

State of Wisconsin



1995 Senate Bill 623

Date of enactment: **April 22, 1996**

Date of publication*: **May 6, 1996**

1995 WISCONSIN ACT 276

AN ACT *to amend* 20.435 (2) (bj), 51.42 (3) (aw) 1. d., 980.06 (2) (c) and 980.08 (5); and *to create* 980.105 of the statutes; **relating to:** providing for treatment, services and placement for persons who are found to be sexually violent persons and placed under supervised release, services to inmates and making appropriations.

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

SECTION 1. 20.435 (2) (bj) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

20.435 (2) (bj) (title) *Conditional and supervised release treatment and services.* Biennially, the amounts in the schedule for payment by the department of costs for treatment and services for ~~conditionally released persons~~ released under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5), for which the department has contracted with county departments under s. 51.42 (3) (aw) 1. d., with other public agencies or with private agencies to provide the treatment and services.

SECTION 2. 51.42 (3) (aw) 1. d. of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a conditional release plan approved by a court for a person who is a county resident and is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised release plan approved by a court under s. 980.06 (2) (c) or 980.08 (5). If the county department provides treatment and services under this subdivision, the department of health and social services shall, from the appropriation under s. 20.435 (2) (bj), pay the county department for the costs of the treatment and services.

SECTION 2g. 980.06 (2) (c) of the statutes is amended to read:

980.06 (2) (c) If the court finds that the person is appropriate for supervised release, the court shall notify the department. The department and the county department under s. 51.42 in the county of residence of the person, as determined under s. 980.105, shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The department may contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 21 days after the court finding that the person is appropriate for supervised release, unless the department, county department and person to be released request additional time to develop the plan. If the county department of the person's county of residence declines to prepare a plan, the department may arrange for another county to prepare the plan if that county agrees to prepare the plan and if the person will be living in that county. If the department is

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

unable to arrange for another county to prepare a plan, the court shall designate a county department to prepare the plan, order the county department to prepare the plan and place the person on supervised release in that county, except that the court may not so designate the county department in the county where the facility in which the person was committed for institutional care is located unless that county is also the person's county of residence.

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

980.08 (5) If the court finds that the person is appropriate for supervised release, the court shall notify the department. The department and the county department under s. 51.42 in the county of residence of the person, as determined under s. 980.105, shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The department may contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for supervised release, unless the department, county department and person to be released request additional time to develop the plan. If the county department of the person's county of residence declines to prepare a plan, the department may arrange for another county to prepare the plan if that county agrees to prepare the plan and if the person will be living in that county. If the department is unable to arrange for another county to prepare a plan, the court shall designate a county department to prepare the plan, order the county department to prepare the plan and place the person on supervised release in that county, except that the court may not so designate the county department in the county where the facility in which the person was committed for institutional care is located unless that county is also the person's county of residence.

SECTION 2n. 980.105 of the statutes is created to read:

980.105 Determination of county of residence.

The court shall determine a person's county of residence for the purposes of this chapter by doing all of the following:

(1) The court shall consider residence as the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation and shall consider physical presence as prima facie evidence of intent to remain.

(2) The court shall apply the criteria for consideration of residence and physical presence under sub. (1) to the facts that existed on the date that the person committed the sexually violent offense that resulted in the sentence, placement or commitment that was in effect when the petition was filed under s. 980.02.

SECTION 3. Appropriation changes; corrections.

(1) SERVICES FOR INMATES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$49,100 for fiscal year 1995–96 and the dollar amount is increased by \$704,400 for fiscal year 1996–97 to increase the authorized FTE positions for the department by 18.0 GPR positions on July 1, 1996, for the provision of security, transportation and food services for persons transferred to the Wisconsin Resource Center under chapter 302 of the statutes.

SECTION 4. Appropriation changes; health and social services.

(1) WISCONSIN RESOURCE CENTER SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (2) (b) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$194,200 for fiscal year 1995–96 and the dollar amount is increased by \$4,254,600 for fiscal year 1996–97 to increase the authorized FTE positions for the department by 21.0 GPR positions on May 1, 1996, and by 112.5 GPR positions on July 1, 1996, for the performance of services of the Wisconsin Resource Center.

(2) TREATMENT AND SERVICES FOR PERSONS PLACED ON SUPERVISED RELEASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (2) (bj) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$72,000 for fiscal year 1995–96 and the dollar amount is increased by \$768,000 for fiscal year 1996–97 to increase funding for the costs of treatment and services for persons who are placed on supervised release under section 980.06 (2) (c) or 980.08 (5) of the statutes.