



**ASSEMBLY AMENDMENT 4,
TO 1995 SENATE BILL 182**

May 8, 1996 - Offered by Representatives KAUFERT and FOTI.

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 2, line 12: after "offenders," insert: "pharmacological treatment for
4 persons convicted of certain child sex offenses and certain persons found to be
5 sexually violent persons, affecting parole,".

6 **2.** Page 15, line 22: after that line insert:

7 "SECTION 50m. 301.03 (11) of the statutes is created to read:

8 301.03 (11) By the first day of the 37th month beginning after the effective date
9 of this subsection [revisor inserts date], submit a report to the legislature under
10 s. 13.172 (2) concerning the extent to which the department has required
11 pharmacological treatment using an antiandrogen or the chemical equivalent of an
12 antiandrogen as a condition of probation or parole and the effectiveness of the
13 treatment in the cases in which its use has been required."

14 **3.** Page 32, line 11: after that line insert:

15 "SECTION 75g. 302.11 (1g) (b) 2. of the statutes is amended to read:

1 302.11 **(1g)** (b) 2. Refusal by the inmate to participate in counseling or
2 treatment that the social service and clinical staff of the institution determines is
3 necessary for the inmate, including pharmacological treatment using an
4 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
5 child sex offender as defined in s. 304.06 (1q) (a).

6 **SECTION 75r.** 304.06 (1q) of the statutes is created to read:

7 304.06 **(1q)** (a) In this subsection, “serious child sex offender” means a person
8 who has been convicted of committing a crime specified in s. 948.02 (1) or (2) or
9 948.025 (1) against a child who had not attained the age of 13 years.

10 (b) The parole commission or the department may require as a condition of
11 parole that a serious child sex offender undergo pharmacological treatment using an
12 antiandrogen or the chemical equivalent of an antiandrogen. This paragraph does
13 not prohibit the department from requiring pharmacological treatment using an
14 antiandrogen or the chemical equivalent of an antiandrogen as a condition of
15 probation.”.

16 **4.** Page 42, line 20: after that line insert:

17 **“SECTION 105e.** 980.01 (4m) of the statutes is created to read:

18 980.01 **(4m)** “Serious child sex offender” means a person who has been
19 convicted, adjudicated delinquent or found not guilty or not responsible by reason of
20 insanity or mental disease, defect or illness for committing a violation of a crime
21 specified in s. 948.02 (1) or (2) or 948.025 (1) against a child who had not attained the
22 age of 13 years.

23 **SECTION 105m.** 980.06 (2) (b) of the statutes is amended to read:

1 980.06 (2) (b) An order for commitment under this section shall specify either
2 institutional care in a secure mental health unit or facility, as provided under s.
3 980.065, or other facility or supervised release. In determining whether
4 commitment shall be for institutional care in a secure mental health unit or facility
5 or other facility or for supervised release, the court may consider, without limitation
6 because of enumeration, the nature and circumstances of the behavior that was the
7 basis of the allegation in the petition under s. 980.02 (2) (a), the person's mental
8 history and present mental condition, where the person will live, how the person will
9 support himself or herself, and what arrangements are available to ensure that the
10 person has access to and will participate in necessary treatment, including
11 pharmacological treatment using an antiandrogen or the chemical equivalent of an
12 antiandrogen if the person is a serious child sex offender. The department shall
13 arrange for control, care and treatment of the person in the least restrictive manner
14 consistent with the requirements of the person and in accordance with the court's
15 commitment order.

16 **SECTION 105s.** 980.06 (2) (c) of the statutes, as affected by 1995 Wisconsin Act
17 276, is amended to read:

18 980.06 (2) (c) If the court finds that the person is appropriate for supervised
19 release, the court shall notify the department. The department and the county
20 department under s. 51.42 in the county of residence of the person, as determined
21 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
22 any, that the person will receive in the community. The plan shall address the
23 person's need, if any, for supervision, counseling, medication, community support
24 services, residential services, vocational services, and alcohol or other drug abuse
25 treatment. If the person is a serious child sex offender, the plan shall address the

