

👉 **99hr_AC-JPP_ab0777_pt01**



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy
(AC-JPP)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Assembly

Record of Committee Proceedings

Committee on Judiciary and Personal Privacy

Assembly Bill 777

Relating to: sexually violent person commitment proceedings.

By Representatives Huebsch, Gunderson, Kaufert, Kelso, Ladwig, Musser, Olsen, Owens, Stone and Sykora; cosponsored by Senators Drzewiecki, Cowles, Darling, Fitzgerald, Huelsman and Rosenzweig.

February 17, 2000 Referred to committee on Judiciary and Personal Privacy.

March 1, 2000 **PUBLIC HEARING HELD**

Present: (8) Representatives Huebsch, Gundrum, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Excused: (1) Representative Walker.

Appearances for

- Representative Mike Huebsch, 94th Assembly District
- Senator Gary Drzewiecki, 30th Senate District
- Kendall Kelley, Brown County District Attorney's office

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- Senator Alberta Darling, 8th Senate District
- Senator Joanne Huelsman, 11th Senate District

Registrations against

- None.

March 16, 2000 **EXECUTIVE SESSION**

Present: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Excused: (0) None.

Moved by Representative Walker, seconded by Representative Hebl, that **Assembly Amendment 1 to Assembly Substitute Amendment 1 to Assembly Bill 777** be recommended for introduction and adoption.

Ayes: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Noes: (0) None.

Excused:(0) None.

INTRODUCTION AND ADOPTION RECOMMENDED, Ayes 9,
Noes 0, Excused 0

Moved by Representative Huebsch, seconded by Representative Hebl, that **Assembly Substitute Amendment 1 to Assembly Bill 777** be recommended for introduction and adoption.

Ayes: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Noes: (0) None.

Excused:(0) None.

INTRODUCTION AND ADOPTION RECOMMENDED, Ayes 9,
Noes 0, Excused 0

Moved by Representative Walker, seconded by Representative Hebl, that **Assembly Bill 777** be recommended for passage as amended.

Ayes: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Noes: (0) None.

Excused:(0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 0,
Excused 0

A handwritten signature in black ink, appearing to read "Robert Delaporte", written over a horizontal line.

Robert Delaporte
Committee Clerk

Vote Record

Assembly Committee on Judiciary and Personal Privacy

Date: 3-16-00
 Moved by: Huebsch Seconded by: Hebl
 AB: 777 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: 1 to A/S Amdt: 1
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Rep. Michael Huebsch, Chair
 Rep. Mark Gundrum
 Rep. Scott Walker
 Rep. Scott Suder
 Rep. Glenn Grothman
 Rep. Gary Sherman
 Rep. Pedro Colon
 Rep. Tom Hebl
 Rep. Tony Staskunas

	Aye	No	Absent	Not Voting
Rep. Michael Huebsch, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 9 _____ _____ _____

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Judiciary and Personal Privacy

Date: 2-16-00
 Moved by: Walker Seconded by: Hebl
 AB: 777 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage *as amended*
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Michael Huebsch, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 9 _____ _____ _____

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Judiciary and Personal Privacy

Date: 3-16-00
Moved by: Walker Seconded by: Hebl
AB: 277 Clearinghouse Rule: _____
AB: _____ SB: _____ Appointment: _____
AJR: _____ SJR: _____ Other: _____
A: _____ SR: _____

A/S Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: 1 _____
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

Passage

Introduction

Adoption

Rejection

Indefinite Postponement

Tabling

Concurrence

Nonconcurrence

Confirmation

Committee Member

Rep. Michael Huebsch, Chair

Rep. Mark Gundrum

Rep. Scott Walker

Rep. Scott Suder

Rep. Glenn Grothman

Rep. Gary Sherman

Rep. Pedro Colon

Rep. Tom Hebl

Rep. Tony Staskunas

Aye

No

Absent

Not Voting

Totals:

9

Motion Carried

Motion Failed





STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-8522

REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

Date: March 1, 2000

To: Representative Huebsch

From: Mike Barman
LRB Legal Section – Front Office

Subject: *Early Copy Of Fiscal Estimate*

Bill Number: *1999 AB 777*

LRB Number: *99-4508/1*

Agency/Prepared By: *CTS*

Enclosed is a early "faxed" copy of a Fiscal Estimate prepared for a draft your office was the primary sponsor of.

