

Buffalo County Ordinance



Drafted By:

County Department:

Presented Month/Year:

Fiscal Impact: YES / NO

Involved Committees:

AC Approved: YES / NO

ORDINANCE # 20-11-01

A ORDINANCE TO UPDATE TRUANCY DISPOSITIONS

WHEREAS, Buffalo County Ordinance No. 95-08-01 (99-02-01) prohibited a person being from habitually truant; and,

WHEREAS, 1997 Wisconsin Act 239 amended the State Statutes covering county ordinances on this subject.

NOW, THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors amends Ordinance No. 98-08-01 to read as follows:

Section 1: Prohibition of Truancy

- (a) A person who is seventeen (17) years of age is prohibited from being a truant.
- (b) "Truant" means a pupil who is absent from school without an acceptable excuse under §§ 118.15 and 118.16 (4), Wis. Stats., for part or all of any day on which school is held during a school semester.
- (c) Upon finding that a person is a truant, the Court shall enter an order making one or more of the following dispositions:
 - (1) An order for the person to attend school
 - (2) A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to § 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

Section 2: Prohibition of Habitual Truancy

- (a) A person who is seventeen (17) years of age is prohibited from being a habitual truant.
- (b) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under §§ 118.163 (4) and 118.15 for part of all of 5 or more days on which school is held during a school semester.
- (c) Upon finding that a person is a habitual truant, the Court shall enter an order making one or more of the following dispositions:
 - (1) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.

- (2) An order for the person to participate in counseling or a supervised work program or other community service work as described in § 938.34 (5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Pursuant to § 118.163, Wis. Stats., any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on that person.
- (3) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
- (4) An order for the person to attend an educational program as described in § 938.34 (7d).
- (5) An order for the department of workforce development to revoke, under § 103.72, a permit under § 103.70 authorizing the employment of a person.
- (6) An order for the person to be placed in a teen court program as described in § 938.342 (1g) (f).
- (7) An order for the person to attend school.
- (8) A forfeiture of not more than \$500 plus costs, subject to § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (9) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (10) An order placing the person under formal or informal supervision, as described in § 938.34 (2), for up to one year.
- (11) An order for the person's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (12) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in § 938.342 (1g) (k).

Section 3: A person under the age of seventeen (17) years on the date of disposition is subject to § 938.342, Wis. Stats.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 15th day of November, 2020.

Brianne Helms
County Clerk

ATTEST:

[Signature]
County Board Chairperson

DHHS Committee

Mary Anne Hummel-Hell

Carl McDonough

Steve Kuhn

Larry Giverson

Judith Gillitt

Richard Mueller
