

1999 DRAFTING REQUEST

Bill

Received: **01/12/2000**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Health and Family Services**

By/Representing: **Kevin Lewis**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - procedure**

Extra Copies: **MGD**

Pre Topic:

No specific pre topic given

Topic:

Probable cause statement for detention of person on conditional 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>Reauired</u> |
|--------------|-----------------------|-----------------------|-----------------------|----------------|----------------------------|---------------------------------|-----------------|
| /1 | olsenje 01/20/2000 | ygeller 01/20/2000 | martykr 01/21/2000 | _____ | lrb_docadmin 01/21/2000 | lrb_docadminLocal 01/26/2000 | |

FE Sent For:

<END>

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FE Sent For:

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DHFS
By Kevin Lewis

4206

TECHNICAL CHANGE TO CH. 971

- The 1999 biennial budget act (Act 9) made a small but nevertheless important change to the timeframe for DHFS to submit a statement showing probable cause for the detention of a sexually violent person and petition to revoke the supervised release order. Act 9 changed this timeframe from 48 to 72 hours and excludes weekends and legal holidays. (See attachment.) This change to Chapter 980 passed the Joint Committee on Finance unanimously.
- The basis for this change was the recognition of the time and resources necessary to sufficiently represent to the committing court the probable cause of the detention and a petition to revoke the supervised release order.
- This part of chapter 980, enacted in 1994, was purposefully made parallel to the conditional release provisions of s. 971.17, commitment of persons found not guilty by reason of mental disease or mental defect. But while attention was paid to updating s. 980.08(6m), a similar parallel change to s. 971.17(3)(e) was overlooked. This is a technicality since the two have always been regarded as mirroring each other.
- Accordingly, DHFS proposes that a technical amendment to s. 971.17(3)(e) be advanced that would increase from 48 hours to 72 hours, not including Saturdays, Sundays and legal holidays, the time period for the Department to submit to the committing court a statement showing probable cause of the detention and a petition to revoke the order for conditional release when a person has been detained for violating a condition of the release.

~~supervision, or~~ release from imprisonment, from a secured correctional facility, as defined in s. 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g), ~~from a secured group home, as defined in s. 938.02 (15p),~~ or from a commitment order.

SECTION 3220d. 980.02 (4) (b) of the statutes is amended to read:

980.02 (4) (b) The circuit court for the county in which the person is in custody under a sentence, a placement to a secured correctional facility, as defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in s. 938.02 (15p),~~ or a commitment order.

SECTION 3221. 980.03 (4) of the statutes is amended to read:

980.03 (4) Whenever ~~the a~~ person who is the subject of ~~the a~~ petition filed under s. 980.02 or who has been committed under s. 980.06 is required to submit to an examination under this chapter, he or she may retain experts or professional persons to perform an examination. If the person retains a qualified expert or professional person of his or her own choice to conduct an examination, the examiner shall have reasonable access to the person for the purpose of the examination, as well as to the person's past and present treatment records, as defined in s. 51.30 (1) (b), and patient health care records as provided under s. 146.82 (2) (c). If the person is indigent, the court shall, upon the person's request, appoint a qualified and available expert or professional person to perform an examination and participate in the trial ~~or other proceeding~~ on the person's behalf. Upon the order of the circuit court, the county shall pay, as part of the costs of the action, the costs of ~~a court-appointed an~~ expert or professional person appointed by a court under this subsection to perform an examination and participate in the trial ~~or other proceeding~~ on behalf of an indigent person. An expert or professional person appointed to assist an indigent person who is subject to a petition may not be subject to any order by the court for the sequestration of witnesses at any proceeding under this chapter.

SECTION 3222d. 980.04 (1) of the statutes is amended to read:

980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review the petition to determine whether to issue an order for detention of the person who is the subject of the petition. The person shall be detained only if there is cause to believe that the person is eligible for commitment under s. 980.05 (5). A person detained under this subsection shall be held in a facility approved by the department. If the person is serving a sentence of imprisonment, is in a secured correctional facility, as defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in s. 938.02 (15p),~~ or is committed to institutional care, and the court orders detention under

this subsection, the court shall order that the person be transferred to a detention facility approved by the department. A detention order under this subsection remains in effect until the person is discharged after a trial under s. 980.05 or until the effective date of a commitment order under s. 980.06, whichever is applicable.