This copy is for your information. The quality of the "faxed" copy is not adequate for release. The agency that prepared this fiscal should also be sending a "clean" copy over to DOA for release. When we receive the "clean" copy back from DOA we will forward it on to your office for your review and for later release.

If you have any questions you can contact me at 266-3561.

DIRECTOR OF STATE COURTS OFFICE

119 Martin Luther King, Jr. Blvd., Rm. LL2
P.O. Box 1688
Madison, WI 53701-1688

Telephone: (608) 266-6828

FAX: (608) 267-0980

Huebsch

FAX TRANSMITTAL COVER SHEET

TO:

DEBORAH WELKER, MIKE PALMAN

FROM:

STEPHEN L GERVASI

DATE:

3/1/00

NUMBER OF PAGES: (including this transmittal sheet)

3

COMMENTS:

Sent by email

NOTE: PLEASE RETURN THIS BILL DRAFT AND THIS TRANSMITTAL SHEET WITH YOUR FISCAL ESTIMATE FORMS

IF THERE IS A FISCAL EFFECT TO THE BILL, PLEASE SUBMIT THE FISCAL ESTIMATE WORKSHEET.

TO: Sheryl Gervasi

Circuit Courts / Court of Appeals / Supreme Court

FROM: Deborah Uecker
Division of Executive Budget and Finance
101 East Wilson Street
Administration Building, 10th Floor
Madison, WI 53707

SUBJECT: Fiscal Estimate - LRB Number 4508/1
1999 Bill Number AB0777

Please provide the necessary information on fiscal estimate forms and return the original AND one copy of the original to Deborah Uecker, no later than:

28-Feb-00

If you cannot comply with the above deadline for any reason, please call Deborah at 267-0371.

Provide local government costs.

_____ is responsible for local government costs.

Circuit Courts / Court of Appeals / Supreme Court
District Attorneys
Department of Health and Family Services
Department of Justice
Public Defender Board
Department of Corrections

DATE DOA SENT TO AGENCY:

21-Feb-00

DATE DOA RECEIVED FROM AGENCY:


TO BE COMPLETED BY AGENCY:

Name and phone number of person who prepared the fiscal estimate.

(Name)

(Phone Number)

PLEASE SEND ORIGINAL COPIES OF THE FORMS THAT CAN BE REPRODUCED.

1999 Session		LRB Number 4508/1
FISCAL ESTIMATE DOA-2048 N(R06/99)		Bill Number AB 777
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable
Subject <p style="text-align: center;">Proceedings to Commit Sexually Violent Persons</p>		Administrative Rule Number
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Chapter 20 Appropriations:
Assumptions Used in Arriving at Fiscal Estimate <p>This bill makes revisions to the proceedings that are used to commit sexually violent persons. In 1999, there were an estimated 37 petitions filed in the circuit courts under Chapter 980. Because of the small number of cases this bill is not expected to have a significant impact upon circuit court operations. It is expected that the cases would be handled in a more orderly and timely fashion with these changes.</p>		
Long-Range Fiscal Implications		
Prepared by: Sheryl Gervasi	Telephone No. 608-266-6984	Agency Director of State Courts
Authorized Signature: 	Telephone No.	Date 3/1/00



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-8522
REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

Date: March 1, 2000

To: Representative Huebsch

From: Mike Barman
LRB Legal Section – Front Office

Subject: *Early Copy Of Fiscal Estimate*

Bill Number: 1999 AB 777

LRB Number: 99-4508/1

Agency/Prepared By: DOC

Enclosed is a early “faxed” copy of a Fiscal Estimate prepared for a draft your office was the primary sponsor of.

