

1999 DRAFTING REQUEST

Bill

Received: **03/21/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Baumgart (608) 266-2056**

By/Representing: **Bill Cross**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous
Mental Health - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Placement of sexually violent persons on supervised 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>Required</u>
/1	olsenje 05/4/99	chanaman 05/5/99	martykr 05/5/99	_____	lrb_docadmin 05/5/99	lrb_docadminS&L 05/6/99	

FE Sent For:

05-20-99

<END>

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1/?	olsenje	cmh S/S 1	cmh S/S	cmh S/S S/S			

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<END>

2567

Baumgart by Bill Cross

No predator placement
within 2500 ft.

- schools (public/private) premises
- day care centers
- play grounds
- parks
- ~~community centers~~
- ~~community centers~~

only communities between 25K - 60K

w/ pop.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2567/1

JEO:.....

D-Note

CMH

1999 BILL

1

sun cat
AN ACT ...; 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 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

BILL

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
17 supervised release, unless the department, county department and person to be

BILL

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

NOTE: NOTE: Par. (c) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1993 a. 479; 1995 a. 276; 1997 a. 27, 275, 284, s. 13.93 (2) (c).

13 **SECTION 2.** 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 Subject to s. 980.115, the plan
19 shall address the person's need, if any, for supervision, counseling, medication,
20 community support services, residential services, vocational services, and alcohol or
21 other drug abuse treatment. If the person is a serious child sex offender, the plan
22 shall address the person's need for pharmacological treatment using an
23 antiandrogen or the chemical equivalent of an antiandrogen. The department may
24 contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public

BILL**SECTION 2**

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.

NOTE: NOTE: Sub. (5) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1993 a. 479; 1995 a. 276; 1997 a. 27, 275, 284, s. 13.93 (2) (c).

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:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2567/1dn
JEO:.....

cmf

Please review this draft carefully to make sure that it does what you want it to do. In particular, please review the definitions of "school" and "day care center" to make sure that they cover the facilities that you intend to cover. Let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2567/1dn
JEO:cmh:km

May 5, 1999

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**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: 5/5/99

To: Senator Baumgart

Relating to LRB drafting number: LRB-2567

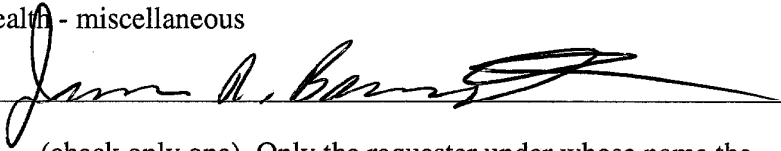
Topic

Placement of sexually violent persons on supervised release

Subject(s)

Criminal Law - miscellaneous, Mental Health - miscellaneous

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, Legislative Attorney
Telephone: (608) 266-8906