

**2001 DRAFTING REQUEST**

**Bill**

Received: **12/21/2001**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2213**

By/Representing: **Steinmetz**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc  
Criminal Law - crimes agnst kids**

Extra Copies: **rpu  
rlr**

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Steinmetz -

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**Topic:**

Chemical castration

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 01/07/2002	gilfokm 01/09/2002		_____			State
/1		gilfokm 01/10/2002	rschluet 01/09/2002	_____	lrb_docadmin 01/09/2002		State
/2		gilfokm 01/10/2002	rschluet 01/10/2002	_____	lrb_docadmin 01/10/2002		State
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/2		1/3-1/10-02 KMG 01/10/2002	rschluet 01/10/2002	_____	lrb_docadmin 01/10/2002		

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Handwritten notes: 1-10-2, <END>, and initials/signatures.

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/1		1-10-02 KMG	rschluet 01/09/2002	_____	lrb_docadmin 01/09/2002		

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1-16-1

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1?	mdsida	1-4-02 KMG	1-9-2	OKP 1-9-2			

FE Sent For:

<END>

JS -  
repeal  
all antia references

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[Enter DATE here]

Page 2 .

**Governor's Initiative  
Department of Corrections  
Budget Adjustment Bill  
Statutory Language Request**

**Topic:** Pharmacological treatment program for certain child sex offenders

**Current Language**

Current language at s. 20.410(1)(bm) provides amounts in the chapter 20 schedule for the pharmacological treatment program for certain child sex offenders.

**Proposed Change**

Repeal the alpha appropriation for the pharmacological treatment program under 20.410(1)(bm).

**Effect of the Change**

This change will eliminate the pharmacological treatment program.

Desired Effective Date: June 30, 2002  
Agency: DOC  
Agency Contact: Jana D. Steinmetz  
Phone: 266-2213



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-447112

MGD:K:...

mg ①

DOA:.....Steinmetz - Chemical castration

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT <sup>DON'T GEN.</sup> relating to: antiandrogen treatment of child sex offenders and
- 2 making an appropriation.

*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC may require that a serious child/sex offender (a person who has been convicted of sexual assault of a child under 13) undergo antiandrogen treatment (pharmacological treatment using an antiandrogen — a substance that inhibits the biological effects of male hormones such as testosterone — or the chemical equivalent of an antiandrogen) as a condition of ~~his or her~~ probation. DOC or the parole commission may also impose such a requirement as a condition of a child sex offender's parole. Neither DOC nor the parole commission may base a decision to parole a child sex offender on ~~his or her~~ suitability or willingness to undergo the treatment. But a child sex offender's unwillingness to undergo antiandrogen treatment may affect ~~his or her~~ "presumptive mandatory release."

Under current law, a person sentenced to imprisonment in a state prison is generally entitled to be released on his or her mandatory release date; that is, once he or she has served two-thirds of his or her sentence. However, if a person is sentenced to imprisonment for certain serious felonies, including sexual assault of a child, the mandatory release date is merely a presumptive mandatory release date. The parole commission may deny ~~the~~ person presumptive mandatory release if,

*the age of*

*who is on or being placed on probation*

*the offender's*

*is*

*Such a*

among other things, ~~he or she~~ <sup>the person</sup> is a child sex offender who refuses to participate in recommended antiandrogen treatment.

This bill eliminates the antiandrogen treatment program.

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, a person who has been found to be a sexually violent person may be committed to DHFS, in which case DHFS must confine the person in an institution. After 18 months of institutional care, the person may petition the court to order his or her supervised release. If the person is a serious child sex offender, the court, when deciding whether he or she should be placed on supervised release, may consider, among other things, what arrangements are available to ensure that the person has access to and will participate in antiandrogen treatment or other necessary treatment, although the court may not base a decision to release a sexually violent person who is a child sex offender on the person's suitability or willingness to undergo the treatment. If the court finds that the person is appropriate for supervised release, DHFS and the social services department of the county in which the person will reside must prepare a plan — which the court must approve — that identifies the person's needs for treatment and services, including antiandrogen treatment. This bill eliminates the antiandrogen treatment program.

stat →

For further information see the *state* 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. 20.410 (1) (bm) of the statutes is repealed.
- 2 SECTION 2. 301.03 (11) of the statutes is repealed.
- 3 SECTION 3. 302.11 (1g) (b) 2. of the statutes is amended to read: *as affected by 2001 Wisconsin Act 16*
- 4 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
- 5 treatment that the social service and clinical staff of the institution determines is
- 6 necessary for the inmate, ~~including pharmacological treatment using an~~
- 7 ~~antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious~~
- 8 ~~child sex offender as defined in s. 304.06 (1g) (a).~~ The parole commission may not
- 9 deny presumptive mandatory release to an inmate because of the inmate's refusal
- 10 to participate in a rehabilitation program under s. 301.047.

History: 1977 c. 266, 353; 1979 c. 221; 1981 c. 266; 1983 a. 66, 528; 1985 a. 27; 1985 a. 332 s. 251 (1); 1987 a. 27, 412; 1989 a. 31 ss. 1629, 1630; Stats. s. 302.11; 1989 a. 107; 1991 a. 39; 1993 a. 79, 97, 194, 289, 483; 1995 a. 77, 448; 1997 a. 133, 275, 283, 284, 295, 326; 1999 a. 188; 2001 a. 16.