This copy is for your information. The quality of the “faxed” copy is not adequate for release. The agency that prepared this fiscal should also be sending a “clean” copy over to DOA for release. When we receive the “clean” copy back from DOA we will forward it on to your office for your review and for later release.

If you have any questions you can contact me at 266-3561.

sent by email

NOTE: PLEASE RETURN THIS BILL DRAFT AND THIS TRANSMITTAL SHEET WITH YOUR FISCAL ESTIMATE FORMS

IF THERE IS A FISCAL EFFECT TO THE BILL, PLEASE SUBMIT THE FISCAL ESTIMATE WORKSHEET.

Huebsch

TO: Robert Margolies
 Department of Corrections
 FROM: Deborah Jockey
 Division of Economic Budget and Finance
 100 East Wilson Street
 Administration Building, Room 300
 Madison, WI 53703
 SUBJECT: Fiscal Estimate - LRB Number 45884
 1999 Bill Number AB0777
 Please provide the necessary information on fiscal estimate forms AND one copy of the program to Deborah Jockey no later than 22-Feb-00
 You should comply with the above deadline for any reason stated

RWH

*Herring Wed.
2 pm today*

Provide local government costs.

_____ is responsible for local government costs.

Circuit Courts / Court of Appeals / Supreme Court
District Attorneys
Department of Health and Family Services
Department of Justice
Public Defender Board
Department of Corrections

DATE DOA SENT TO AGENCY:

21-Feb-00

DATE DOA RECEIVED FROM AGENCY:

3/1/00

TO BE COMPLETED BY AGENCY:

Name and phone number of person who prepared the fiscal estimate.

Elaine Kelly
(Name)

267-7197
(Phone Number)

PLEASE SEND ORIGINAL COPIES OF THE FORMS THAT CAN BE REPRODUCED.

FISCAL ESTIMATE	1999 Session	LRB Number
DOA-2048 N(R06/99)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	4508/1
Subject		Bill Number
Relating to sexually violent person commitment proceedings.		AB 777
		Amendment No. If Applicable
		Administrative Rule Number

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation		

Local: No local government costs

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

Fund Sources Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Chapter 20 Appropriations 20.410(1)(a)
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Assumptions Used in Arriving at Fiscal Estimate

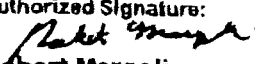
This bill makes a number of changes to the current sexually violent person commitment procedure:

Procedure for evaluating potential sexually violent person cases. Currently, DOC notifies the Department of Justice (DOJ) and certain district attorneys within 90 days of an anticipated release date of a person who may be a sexually violent person. This bill increases that time to 180 days before the anticipated release date of the person for the initial evaluation and no later than 120 days before release for the completion of a special purpose evaluation (SPE), i.e., identifying whether a particular offender meets the criteria for Chapter 980 commitment.

These timeline changes have a direct impact on the volume and timeliness of departmental case reviews and evaluations for Chapter 980 petitions to the DOJ. In calendar year 1999, the DOC completed a total of 833 initial case reviews and conducted 106 SPEs. These case reviews and evaluations were completed within the current law timeline of within 90 days prior to release. The proposed changes in the timelines will condense the time between the initial evaluation and the SPE, requiring less than 60 days to complete the final evaluation, the report, and ultimate notice to the DOJ.

Three FTEs, 2.00 Psychologist Sr. Doctorates and 1.00 Program Assistant 2, at an annual cost of \$185,500 (plus one-time costs of \$20,700) will be needed in order to address the increased workload and reduced timeline for the completion of the final clinical evaluations.

