

# Assembly Hearing Slip

(Please print plainly)

Date: 8/17/99

Bill No. AR 95

Or Subject: \_\_\_\_\_

(Name) Tony STREWELER

149 E. Wilson St.

(Street Address or Route Number)

Madison 53702

(City & Zip Code)

Dept. of Corrections  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

# Assembly Hearing Slip

(Please print plainly)

Date: 8/17/99

Bill No. AR 95

Or Subject: \_\_\_\_\_

(Name) J. Davis Moran

119 WLK - LLZ

(Street Address or Route Number)

Madison

(City & Zip Code)

LEGISLATIVE COMMITTEE ON  
THE JUDICIAL CONFERENCE  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

# Assembly Hearing Slip

(Please print plainly)

Date: August 17, 1999

Bill No. AB 95

Or Subject: \_\_\_\_\_

(Name) Linda Barth

State Bar of Wisconsin

(Street Address or Route Number)

Madison WI

(City & Zip Code)

The Individual Rights and Responsibilities  
Section and The Criminal  
Law Section  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

ASSEMBLY COMMITTEE ON  
CORRECTIONS AND THE COURTS

AGENDA  
Tuesday, August 17, 1999

10:30 AM -- Assembly Parlor

I. Call to Order

II. Roll Call

III. Public Hearing

A. **AB 95** (*Suder/Darling*) prohibiting or restricting use of or access to the internet by persons who have committed certain crimes and who are on parole, probation or other type of supervised or conditional release.

B. **AB 328** (*Riley*) admitting certain police identification reports at preliminary examinations.

AB519- C. **LRB 2853/P2** (*Walker*) construction and operation of private prisons, requiring the exercise of rule-making authority and making an appropriation.

IV. Announcements

A. Next meeting

V. Adjournment

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 9/14/99  
 Moved by: unanimous consent      Seconded by: \_\_\_\_\_  
 AB: 95      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_ SB: \_\_\_\_\_ Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_ Other: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: 1 \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- |  |  |
|--|--|
| <input type="checkbox"/> Passage                 | <input type="checkbox"/> Indefinite Postponement |
| <input checked="" type="checkbox"/> Introduction | <input type="checkbox"/> Tabling                 |
| <input type="checkbox"/> Adoption                | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection               | <input type="checkbox"/> Nonconcurrency          |
|  | <input type="checkbox"/> Confirmation            |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>9</u>	_____	<u>(3)</u>	_____

Motion Carried       Motion Failed

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 9/14/99  
 Moved by: Hoven      Seconded by: Hahn  
 AB: 95      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: 1  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- |  |  |
|--|--|
| <input type="checkbox"/> Passage             | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction        | <input type="checkbox"/> Tabling                 |
| <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection           | <input type="checkbox"/> Nonconcurrence          |
|  | <input type="checkbox"/> Confirmation            |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>9</u>	_____	<u>3</u>	_____

Motion Carried       Motion Failed

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 9/14/99  
 Moved by: Staskunas      Seconded by: Hoven  
 AB: 95 (as amended)      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      SB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SJR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: 1  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction       | <input type="checkbox"/> Tabling                 |
| <input type="checkbox"/> Adoption           | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection          | <input type="checkbox"/> Nonconcurrence          |
|   | <input type="checkbox"/> Confirmation            |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>2</u>	<u>3</u>	_____

# SCOTT SUDER

State Representative Assembly District

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P.O. Box 8953  
Madison, WI 53708-8953  
(608) 267-0280 • Fax: (608) 282-3669

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Rep.Suder@legis.state.wi.us

TESTIMONY BEFORE THE STATE ASSEMBLY  
CORRECTIONS AND THE COURTS COMMITTEE

## ASSEMBLY BILL 95

### PREVENTING CYBERSTALKING

Thank you Chairman Walker, Fellow Committee  
Members and distinguished guests.

Assembly Bill 95 is a measure aimed at protecting  
children and other community members. AB 95 simply  
prohibits convicted sex offenders from accessing the  
Internet - period.

**Assembly Committee Assignments:**

Waste-Cutters Task Force, Chairman • Campaigns and Elections, Vice Chairman • Corrections and the Courts, Vice Chairman • Transportation  
Agriculture • Judiciary and Personal Privacy • American Legislative Exchange Council Criminal Justice Task Force

In 1996 there were 6,009 sexual assaults reported in Wisconsin. Recently, it has been reported that many sex offenders use the Internet to target victims. Sex offenders use Internet chat rooms to meet victims and lure them into a vulnerable situation. Offenders also use the Internet to find addresses and phone numbers of past and potential victims or to access pornography. Recently, the Attorney General's office was given a federal grant to prevent this type of cyberstalking. As a result, several potential victims have been saved from these predators. My bill ensures that convicted sexual predators do not have access to future victims or those they have already harmed.

As you can see, the bill requires the parole commission, when paroling an offender convicted of a child sex crime, to decide whether to impose a condition of parole prohibiting or restricting the offender from using or having access to the Internet.

Is this a violation of an offender's constitutional rights. Absolutely not. While an offender is being supervised under probation or parole, the Dept. of Corrections can impose conditions to an offender. AB 95 simply creates another condition of probation or parole.

This is no different than an offender being prohibited from entering a school playgrounds.

If the parole commission declines to impose the condition, the Department of Corrections could decide to do so.

AB 95 also gives the court these same options.

Probation and parole agents should be able to monitor this condition of probation or parole within existing workloads.



Whenever a convicted child molester is paroled or placed on probation, or when a sexual predator is placed on supervised release they will be prohibited from using or having access to the Internet as a condition of their release.

The penalties for violation of this bill are the same as all other violations of probation or parole.

Codifying this practice just makes sense. Current policies should be made law to ensure the safety of future generations and to make certain criminals have absolutely no access to victims.

Thank you Chairman Walker for this opportunity to testify before the Corrections and the Courts Committee today.

##

## Initiative 1: Safe Surfing

### Proposal description:

- When a convicted child molester is paroled or placed on probation, or when a sexual predator is placed on supervised release, they will be prohibited from using or having access to the Internet as a condition of their release.
- The penalties for violation of this initiative are the same as all other conditions of probation or parole.

### Background:

- 📖 Pedophiles have essentially created a virtual community where they can distribute and trade sexually exploitative pictures (Office of U.S. Senator Judd Gregg, N.H.).
- 📖 Many times, children are solicited by child pornographers or pedophiles who tap into "kids-only" chat rooms and pose as children themselves. They often arrange meetings with the children and then sexually violate them (Senator Gregg).

### Talking points:

- ⊙ Many parents have purchased computers for their children to be used for educational purposes. Unfortunately, while the Internet can provide educational opportunities for young people, it can also expose them to serious danger.
- ⊙ This is yet another step that can be taken to ensure that sex offenders do not commit additional offenses once released from prison.
- ⊙ This law will give us the tools we need to safeguard children from those who have perpetrated crimes of child abuse or sex abuse. It's very important that we give working parents peace of mind about child care.

## Q &A - Prohibiting Sex Offenders from Accessing the Internet

What does Assembly Bill 875 do? (99 AB95)

- The bill requires the parole commission, when paroling an offender convicted of a child sex crime, to decide whether to impose a condition of parole prohibiting or restricting the offender from using or having access to the Internet. If the parole commission declines to impose the condition, the Department of Corrections could decide to do so.
- The bill requires a court, when placing an offender on probation for a child sex crime, to decide whether to impose a condition of probation prohibiting or restricting the offender from using or having access to the Internet. If a court declines to impose the condition, the Department of Corrections could decide to do so.
- The bill requires a court, when placing a sexually violent person on supervised release, to decide whether to impose a condition of release prohibiting or restricting the offender from using or having access to the Internet. If a court declines to impose the condition, the Department of Health and Family Services could decide to do so.

How is a child sex crime defined?

- Under the bill, child sex crime is defined as first- and second-degree sexual assault of a child, engaging in repeated acts of sexual assault of a child, sexual exploitation of a child, causing a child to view or listen to sexual activity, child enticement, soliciting a child for prostitution, exposing a child to harmful material, and possession of child pornography.

How much will this proposal cost?

- Probation and parole agents should be able to monitor this condition of probation or parole within their existing workloads.

Is this a violation on an offender's constitutional rights?

- **NO.** While an offender is being supervised under probation or parole, the Department of Corrections can impose conditions on an offender. Assembly Bill 875 simply creates another condition of probation or parole. This is no different than an offender from being prohibited from going to school playgrounds.

Why don't you simply prohibit sex offenders from visiting pornographic sites?

- Offenders may be using the Internet in different ways. They may use chat rooms to meet and lure victims to a meeting place. They may use telephone/address sites to find out information on people that might not be accessible through ordinary phone books. They could use web-sites of schools to pick out their next victim.

