

Assembly Hearing Slip

(Please print plainly).

Date: 3/8/00

Bill No. AB 825 (L&E 4200/11)

Of
Subject _____

Alan Tripp (Linda Harris
(Name)

DHS
(Street Address or Route Number)

(City & ZIP Code)

(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, VT 53702

LRB or Bill No./Adm. Rule No.
LRB 99-4206/1
AB 825

Amendment No. if Applicable

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/96)

Subject
Detention of persons placed on conditional release after being found NGI

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

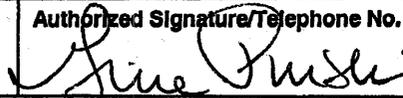
This bill would change from 48 hours to 72 hours (excluding Saturdays, Sundays, and legal holidays) the time within which DHFS must submit a probable cause statement and petition to revoke conditional release against persons who are detained for allegedly violating the terms of their conditional release. Changing this time limit shouldn't have any fiscal effect on the State Public Defender's Office.

Long-Range Fiscal Implications

None.

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

Authorized Signature/Telephone No.



Date
March 9, 2000

FISCAL ESTIMATE FORM

1999 Session

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

LRB # 4206/1

INTRODUCTION #

Admin. Rule #

Subject

Detention of Persons on 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 will have no fiscal effect on the Department.

Long-Range Fiscal Implications:

Prepared By: / Phone # / Agency Name
Ellen Hadidian/266-8155
DHFS/OSF

Authorized Signature / Telephone No.

John Kiesow, 266-9622

Date

March 6, 2000

Vote Record

Assembly Committee on Corrections and the Courts

Date: 3/8/00
 Moved by: Goetsch Seconded by: Balow
 AB: 825 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>1</u>	<u>1</u>	_____

Motion Carried Motion Failed

Gilbert, Melissa

From: Lewis, Kevin
Sent: Monday, February 28, 2000 11:43 AM
To: Walker, Scott
Cc: Gilbert, Melissa
Subject: TECHNICAL CHANGE TO CH. 971



971Techn.doc



971 cond release.pdf

Rep. Walker,

Let me start by apologizing for the short notice of this request. However, if you're interested in pursuing this minor change to Chapter 971, it would help us immensely and we will do everything we can to make it run smoothly.

Basically, we want to extend the timeframe allotted to petition the court in the event of our revocation of a conditional release (of someone from Mendota or Winnebago). We currently have 48 hours. We'd like 72 hours, not including weekends or holidays. The biggest problem comes into play when a court doesn't operate on the weekends and we simply cannot meet the deadline for logistical reasons. A one-pager paper on why this is important to DHFS and the public safety is attached along with the bill draft.

I've got the jacket in my hands and would be happy to bring it over. Sen. Breske has already signaled support. One approach would be to introduce the bill with just your two names and send it through.

Thanks for your consideration.