Long-Range Fiscal Implications

Prepared by: Elaine Vélez	Telephone No. 267-7193	Agency Corrections
Authorized Signature:  Robert Margolies	Telephone No. 266-2931	Date 2-29-2000

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R08/99)

LRB Number 4508/1	Amendment No. if Applicable
B# Number AB 777	Administrative Rule Number

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject
Relating to sexually violent person commitment proceedings

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
\$20,700

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
A. State Costs by Category		Increased Costs	Decreased Costs
State Operations - Salaries and Fringes		\$ 146,000	\$ -
(FTE Position Changes)		(3.00 FTE)	(- FTE)
State Operations - Other Costs		39,500	-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 185,500	\$ -
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$ 185,500	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 185,500	\$
NET CHANGE IN REVENUES	\$	\$

Prepared by: Elaine Vézec	Telephone No. 267-7193	Agency Corrections
Authorized Signature: <i>Robert Margolies</i> Robert Margolies	Telephone No. 266-2931	Date 2-29-2000



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-8522
REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

Date: March 1, 2000

To: Representative Huebsch

From: Mike Barman
LRB Legal Section – Front Office

Subject: *Early Copy Of Fiscal Estimate*

Bill Number: 1999 AB 777

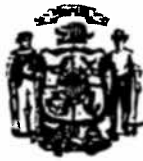
LRB Number: 99-4508/1

Agency/Prepared By: SPD

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This copy is for your information. The quality of the "faxed" copy is not adequate for release. The agency that prepared this fiscal should also be sending a "clean" copy over to DOA for release. When we receive the "clean" copy back from DOA we will forward it on to your office for your review and for later release.

If you have any questions you can contact me at 266-3561.



Huebsch
2

WISCONSIN STATE PUBLIC DEFENDER
315 N. Henry St., 2nd Fl. P.O. Box 7923 Madison, WI 53707-7923
PHONE (608) 266-0087 FAX (608) 267-0584

IMPORTANT NOTICE

This fax transmittal is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under law. If the reader of this message is not the intended recipient or the employe or agent responsible for delivering the message to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you.

DATE: 3/1/00
TO: Mike Barman @ LRB
FAX #: 264-6948
FROM: Gina Pruski PHONE: _____
TOTAL PAGES: 2

Message:

Hi Mike,
Per our conversation ...
(fiscal note for AB 777)
Thanks!
Gina

	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	1999 Session LRB or Bill No./Adm. Rule No. LRB 99-4508/1 AB 777 Amendment No. if Applicable
FISCAL ESTIMATE DCA-2048 N(R1096)		

Subject
 Sexually violent person commitment proceedings

Fiscal Effect
 State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local: No local government costs

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

Fund Sources Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Ch. 20 Appropriations s. 20.550 (1)(c), (d)
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Assumptions Used in Arriving at Fiscal Estimate

This bill makes various changes to chapter 980. The State Public Defender's Office (SPD) expects that additional chapter 980 petitions will be filed upon enactment of this bill. Specifically, the following provisions contained in the bill would likely result in an increase in the number of 980 petitions filed: (1) allowing DOJ or a district attorney to file a petition regardless of the outcome of an agency's evaluation as to whether a person meets the criteria for commitment; (2) allowing DOJ or a district attorney to file a petition regardless of the conclusion of the expert who conducts a special purpose evaluation at the request of the agency; and (3) allowing DOJ or a district attorney to retain a qualified expert to conduct a separate evaluation of the person.

While the SPD believes the foregoing provisions in the bill would increase the number of ch. 980 cases filed, the SPD cannot estimate any actual number. To show the potential numbers, however, the SPD can provide the following information. According to DOC, in 1999, DOC conducted a case review on 833 sex offenders. Of those 833 persons, the DOC decided to conduct a special purpose evaluation on 106 persons. Of the 106 persons subject to a special purpose evaluation, 35 to 40 were referred to DOJ for the filing of a ch. 980 petition. Therefore, using these 1999 figures, the number of additional persons who could have a ch. 980 petition filed against them if this bill became a law is 66 to 71. (As mentioned above, under the bill a petition may be filed regardless of the outcome of DOC's evaluation.)

