



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1702/1  
EAW:ahc

## 2017 BILL

1     **AN ACT to amend** 938.34 (4h) (a) and 938.34 (4m) (b) 1. of the statutes; **relating**  
2             **to:** acts for which a juvenile may be placed in correctional placement or the  
3             Serious Juvenile Offender Program.

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*Analysis by the Legislative Reference Bureau*

This bill expands the acts for which a juvenile may be placed in the Serious Juvenile Offender Program (SJOP) or in a juvenile correctional facility or secured residential care center for children and youth under the Juvenile Justice Code.

Under current law, a juvenile who is 14 years of age or over and who has been adjudicated delinquent by the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) for committing or conspiring to commit certain law violations may be placed in the SJOP. This bill expands the law violations for which a juvenile may be placed in the SJOP to include any act that would be a felony if committed by an adult.

Also under current law, if the juvenile court determines that placement in the SJOP is not appropriate, a finding that a juvenile has committed any of a number of law violations that would be felonies if committed by an adult is prima facie evidence that the juvenile is a danger to the public and in need of restrictive placement. Under current law such a juvenile may be placed in a juvenile correctional facility or a secured residential care center for children and youth. This bill expands the list of acts constituting prima facie evidence that the juvenile is a danger to the public and in need of restrictive placement to any act that would be a felony if committed by an adult.

**BILL**

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.** 938.34 (4h) (a) of the statutes is amended to read:

2 938.34 (**4h**) (a) The juvenile is 14 years of age or over and has been adjudicated  
3 delinquent for committing or conspiring to commit ~~a violation of s. 939.32 (1) (a),~~  
4 ~~940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10~~  
5 ~~(2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2)~~ an act that would be  
6 a felony if committed by an adult in this state or attempting a violation of s. 943.32  
7 (2) or the juvenile is 10 years of age or over and has been adjudicated delinquent for  
8 attempting or committing a violation of s. 940.01 or for committing a violation of s.  
9 940.02 or 940.05.

10 **SECTION 2.** 938.34 (4m) (b) 1. of the statutes is amended to read:

11 938.34 (**4m**) (b) 1. The juvenile has committed a delinquent act that would be  
12 a felony under s. ~~940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),~~  
13 ~~940.31, 941.20 (3), 943.02 (1), 943.23 (1g), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02~~  
14 ~~(1) or (2), 948.025, 948.03, or 948.085 (2)~~ if committed by an adult in this state.

15 (END)