



**ASSEMBLY AMENDMENT 2,
TO 1995 ASSEMBLY BILL 1039**

March 27, 1996 – Offered by Representative UNDERHEIM.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: delete “and services” and substitute “, services and
placement”.

3 **2.** Page 3, line 12: after that line insert:

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

5 980.06 (2) (c) If the court finds that the person is appropriate for supervised
6 release, the court shall notify the department. The department and the county
7 department under s. 51.42 in the county of residence of the person, as determined
8 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
9 any, that the person will receive in the community. The plan shall address the
10 person’s need, if any, for supervision, counseling, medication, community support
11 services, residential services, vocational services, and alcohol or other drug abuse
12 treatment. The department may contract with a county department, under s. 51.42
13 (3) (aw) 1. d., with another public agency or with a private agency to provide the
14 treatment and services identified in the plan. The plan shall specify who will be
15 responsible for providing the treatment and services identified in the plan. The plan

1 shall be presented to the court for its approval within 21 days after the court finding
2 that the person is appropriate for supervised release, unless the department, county
3 department and person to be released request additional time to develop the plan.
4 If the county department of the person's county of residence declines to prepare a
5 plan, the department may arrange for another county to prepare the plan if that
6 county agrees to prepare the plan and if the person will be living in that county. If
7 the department is unable to arrange for another county to prepare a plan, the court
8 shall designate a county department to prepare the plan, order the county
9 department to prepare the plan and place the person on supervised release in that
10 county, except that the court may not so designate the county department in the
11 county where the facility in which the person was committed for institutional care
12 is located unless that county is also the person's county of residence.

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

14 980.08 (5) If the court finds that the person is appropriate for supervised
15 release, the court shall notify the department. The department and the county
16 department under s. 51.42 in the county of residence of the person, as determined
17 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
18 any, that the person will receive in the community. The plan shall address the
19 person's need, if any, for supervision, counseling, medication, community support
20 services, residential services, vocational services, and alcohol or other drug abuse
21 treatment. The department may contract with a county department, under s. 51.42
22 (3) (aw) 1. d., with another public agency or with a private agency to provide the
23 treatment and services identified in the plan. The plan shall specify who will be
24 responsible for providing the treatment and services identified in the plan. The plan
25 shall be presented to the court for its approval within 60 days after the court finding

1 that the person is appropriate for supervised release, unless the department, county
2 department and person to be released request additional time to develop the plan.
3 If the county department of the person's county of residence declines to prepare a
4 plan, the department may arrange for another county to prepare the plan if that
5 county agrees to prepare the plan and if the person will be living in that county. If
6 the department is unable to arrange for another county to prepare a plan, the court
7 shall designate a county department to prepare the plan, order the county
8 department to prepare the plan and place the person on supervised release in that
9 county, except that the court may not so designate the county department in the
10 county where the facility in which the person was committed for institutional care
11 is located unless that county is also the person's county of residence.

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

13 **980.105 Determination of county of residence.** The court shall determine
14 a person's county of residence for the purposes of this chapter by doing all of the
15 following:

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

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

23 (END)