# Prohibiting Sex Offenders from Accessing the Internet

## Background

- In 1996, there were 6,009 sexual assaults reported in Wisconsin.
- 46.2 percent of these assaults were considered first-degree sexual assaults, 42.4 percent of these assaults were considered second-degree sexual assaults, 1.5 percent of these assaults were considered third-degree sexual assaults and 10 percent were considered fourth-degree sexual assaults.
- Recently, it has been reported that many sex offenders use the Internet to target victims. Sex offenders use Internet chat rooms to meet victims and lure them into a vulnerable situation. Offenders also use the Internet to find addresses and phone numbers of potential victims or to access pornography.

## Summary

- The bill requires the parole commission, when paroling an offender convicted of a child sex crime, to decide whether to impose a condition of parole prohibiting or restricting the offender from using or having access to the Internet. If the parole commission declines to impose the condition, the Department of Corrections could decide to do so.
- The bill requires a court, when placing an offender on probation for a child sex crime, to decide whether to impose a condition of probation prohibiting or restricting the offender from using or having access to the Internet. If a court declines to impose the condition, the Department of Corrections could decide to do so.
- The bill requires a court, when placing a sexually violent person on supervised release, to decide whether to impose a condition of release prohibiting or restricting the offender from using or having access to the Internet. If a court declines to impose the condition, the Department of Health and Family Services could decide to do so.
- Under the bill, child sex crime is defined as first- and second-degree sexual assault of a child, engaging in repeated acts of sexual assault of a child, sexual exploitation of a child, causing a child to view or listen to sexual activity, child enticement, soliciting a child for prostitution, exposing a child to harmful material, and possession of child pornography.

## Pros

- This bill may take a tool out of the hands of a sex offender looking to strike again.
- Necessary steps need to be taken to ensure that sex offenders do not commit additional offenses once released from prison.

LRB or Bill No./Adm. Rule No.  
AB 95 (99-1197/1)

Amendment No. if Applicable

FISCAL ESTIMATE  
DOA-2048 N(R10/94)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

5

2-14-99

Subject

Prohibiting or restricting use of or access to the internet by persons who have committed certain crimes and who are on parole, probation or other type of supervised or conditional release

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive
  - Mandatory
- 2.  Decrease Costs
  - Permissive
  - Mandatory

- 3.  Increase Revenues
  - Permissive
  - Mandatory
- 4.  Decrease Revenues
  - Permissive
  - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
  - Villages
  - Cities
  - Counties
  - Others \_\_\_\_\_
  - School Districts
  - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations  
s. 20.475(1)(d)

Assumptions Used in Arriving at Fiscal Estimate

The number of criminal cases that will result from the simple application of the provisions of this bill will probably be very small. It is more likely that the person charged will have a variety of other charges also filed against him or her. Thus the illegal use of the internet is not likely to significantly increase the number of criminal cases against such persons. The additional illegal internet usage charge may increase the time needed by prosecutors in developing and proving such cases but the amount of such extra time is unknown.

County costs of the district attorneys' offices are directly related to the state costs. Thus any increase in county costs would be minimal.

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)

DA/Stuart Morse (608) 267-2700

Authorized Signature/Telephone No:

(608) 267-3836

Date

February 8, 1999

**FISCAL ESTIMATE**  
DOA-2048 N(R10/98)

- ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

5

LRB or Bill No./Adm. Rule No.  
**AB95 (99-1197/1)**  
Amendment No. if Applicable

corr

2-23-99

**Subject** Relating to prohibiting or restricting use of or access to the internet by persons who have committed certain crimes and who are on parole, probation or other type of supervised or conditional release.

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation  
Or affects a sum sufficient appropriation.

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Increase Costs - May be possible to Absorb  
Within Agency's Budget     Yes     No

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
     Permissive     Mandatory  
2.  Decrease Costs  
     Permissive     Mandatory

3.  Increase Revenues  
     Permissive     Mandatory  
4.  Decrease Revenues  
     Permissive     Mandatory

5. Types of Local Governmental Units Affected:  
 Towns       Villages       Cities  
 Counties     Others \_\_\_\_\_  
 School Districts       WTCS Districts

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Ch. 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

This bill permits the court or agency releasing an offender to prohibit or restrict use of the internet by persons who have been convicted of certain crimes, and are under some type of supervised or conditional release. The department could enforce this prohibition by denying any possession or use of a modem by an offender who meets the criteria as a condition of supervision. This prohibition has been made in some cases currently. It is not anticipated that there would be a significant increase in workload as a result of passage of this bill, and thus any fiscal impact could be absorbed within the existing agency budget.

