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Joint Committee on Finance

Paper #245

GPS Tracking Funding (Corrections -- Community Corrections)

[LFB 2015-17 Budget Summary: Page 125, #1]

CURRENT LAW

Under current law, the Department of Corrections is required to provide lifetime global positioning system (GPS) tracking for serious child sex offenders. "Lifetime tracking" is defined as GPS tracking that is required for a person for the remainder of the person's life or until supervision is terminated. Current law defines GPS tracking as a system that actively monitors and identifies a person's location and timely reports or records the person's presence at or near a crime scene or in an exclusion zone or the person's departure from an inclusion zone.

The Department may track a person using passive positioning system tracking if the person: (a) completes his or her sentence, including any probation, parole, or extended supervision; or (b) is monitored with GPS tracking at the Department's discretion, but tracking is not required by statute. Passive positioning system tracking is defined as a system that monitors, identifies, and records a person's location.

Further, since January 1, 2014, a court may order GPS tracking for persons who violate a domestic abuse or harassment temporary restraining order or injunction. A court may also request the Department to provide a validated risk assessment of the person.

GOVERNOR

Provide \$551,800 GPR and \$54,900 PR annually associated with GPS tracking. Funding would include: (a) \$136,700 GPR and \$48,700 PR annually associated with full funding of supplies and rent costs for GPS tracking which were funded for only a portion of 2014-15; and (b) \$415,100 GPR and \$6,200 PR annually associated with funding from the 2013-15 biennial budget which was placed in the Joint Committee on Finance's supplemental appropriation but not

yet released to Corrections.

DISCUSSION POINTS

1. The Department's Division of Community Corrections operates a Monitoring Center to provide centralized electronic monitoring services to the Division of Community Corrections, Division of Juvenile Corrections, Department of Health Services, county and local law enforcement, and county human services departments. Electronic monitoring equipment includes radio frequency units, sobriety devices, transdermal alcohol devices, and GPS monitoring units. In March, 2015, the Monitoring Center was tracking a total of 2,630 offenders on monitoring equipment. Base funding for the Monitoring Center is \$8,793,900 GPR and 89.75 GPR positions and \$625,500 PR and 6.20 PR positions.

GPS Monitoring for Child Sex Offenders

2. Under current law, the Department of Corrections is required to provide lifetime GPS tracking for certain sex offenders, as follows:

a. Persons placed on supervised release (Chapter 980) or conditional release (Chapter 971), or discharged under Chapters 980 and 971 of the statutes, for a serious child sex offense on or after the January 1, 2008;

b. Persons placed on lifetime supervision under s. 939.615 of the statutes for a serious child sex offense on or after January 1, 2008;

c. Persons for whom a special bulletin notification is issued on or after January 1, 2008. Special bulletin notifications are issued when an offender is released to the community, who was convicted, or found not guilty or not responsible by reason of mental disease or defect, on two or more separate occasions of a sex offense;

d. Persons released from prison, or to extended supervision or parole, on or after January 1, 2008, for one of the following serious child sex offenses: (1) sexual contact or intercourse with a person who has not attained the age of 13 years and causes great bodily harm, if the person is not a relative; and (2) sexual intercourse with a person who has not attained the age of 12 years, if the person is not a relative; and

e. Persons convicted, on or after January 1, 2008, who are released from prison, or to extended supervision or parole, for one of the following serious child sex offenses: (1) sexual intercourse with a person who has not attained the age of 16 years by use or threat of force or violence, if the person is not a relative; and (2) sexual contact with a person who has not attained the age of 16 years by use of threat of force or violence, if the person is not a relative.

3. If a person is placed on probation, extended supervision, parole or lifetime supervision for committing a sex offense, but does not fall under one of the above-described categories, the Department may elect to have the person tracked as a condition of his or her probation, extended supervision, parole, or lifetime supervision.

