



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 248**  
[2009 Senate Bill 493]

**Examination of a Sexually Violent  
Person**

*2009 Wisconsin Act 248* relates to the appointment of an examiner for a person committed as a sexually violent person and was suggested as remedial legislation by the Department of Health Services (DHS).

Prior to the enactment of Act 248, the statutes provided that a person civilly committed as a sexually violent person was entitled to periodic examinations to determine the person's mental condition and whether the person had made sufficient progress for a court to consider whether the person should be placed on supervised release or discharged. The law also stated that at the time of a reexamination, the committed person could retain or have the court appoint an examiner, except that the court was not required to appoint an examiner if supervised release or discharge was supported by an examination conducted by an examiner appointed by DHS. According to DHS, the statutory language created confusion over the sequence of the examination process; that is, it might appear that a court was required to wait until after an examination had been conducted and after a report had been filed before the court would appoint an examiner.

Act 248 deletes from the statutes the language that a court is not required to appoint an examiner if supervised release or discharge is supported by the examination conducted by an examiner appointed by DHS.

**Effective date:** The Act takes effect on May 20, 2010.

**Prepared by:** Ronald Sklansky, Senior Staff Attorney

May 10, 2010

RS:jal

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.