1 SECTION 4. 304.06 (1q) of the statutes is repealed.

2 SECTION 5. 980.08 (4) of the statutes is amended to read:

3 980.08 (4) The court, without a jury, shall hear the petition within 30 days after  
4 the report of the court-appointed examiner is filed with the court, unless the  
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8 still a sexually violent person and that it is still substantially probable that the  
9 person will engage in acts of sexual violence if the person is not continued in  
10 institutional care. In making a decision under this subsection, the court may  
11 consider, without limitation because of enumeration, the nature and circumstances  
12 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)  
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Plain

Plain

History: 1993 a. 479; 1995 a. 276; 1997 a. 27, 275, 284; 1999 a. 9 ss. 3223L, 3232p to 3238d; 1999 a. 32; 2001 a. 16.

24

SECTION 6. 980.08 (5) of the statutes is amended to read:

as affected by 2001 Wisconsin Act 16)

1 980.08 (5) If the court finds that the person is appropriate for supervised  
2 release, the court shall notify the department. The department shall make its best  
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5 980.105. The department and the county department under s. 51.42 in the county  
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7 services, if any, that the person will receive in the community. The plan shall address  
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History: 1993 a. 479; 1995 a. 276; 1997 a. 27, 275, 284; 1999 a. 9 ss. 3223L, 3232p to 3238d; 1999 a. 32; 2001 a. 16.

SECTION 7. 980.12 (2) of the statutes is repealed.

10

(END)

# SEC. #. AM; 980.12 (title)  
 # 980.12 (B) (title) (B) → Department duties; costs.  
 # Section #. RN 980.12(1); # 980.12



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4471/1  
MGD:kmg:rs

2

DOA:.....Steinmetz - Chemical castration

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

retrieve  
from hell

DON'T  
GEN.

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11 **SECTION 7.** 980.12 (title) of the statutes is amended to read:

12 **980.12 (title) Department duties; costs.**

13 **SECTION 8.** 980.12 (1) of the statutes is renumbered 980.12.

14 **SECTION 9.** 980.12 (2) of the statutes is repealed.

15

(END)

INS 5/14

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4471/2ins  
MGD:.....

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INSERT5/14

**SECTION 9111. Nonstatutory provisions; corrections.**

(1) ANTIANDROGEN TREATMENT. The authorized FTE positions for the department of corrections are decreased by 1.0 GPR position for the pharmacological treatment program for child sex offenders.

5 FTE  
*[Handwritten signature]*



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-44710  
MGD:kmg:rs

3

DOA:.....Steinmetz - Chemical castration

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

*retrieved  
from hold*

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 9 committed to institutional care under this chapter are placed unless that county is  
 10 also the person's county of residence.

11 **SECTION 7.** 980.12 (title) of the statutes is amended to read:

12 **980.12 (title) Department duties; costs.**

13 **SECTION 8.** 980.12 (1) of the statutes is renumbered 980.12.

14 **SECTION 9.** 980.12 (2) of the statutes is repealed.

15 **SECTION 9111. Nonstatutory provisions; corrections.**

16 (1) **ANTIANDROGEN TREATMENT.** The authorized FTE positions for the  
 17 department of corrections are decreased by 1.0 GPR position for the pharmacological  
 18 treatment program for child sex offenders.

19 (END)

auto  
ref.  
"KA"

Ins.  
5-19

funded from the  
appropriation  
under section  
20.410(1)(b<sup>m</sup>) of  
the statutes<sup>es</sup>,

2001

5-19  
FFF

LRB 44711 <sup>3</sup>INS  
mgd: \_\_\_\_\_

Nonstat File Sequence:

**EFFECTIVE DATE**

1. In the component bar: For the action phrase, execute: ... create → action: → \*NS: → effdate  
For the text, execute: ..... create → text: → \*NS: → effdateA
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_\_ . Effective date.

( #1 ) ( ) ..... This act takes effect on .....

1. In the component bar: For the action phrase, execute: .. create → action: → \*NS: → effdateE  
For the text, execute: ..... create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_\_ . Effective dates; .....

..... This act takes effect on the day after publication, except as follows:  
( #1 ) ( ) ..... The treatment of sections ..... of the statutes takes effect on .....

1. In the component bar: For the budget action phrase, execute:..create → action: → \*NS: → 94XX  
For the text, execute: ..... create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

**SECTION 94** 11 . Effective dates; ... *corrections* .....

( #1 ) *CS* *Ant. androgen treatment* ..... The treatment of sections *20.410(1)(b<sup>m</sup>)*, *301.03(11)*, *302.11(1)(b)2*, *304.06(1g)*, *980.08(4) and (5)* of the statutes takes effect on *July 1, 2002* .....

*and 980.12* (title), (1), and (2) and *CS* SECTION of this act  
9111 (1) of this act  
[rev: 8/28/00 2001effdate(fm)]  
↑ auto ref. "KA"

*SECRET*



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4471/3  
MGD:kmg:rs

DOA:.....Steinmetz - Chemical castration

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: antiandrogen treatment of child sex offenders and  
2 making an appropriation.