4. For lifetime tracking, the Department is required to utilize a system that actively monitors and identifies a person's location and timely reports or records the person's presence near or at a crime scene or in an exclusion zone or the person's departure from an inclusion zone. The Department currently contracts with BI Technologies Inc. for GPS tracking services and equipment. Offenders carry a small unit that tracks and records their whereabouts once per minute. Every minute, the tracking device sends the cumulative data to the Department, which can track offenders' movements on a computer screen. If an offender is in an exclusion zone or departs from an inclusion zone, an alert is issued immediately. The Department initially will assess whether the alert is an equipment malfunction, then contact the agent or law enforcement if equipment is working properly. For active GPS tracking, BI Technologies currently charges the Department \$4.50 per day per unit.

5. The Department may utilize passive positioning system monitoring if the person: (a) completes his or her sentence, including any probation, parole or extended supervision but is required by law to be monitored; or (b) is monitored with GPS tracking at the Department's discretion, but tracking is not required by statute. Like active GPS tracking, passive positioning system tracking tracks a person's whereabouts once per minute. However, instead of sending the cumulative data to the Department every minute, data is sent twice a day (every 12 hours). The Department then retroactively addresses any alerts that occurred during that time period. However, the Department indicates that, because of technology conveniences and lowered rates for active monitoring, Corrections utilizes active GPS technology for all its monitoring.

6. For each person subject to tracking, Corrections must determine the costs of GPS tracking for the individual and how much of the costs that the individual is able to pay. The Department may require the person to pay those costs. For individuals on conditional release or supervised release, DHS must pay the GPS tracking costs to the extent that costs are not covered by any required payments by individuals. Any monies collected are utilized for expenditures related to GPS tracking.

7. Attachments 2 and 3 provide more detail on the statutory definitions related to the GPS tracking provisions (Attachment 2) and the individuals for whom GPS tracking is required (Attachment 3).

GPS Tracking for Certain Temporary Restraining Order (TRO) Violations

8. Since January 1, 2014, if a person knowingly violates a temporary restraining order or injunction, the court may report the violation to the Department of Corrections immediately upon the person's conviction and order the person to submit to GPS tracking. The applicable temporary restraining orders and/or injunctions include: (a) domestic abuse restraining orders and injunctions; (b) child abuse restraining orders and injunctions; (c) restraining orders and injunctions for individuals at risk; and (d) harassment restraining orders and injunctions.

9. Before issuing such an order, the court must find that the person is more likely than not to cause seriously bodily harm to the person who petitioned for the restraining order or injunction, weighing the following factors: (a) whether the person has allegedly caused physical injury, intentionally abused pets or damaged property, or committed sexual assault, an act of strangulation

or forcible entry to gain access to the petitioner; (b) whether the person has threatened any individual, including the petitioner, with harm; (c) whether the person has a history of improperly using or threatening to use a firearm or other dangerous weapon; (d) whether the person has expressed suicidal ideation; (e) whether the person has exhibited obsessive or controlling behavior toward the petitioner or any member of the petitioner's family, including stalking, surveillance, or isolation of the petitioner or any member of the petitioner's family; (f) the person's mental health history; and (g) whether the person has a history of abuse alcohol or a controlled substance.

10. The court may require the Department to provide a validated risk assessment of the person in order to make the above findings. Further, the court may request a domestic violence prevention treatment center in the court's county to complete a danger assessment of the person in order to make the above findings. If the court orders the person to submit to GPS tracking, the court must provide the person who petitioned for the restraining order or injunction with a referral to a domestic violence or sexual assault victim service provider.

11. If after weighing the factors above, the court determines the person is more likely than not to cause serious bodily harm to the person who petitioned for the restraining order or injunction, and the court determines that another alternative, including imprisonment, is more likely to protect the person who petitioned for the restraining order or injunction, the court may not enter an order for GPS tracking.

12. For each individual ordered by the court for GPS tracking, the court must impose a GPS tracking surcharge of \$200 for each offense. Further, the Department must determine the person's ability to pay the costs and tracking and require the person to pay those costs. Monies collected from the surcharge are to be deposited into an appropriation to support GPS costs. If revenue collected is inadequate to fund the GPS program, Corrections may, by rule, increase the surcharge by not more than 5% each year to cover program costs.

