

Serious Juvenile Offender (SJO)

Authority: Wis. Stat. §938.34(4h); Wis. Stat. §938.538; Wis. Stat. §938.538(3)(1m)

Courts may place youth in the Serious Juvenile Offender Program (SJOP) when the youth has been adjudicated delinquent for certain offenses. Under [s. 938.34 \(4h\), Stats.](#), a court may place a youth 14 years and older in SJOP for the commission of specified offenses, and a youth 10 years and older for a small number of offenses. For the purpose of SJO eligibility, conspiracy to commit a listed offense also makes a youth eligible for the disposition.

The placement of a youth in SJOP must occur at the time of the initial Dispositional Order. The court cannot issue an initial Order that does not place the youth in SJOP and later place the youth in SJOP for the same underlying offense. A stayed order for the SJO disposition, imposed when the stay is lifted by the court, is an original order or "initial order" for this purpose.

The court can place a youth adjudicated for an offense punishable as a Class A felony, if committed by an adult, in the Type 1 facility until the age of 25 years, unless released sooner. The youth must be confined in a Juvenile Correctional Facility (JCF) for a mandatory minimum of one year (365 days).

The court can place a youth adjudicated for a SJO non-class A offense, if committed by an adult, in the SJOP for 5 years. The youth may not be placed in a JCF for more than 3 years (365 X 3 = 1,095 days). If youth was adjudicated after April 16th, 2018 per Wisconsin ACT 308, there is no limit of confinement days within the 5-year SJO order.

Confinement Tracking:

Days that count towards total SJO confinement days:

- Youth has arrived at JCF and placed on type 1 status
- Youth is on type 1 status, but may be physically absent from the JCF, but still under the authority of DJC.
- Youth is physically in a JCF due to a sanction or administrative detention, but may be in type 2 or non-type 2 status.
- Youth is in the community in detention/jail because DJC has issued a Department hold. DJC controls the movement of the youth, rather than local law enforcement.

Days that do not count towards total SJO confinement days:

- Youth is in the community in detention/jail pending transport to the JCF on an initial SJO commitment.
- Youth is in the community in detention/jail under the control of local law enforcement pending a charging decision or following a charge for a new offense. DJC does not control when the youth leaves detention/jail.
- Youth is in an adult prison for an adult conviction
- Youth is confined on an adult supervision hold

Eligible SJO Offenses:

Offenses for which a 10 year and older can be adjudicated as an SJO:

Class	Statute	Description of Offense
A	940.01	1st degree intentional homicide; committing
B	940.01	1 st degree intentional homicide, attempting
B	940.02 (1) or (1m)	1st degree reckless homicide; committing in a manner showing utter disregard for human life or an unborn child
C	940.02 (2)	1st degree reckless homicide, committing under certain circumstances
B	940.05 (1) or (1g)	2nd degree intentional homicide, committing

Offenses for which a 14 year and older can be adjudicated as an SJO:

Class	Statute	Description of Offense
B	939.32 (1)(a)	Attempt to commit crime for which penalty is life imprisonment
*	940.03	Felony murder: death results in act of committing other certain crimes
D	940.06	Reckless homicide, 2 nd degree
C	940.21	Mayhem
B	940.225 (1)	Sexual assault, 1st degree
B	940.305	Taking hostages
C	940.31	Kidnapping
C	941.327 (2)(b)4.	Tampering with household products resulting in death
C	943.02	Arson
E	943.10 (2)	Burglary, armed or with commission of a battery, or entry into an unoccupied dwelling
C	943.23 (1g)	Operating vehicle without owner's consent, use of dangerous weapon
C	943.32 (2)	Robbery, armed; includes attempted armed robbery
A	948.02(1)(am)	Sexual contact or intercourse with a child under age 13, causes great bodily harm
B	948.02(1)(b)_	Sexual intercourse with a child under age 12
B	948.02(1)(c)	Sexual intercourse with a child under age 16 by use or threat of force or violence
B	948.02(1)(d)	Sexual contact with a child under age 16 by use or threat of force or violence if actor is at least age 18
B	948.02(1)(e)	Sexual intercourse or contact with a child under age 13
A	948.025(1)(a)	Repeated acts of sexual assault of same child; at least three were violations of s.948.02(1)(am)
B	948.025(1)(b)	Repeated acts of sexual assault of same child; at least three were violations of s.948.02(1)(am), (b) or c)
B	948.025(1)(c)	Repeated acts of sexual assault of same child; at least three were violations of s.948.02(1)(am), (b), (c) or (d)
B	948.025(1)(d)	Repeated acts of sexual assault of same child; at least three were violations of s.948.02(1)

C	948.025(1)(e)	Repeated acts of sexual assault of same child; at least three were violations of s.948.02(1) or (2)
C	948.30 (2)	Abduction of another's child, use of or threat of force
* s. 940.03 is a penalty enhancer and is not assigned a class of felony		

Discharge:

The Department of Corrections may discharge a youth from the serious juvenile offender program and supervision at any time after 3 years in the serious juvenile offender program by submitting a DOC-1722 Administrative Discharge request in J-Tracker for review by the Corrections Field Supervisor, Regional Chief and the Administrator.