially able to pay and  
16 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,  
17 the court may suspend any license issued under ch. 29 or suspend the juvenile's  
18 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court  
19 shall immediately take possession of the suspended license if issued under ch. 29 or,  
20 if the license is issued under ch. 343, the court may take possession of, and if  
21 possession is taken, shall destroy, the license. The court shall forward to the  
22 department ~~which~~ that issued the license the notice of suspension stating that the  
23 suspension is for failure to pay a forfeiture imposed by the court, together with any  
24 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
25 paid during the period of suspension, the court shall immediately notify the

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1 department, which shall, if the license is issued under ch. 29, return the license to  
2 the person. Any recovery under this subsection shall be reduced by the amount  
3 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

4 **SECTION 35.** 938.344 (3) of the statutes is amended to read:

5 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have  
6 committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an  
7 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,  
8 at the request of the district attorney or on its own motion, dismiss the citation  
9 without prejudice and refer the matter to the district attorney for prosecution under  
10 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.  
11 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or  
12 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

13 **SECTION 36.** 938.35 (1m) of the statutes is amended to read:

14 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court  
15 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation  
16 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter  
17 in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This  
18 subsection does not affect proceedings in criminal court that have been transferred  
19 under s. 938.18.

20 **SECTION 37.** 938.355 (4) (b) of the statutes is renumbered 938.355 (4) (b) 1. and  
21 amended to read:

22 938.355 (4) (b) 1. Except as provided in s. 938.368, an order under s. 938.34 (4d)  
23 or (4m) made before the juvenile attains ~~18~~ 17 years of age may apply for up to 2 years  
24 after the date on which the order is granted or until the juvenile's 18th birthday,  
25 whichever is earlier, unless the court specifies a shorter period of time or the court

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1 terminates the order sooner. If the order does not specify a termination date, it shall  
2 apply for one year after the date on which the order is granted or until the juvenile's  
3 18th birthday, whichever is earlier, unless the court terminates the order sooner.

4 3. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before  
5 the juvenile attains 18 years of age shall apply for 5 years after the date on which the  
6 order is granted, if the juvenile is adjudicated delinquent for committing a violation  
7 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C  
8 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the  
9 juvenile is adjudicated delinquent for committing an act that would be punishable  
10 as a Class A felony if committed by an adult.

11 4. Except as provided in s. 938.368, an extension of an order under s. 938.34  
12 (4d), (4h), (4m), or (4n) made before the juvenile attains 17 years of age shall  
13 terminate at the end of one year after the date on which the order is granted unless  
14 the court specifies a shorter period of time or the court terminates the order sooner.  
15 No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d),  
16 (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when  
17 the original dispositional order terminates.

18 **SECTION 38.** 938.355 (4) (b) 2. of the statutes is created to read:

19 938.355 (4) (b) 2. Except as provided in s. 938.368, an order under s. 938.34 (4d)  
20 or (4m) made while the juvenile is 17 years of age may apply for up to 2 years after  
21 the date on which the order is granted or until the juvenile's 19th birthday, whichever  
22 is earlier, unless the court specifies a shorter period of time or the court terminates  
23 the order. If the order does not specify a termination date, it shall apply for one year  
24 after the date on which the order is granted or until the juvenile's 19th birthday,  
25 whichever is earlier, unless the court terminates the order sooner.





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1           938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent  
2 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any  
3 ~~person 17 years of age or older~~ adult has been guilty of contributing to, encouraging,  
4 or tending to cause by any act or omission, ~~such~~ that condition of the juvenile, the  
5 court may make orders with respect to the conduct of that person in his or her  
6 relationship to the juvenile, including orders relating to determining the ability of  
7 the person to provide for the maintenance or care of the juvenile and directing when,  
8 how, and from where funds for the maintenance or care shall be paid.

9           **SECTION 44.** 938.45 (3) of the statutes is amended to read:

10           938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.  
11 If it appears at a court hearing that any ~~person 17 years of age or older~~ adult has  
12 violated s. 948.40, the court shall refer the record to the district attorney. This  
13 subsection does not prohibit prosecution of violations of s. 948.40 without the prior  
14 reference by the court to the district attorney.