AB 21/SB 21

13. The bill would provide \$551,800 GPR and \$54,900 PR annually associated with GPS tracking. Funding would include: (a) \$136,700 GPR and \$48,700 PR annually associated with full funding of supplies and rent costs for GPS tracking which were funded for only a portion of 2014-15; and (b) \$415,100 GPR and \$6,200 PR annually associated with funding from the 2013-15 biennial budget which was placed in the Joint Committee on Finance's supplemental appropriation but not requested for release by the Department in 2013-15.

14. Corrections' GPS tracking populations, a subset of all the monitored offenders, have steadily increased each year since creation of the program, as follows:

	Average <u>Daily Population</u>	<u>% Increase</u>
2008-09	158	
2009-10	246	55.0%
2010-11	370	50.7
2011-12	491	32.6
2012-13	619	26.1
2013-14	775	25.1
2014-15*	1,001	29.2
2015-16*	1,177	17.6
2016-17*	1,353	15.0

*Projected end-point populations

15. Since the GPS tracking program was created in the 2007-09 biennial budget, additional staffing and funding have been provided in every budget, with the exception of the 2011-13 budget, when only monies to fully fund the prior biennium's costs were provided.

GPS Tracking Program Funding History

		<u>All Funds</u>		
		<u>First Year</u>	<u>Second Year</u>	<u>FTE</u>
2007-09	GPS Tracking Program Created	\$1,618,900	\$4,639,100	71.10
2009-11	Sex Offender Management Funding*	813,600	2,676,100	35.25
2011-13	Full Funding of 2009-11 Sex Offender Management Costs	208,200	208,200	0.00
2013-15	GPS Tracking Program Funding**	1,895,300	3,602,700	38.75
2015-17	Full Funding of 2013-15 GPS Tracking Costs, and JFC Supplemental Amount for 2014-15	606,700	606,700	0.00

*Also includes monies and staffing associated with sex offender registry.

**Excludes funding provided in JFC's supplemental appropriation to address higher GPS populations.

16. In its agency budget request, Corrections did not request additional funding for GPS tracking beyond full funding for supplies and rent costs (\$136,700 GPR and \$48,700 PR annually) which were funded for less than a full year in 2014-15. The bill would fully provide annualized funding for these costs. The Governor's recommendation would additionally provide funding equivalent to that currently placed in the Committee's supplemental appropriation for estimated additional expenditures in 2014-15 (\$415,100 GPR and \$6,200 PR annually).

17. Under the 2013-15 biennial budget, supplemental funding of \$241,200 GPR and \$4,700 PR in 2013-14 and \$415,100 GPR and \$6,200 PR in 2014-15 was placed in the Joint Committee on Finance's appropriations for the Department associated with projected increases of GPS populations above originally assumed projections. However, the Department did not submit a request for the release of additional funding during the biennium, instead managing GPS costs

within existing resources.

18. While additional staffing and funding have generally been provided for increased GPS populations in prior budgets, the administration indicates that since the Department did not request the supplemental funding currently in the Committee's appropriation, that supplemental amount could be utilized for increased monitoring needs in 2015-17:

"Rather than designate the specific needs for the amount (salary, fringe, etc), the Governor elected to place the 2013-15 JCF amount in the 2015-17 budget for any purpose related to additional GPS monitoring, including equipment tracking and monitoring...Should the Department need additional FTE resources, a request could be made to the Committee via s. 13.10 to allocate the \$415,100 for that purpose rather than additional equipment or other monitoring costs."

19. It is difficult to determine whether or not funding provided in the bill would be sufficient to cover costs for increased GPS populations. On the one hand, other than the 2011-13 biennium, additional staffing and funding have historically been provided based on increased population caseload needs. Further, as the previous table indicates, caseloads have continued to increase. On the other hand, Corrections managed the program without additional staffing in 2011-13, and did not request the supplemental funding provided for 2013-15 under the Committee's appropriations. The bill would not only provide full funding of existing costs, but provide additional funding of \$415,100 GPR and \$6,200 PR annually to address GPS costs. As such, the Committee may wish to approve the Governor's recommendation. [Alternative 1]