SECTION 3223c. 980.05 (6) of the statutes is repealed.

SECTION 3223h. 980.06 (1) of the statutes is renumbered 980.06 and amended to read:

980.06 Commitment. If a court or jury determines that the person who is the subject of a petition under s. 980.02 is a sexually violent person, the court shall order the person to be committed to the custody of the department for control, care and treatment until such time as the person is no longer a sexually violent person. A commitment order under this section shall specify that the person be placed in institutional care.

SECTION 3223i. 980.06 (2) (a) of the statutes is repealed.

SECTION 3223j. 980.06 (2) (b) of the statutes is repealed.

SECTION 3223k. 980.06 (2) (c) of the statutes is repealed.

SECTION 3223L. 980.06 (2) (d) of the statutes is renumbered 980.08 (6m) and amended to read:

980.08 (6m) An order for supervised release places the person in the custody and control of the department. The department shall arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the plan for supervised release approved by the court under sub. (5). A person on supervised release is subject to the conditions set by the court and to the rules of the department. Before a person is placed on supervised release by the court under this section, the court shall so notify the municipal police department and county sheriff for the municipality and county in which the person will be residing. The notification requirement under this ~~paragraph~~ subsection does not apply if a municipal police department or county sheriff submits to the court a written statement waiving the right to be notified. If the department alleges that a released person has violated any condition or rule, or that the safety of others requires that supervised release be revoked, he or she may be taken into custody under the rules of the department. The department shall submit a statement showing probable cause of the detention and a petition to revoke the order for supervised release to the committing court and the regional office of the state public defender responsible for handling cases in the county where the committing court is located within 48 ~~72~~ hours after the detention, excluding Saturdays, Sundays and legal holidays. The court shall hear the petition within 30 days, unless the hearing or time deadline is waived by the detained person. Pending the revocation hearing, the department may detain the person in a jail or in a hospital,

THE WHEELER REPORT

121 E. Main St. #300

Madison, WI 53703

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Monday, June 7, 1999

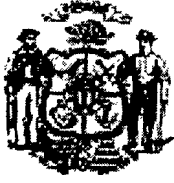
JOINT FINANCE BUDGET EXEC ACTION

DHFS - Department wide and Management and Technology (Adjusted Base)

- Paper 469. GPR state operations reductions - state adoption center and state adoption information. Modification approved, 13-O. (Jauch, Moore, Panzer)
- Paper 470. Caregiver background checks. Alternatives A-2, B-2 approved 15-O (Panzer)
- Paper 471. Appropriation structuring. Alternative 3 not adopted 6-9 (Y=Burke, Decker, Jauch, Shibilski, Huber, Riley)
- Paper 472. Income augmentation revenue. Alternative E-1 not adopted 8-8 (D=Y; R=N). Alternatives A-2, B-1; C-4; D-3; E-2 approved 16-O.
- Motion 1308. (Moore) Prohibit DHFS from contracting with any vendor to secure income augmentation funds effective at termination of current contract. Not adopted 8-8 (D=Y; R=N)
- Paper 473. Information technology infrastructure costs. Modification approved 16-O.
- Paper 474. Supervised release of sexually violent persons. Alternative 3 (as amended to 18 months) approved 16-O.
- Motion 895. (Albers) Escape and use of force for facilities for sexually violent persons, Adopted 16-O.
- Motion 893. (Gard) Expansion of Marquette Dental School program services. Adopted 12-4 (Decker, Shibilski, Albers. Huber)
- Motion 1306. (Gard) Unified program eligibility. Adopted 16-O.
- Motion 13 15. (Moore) Transfers all responsibilities for MA eligibility to DHFS from DWD. Approved 10-6 (N=Cowles, Panzer. Kaufert. Albers, Duff, Ward)
- LFB summary items for which no paper prepared: Standard budget adjustments: debt service reestimate; GPR state operations reductions; social services block grant reductions - state operations: information technology - compliance with HIPPA health data standards; delete vacant positions; partnership program positions; federal revenue reestimates; program revenue reestimates; extend and convert project positions; position conversion and billing and collections training; program revenue - service staff costs; time reporting; electronic benefits transfer position; office of legal counsel position transfer; rent and rent debt service; excess federal funding. Approved 16-O.
- Motion 1200. (Decker) WisTech funding. Not adopted 8-8. (D=Y; R=N)
- Motion 898. (Shibilski) Elderly nutrition programs. Not adopted 8-8 (D=Y; R=N)
- Motion 896. (Huber) Life-span respite care project. Adopted 11-5 (N=Cowles, Gard, Porter, Albers. Duff)
- Motion 1322. (Panzer) Financial assessments for private pay individuals. Not adopted 7-9 (Y=Burke. Jauch, Shibilski, Plache. Cowles. Panzer, Huber)