15           **SECTION 45.** 938.48 (4m) (title) of the statutes is amended to read:

16           938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO  
17 BECOME ADULTS.

18           **SECTION 46.** 938.48 (4m) (a) of the statutes is amended to read:

19           938.48 (4m) (a) Is ~~at least 17 years of age~~ an adult.

20           **SECTION 47.** 938.48 (4m) (b) of the statutes is amended to read:

21           938.48 (4m) (b) Was under the supervision of the department under s. 938.183,  
22 938.34 (4h), (4m), or (4n), or 938.357 (4) when the person ~~reached 17 years of age~~  
23 became an adult.

24           **SECTION 48.** 938.48 (14) of the statutes is amended to read:

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1           938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME  
2 ADULTS. Pay maintenance, tuition, and related expenses from the appropriation  
3 under s. 20.410 (3) (ho) for persons who, when they ~~attained 17 years of age~~ became  
4 adults, were students regularly attending a school, college, or university or regularly  
5 attending a course of vocational or technical training designed to prepare them for  
6 gainful employment, and who upon ~~attaining that age~~ becoming adults were under  
7 the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or  
8 938.357 (4) as a result of a judicial decision.

9           **SECTION 49.** 938.487 of the statutes is created to read:

10           **938.487 Reimbursements to counties for juvenile delinquency-related**  
11 **services for 17-year-olds.** From the appropriation under s. 20.437 (1) (ck), the  
12 department shall distribute the amounts necessary to reimburse counties for the  
13 costs counties incur in purchasing or providing juvenile delinquency-related  
14 services for 17-year-olds, including the costs for community-based juvenile  
15 delinquency-related services, juvenile correctional services, or services provided in  
16 juvenile detention facilities, county jails, municipal lockup facilities, or temporary  
17 shelter care facilities. Funds to counties under this subsection may not be used for  
18 the purposes of land purchase, building construction, or maintenance of buildings  
19 under s. 46.17, 46.175, or 301.37.

20           **SECTION 50.** 938.57 (3) (title) of the statutes is amended to read:

21           938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME  
22 ADULTS.

23           **SECTION 51.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

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1           938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),  
2 counties may provide funding for the maintenance of any juvenile person who meets  
3 all of the following qualifications:

4           **SECTION 52.** 938.57 (3) (a) 1. of the statutes is amended to read:

5           938.57 (3) (a) 1. Is ~~17 years of age or older~~ an adult.

6           **SECTION 53.** 938.57 (3) (a) 3. of the statutes is amended to read:

7           938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to  
8 ~~his or her 17th birthday~~ becoming an adult.

9           **SECTION 54.** 938.57 (3) (b) of the statutes is amended to read:

10           938.57 (3) (b) The funding provided for the maintenance of a juvenile person  
11 under par. (a) shall be in an amount equal to that ~~to~~ which the juvenile person would  
12 receive under s. 48.569 (1) (d) if the person were a juvenile ~~were 16 years of age~~.

13           **SECTION 55.** 939.632 (1) (e) 1. of the statutes is amended to read:

14           939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
15 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,  
16 940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)  
17 or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055,  
18 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1.  
19 b. applies.

20           **SECTION 56.** 939.632 (1) (e) 3. of the statutes is amended to read:

21           939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32  
22 ~~(2)~~, 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

23           **SECTION 57.** 946.50 (intro.) of the statutes is amended to read:

24           **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but  
25 who intentionally fails to appear before the court assigned to exercise jurisdiction

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1 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who  
2 does not return to that court for a dispositional hearing before ~~attaining the age of~~  
3 ~~17 years~~ becoming an adult is guilty of the following:

4 **SECTION 58.** 948.01 (1) of the statutes is renumbered 948.01 (1) (intro.) and  
5 amended to read:

6 948.01 (1) (intro.) “Child” means a person who has not attained the age of 18  
7 years, except that, for purposes of prosecuting a person who is alleged to have  
8 violated a state or federal criminal law, “child” does not include a person who ~~has~~  
9 ~~attained the age of 17 years.~~ of age for whom any of the following apply:

10 **SECTION 59.** 948.01 (1) (a) of the statutes is created to read:

11 948.01 (1) (a) The person is alleged, in a criminal complaint filed under s.  
12 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
13 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
14 (b), (bm), (c), or (d).