According to the Director of State Courts Office, 37 ch. 980 cases were filed in 1999. The SPD estimates that it represents approximately 90% of the persons who are subject to a ch. 980 petition and that the average cost per private bar ch. 980 case (based on current data) is \$8800 (\$6400 attorney time at \$40 per hour and \$2400 expert costs). Thus, the SPD's costs would increase by \$8800 for each additional ch. 980 case that is filed upon enactment of this bill.

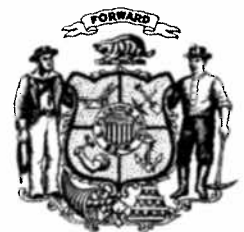
Also, the SPD's expert costs would likely increase as a result of enactment of this bill.

Long-Range Fiscal Implications
 Indeterminate at this time. The SPD will carefully monitor the fiscal effect of this bill, if enacted, for future budget considerations.

Agency/Prepared by: (Name & Phone No.) SPD/Gina Pruski/6-6782	Authorized Signature/Telephone No. 	Date Feb. 23, 2000
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WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: March 7, 2000

TO: REPRESENTATIVE MICHAEL HUEBSCH, CHAIRPERSON, ASSEMBLY
COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY

FROM: Don Dyke, Senior Staff Attorney

SUBJECT: 1999 Assembly Bill 777, Relating to Sexually Violent Person Commitment
Proceedings

This memorandum, prepared at your request, summarizes the provisions of the above-captioned bill.

Current law provides a procedure for the involuntary civil commitment of sexually violent persons, who are released from confinement resulting from the commission of a sexually violent offense, to the Department of Health and Family Services (DHFS) for control, care and treatment. [See, generally, ch. 980, Stats.] A "sexually violent person" is a person who has committed specified sexually violent offenses and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that he or she will engage in acts of sexual violence. [s. 980.01 (7), Stats.]

The current procedure for involuntarily committing a sexually violent person includes: notice of the pending release or discharge from confinement of a person who committed a sexually violent offense; filing of a petition alleging that a person is a sexually violent person by the Department of Justice (DOJ) or a district attorney; court review of the petition; trial on the petition; finding by the judge or jury that the person is a sexually violent person; commitment to the custody of DHFS; placement in institutional care; and petition by the committed person for supervised release or, if it is found that he or she is no longer a sexually violent person, for discharge from the commitment.

1999 Assembly Bill 777 makes various changes to the involuntary commitment procedure for sexually violent persons. These changes are summarized below.

A. PREEVALUATION FOR POSSIBLE COMMITMENT AS SEXUALLY VIOLENT PERSON; NOTICE OF RELEASE OR DISCHARGE

Under current law, the agency that has custody of a person who may be a sexually violent person must, as soon as possible beginning three months before the person's release date, notify the DOJ and specified interested district attorneys of the release. [s. 980.015 (2), Stats.]

Under Assembly Bill 777, an agency that has custody of a person who has committed a sexually violent offense must, no later than 180 days before the person's anticipated release date, conduct an initial evaluation of the person to determine whether he or she may meet the criteria for commitment as a sexually violent person. No later than 15 days after completing the initial evaluation, the agency must inform DOJ and interested district attorneys of the evaluation results.

If the agency determines that the person may meet the criteria for commitment as a sexually violent person, the agency must obtain a special purpose evaluation by a qualified expert, who must make a recommendation and a written report as to whether a commitment proceeding should be commenced. Under the bill, the report must be completed no later than 120 days before the person's anticipated release date and the agency is required, no later than five days after receiving the annual report, to provide DOJ and interested district attorneys with a copy. The DOJ or a district attorney who receives notice of the initial evaluation may also retain a qualified expert to conduct a separate evaluation of the person (that is in addition to the agency's initial evaluation and to any special purpose evaluation that is conducted).