DHFS - Children and Family Service.

- LFB summary items for which no paper prepared: Milwaukee child welfare: foster parent



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 7, 1999

Joint Committee on Finance

Paper #474

Supervised Release of Sexually Violent Persons (DHFS -- Care and Treatment Facilities)

[LFB 1999-01 Budget Summary: Page 305, #13]

CURRENT LAW

1993 Wisconsin Act 479 created a procedure for the involuntary civil commitment of sexually violent persons (SVPs) to secure mental health facilities prior to their release from the custody of the Department of Corrections (DOC) or the Department of Health and Family Services (DHFS). A court may commit a SVP to either institutional care or supervised release in the community.

GOVERNOR

Modify provisions relating to the commitment of SVPs as follows.

Criteria for Supervised Release. Require courts to commit a SVP to institutional care, rather than supervised release in the community, if the court finds that it is substantially probable that the person will engage in acts of sexual violence unless the person resides in a facility with a level of security comparable to that of a secure mental health unit or facility. However, permit a court to withhold final determination of the commitment order and direct DHFS to prepare a supervised release plan if the SVP establishes that it is likely that the daily cost of supervised release would be less than the cost of institutional care. In approving such a plan, require that the court determine that the plan provides adequate treatment and services to the person and adequate protection to the community.

Procedures for Establishing Supervised Release Plan. Establish an additional procedure for approving plans for supervised release. Require the court to hold a hearing within 30 days after the plan is presented to the court, unless DHFS, the county department that prepared the plan and the person considered for supervised release agree to a later hearing date. Require a

court to provide, at least 10 days before the hearing, a written notice of the hearing to: (a) the person considered for supervised release; (b) DHFS; (c) the county department that prepared the plan; (d) the chairperson of the county board of supervisors (or county executive) of the county in which the person would reside; (e) the mayor, city manager, village president or town chairperson of the municipality in which the person would reside; and (f) the district attorney or DOJ, whichever is applicable. Provide that all notified parties could present evidence at the hearing except that the county department that prepared the plan and DHFS could only present evidence at the request of the court.

If the court approves the plan for supervised release, require the court to send a copy of its decision and order approving the plan to: (a) the chairperson of the county board (or county executive) of the county in which the person would reside; and (b) the mayor, city manager, village president or town chairperson of the municipality in which the person would reside. Specify that, if the court determines that the plan either does not provide adequate services to the person or does not provide adequate protection for the community, the court would instruct DHFS and the county department to revise the plan. The revised plan would be subject to a second court hearing under the same procedures. Specify that, if the court disapproves the plan because the person was found likely to engage in acts of sexual violence unless the person resides in a facility with a level of security comparable to that of a secure mental health unit or facility and the cost of the supervised release plan exceeds the cost of institutional care, the court would be prohibited from ordering a revised supervised plan.

Court Orders to Ensure Implementation of Plan. Authorize DHFS to request the court to make such orders as are necessary to ensure implementation of a supervised release plan approved by the court.

Costs of Reexaminations. Clarify that counties are responsible for the costs of all court-appointed experts for indigent persons for periodic reexaminations and other proceedings before the court, as well as for the initial commitment trial.

Facilities Used for Institutional Commitments. Require DHFS to place a sexually violent person committed to institutional care at one of the following facilities: (a) the new secure mental health facility for sexually violent persons; (b) the Wisconsin Resource Center; and (c) a secure mental health unit or facility provided by the Corrections. This provision would prohibit DHFS from placing a person committed as a SVP at either the Winnebago or Mendota Mental Health Institutes.

Initial Applicability. Specify that: (a) the provisions relating to initial commitment orders would first apply to initial commitment orders in cases in which a judgement is entered on the bill's general effective date; (b) the provisions that clarify that counties must pay for the costs of court-appointed experts would first apply to examinations that occur on the bill's general effective date; and (c) the provisions that would modify standards for granting or denying petitions for supervised release would first apply to petitions for supervised release filed on the bill's general effective date.

DISCUSSION POINTS

1. Typically, persons who are committed as **SVPs** have served criminal sentences as repeat sex offenders. Evidence showing the person's likelihood of future violence is central to the court decision to commit the person. In December, 1995, the Wisconsin Supreme Court found the state's SVP statute constitutional. In 1997, the U.S. Supreme Court upheld the constitutionality of Kansas' SVP law, which is similar to Wisconsin's law. Although the constitutionality of SVP laws has been upheld, the constitutionality assumes that treatment is offered to the committed person. However, individuals have the right to refuse treatment.

2. The SVP program in Wisconsin has grown substantially since the new commitment procedures were enacted in 1994. Currently, there are approximately 200 **SVPs**, a number that is increasing by approximately 35 per year.

3. The number of **SVPs** on supervised release has increased from four in 1996-97 to five in 1997-98 and to eight, currently. The current average monthly cost of providing services to the eight persons on supervised release is \$2,600 per month per person, but varies from one person who has no costs to one with monthly costs of \$10,800.

4. The Department is concerned that current statutory provisions do not place enough emphasis on the costs of supervised released and that there is a potential for escalating costs in this area. The number of **SVPs** continues to increase and as current **SVPs** receive treatment in the institutional setting over a number of years, it is anticipated that many of them will be ordered to supervised release. Currently, about 60% of **SVPs** at the Wisconsin Resource Center are participating in treatment.

5. It can be very difficult to place an SVP in supervised release because there are potential security concerns and significant local resistance to such placements. Currently, there is one person who has been ordered by a court to be placed on supervised release, but the Department and the county of the person's residence have been unable to find a suitable arrangement over the last 24 months. The estimated costs for placing this person on supervised release under the Department's plan was \$180,000 per year.

6. The Department of Justice has raised concerns about the provisions in the bill that would restrict the use of supervised release. One concern is that a constitutional problem may be created by allowing cost to play a primary role in determining whether an individual is eligible for supervised release. Also, DOJ is concerned about other standards, such as "adequate treatment" and "adequate protection," that would be used under the proposed language. These new concepts may create problems for DOJ and district attorneys who litigate SVP cases and must demonstrate that these standards are met. Overall, DOJ feels that the approach taken by DHFS involves changes that cannot be suitably addressed as part of the budget process.

7. Although DOJ has concerns about establishing new standards for supervised release, it may be possible to simply eliminate the option of supervised release when a person is initially

committed as a SVP. Both Minnesota and Kansas do not allow for supervised release when a person is committed as a SVP. Both states have survived court challenges to their law, and the Kansas'law survived a challenge that was taken to the U.S. Supreme Court.

8. By denying supervised release at the initial commitment, a person would likely have to participate in treatment and have made progress before being eligible for supervised release. SVP treatment programs are not completed within predetermined time periods and depend on the individual's progress. However, treatment is usually a lengthy process for most **SVPs**.

9. Since treatment is generally a lengthy process, denying supervised release at the time of commitment would likely address current threats of escalating costs for supervised release and the problems of finding placements for persons ordered to supervised release. In the future, as more **SVPs** progress through the treatment program, this concern may resurface. However, there is time to thoroughly review and study the appropriate statutory standards that can be established to guide the use of supervised release.

10. DHFS has offered a revised proposal that would eliminate supervised release at the time of the initial commitment. As part of this proposal, a person committed to institutional care would not be allowed to first petition the court for supervised release for 24 months after the initial commitment, rather than six months, as provided under current law. Although the committed person could not petition the court for 24 months, the proposal would retain the current provision that requires the treatment facility to conduct an examination of the person's mental condition within six months after an initial commitment and every 12 months thereafter for determining whether the person is suitable for supervised release or discharge.

11. The revised DHFS proposal also includes a change that would increase from 48 hours to 72 hours, not including Saturdays, Sundays and legal holidays, the time period for the Department to submit a statement showing probable cause of the detention and a petition to revoke the order for supervised when a person has been detained for violating a condition of the supervised release.

12. The revised DHFS proposal would not change any other current statutory provisions regarding petitions for supervised release and does not contain any of the recommendations in the budget bill that would change the procedures for holding a supervised release hearing. The revised proposal would retain the recommendation that clarifies that counties are responsible for the costs of all court-appointed experts for indigent persons for periodic reexaminations and other proceedings before the court, as well as for the initial commitment trial. Also, the revised proposal would retain the recommendation to require DHFS to place a SVP committed to institutional care at one of the following facilities: (a) the new secure mental health facility for **SVPs**; (b) the Wisconsin Resource Center; and (c) a secure mental health unit or facility provided by the Corrections.

13. Since the Department's revised proposal would restrict supervised release in a manner that has been upheld by the courts, it may avoid constitutional issues that may be raised with the proposal in the bill. Also, it could be argued that when a person is found initially to be a

SVP, an institutional commitment may be the most appropriate setting since: (a) there is less of a security risk to local communities; (b) it will provide the committed person more of an incentive to undergo treatment and participate in a meaningful way; and (c) the most comprehensive treatment program may be in the institutional setting, since the staff at the state, institutions specialize in such treatment. The Department intends to have its treatment program certified by a British organization that has in international reputation for the treatment of **SVPs**.

14. The disadvantage of eliminating the option of supervised release at the initial commitment is that in some cases where the individual is not as great a threat but there is still some risk of his committing an offense, supervised release may be an appropriate alternative. However, the facility has the option of recommending supervised release after six months.

15. The one issue that might be raised with the Department's revised proposal is that a committed SVP could not petition the court for supervised release until 24 months after the initial commitment. This length of time might be challenged as unreasonably long. The current restriction is six months. Other states have imposed a period of 12 months. If the Committee adopts the Department's revised proposal, it may be appropriate to limit the waiting period to 12 months until the issue can be more thoroughly studied.

16. With respect to the issue of who bears the costs for court-appointed experts for indigent persons for periodic reexaminations and other proceedings before the court, it could be argued that the state is burdened with the institutional costs and supervised release costs for the commitment of **SVPs**. A new facility is being built for **SVPs** that will cost \$39 million to build and \$25 million annually to operate. Since the state is responsible for these capital costs and treatment costs, it may be reasonable to require counties to fund the costs of reexaminations.

17. The rationale for the provision in the bill that would require that **SVPs** be housed only in facilities that specialize in the treatment of **SVPs** is to avoid a SVP petitioning the court for placement at either Mendota Mental Health Institute or the Winnebago Mental Health Institute. The Department argues that it would be problematic to mix **SVPs** with some of the populations at Mendota or Winnebago. **SVPs** can be very manipulative and have patient rights because they are civil commitments, rather than inmates. As a result, **DHFS** argues that **SVPs** can be better managed at institutions that specialize in treating that population.

ALTERNATIVES

1. Approve the Governor's recommendation.
2. Modify the Governor's recommendation by deleting provisions that would impose new standards for supervised release and create new court procedures for establishing supervised release plans. Instead, eliminate supervised release as an option at the initial commitment. In addition, change the time at which a committed person may first petition the court for supervised release from six months to 24 months after commitment. Also, increase from 48 hours to 72 hours, not including Saturdays, Sundays and legal holidays, the time limit for the Department to submit a

statement showing probable cause of the detention and a petition to revoke the order for supervised release when a person has been detained for violating a condition of the supervised release. Include the Governor's recommendation to clarify that counties are responsible for the costs of reexaminations for court actions and include the restriction that a SVP be committed to facilities established for the treatment of **SVPs**.

3. Make the statutory changes described in Alternative 2, but decrease the time limit for a person to petition the court for supervised release from the date of the initial commitment to 18 ~~24~~ months, rather than 24 months.

4. Maintain current law.

Prepared by: Richard Megna



JG

1999 BILL

gen cat

1 **AN ACT relating to:** detention of persons placed on conditional release after
2 being found not guilty of a crime by reason of mental disease and defect.

Analysis by the Legislative Reference Bureau

Currently, if a person is found not guilty of a crime by reason of mental disease or defect, the court in which the person was tried must commit the person to the custody of the department of health and family services (DHFS). The court must specify whether the person is to be committed to institutional care or to conditional release, under which the person is released in the community subject to the custody and control of DHFS and to conditions set by the court and DHFS. A person who is initially committed to institutional care may later be placed on conditional release if, after a petition and hearing, the court finds that the person is appropriate for conditional release.

If DHFS believes that a person placed on conditional release has violated any condition or rule of release or that the safety of the person or others requires that the person's conditional release be revoked, the person may be taken into custody. DHFS must then submit to the court that committed the person both a statement showing probable cause for the detention and a petition to revoke the conditional release. The probable cause statement and petition must be submitted within 48 hours after the person is detained, and the court must hear the petition to revoke conditional release within 30 days, unless the hearing or time deadline is waived by the detained person.

This bill changes the time limit for DHFS to submit the probable cause statement and petition from 48 hours after the person is detained to 72 hours after the person is detained. The bill also provides that Saturdays, Sundays and legal holidays are excluded when calculating the 72 hour time limit.

'BILL

For further information see the *local* 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:

1 SECTION 1. 971.17 (3) (e) of the statutes is amended to read:

2 971.17 (3) (e) An order for conditional release places the person in the custody
3 and control of the department of health and family services. A conditionally released
4 person is subject to the conditions set by the court and to the rules of the department
5 of health and family services. Before a person is conditionally released by the court
6 under this subsection, the court shall so notify the municipal police department and
7 county sheriff for the area where the person will be residing. The notification
8 requirement under this paragraph does not apply if a municipal department or
9 county sheriff submits to the court a written statement waiving the right to be
10 notified. If the department of health and family services alleges that a released
11 person has violated any condition or rule, or that the safety of the person or others
12 requires that conditional release be revoked, he or she may be taken into custody
13 under the rules of the department. The department of health and family services
14 shall submit a statement showing probable cause of the detention and a petition to
15 revoke the order for conditional release to the committing court and the regional
16 office of the state public defender responsible for handling cases in the county where
17 the committing court is located within ~~48~~ 72 hours after the detention, excluding
18 Saturdays, Sundays and legal holidays. ✓ The court shall hear the petition within 30
19 days, unless the hearing or time deadline is waived by the detained person. Pending
20 the revocation hearing, the department of health and family services may detain the
21 person in a jail or in a hospital, center or facility specified by s. 51.15 (2). The state

BILL

1 has the burden of proving by clear and convincing evidence that any rule or condition
2 of release has been violated, or that the safety of the person or others requires that
3 conditional release be revoked. If the court determines after hearing that any rule
4 or condition of release has been violated, or that the safety of the person or others
5 requires that conditional release be revoked, it may revoke the order for conditional
6 release and order that the released person be placed in an appropriate institution
7 under s. 51.37 (3) until the expiration of the commitment or until again conditionally
8 released under this section.

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a 35.130, 181, 252, 275.

9 **SECTION 2. Initial applicability.**

10 (1) This act first applies to detentions commencing on the effective date of this
11 subsection.

12

(END) ✓

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 01/21/2000

To: Health and Family Services (Kevin Lewis)

Relating to LRB drafting number: LRB-4206

Topic

Probable cause statement for detention of person on conditional release

Subject(s)

Criminal Law - procedure

1. **JACKET** the draft for introduction  _____

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes **about** 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Senior Attorney
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