15 **SECTION 60.** 948.01 (1) (b) of the statutes is created to read:

16 948.01 (1) (b) The person has previously been convicted of a crime or  
17 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
18 or under federal law to have committed a crime.

19 **SECTION 61.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

20 948.11 (2) (am) (intro.) ~~Any person who has attained the age of 17 and adult~~  
21 ~~who, with knowledge of the character and content of the description or narrative~~  
22 ~~account, verbally communicates, by any means, a harmful description or narrative~~  
23 ~~account to a child, with or without monetary consideration, is guilty of a Class I~~  
24 ~~felony if any of the following applies:~~

25 **SECTION 62.** 948.45 (1) of the statutes is amended to read:

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1           948.45 (1) Except as provided in sub. (2), any ~~person 17 years of age or older~~  
2 adult who, by any act or omission, knowingly encourages or contributes to the  
3 truancy, as defined under s. 118.16 (1) (c), of a ~~person 17 years of age or under~~ child  
4 is guilty of a Class C misdemeanor.

5           **SECTION 63.** 948.60 (2) (d) of the statutes is amended to read:

6           948.60 (2) (d) A ~~person under 17 years of age~~ child who has violated this  
7 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under  
8 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction  
9 under s. 938.183.

10          **SECTION 64.** 948.61 (4) of the statutes is amended to read:

11          948.61 (4) A ~~person under 17 years of age~~ child who has violated this section  
12 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18  
13 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.  
14 938.183.

15          **SECTION 65.** 961.455 (1) of the statutes is amended to read:

16          961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who  
17 knowingly solicits, hires, directs, employs, or uses a person who is ~~under the age of~~  
18 17 years of age or under for the purpose of violating s. 961.41 (1) is guilty of a Class  
19 F felony.

20          **SECTION 66.** 961.46 of the statutes is amended to read:

21          **961.46 Distribution to persons under age 18.** If ~~a person 17 years of age~~  
22 ~~or over~~ an adult violates s. 961.41 (1) by distributing or delivering a controlled  
23 substance or a controlled substance analog to a person 17 years of age or under who  
24 is at least 3 years his or her junior, the applicable maximum term of imprisonment

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1 prescribed under s. 961.41 (1) for the offense may be increased by not more than 5  
2 years.

3 **SECTION 67.** 961.573 (2) of the statutes is amended to read:

4 961.573 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~  
5 is subject to a disposition under s. 938.344 (2e).

6 **SECTION 68.** 961.574 (2) of the statutes is amended to read:

7 961.574 (2) Any person minor who violates sub. (1) ~~who is under 17 years of age~~  
8 is subject to a disposition under s. 938.344 (2e).

9 **SECTION 69.** 961.575 (1) of the statutes is amended to read:

10 961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)  
11 by delivering drug paraphernalia to a person 17 years of age or under who is at least  
12 3 years younger than the violator may be fined not more than \$10,000 or imprisoned  
13 for not more than 9 months or both.

14 **SECTION 70.** 961.575 (2) of the statutes is amended to read:

15 961.575 (2) Any person minor who violates this section ~~who is under 17 years~~  
16 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

17 **SECTION 71.** 961.575 (3) of the statutes is amended to read:

18 961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)  
19 by delivering drug paraphernalia to a person 17 years of age or under is guilty of a  
20 Class G felony.

21 **SECTION 72.** 990.01 (3) of the statutes is renumbered 990.01 (3) (intro.) and  
22 amended to read:

23 990.01 (3) ADULT. (intro.) "Adult" means a person who has attained the age of  
24 18 years, except that, for purposes of investigating or prosecuting a person who is  
25 alleged to have violated any state or federal criminal law or any civil law or municipal

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1 ordinance, “adult” means includes a person who has attained the age of 17 years. of  
2 age for whom any of the following applies:

3 **SECTION 73.** 990.01 (3) (a) of the statutes is created to read:

4 990.01 (3) (a) The person is alleged, in a criminal complaint filed under s.  
5 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or  
6 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
7 (b), (bm), (c), or (d).