20. However, based on how staffing and funding for GPS costs have been provided in most of the prior budgets, the Department would need an additional \$1,265,200 GPR and 19.5 GPR positions and \$13,400 PR in 2015-16 and \$2,505,100 GPR and 30.0 GPR positions and \$27,400 PR in 2016-17 to address increased GPS tracking populations. Positions would include: 15.0 probation and parole agents, 7.5 corrections communications operators, 5.0 office operations associates, 1.5 corrections field supervisor, 0.5 corrections communication supervisor, and 0.5 program support supervisor. Under this alternative, funding in the bill would be modified by \$850,100 GPR and \$7,200 PR in 2015-16 and \$2,090,000 GPR and \$21,200 PR in 2016-17. [Alternative 2]

21. Staffing would be based on the workload to manage offenders tracked on monitoring equipment, including Monitoring Center staff and field supervision staff. The Monitoring Center's correctional community operators enter offenders' schedules, review and investigate GPS equipment alerts, notify agents or law enforcement in the event of exclusion zone violations, and pursue warrants if necessary. Probation and parole agents statewide ensure that equipment is properly installed on the offender, supervise the offender as part of the agent's overall caseload, respond to alerts from the Monitoring Center, and apprehend the offender with assistance of law enforcement if necessary.

22. As noted previously, the Department did not request additional staffing, and Corrections managed additional GPS populations without receiving additional staffing in the 2011-13 biennial budget. While the administration has indicated that funding in the bill is sufficient, some may still have concerns that GPS tracking requires additional resources, as has generally been the case previously. To address these concerns, the Committee could approve the Governor's

recommendation, but place a lesser amount in the Committee's supplemental appropriations. For example, approximately half of the staffing suggested under Alternative 2 could be placed in the Committee's supplemental appropriations. Under this alternative, in addition to the Governor's recommendation, \$806,300 GPR and \$6,700 PR in 2015-16 and \$1,569,400 GPR and \$13,700 PR in 2016-17 could be placed in the Committee's supplemental appropriations for potential release to the Department under s. 13.10 if funding under AB 21/SB 21 proves insufficient. [Alternative 3]

23. Attachment 1 includes a table identifying the funding provided under the Governor's recommendation, under Alternative 2, and under Alternative 3.

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$551,800 GPR and \$54,900 PR annually associated with GPS tracking. Funding would include: (a) \$136,700 GPR and \$48,700 PR annually associated with full funding of supplies and rent costs for GPS tracking which were funded for only a portion of 2014-15; and (b) \$415,100 GPR and \$6,200 PR annually associated with funding from the 2013-15 biennial budget which was placed in the Joint Committee on Finance's supplemental appropriation but not yet released to Corrections.

2. Modify the Governor's recommendation to provide \$1,401,900 GPR and \$62,100 PR and 19.5 GPR positions in 2015-16 and \$2,641,800 GPR and \$76,100 PR and 30.0 GPR positions in 2016-17 associated with GPS tracking. Funding would include: (a) \$136,700 GPR and \$48,700 PR annually associated with full funding of supplies and rent costs for GPS tracking which were funded for only a portion of 2014-15; and (b) \$1,265,200 GPR and 19.5 GPR positions and \$13,400 PR in 2015-16 and \$2,505,100 GPR and 30.0 GPR positions and \$27,400 PR in 2016-17 to address increased GPS tracking populations in 2015-17.

ALT 2	Change to Bill	
	Funding	Positions
GPR	\$2,940,100	30.00
PR	<u>28,400</u>	<u>0.00</u>
Total	\$2,968,500	30.00

3. Approve the Governor's recommendation to provide \$551,800 GPR and \$54,900 PR annually associated with GPS tracking. Funding would include: (a) \$136,700 GPR and \$48,700 PR annually associated with full funding of supplies and rent costs for GPS tracking which were funded for only a portion of 2014-15; and (b) \$415,100 GPR and \$6,200 PR annually associated with funding from the 2013-15 biennial budget which was placed in the Joint Committee on Finance's supplemental appropriation but not yet released to Corrections.

