



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2142/1
EAW:amn

2019 ASSEMBLY BILL 724

January 9, 2020 - Introduced by Representatives GUNDRUM, RAMTHUN, HORLACHER, BROOKS, DITTRICH, HUTTON, SKOWRONSKI and BOWEN, cosponsored by Senators STROEBEL and OLSEN. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 801.15 (1) (b) and 938.21 (1) (a) of the statutes; **relating to:**
2 hearing timelines for juveniles in custody.

Analysis by the Legislative Reference Bureau

Under this bill, for the purpose of calculating the timeline for holding a hearing to determine whether to continue to hold a juvenile who is taken into custody under the Juvenile Justice Code, the last day of the statutory period is not included if it is a day that the clerk of courts office is closed.

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:

3 **SECTION 1.** 801.15 (1) (b) of the statutes is amended to read:
4 801.15 (1) (b) Notwithstanding ss. 985.09 and 990.001 (4), in computing any
5 period of time prescribed or allowed by chs. 801 to 847, for a hearing held by a court
6 under s. 938.21 (1) (a), by any other statute governing actions and special
7 proceedings, or by order of court, the day of the act, event, or default from which the

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1 designated period of time begins to run shall not be included. The last day of the
2 period so computed shall be included, unless it is a day the clerk of courts office is
3 closed. When the period of time prescribed or allowed is less than 11 days, Saturdays,
4 Sundays and holidays shall be excluded in the computation.

5 **SECTION 2.** 938.21 (1) (a) of the statutes is amended to read:

6 938.21 (1) (a) If a juvenile who has been taken into custody is not released
7 under s. 938.20, a hearing to determine whether to continue to hold the juvenile in
8 custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the court
9 within 24 hours after the end of the day on which the decision to hold the juvenile
10 was made, ~~excluding Saturdays, Sundays, and legal holidays~~ as computed under s.
11 801.15 (1) (b). By the time of the hearing a petition under s. 938.25 or a request for
12 a change in placement under s. 938.357, a request for a revision of the dispositional
13 order under s. 938.363, or a request for an extension of a dispositional order under
14 s. 938.365 shall be filed, except that no petition or request need be filed if a juvenile
15 is taken into custody under s. 938.19 (1) (b) or (d) 2., 6., or 7. or if the juvenile is a
16 runaway from another state, in which case a written statement of the reasons for
17 holding a juvenile in custody shall be substituted if the petition is not filed. If no
18 hearing has been held within 24 hours or if no petition, request, or statement has
19 been filed at the time of the hearing, the juvenile shall be released except as provided
20 in par. (b). The court shall grant a rehearing upon request of a parent not present
21 at the hearing for good cause shown.

22 **SECTION 3. Initial applicability.**

23 (1) This act first applies to a juvenile who is taken into custody under s. 938.19
24 on the effective date of this subsection.

25 (END)