

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3694/P1dn
JEO:jlg:km

December 14, 1999

This is a preliminary draft for your review. Please review the entire draft carefully. It includes some four-star notes (***NOTE) that point out what the draft is doing in certain sections. Some of the notes also raise questions that you might want to consider when reviewing the draft.

Adding the existing DOC pre-petition evaluation procedure to s. 980.015, stats., proved to be more complicated than I had anticipated. You should review the changes to ss. 980.015 and 980.02 (1), stats., carefully to make sure they do what you want. Also, the various provisions dealing with access to otherwise confidential records can get rather complex, so please review the provisions to make sure that the draft covers all of the records that you want to cover and that the right persons are getting access to the records at the appropriate time in the ch. 980 process.

Note that the draft does not give DAs or DOJ blanket access to school records of a juvenile who has been adjudicated delinquent for a sexually violent offense because it appears that federal law does not allow release of school records for such a purpose. See 34 CFR sections 99.31 (a)(5)(i)(B) and 99.38. However, those records could be released pursuant to a court order or subpoena under 34 CFR section 99.31 (a)(9)(i).

Please let me know when you have questions or redrafting instructions.

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