1 person’s need for pharmacological treatment using an antiandrogen or the chemical
2 equivalent of an antiandrogen. The department may contract with a county
3 department, under s. 51.42 (3) (aw) 1. d., with another public agency or with a private
4 agency to provide the treatment and services identified in the plan. The plan shall
5 specify who will be responsible for providing the treatment and services identified
6 in the plan. The plan shall be presented to the court for its approval within 21 days
7 after the court finding that the person is appropriate for supervised release, unless
8 the department, county department and person to be released request additional
9 time to develop the plan. If the county department of the person’s county of residence
10 declines to prepare a plan, the department may arrange for another county to
11 prepare the plan if that county agrees to prepare the plan and if the person will be
12 living in that county. If the department is unable to arrange for another county to
13 prepare a plan, the court shall designate a county department to prepare the plan,
14 order the county department to prepare the plan and place the person on supervised
15 release in that county, except that the court may not so designate the county
16 department in the county where the facility in which the person was committed for
17 institutional care is located unless that county is also the person’s county of
18 residence.”.

19 **5.** Page 43, line 6: after that line insert:

20 “**SECTION 106g.** 980.08 (4) of the statutes is amended to read:

21 980.08 (4) The court, without a jury, shall hear the petition within 30 days after
22 the report of the court-appointed examiner is filed with the court, unless the
23 petitioner waives this time limit. Expenses of proceedings under this subsection
24 shall be paid as provided under s. 51.20 (18). The court shall grant the petition unless

1 the state proves by clear and convincing evidence that the person is still a sexually
2 violent person and that it is still substantially probable that the person will engage
3 in acts of sexual violence if the person is not confined in a secure mental health unit
4 or facility. In making a decision under this subsection, the court may consider,
5 without limitation because of enumeration, the nature and circumstances of the
6 behavior that was the basis of the allegation in the petition under s. 980.02 (2) (a),
7 the person's mental history and present mental condition, where the person will live,
8 how the person will support himself or herself and what arrangements are available
9 to ensure that the person has access to and will participate in necessary treatment,
10 including pharmacological treatment using an antiandrogen or the chemical
11 equivalent of an antiandrogen if the person is a serious child sex offender.

12 **SECTION 106r.** 980.08 (5) of the statutes, as affected by 1995 Wisconsin Act 276,
13 is amended to read:

14 980.08 (5) If the court finds that the person is appropriate for supervised
15 release, the court shall notify the department. The department and the county
16 department under s. 51.42 in the county of residence of the person, as determined
17 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
18 any, that the person will receive in the community. The plan shall address the
19 person's need, if any, for supervision, counseling, medication, community support
20 services, residential services, vocational services, and alcohol or other drug abuse
21 treatment. If the person is a serious child sex offender, the plan shall address the
22 person's need for pharmacological treatment using an antiandrogen or the chemical
23 equivalent of an antiandrogen. The department may contract with a county
24 department, under s. 51.42 (3) (aw) 1. d., with another public agency or with a private
25 agency to provide the treatment and services identified in the plan. The plan shall

1 specify who will be responsible for providing the treatment and services identified
2 in the plan. The plan shall be presented to the court for its approval within 60 days
3 after the court finding that the person is appropriate for supervised release, unless
4 the department, county department and person to be released request additional
5 time to develop the plan. If the county department of the person's county of residence
6 declines to prepare a plan, the department may arrange for another county to
7 prepare the plan if that county agrees to prepare the plan and if the person will be
8 living in that county. If the department is unable to arrange for another county to
9 prepare a plan, the court shall designate a county department to prepare the plan,
10 order the county department to prepare the plan and place the person on supervised
11 release in that county, except that the court may not so designate the county
12 department in the county where the facility in which the person was committed for
13 institutional care is located unless that county is also the person's county of
14 residence.”.

15 **6.** Page 44, line 18: after that line insert:

16 “**SECTION 114g.** 980.12 of the statutes is renumbered 980.12 (1).

17 **SECTION 114r.** 980.12 (2) of the statutes is created to read:

18 980.12 (2) By the first day of the 37th month beginning after the effective date
19 of this subsection [revisor inserts date], the department shall submit a report to
20 the legislature under s. 13.172 (2) concerning the extent to which pharmacological
21 treatment using an antiandrogen or the chemical equivalent of an antiandrogen has
22 been required as a condition of supervised release under s. 980.06 or 980.08 and the
23 effectiveness of the treatment in the cases in which its use has been required.”.

24 (END)