In addition, provide \$806,300 GPR and \$6,700 PR in 2015-16 and \$1,569,400 GPR and \$13,700 PR in 2016-17 in the Committee's supplemental appropriations for the Department to request under s. 13.10 if needs to address increased GPS tracking populations in 2015-17.

ALT 3	Change to Bill
GPR	\$1,545,500
PR	<u>8,000</u>
Total	\$1,553,500

4. Delete provision.

ALT 4	Change to Bill
GPR	- \$1,103,600
PR	<u>- 109,800</u>
Total	- \$1,213,400

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Attachments

ATTACHMENT 1

Alternatives for GPS Tracking

	2015-16			2016-17			Biennial			
	GPR	PR	FTE	GPR	PR	FTE	GPR	PR	FTE	All Funds
Governor's Recommendation										
Full Funding of 2013-15 Costs	\$136,700	\$48,700	0.00	\$136,700	\$48,700	0.00	\$273,400	\$97,400	0.00	\$370,800
Current JFC Supplement	<u>415,100</u>	<u>6,200</u>	<u>0.00</u>	<u>415,100</u>	<u>6,200</u>	<u>0.00</u>	<u>830,200</u>	<u>12,400</u>	<u>0.00</u>	<u>842,600</u>
	\$551,800	\$54,900	0.00	\$551,800	\$54,900	0.00	\$1,103,600	\$109,800	0.00	\$1,213,400
Alternative 2										
Full Funding of 2013-15 Costs	\$136,700	\$48,700	0.00	\$136,700	\$48,700	0.00	\$273,400	\$97,400	0.00	\$370,800
Staffing and Program Costs	<u>1,265,200</u>	<u>13,400</u>	<u>19.50</u>	<u>2,505,100</u>	<u>27,400</u>	<u>30.00</u>	<u>3,770,300</u>	<u>40,800</u>	<u>30.00</u>	<u>3,811,100</u>
	\$1,401,900	\$62,100	19.50	\$2,641,800	\$76,100	30.00	\$4,043,700	\$138,200	30.00	\$4,181,900
Change to Bill--Alternative 2	\$850,100	\$7,200	19.50	\$2,090,000	\$21,200	30.00	\$2,940,100	\$28,400	30.00	\$2,968,500
Alternative 3										
Full Funding of 2013-15 Costs	\$136,700	\$48,700	0.00	\$136,700	\$48,700	0.00	\$273,400	\$97,400	0.00	\$370,800
Current JFC Supplement	415,100	6,200	0.00	415,100	6,200	0.00	830,200	12,400	0.00	842,600
Reduced Staffing and Program Costs in JFC	<u>806,300</u>	<u>6,700</u>	<u>0.00</u>	<u>1,569,400</u>	<u>13,700</u>	<u>0.00</u>	<u>2,375,700</u>	<u>20,400</u>	<u>0.00</u>	<u>2,396,100</u>
	\$943,000	\$55,400	0.00	\$1,706,100	\$62,400	0.00	\$2,649,100	\$117,800	0.00	\$2,766,900
Change to Bill--Alternative 3	\$391,200	\$500	0.00	\$1,154,300	\$7,500	0.00	\$1,545,500	\$8,000	0.00	\$1,553,500

ATTACHMENT 2

Statutory Definitions

Offense/Term	Description/Definition
Serious Child Sex Offense	A level 1 or level 2 child sex offense
Level 1 Child Sex Offense	<p>First- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault against the same child, if any of the following occurs:</p> <p>(a) The actor has sexual contact or sexual intercourse with an individual who is not a relative of the actor and who has not attained the age 13 years and causes great bodily harm to the individual; or</p> <p>(b) The actor has sexual intercourse with an individual who is not a relative of the actor and who has not attained the age of 12 years.</p>
Level 2 Child Sex Offense	<p>First- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault against the same child, if any of the following occurs:</p> <p>(a) The actor has sexual intercourse, by use or threat of force or violence, with an individual who is not a relative of the actor and who has not attained the age of 16 years; or</p> <p>(b) The actor has sexual contact, by use or threat of force or violence, with an individual who has not attained the age of 16 years and who is not a relative of the actor, and the actor is at least 18 years of age when the sexual contact occurs.</p>
First-Degree Sexual Assault of a Child	<p>(a) Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years and causes great bodily harm to the person. Class A Felony</p> <p>(b) Whoever has sexual intercourse with a person who has not attained the age of 12 years. Class B Felony</p> <p>(c) Whoever has sexual intercourse with a person who has not attained the age of 16 years by use or threat of force or violence. Class B Felony</p> <p>(d) Whoever has sexual contact with a person who has not attained the age of 16 years by use or threat of force or violence, if the actor is at least 18 years of age when the sexual contact occurs. Class B Felony</p> <p>(e) Whoever has sexual contact with a person who has not attained the age of 13 years. Class B Felony</p>
Second-Degree Sexual Assault of a Child	Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years. Class C Felony
Engaging in Repeated Acts of Sexual Assault of the Same Child	<p>(a) Whoever commits three or more violations of first- or second-degree sexual assault of a child:</p> <p style="padding-left: 40px;">(i) At least three violations of first-degree sexual assault of a child described under (a) above. Class A Felony</p>

Offense/Term	Description/Definition
	<p>(ii) At least three violations of first-degree sexual assault of a child described under (a), (b) or (c) above. Class B Felony</p> <p>(iii) At least three violations of first-degree sexual assault of a child described under (a), (b), (c), or (d) above. Class B Felony</p> <p>(iv) At least three violations of first-degree sexual assault. Class B Felony</p> <p>(v) At least three violations of first- or second-degree sexual assault of a child. Class C Felony</p>
Great Bodily Harm	Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
Sexual Contact	<p>(a) Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant: (i) intentional touching by defendant or, upon defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate body parts; or (ii) intentional touching by complainant, by the use of any body part or object, of defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person;</p> <p>(b) Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant; or</p> <p>(c) For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.</p>
Sexual Intercourse	Vulvar penetration as well as cunnilingus, fellatio, or anal intercourse between persons or any intrusion of any inanimate object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

ATTACHMENT 3

Persons Requiring GPS Tracking

Under current law, the Department is required to maintain lifetime GPS tracking of a person if any of the following occurs with respect to the person on or after January 1, 2008:

- a. A court places the person on probation for committing a level 1 child sex offense;
- b. The person is convicted for committing a level 2 child sex offense and the court places the person on probation for committing the offense;
- c. The Department releases the person to extended supervision or parole while the person is serving a sentence for committing a level 1 child sex offense;
- d. The person is convicted for committing a level 2 child sex offense and the Department releases the person to extended supervision or parole while the person is serving the sentence for committing the offense;
- e. The Department releases the person from prison upon the completion of a sentence for a level 1 child sex offense;
- f. The person is convicted for committing a level 2 child sex offense and the Department releases the person from prison upon the completion of the sentence imposed for the offense;
- g. A court that found the person not guilty of a serious child sex offense by reason of mental disease or mental defect places the person on conditional release;
- h. A court that found the person not guilty of a serious child sex offense by reason of mental disease or mental defect discharges the person from conditional release (this does not apply to a person on conditional release immediately before being discharged);
- i. The court places a person on lifetime supervision under s. 939.615 for committing a serious child sex offense and the person is released from prison;
- j. A police chief or sheriff receives a special bulletin notification regarding the person (special bulletin notifications are issued when a person is released who was convicted, or found not guilty or not responsible by reason of mental disease or defect, on two or more separate occasions of a sex offense);
- k. If a person who committed a serious sex offense, or a person under supervision under the interstate corrections compact for a serious child sex offense, is not subject to lifetime tracking under one of other categories, and the Department of Corrections has assessed the person's risk using a standard risk assessment instrument and determined GPS tracking is appropriate.
- l. A court places the person on supervised release under Chapter 980 of the statutes;
- m. A court discharges the person from supervised release (this does not apply to a person on supervised release immediately before being discharged);
- n. The Department of Health Services places the person on parole or discharges the person under Chapter 975 (Sex Crimes Law) (this does not apply unless the person's commitment was based on his or her commission of a serious child sex offense).