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*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC may require that a serious child sex offender (a person who has been convicted of sexual assault of a child under the age of 13) who is on or being placed on probation undergo antiandrogen treatment (pharmacological treatment using an antiandrogen — a substance that inhibits the biological effects of male hormones such as testosterone — or the chemical equivalent of an antiandrogen) as a condition of probation. DOC or the parole commission may also impose such a requirement as a condition of a child sex offender's parole. Neither DOC nor the parole commission may base a decision to parole a child sex offender on the offender's suitability or willingness to undergo the treatment. But a child sex offender's unwillingness to undergo antiandrogen treatment may affect the offender's "presumptive mandatory release."

Under current law, a person sentenced to imprisonment in a state prison is generally entitled to be released on his or her mandatory release date; that is, once he or she has served two-thirds of his or her sentence. However, if a person is sentenced to imprisonment for certain serious felonies, including sexual assault of a child, the mandatory release date is merely a presumptive mandatory release date.

The parole commission may deny such a person presumptive mandatory release if, among other things, the person is a child sex offender who refuses to participate in recommended antiandrogen treatment.

This bill eliminates the antiandrogen treatment program.

## HEALTH AND HUMAN SERVICES

### OTHER HEALTH AND HUMAN SERVICES

Under current law, a person who has been found to be a sexually violent person may be committed to DHFS, in which case DHFS must confine the person in an institution. After 18 months of institutional care, the person may petition the court to order his or her supervised release. If the person is a serious child sex offender, the court, when deciding whether he or she should be placed on supervised release, may consider, among other things, what arrangements are available to ensure that the person has access to and will participate in antiandrogen treatment or other necessary treatment, although the court may not base a decision to release a sexually violent person who is a child sex offender on the person's suitability or willingness to undergo the treatment. If the court finds that the person is appropriate for supervised release, DHFS and the social services department of the county in which the person will reside must prepare a plan — which the court must approve — that identifies the person's needs for treatment and services, including antiandrogen treatment. This bill eliminates the antiandrogen treatment program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 20.410 (1) (bm) of the statutes is repealed.

2           SECTION 2. 301.03 (11) of the statutes is repealed.

3           SECTION 3. 302.11 (1g) (b) 2. of the statutes, as affected by 2001 Wisconsin Act  
4 16, is amended to read:

5           302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or  
6 treatment that the social service and clinical staff of the institution determines is  
7 necessary for the inmate, ~~including pharmacological treatment using an~~  
8 ~~antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious~~  
9 ~~child sex offender as defined in s. 304.06 (1q) (a).~~ The parole commission may not

1 deny presumptive mandatory release to an inmate because of the inmate's refusal  
2 to participate in a rehabilitation program under s. 301.047.

3 **SECTION 4.** 304.06 (1q) of the statutes is repealed.

4 **SECTION 5.** 980.08 (4) of the statutes is amended to read:

5 980.08 (4) The court, without a jury, shall hear the petition within 30 days after  
6 the report of the court-appointed examiner is filed with the court, unless the  
7 petitioner waives this time limit. Expenses of proceedings under this subsection  
8 shall be paid as provided under s. 51.20 (18) (b), (c), and (d). The court shall grant  
9 the petition unless the state proves by clear and convincing evidence that the person  
10 is still a sexually violent person and that it is still substantially probable that the  
11 person will engage in acts of sexual violence if the person is not continued in  
12 institutional care. In making a decision under this subsection, the court may  
13 consider, without limitation because of enumeration, the nature and circumstances  
14 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)  
15 (a), the person's mental history and present mental condition, where the person will  
16 live, how the person will support himself or herself, and what arrangements are  
17 available to ensure that the person has access to and will participate in necessary  
18 treatment, ~~including pharmacological treatment using an antiandrogen or the~~  
19 ~~chemical equivalent of an antiandrogen if the person is a serious child sex offender.~~  
20 ~~A decision under this subsection on a petition filed by a person who is a serious child~~  
21 ~~sex offender may not be made based on the fact that the person is a proper subject~~  
22 ~~for pharmacological treatment using an antiandrogen or the chemical equivalent of~~  
23 ~~an antiandrogen or on the fact that the person is willing to participate in~~  
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12 **980.12 (title) Department duties; costs.**

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16 (1) **ANTIANDROGEN TREATMENT.** The authorized FTE positions for the  
17 department of corrections, funded from the appropriation under section 20.410 (1)  
18 (bm) of the statutes, are decreased by 1.0 GPR position for the pharmacological  
19 treatment program for child sex offenders.

20 **SECTION 9411. Effective dates; corrections.**

21 (1) **ANTIANDROGEN TREATMENT.** The treatment of sections 20.410 (1) (bm), 301.03  
22 (11), 302.11 (1g) (b) 2., 304.06 (1q), 980.08 (4) and (5), and 980.12 (title), (1), and (2)  
23 of the statutes and SECTION 9111 (1) of this act take effect on July 1, 2002.

24

(END)