**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)  
Barbara B. Carlson, 266-9340  
Department of Corrections

Authorized Signature/Telephone No.  
*Robert Margolies*  
Robert Margolies, 266-2931

Date  
February 10, 1999

FISCAL ESTIMATE

DOA-2048 N(R10/96)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

5

LRB or Bill No./Adm. Rule No.  
AB 95 (99-1197/1)

Amendment No. if Applicable

3-3-99

Subject

The bill prohibits or restricts use of or access to the internet by persons who have committed certain crimes and who are on parole, probation or other type of supervised or conditional release.

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs – May be possible to Absorb Within Agency's Budget  Yes  No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive
  - Mandatory
- 2.  Decrease Costs
  - Permissive
  - Mandatory

- 3.  Increase Revenues
  - Permissive
  - Mandatory
- 4.  Decrease Revenues
  - Permissive
  - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
  - Villages
  - Cities
  - Counties
  - Others \_\_\_\_\_
  - School Districts
  - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This bill provides that, as a condition of release, people who have committed certain crimes are prohibited from use of or access to the internet. Currently, people on conditional release are subject to the custody and control of DHFS and must abide by conditions set by the court and by the rules of DHFS. This bill would add another condition of release to the individual release plan already prepared by DHFS. Therefore, the cost of adding another condition could be absorbed within current resources.

To the extent that additional people on conditional or supervised release are revoked due to this added condition, additional costs of incarceration would be incurred.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Donna Dunkel 266-8156

(DHFS)

Authorized Signature/Telephone No.

*John Kiesow*  
John Kiesow, 266-9622

Date,

2/10/99

LRB or Bill No./Adm. Rule No.  
AB 95 (99-1197/1)

Amendment No. if Applicable

**FISCAL ESTIMATE**

DOA-2048 N(R10/98)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

*J*

3-3-99

**Subject**

Prohibiting or restricting internet access by persons who have been convicted of certain crimes

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive
  - Mandatory
- 2.  Decrease Costs
  - Permissive
  - Mandatory

- 3.  Increase Revenues
  - Permissive
  - Mandatory
- 4.  Decrease Revenues
  - Permissive
  - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
  - Villages
  - Cities
  - Counties
  - Others \_\_\_\_\_
  - School Districts
  - WTCS Districts

**Fund Sources Affected**

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

**Affected Ch. 20 Appropriations**

20.550(1)(d)

**Assumptions Used in Arriving at Fiscal Estimate**

This bill provides that if a person is placed on parole, probation or other type of supervised or conditional release after committing a child sex crime, the court or agency releasing the person must decide whether to restrict or prohibit the person's use of or access to the internet as a condition of release.

It is possible that enactment of this bill would increase costs to the State Public Defender's Office. Costs could increase because sentencing hearings might be prolonged due to the bill's requirement that the court consider whether to restrict or prohibit a person's internet access as a condition of release. Longer sentencing hearings mean more time spent by attorneys in court on behalf of their clients.

However, it should be noted that under current law, a court can consider whether to order this as a condition of release.

**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)  
SPD/Gina Pruski/6-6782

Authorized Signature/Telephone No.

*Gina Pruski* 6/6782

Date  
2/19/99



ORIGINAL

CORRECTED

UPDATED

SUPPLEMENTAL

5

3-19-99

FISCAL ESTIMATE

DOA-2048 N(R10/98)

corr

Subject

AB 95 -

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Costs - May be possible to Absorb Within Agency's Budget - Yes - No

- Increase Existing Appropriation

- Increase Existing Revenues

- Decrease Existing Appropriation

- Decrease Existing Revenues

- Create New Appropriation

- Decrease Costs

Local:  No local government costs

1. Increase Costs  
- Permissive - Mandatory

3. Increase Revenues  
- Permissive - Mandatory

5. Types of Local Governmental Units Affected:

- Towns - Villages - Cities

2. Decrease Costs  
- Permissive - Mandatory

4. Decrease Revenues  
- Permissive - Mandatory

- Counties - Others

- School Districts - WTCS Districts

Fund Sources Affected

- GPR - FED - PRO - PRS - SEG - SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Steve Tinker (DOS) 6-0764

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Jamar Woodman 6-0425

Date

3/8/99