



2005 SENATE BILL 537

January 31, 2006 – Introduced by Senators LAZICH and DARLING, cosponsored by Representatives STONE, ALBERS, STRACHOTA, SUDER and HONADEL. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to renumber and amend* 980.105; *to amend* 980.08 (5) and 980.105
2 (title); and *to create* 980.105 (2m) of the statutes; **relating to:** placement of
3 persons on supervised release.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits a sexually violent offense may be committed to the Department of Health and Family Services (DHFS) after serving a sentence or disposition for the offense if a court finds that the person is a sexually violent person. Current law defines a “sexually violent person” as a person: 1) who has been convicted of, or adjudicated delinquent for, a sexually violent offense or who has been found not guilty of a sexually violent offense by reason of mental disease, defect, or illness; and 2) who is dangerous because he or she suffers from a mental disorder that makes it more likely than not that he or she will engage in acts of sexual violence.

A person committed to DHFS as a sexually violent person is initially placed in institutional care. After 18 months, a sexually violent person may petition the court for supervised release, which allows the person to reside in the community subject to the conditions set by the court and to the rules of DHFS. If a person petitions the court for supervised release, the court must grant the petition unless the state proves that the person is still a sexually violent person or the person has not demonstrated significant progress in his or her treatment or has refused treatment.

If a court determines that supervised release is appropriate, DHFS must make its best effort to place the person in the county in which the person lived at the time

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of the sexually violent offense (county of residence). Under this bill, if the person is placed in his or her county of residence, and the county of residence contains a 1st class city, DHFS must place the person in the city, town, or village in which he or she lived at the time of the sexually violent offense.

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:

1 **SECTION 1.** 980.08 (5) of the statutes is amended to read:

2 980.08 (5) If the court finds that the person is appropriate for supervised
3 release, the court shall notify the department. The department shall make its best
4 effort to arrange for placement of the person in a residential facility or dwelling that
5 is in the person's county of residence, as determined by the department under s.
6 980.105 (1m). If the person is placed in his or her county of residence and the county
7 of residence is a county that contains a 1st class city, the department shall arrange
8 for placement of the person in a dwelling that is in the person's city, village, or town
9 of residence, as determined by the department under s. 980.105 (2m). The
10 department and the county department under s. 51.42 in the county of residence of
11 the person shall prepare a plan that identifies the treatment and services, if any, that
12 the person will receive in the community. The plan shall address the person's need,
13 if any, for supervision, counseling, medication, community support services,
14 residential services, vocational services, and alcohol or other drug abuse treatment.
15 In developing a plan for where the person may reside while on supervised release,
16 the department shall consider the proximity of any potential placement to the
17 residence of other persons on supervised release and to the residence of persons who
18 are in the custody of the department of corrections and regarding whom a sex
19 offender notification bulletin has been issued to law enforcement agencies under s.

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1 301.46 (2m) (a) or (am). If the person is a serious child sex offender, the plan shall
2 address the person's need for pharmacological treatment using an antiandrogen or
3 the chemical equivalent of an antiandrogen. The department may contract with a
4 county department, under s. 51.42 (3) (aw) 1. d., with another public agency or with
5 a private agency to provide the treatment and services identified in the plan. The
6 plan shall specify who will be responsible for providing the treatment and services
7 identified in the plan. The plan shall be presented to the court for its approval within
8 60 days after the court finding that the person is appropriate for supervised release,
9 unless the department, county department and person to be released request
10 additional time to develop the plan. If the county department of the person's county
11 of residence declines to prepare a plan, the department may arrange for another
12 county to prepare the plan if that county agrees to prepare the plan and if the person
13 will be living in that county. If the department is unable to arrange for another
14 county to prepare a plan, the court shall designate a county department to prepare
15 the plan, order the county department to prepare the plan and place the person on
16 supervised release in that county, except that the court may not so designate the
17 county department in any county where there is a facility in which persons
18 committed to institutional care under this chapter are placed unless that county is
19 also the person's county of residence.

20 **SECTION 2.** 980.105 (title) of the statutes is amended to read:

21 **980.105 (title) Determination of county and city, village, or town of**
22 **residence.**

23 **SECTION 3.** 980.105 of the statutes is renumbered 980.105 (1m), and 980.105
24 (1m) (b), as renumbered, is amended to read:

