

1999 SENATE BILL 164

May 20, 1999 – Introduced by Senators BAUMGART, DARLING and ERPENBACH, cosponsored by Representatives COGGS, KESTELL, MUSSER, F. LASEE, BRANDEMUEHL, SYKORA, ALBERS, LA FAVE and SERATTI. Referred to Committee on Judiciary and Consumer Affairs.

1 **AN ACT to amend** 980.06 (2) (c) and 980.08 (5); and **to create** 980.115 of the
2 statutes; **relating to:** supervised release of sexually violent persons.

Analysis by the Legislative Reference Bureau

Current law provides a procedure for involuntarily committing sexually violent persons to the department of health and family services (DHFS) for control, care and treatment. A sexually violent person is a person who has been convicted of certain sexually violent offenses and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence.

When a person is found to be a sexually violent person under current law, the person must be committed to the custody of DHFS. The court that commits the person must specify whether the person is to be placed in institutional care or on supervised release in the community and DHFS must 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 court's commitment order.

If the court decides to place a sexually violent person on supervised release, DHFS and the county social services department (county department) of the person's county of residence must prepare a plan for the treatment and services that the person will receive while on supervised release. If the county department of the person's county of residence declines to prepare a plan, DHFS or the court must find another county department to prepare the plan.

This bill provides that if a sexually violent person who is placed on supervised release is residing in a city having a population of at least 25,000 but not more than

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60,000, the person may not reside within 2,500 feet of the premises of any of the following: 1) a public or private elementary school, middle school or junior or senior high school; 2) a day care center; 3) a public park; or 4) a public playground. This restriction applies whether the sexually violent person establishes his or her own place of residence or whether DHFS places the person in a residential facility (such as a halfway house) as a part of the supervised release plan. The bill also prohibits a court from approving a plan for supervised release for a sexually violent person if the plan does not comply with this restriction on the place of residence of a sexually violent person on supervised release.

For further information see the *state and 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.** 980.06 (2) (c) of the statutes is amended to read:

2 980.06 (2) (c) If the court finds that the person is appropriate for supervised
3 release, the court shall notify the department. The department and the county
4 department under s. 51.42 in the county of residence of the person, as determined
5 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
6 any, that the person will receive in the community. ~~The~~ Subject to s. 980.115, the plan
7 shall address the person's need, if any, for supervision, counseling, medication,
8 community support services, residential services, vocational services, and alcohol or
9 other drug abuse treatment. If the person is a serious child sex offender, the plan
10 shall address the person's need for pharmacological treatment using an
11 antiandrogen or the chemical equivalent of an antiandrogen. The department may
12 contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public
13 agency or with a private agency to provide the treatment and services identified in
14 the plan. The plan shall specify who will be responsible for providing the treatment
15 and services identified in the plan. The plan shall be presented to the court for its
16 approval within 21 days after the court finding that the person is appropriate for

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1 supervised release, unless the department, county department and person to be
2 released request additional time to develop the plan. The court may not approve a
3 plan that does not comply with s. 980.115. If the county department of the person's
4 county of residence declines to prepare a plan, the department may arrange for
5 another county to prepare the plan if that county agrees to prepare the plan and if
6 the person will be living in that county. If the department is unable to arrange for
7 another county to prepare a plan, the court shall designate a county department to
8 prepare the plan, order the county department to prepare the plan and place the
9 person on supervised release in that county, except that the court may not so
10 designate the county department in any county where there is a facility in which
11 persons are detained or evaluated under s. 980.04 or in which persons committed to
12 institutional care under this chapter are placed, unless that county is also the
13 person's county of residence.

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

15 980.08 (5) If the court finds that the person is appropriate for supervised
16 release, the court shall notify the department. The department and the county
17 department under s. 51.42 in the county of residence of the person, as determined
18 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
19 any, that the person will receive in the community. The Subject to s. 980.115, the plan
20 shall address the person's need, if any, for supervision, counseling, medication,
21 community support services, residential services, vocational services, and alcohol or
22 other drug abuse treatment. If the person is a serious child sex offender, the plan
23 shall address the person's need for pharmacological treatment using an
24 antiandrogen or the chemical equivalent of an antiandrogen. The department may
25 contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public

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1 agency or with a private agency to provide the treatment and services identified in
2 the plan. The plan shall specify who will be responsible for providing the treatment
3 and services identified in the plan. The plan shall be presented to the court for its
4 approval within 60 days after the court finding that the person is appropriate for
5 supervised release, unless the department, county department and person to be
6 released request additional time to develop the plan. The court may not approve a
7 plan that does not comply with s. 980.115. If the county department of the person's
8 county of residence declines to prepare a plan, the department may arrange for
9 another county to prepare the plan if that county agrees to prepare the plan and if
10 the person will be living in that county. If the department is unable to arrange for
11 another county to prepare a plan, the court shall designate a county department to
12 prepare the plan, order the county department to prepare the plan and place the
13 person on supervised release in that county, except that the court may not so
14 designate the county department in any county where there is a facility in which
15 persons committed to institutional care under this chapter are placed unless that
16 county is also the person's county of residence.

17 **SECTION 3.** 980.115 of the statutes is created to read:

18 **980.115 Restriction on residence of sexually violent persons. (1)** In this
19 section:

20 (a) "Day care center" has the meaning given in s. 49.136 (1) (d).

21 (b) "School" has the meaning given in s. 948.50 (2) (a).

22 **(2)** If a sexually violent person who is placed on supervised release under s.
23 980.06 (2) (c) or 980.08 (5) is residing in a city having a population of at least 25,000
24 but not more than 60,000, all of the following apply:

