

CHAPTER 5

Offenses by Juveniles

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SEC. 10-5-1 POSSESSION OF CONTROLLED SUBSTANCES BY
JUVENILES.

It shall be unlawful for any person under the age of eighteen (18) to possess a controlled substance contrary to the Uniform Controlled Substance Act, Chapter 161, of the Wisconsin Statutes.

SEC. 10-5-2 POSSESSION OR PURCHASE OF CIGARETTES BY
JUVENILES.

It shall be unlawful for any person under the age of eighteen (18) to purchase or possess a cigarette or tobacco product except for the purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1) Wis. Stats. For the purposes of this section, "tobacco products" means (See .139.75(12) wis. stats.)

SEC. 10-5-3 THEFT BY JUVENILES.

It shall be unlawful for any person under the age of eighteen (18), with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

SEC. 10-5-4 RECEIVING STOLEN GOODS.

It shall be unlawful for a person under the age of eighteen (18) to intentionally receive or conceal property he knows to be stolen.

SEC. 10-5-5 CURFEW

It shall be unlawful for any person seventeen (17) years of age or under to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the City of Thorp between the hours of 11:00 PM and 6:00 AM unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefore.

SEC. 10-5-6 CITY JURISDICTION OVER PERSONS 14 THROUGH 17 YEARS OF AGE.

- (a) **Adoption of State Statute.** Section 48.17(2), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Provisions of Ordinance Applicable to Persons 14 through 17 Years of Age.** Subject to the provisions and limitations of Section 48.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons 14 through 17 years of age may be brought on behalf of the City of Thorp and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (c) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.
- (d) **Additional Prohibited Acts.** In addition to any other provision of the City of Thorp Code of Ordinances, no person age 14 through 17 shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.
- (e) **Penalty for Violations of Subsection (d).** Any person 14 through 17 years of age who shall violate the

provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-7 of these Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross Reference: Section 10-5-7.

SEC. 10-5-7 ENFORCEMENT AND PENALTIES.

- (a) **Citation Process.** For violations of Sections 10-5-2 through 10-6-5, juveniles may be cited by the citation process on a form approved by the City Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the last known address of the parent or legal guardian of the juvenile, if such person is known and can be located.
- (b) **Penalties.** Violations of Section 10-5-2 through 10-5-5 by a person under the age of eighteen (18) shall be punishable according to Sections 48.17(2), 48.343, 48.344 and 48.345 of the Wisconsin Statutes.

SEC. 10-5-8 TRUANCY.

- (a) **Definitions.** In this section:
 - (1) **Acceptable Excuse.** *Acceptable Excuse* has the meaning as defined in Section 118.15 and Section 118.16(4), Wis. Stats.
 - (2) **Dropout.** *Dropout* means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full time basis, has not graduated from high school and does not have an acceptable excuse.
 - (3) **Habitual Truant.** *Habitual truant* means a pupil who is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.
 - (4) **Operating Privilege.** *Operating Privilege* has the meaning as defined in Section 340.01(4), Wis. Stats.
 - (5) **Truant.** *Truant* means a pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.

(b) **Violation.**

- (1) **Truant.** No person under 18 years of age shall be a truant.
- (2) **Habitual Truant.** No person under 18 years of age shall be a habitual truant.
- (3) **Dropout.** No person who is at least 16 years of age but is less than 18 years of age may be a dropout.

(c) **Disposition.**

- (1) **Disposition for Truancy.** Upon a finding that a child is a truant, one or more of the following dispositions shall be entered by the court:
 - (a) An order for the person to attend school.
 - (b) Impose 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 second or subsequent violation committed within 12 months of a previous violation, subject to Section 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture 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.
- (2) **Disposition for Habitual Truancy.** Upon a finding that a child is a habitual truant, one or more of the following dispositions shall be entered by the court:
 - (a) An order for the person to attend school.
 - (b) A forfeiture of not more than \$500 plus costs, subject to Section 938.37, Wis. Stats. All or part of the forfeiture, plus costs, may be assessed against the person, the parents or guardian of the person, or both.
 - (c) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation together with a notice stating the reason for and the duration of the suspension.
 - (d) An order to 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 child is accompanied by a parent or guardian.
- (e) An order placing the person under formal or informal supervision, as described in (2), Wis. Stats., for up to one year.
 - (f) An order for the person to participate in counseling or a supervised work program or other community service work as described in Section 938.34(5g), Wis. Stats, 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.
 - (g) An order for the person to attend an educational program as described in Section 938.34(7d), Wis. Stats.
 - (h) An order for the Wisconsin Department of Work Force Development to revoke, under Section 103.72, Wis. Stats., a permit under Section 103.70, Wis. Stats., authorizing the employment of the person.
 - (i) An order for the person to be placed in a teen court program as described in Section 938,342(lg)(f), Wis. Stats.
 - (j) 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.
 - (k) Any other reasonable conditions consistent with this ordinance, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (3) **Disposition for Dropouts.** Upon a finding that a child is a dropout, the court may suspend the person's operating privilege until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation together with a notice stating the reason for and the duration of the suspension.