8 **SECTION 74.** 990.01 (3) (b) of the statutes is created to read:

9 990.01 (3) (b) The person has previously been convicted of a crime or  
10 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
11 or under federal law to have committed a crime, alleged in a complaint filed under  
12 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have  
13 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
14 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
15 ordinance.

16 **SECTION 75.** 990.01 (20) of the statutes is renumbered 990.01 (20) (intro.) and  
17 amended to read:

18 990.01 (20) MINOR. (intro.) “Minor” means a person who has not attained the  
19 age of 18 years, except that, for purposes of investigating or prosecuting a person who  
20 is alleged to have violated a state or federal criminal law or any civil law or municipal  
21 ordinance, “minor” does not include a person who has attained the age of 17 years.  
22 of age for whom any of the following applies:

23 **SECTION 76.** 990.01 (20) (a) of the statutes is created to read:

24 990.01 (20) (a) The person is alleged, in a criminal complaint filed under s.  
25 968.02, to have committed any violent crime specified in s. 939.632 (1) (e) 1. or 2. or



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1 any misdemeanor under s. 940.42, if the underlying crime is a felony, or s. 941.20 (1)  
2 (b), (bm), (c), or (d).

3 **SECTION 77.** 990.01 (20) (b) of the statutes is created to read:

4 990.01 (20) (b) The person has previously been convicted of a crime or  
5 adjudicated delinquent and is alleged in a criminal complaint filed under s. 968.02  
6 or under federal law to have committed a crime, alleged in a complaint filed under  
7 s. 23.65 or 778.02 or in a citation filed under s. 23.62, 778.25, or 778.26 to have  
8 violated a civil law punishable by a forfeiture, or alleged in a complaint or citation  
9 filed with or transmitted to the court under s. 800.01 (1) to have violated a municipal  
10 ordinance.

11 **SECTION 78. Nonstatutory provisions.**

12 (1) PAYMENT PLAN.

13 (a) No later than July 1, 2018, the department of children and families, in  
14 consultation with the county departments, as defined under section 938.02 (2g) of the  
15 statutes, shall submit a plan to the joint committee on finance outlining how funds  
16 will be distributed under section 938.487 of the statutes.

17 (b) If the cochairpersons of the joint committee on finance do not notify the  
18 department of children and families within 14 working days after the date of the  
19 submittal of the plan under paragraph (a) that the committee has scheduled a  
20 meeting to review the plan, the department shall implement the plan. If, within 14  
21 working days after the date of the submittal of the plan, the cochairpersons of the  
22 joint committee on finance notify the department of children and families that the  
23 committee has scheduled a meeting to review the plan, the department may not  
24 implement the plan unless the committee approves or modifies the plan. If the

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1 committee modifies the plan, the department of children and families may  
2 implement the plan only as modified by the committee.

3 (2) SUPPLEMENTAL FUNDS. If costs described in section 938.487 of the statutes  
4 exceed the moneys available under section 20.437 (1) (ck) of the statutes for fiscal  
5 year 2018-19, the department shall request the joint committee on finance to  
6 increase the appropriation under section 20.437 (1) (ck) of the statutes for up to an  
7 additional \$5,000,000 under section 13.101 of the statutes. The requirement of a  
8 finding of emergency under section 13.101 (3) (a) 1. of the statutes does not apply to  
9 such a request.

10 (3) REPORT.

11 (a) No later than September 30, 2019, each county department that provides  
12 juvenile delinquency-related services to 17-year-olds shall submit a report to the  
13 department of children and families on all of the following for the preceding fiscal  
14 year:

15 1. The number and demographics of 17-year-olds for which the county  
16 department provided services.

17 2. The types of offenses committed or alleged to be committed by the  
18 17-year-olds under subdivision 1.

19 3. The cost to the county department for providing delinquency-related  
20 services to 17-year-olds.

21 (b) No later than 30 days after receipt of the information under paragraph (a),  
22 the department of children and families shall submit a report on the information it  
23 receives from the county departments to the joint committee on finance.

24 **SECTION 79. Fiscal changes.**

