

TRANSFERRING JURISDICTION OVER 17-YEAR-OLD OFFENDERS BACK TO JUVENILE COURT

Wisconsin state statutes require county governments to operate and fund the juvenile justice system. County boards are required to authorize human services departments to provide intake and dispositional services to juveniles who are accused of violating, or have violated, a state law.

Wisconsin law defines a juvenile as any person under the age of 18 years. Prior to January 1, 1996, 17-year-old offenders were treated as juveniles. Under 1995 Wisconsin Act 27, 17-year-old offenders are treated as adults. Since that time, research has indicated that juveniles are best served and the interests of the community are best protected from juvenile criminal behavior when the presumptive age for circuit court jurisdiction is age 18 years.

2017 Assembly Bill 660 raised from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the criminal code if the alleged violation is a nonviolent offense and the person has not been previously convicted of a crime or adjudicated delinquent. The legislation also allocates \$10,000,000 to reimburse counties for the cost of providing juvenile delinquency-related services to 17-year-olds.

CURRENT STATUS: 2017 Assembly Bill 660 failed to pass the legislature during the 2017-2018 legislative session; however, no one testified or registered in opposition to the legislation.

REQUESTED ACTION: Incorporate the provisions of 2017 Assembly Bill 660 in the 2019-21 state biennial budget.

TALKING POINTS:

- 2017 Assembly Bill 660 represents years of negotiations on this issue and is the first piece of legislation supported by counties to return 17-year-old offenders to the juvenile justice system.
- The costs associated with moving first-time, non-violent 17-year-old offenders to the juvenile justice system are too great for counties to absorb within current resources.
- In 2010, counties reported spending over \$217.6 million on juvenile justice services. Of that amount, \$100.6 million was funded by youth aids and \$116.9 million came from other county funding sources, primarily property tax revenue.

Since that time, state youth aids funding to counties was cut by 10 percent, or approximately \$10 million annually.

- If the primary purpose for bringing 17-year-olds back to the juvenile justice system is to provide them with the treatment and services they do not receive in the adult system, then it only makes sense for the state to provide the funding needed to offer such treatment and services.
- If the outcomes sought by the legislation are to be achieved, resources must be provided to counties to effectuate change.
- Failure to fund these costs places the whole juvenile system at risk, as the limited resources available to counties will have to be utilized on an increased number of juveniles.
- The legislation creates a mechanism to reimburse counties for costs associated with serving 17-year-old offenders, ensuring counties will not receive more funding than is needed to serve this population.
- Use of a reimbursement mechanism ensures state funding is allocated to counties that actually incur costs.

Contact: Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs
608.663.7188
diedrick@wicounties.org