

2009 DRAFTING REQUEST

Bill

Received: **12/03/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - com crctns**
Correctional System - misc

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB0248 -

Topic:

Provide discretion in escorting sexually violent persons on supervised release

Instructions:

See attached

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>
/P1	chanaman 12/03/2008 chanaman 01/26/2009	kfollett 12/04/2008 kfollett 01/26/2009	jfrantze 12/04/2008	_____	lparisi 12/04/2008		State
/P2	chanaman 01/28/2009		phenry 01/26/2009	_____	lparisi 01/26/2009		State
/P3		kfollett 01/28/2009	mduchek 01/28/2009	_____	sbasford 01/29/2009		State

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

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/P2		1 P3/KF 1/28	phenry 01/26/2009	_____	lparisi 01/26/2009		State

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/P1	chanaman 12/03/2008	kfollett 12/04/2008	jfrantze 12/04/2008	_____	lparisi 12/04/2008		State

FE Sent For:

1/22/08
1/20/08

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bb
bh

<END>

ph/B

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/P1	chanaman	MIGf 12/4	[Signature] 12/4	[Signature] ph 12/4			

FE Sent For:

<END>



DOA:.....Steinmetz, BBxxxx - Provide discretion in escorting sexually violent persons on supervised release

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

Under current law, a person who has been released into the community on supervised release after having been institutionalized as a sexually violent person is subject to conditions and rules ~~set by the court and DHS~~. One mandatory condition is that the person, for the first year of supervised release, is restricted to his or her home except for limited outings under the direct supervision of an escort from DOC. This bill gives DOC discretion in whether a person on an outing is required to be under the direct supervision of an escort.

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:

2 SECTION 1. 301.48 (3) (c) of the statutes is amended to read:

3 301.48 (3) (c) For each person who is subject to global positioning system
4 tracking under this section, the department shall create individualized exclusion

1 and inclusion zones for the person, if necessary to protect public safety. In creating
2 exclusion zones, the department shall focus on areas where children congregate,
3 with perimeters of 100 to 250 feet, and on areas where the person has been prohibited
4 from going as a condition of probation, extended supervision, parole, conditional
5 release, supervised release, or lifetime supervision. In creating inclusion zones for
6 a person on supervised release, the department shall consider s. 980.08 (9) (a).

~~NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2007 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (b). NOTE:~~

7 ~~History: 2005 a. 431; 2007 a. 20 ss. 3134m to 3165m, 9121 (6) (a); 2007 a. 96; s. 13.92 (2) (i).~~

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

8 980.08 (4) (cg) 4. The person can be reasonably expected to comply with his or
9 her treatment requirements and with all of his or her conditions or rules of
10 supervised release that are imposed by the court or by the department or imposed
11 by the department of corrections under s. 980.08 (9) (a) 2.

~~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; 2003 a. 187; 2005 a. 431, 434; 2007 a. 20 ss. 3929, 3930, 9121 (6) (a); 2007 a. 96, 97.~~

12 **SECTION 3.** 980.08 (6m) of the statutes is amended to read:

13 980.08 (6m) An order for supervised release places the person in the custody
14 and control of the department. The department shall arrange for control, care and
15 treatment of the person in the least restrictive manner consistent with the
16 requirements of the person and in accordance with the plan for supervised release
17 approved by the court under sub. (4) (g). A person on supervised release is subject
18 to the conditions set by the court and, to the rules of the department, and to a rule
19 of the department of corrections imposed under sub. (9) (a) 2. Within 10 days of
20 imposing a rule, the department shall file with the court any additional rule of
21 supervision not inconsistent with the rules or conditions imposed by the court. If the
22 department wants to change a rule or condition of supervision imposed by the court,
23 the department must obtain the court's approval. Within 10 days of imposing or

1 changing a rule imposed² under sub. (9) (a) 2.,[✓] the department of corrections must file[✓]
 2 the rule with the court. Before a person is placed on supervised release by the court
 3 under this section, the court shall so notify the municipal police department and
 4 county sheriff for the municipality and county in which the person will be residing.
 5 The notification requirement under this subsection does not apply if a municipal
 6 police department or county sheriff submits to the court a written statement waiving
 7 the right to be notified.

****NOTE: I think you want to give DOC a great deal of discretion, but I think filing is necessary for determining if a rule has been violated, which is done by DHS and the court (see s. 980.08 (7) and (8)). Please review this section.

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; 2003 a. 187; 2005 a. 431, 434; 2007 a. 20 ss. 3929, 3930, 9121 (6) (a); 2007 a. 96, 97.

8 **SECTION 4.** 980.08 (7) (am) of the statutes is created to read:

9 980.08 (7) (am) If the department of corrections believes that a person on
 10 supervised release, or awaiting placement on supervised release, has violated, or
 11 threatened to violate, a rule imposed under ~~sa. 980.08~~^{Sub. ✓} (9) (a) 2., the department of
 12 corrections shall notify the department of health services and may detain the person.

****NOTE: Please review this section; I think that you still intend DHS to petition for revocation if a rule is violated. ^{not doc, only}

13 **SECTION 5.** 980.08 (9) (a) of the statutes is renumbered 980.08 (9) (a) 1. and
 14 amended to read:

15 980.08 (9) (a) 1. As a condition of supervised release granted under this chapter,
 16 for the first year of supervised release, the court shall restrict the person on
 17 supervised release to the person's home except for outings ~~that are under the direct~~
 18 ~~supervision of a department of corrections escort~~ and that are for employment
 19 purposes, for religious purposes, or for caring for the person's basic living needs.

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; 2003 a. 187; 2005 a. 431, 434; 2007 a. 20 ss. 3929, 3930, 9121 (6) (a); 2007 a. 96, 97.

20 **SECTION 6.** 980.08 (9) (a) 2. of the statutes is created to read:

1 980.08 (9) (a) 2. As a rule of supervised release granted under this chapter, for
 2 the first year of supervised release, the department of corrections may restrict any
 3 person taking any outing under subd. 1. to be under the direct supervision of a
 4 department of corrections escort.

5 SECTION 7. 980.08 (9) (b) of the statutes is amended to read:

6 980.08 (9) (b) The department of corrections may contract for the escort
 7 services under par. (a) 2.

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8 SECTION 9311. Initial applicability; Corrections.

renumbering and amendment

9 (1) ESCORTS FOR PERSONS ON SUPERVISED RELEASE. The treatment of section
 10 980.08 (9) (a) 1. and 2. of the statutes first applies to person who are released on
 11 supervised release on the effective date of this subsection.

12 (END)

and the creation of section 980.08 (9) (a) 2. of the statutes

Hanaman, Cathlene

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Monday, January 26, 2009 1:03 PM
To: Hanaman, Cathlene
Subject: Changes to LRB--1207/1

Hi Cathlene,

Based on some last minute input, I have some changes to make to the draft on discretion of escorts for Ch. 980 offenders on supervised release.

Basically, the intent is to allow discretion but have DHS make the determination, not DOC. Here are DHS's suggested changes to the draft:

Delete sections 2, 3, 4.

Maintain sections 1 and 5 as drafted.

Section 6 should specify DHS instead of DOC for making the determination.

Section 7 should specify DHS instead of DOC

Change the effective date to apply to all offenders current on supervise release plus any future releases.

THANK YOU!

leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

1010



State of Wisconsin
2009 - 2010 LEGISLATURE

P2
LRB-1010/PT
CMH:kjf:j

DOA:.....Steinmetz, BBxxxx - Provide discretion in escorting sexually violent persons on supervised release

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
CORRECTIONAL SYSTEM

DHS

Under current law, a person who has been released into the community on supervised release after having been institutionalized as a sexually violent person is subject to conditions and rules. One mandatory condition is that the person, for the first year of supervised release, is restricted to his or her home except for limited outings under the direct supervision of an escort from DOC. This bill gives ~~DOC~~ discretion in whether a person on an outing is required to be under the direct supervision of an escort.

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

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2 SECTION 1. 301.48 (3) (c) of the statutes is amended to read:
3 301.48 (3) (c) For each person who is subject to global positioning system
4 tracking under this section, the department shall create individualized exclusion

1 and inclusion zones for the person, if necessary to protect public safety. In creating
2 exclusion zones, the department shall focus on areas where children congregate,
3 with perimeters of 100 to 250 feet, and on areas where the person has been prohibited
4 from going as a condition of probation, extended supervision, parole, conditional
5 release, supervised release, or lifetime supervision. In creating inclusion zones for
6 a person on supervised release, the department shall consider s. 980.08 (9) (a).

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9 her treatment requirements and with all of his or her conditions or rules of
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24 changing a rule imposed, under sub. (9) (a) 2., the department of corrections must file
25 the rule with the court. Before a person is placed on supervised release by the court

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2 county sheriff for the municipality and county in which the person will be residing.
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4 police department or county sheriff submits to the court a written statement waiving
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2 980.08 (9) (b) The department of ~~corrections~~ may contract for the escort
3 services under par. (a) 2.

4 SECTION 9311. Initial applicability; Corrections.

5 (1) ESCORTS FOR PERSONS ON SUPERVISED RELEASE. The renumbering and
6 amendment of section 980.08 (9) (a) of the statutes and the creation of section 980.08
7 (9) (a) 2. of the statutes first apply to a person who is released on supervised release
8 on the effective date of this ^{paragraph} subsection.

9 (END)

on or who is

(b) The treatment of section 980.08 (9)(b) of the statutes just applies to services contracted for on the effective date of this paragraph.



RM

DOA:.....Wavrunek, BB0248 - Provide discretion in escorting sexually violent persons on supervised release

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

HEAD

HEALTH AND HUMAN SERVICES
MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES
SUB

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

Under current law, a person who has been released into the community on supervised release after having been institutionalized as a sexually violent person, is subject to conditions and rules. One mandatory condition is that the person, for the first year of supervised release, is restricted to his or her home except for limited outings under the direct supervision of an escort from DOC. This bill gives DHS discretion in whether a person on an outing is required to be under the direct supervision of an escort.

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23 (1) ESCORTS FOR PERSONS ON SUPERVISED RELEASE.

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SECTION 9322. INITIAL applicability; Health Services.

9/10/91

1 (a) The renumbering and amendment of section 980.08 (9) (a) of the statutes
2 and the creation of section 980.08 (9) (a) 2. of the statutes first apply to a person who
3 is on or who is released on supervised release on the effective date of this ^{subsection,} paragraph.

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4 (b) The treatment of section 980.08 (9) (b) of the statutes first applies to services
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6

(END)

CONTRACTS FOR ESCORTS FOR PERSONS ON SUPERVISED
release
RELEASE.

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23 (1) CONTRACTS FOR ESCORTS FOR PERSONS ON SUPERVISED RELEASE. The treatment
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25 effective date of this subsection.