Kevin
6-3262

TECHNICAL CHANGE TO CH. 971

- DHFS proposes a technical amendment to the conditional release provisions of s. 971.17, the commitment of persons found not guilty by reason of mental disease or mental defect. Specifically, the change to s. 971.17(3)(e) increases from 48 hours to 72 hours, not including Saturdays, Sundays and legal holidays, the time period for the Department to submit to the committing court a statement showing probable cause of the detention and a petition to revoke the order for conditional release when a person has been detained for violating a condition of the release.
- DHFS always has supervisors covering for agents in “off-hours.” Our problems arise when there is no one at the courthouse to accept the filing of our petition. Some courthouses do not have a weekend court or 24-hour drop box. As a result, if one of our clients is put in custody on Thursday or Friday, the petition must be at the court by Saturday or Sunday, with absolutely no way to achieve that. This has resulted in the past to a client’s revocation action actually being dismissed because the petition was not filed within 48 hours.
- In the interest of public safety, people under s. 971.17 conditional release are returned to state custody for violations of the rules and conditions under which the court has found them safe to reside in the community. The community is put at risk if petitions are dismissed due to the technicality of untimely filing rather than on the merits of the state’s petition.
- This in no way adjusts the date of the hearing which remains within 30 days of the date of *detention*, not the date of filing the petition. The individual would have been in custody regardless of when the petition gets filed, either 48 or 72 hours and the hearing on the petition would be held within the same time frame. This change will focus the hearing on the merits of the case rather than the timing of the filing.
- The Legislature has already made this change with respect to Chapter 980 governing the timeframe for DHFS to submit a statement showing probable cause for the detention of a sexually violent person and petition to revoke the supervised release order. Act 9 changed this timeframe from 48 to 72 hours and excludes weekends and legal holidays. This change to Chapter 980 passed the Joint Committee on Finance unanimously.
- In its construction, this part of chapter 980 (enacted in 1994) was purposefully made parallel to the conditional release provisions of s. 971.17, commitment of persons found not guilty by reason of mental disease or mental defect. But while attention was paid to updating s. 980.08(6m), a similar parallel change to s. 971.17(3)(e) was overlooked. This is a technicality since the two have always been regarded as mirroring each other.



State of Wisconsin
Department of Health and Family Services

Tommy G. Thompson, Governor
Joe Leraan, Secretary

DHFS SUPPORT FOR AB 825 (LRB 4206/1)

RE: *the conditional release provisions for persons found not guilty by reason of mental disease or mental defect.*

- 1999 Assembly Bill 825 appropriately increases from 48 to 72 hours, not including Saturdays, Sundays and legal holidays, the time period for the Department to submit to the committing court a statement showing probable cause of the detention and a petition to revoke the order for conditional release when a person has been detained for violating a condition of the release.
- DHFS always has supervisors covering for agents in “off-hours.” Problems arise when there is no one at the courthouse to accept the filing of our petition. Some courthouses do not have a weekend court or 24-hour drop box. As a result, if one of our clients is put in custody on Thursday or Friday, the petition must be at the court by Saturday or Sunday, with absolutely no way to achieve that. This has resulted in the past to a client’s revocation action actually being dismissed because the petition was not filed within 48 hours.
- In the interest of public safety, people under s. 971.17 conditional release are returned to state custody for violations of the rules and conditions under which the court has found them safe to reside in the community. The community is put at risk if petitions are dismissed due to the technicality of untimely filing rather than on the merits of the state’s petition.
- In Chapter 51 (Wisconsin’s Mental Health Act), Wisconsin law already stipulates that under civil detention/commitment procedures, if an individual is detained for failing to comply with a settlement agreement and its attendant treatment plan, “the court shall hold a probable cause hearing within 72 hours from the time of detention, excluding Saturdays, Sundays and legal holidays”. No less time should be granted to filing a petition justifying a detention of a forensics patient who has violated a condition of the release, including the stipulated treatment plan.
- This bill in no way adjusts the date of the hearing which remains within 30 days of the date of *detention*, not the date of filing the petition. The individual would have been in custody regardless of when the petition gets filed, either 48 or 72 hours and the hearing on the petition would be held within the same time frame. This change will focus the hearing on the merits of the case rather than the timing of the filing.
- The Legislature has already made this change with respect to Chapter 980 governing the timeframe for DHFS to submit a statement showing probable cause for the detention of a sexually violent person and petition to revoke the supervised release order. Act 9 changed this timeframe from 48 to 72 hours and excludes weekends and legal holidays. This change to Chapter 980 passed the Joint Committee on Finance unanimously.
- In its construction, this part of chapter 980 (enacted in 1994) was purposefully made parallel to the conditional release provisions of s. 971.17, commitment of persons found not guilty by reason of mental disease or mental defect. But while 1999 Act 9 updated s. 980.08(6m), a similar parallel change to s. 971.17(3)(e) was overlooked. This is a technicality since the two have always been regarded as mirroring each other.