B. FILING PETITION FOR SEXUALLY VIOLENT PERSON COMMITMENT PROCEEDINGS

Under current law, after an agency has notified the DOJ and interested district attorneys of the release date of a person who has committed a sexually violent offense, a petition alleging that a person is a sexually violent person may be filed by the DOJ, at the request of the agency, or, if the DOJ does not file a petition, an interested district attorney. [s. 980.02 (1), Stats.]

Assembly Bill 777 provides that if an agency with custody of a person who may be a sexually violent person determines in its initial evaluation that the person does not meet the criteria for commitment, the DOJ must decide whether to file a petition, regardless of the agency's determination. The decision must be made by DOJ no later than 45 days after it receives notice of the agency's initial evaluation; DOJ must provide notice of its decision to the interested district attorneys. If an agency obtains a special purpose evaluation of the person, DOJ must, no later than 30 days after it receives a copy of the report of the special purpose evaluation, decide whether to file a petition and must provide notice of its decision to the interested district attorneys. Under the bill, if DOJ notifies the district attorneys that it has decided not to file a petition, one of the district attorneys may then file a petition.

Thus, under the bill, either DOJ or a district attorney may file a petition, regardless of the outcome of an agency's initial evaluation or the conclusion of an expert who conducts a special purpose evaluation. Further, the bill clarifies that a district attorney may file a petition only if DOJ does not file one.

C. ACCESS TO CERTAIN CONFIDENTIAL RECORDS IN SEXUALLY VIOLENT PERSON COMMITMENT PROCEEDINGS

Assembly Bill 777 revises current law in varying degree to provide consistency in provisions relating to access to and permitted use of otherwise confidential records in sexually violent person proceedings. Records affected by these provisions include medical records (including mental health treatment records); records concerning juvenile delinquency court proceedings and any placement or treatment resulting from the proceedings; records of the Department of Corrections (DOC), including presentence investigation reports prepared by DOC; law enforcement records concerning juveniles; and court records of other civil commitment proceedings. Under the bill, medical records, juvenile records and DOC records must be released in connection with sexually violent person proceedings to DOJ, a district attorney or a retained qualified expert. DOJ or a district attorney must also be given access to law enforcement records concerning juveniles and court records of other civil commitment proceedings.

Under the bill, information from all of the above records may be redisclosed only to the extent that it is necessary for the conduct of an evaluation, examination or proceeding for which the information was obtained. The court has express authority to issue any protective orders that it determines are appropriate concerning the records.

D. REEXAMINATION OF PERSONS FOUND TO BE SEXUALLY VIOLENT WHO ARE INCARCERATED FOR ANOTHER OFFENSE

Under current law, a person who has been committed as a sexually violent person must be examined by DHFS within six months after the initial commitment and at least once each 12 months thereafter for the purpose of determining whether the person has made sufficient progress for the court to consider whether the person should be placed on supervised release or discharged from commitment. [s. 980.07, Stats.] The court may order a reexamination at any time while the person is subject to a commitment order.

Assembly Bill 777 provides that DHFS is not required to examine a person who is incarcerated or in placement for an offense that the person has committed or is alleged to have committed after being committed as a sexually violent person. Instead, the bill provides that DHFS must conduct an examination of the person upon the person's release from incarceration or placement. The court, however, may order a reexamination of the person at any time even though he or she is incarcerated or in placement.

E. PETITION FOR DISCHARGE FROM COMMITMENT AS SEXUALLY VIOLENT PERSON

Currently, a person who has been committed to the custody of DHFS as a sexually violent person may petition for a discharge from commitment. [s. 980.09, Stats.] A petition may be made either with or without the approval of DHFS. A person has a right to petition for discharge without the approval of DHFS at the time of the person's periodic reexamination. [s. 980.09 (2) (a), Stats.] If the person does not waive the right to petition at that time, the court must review the reexamination report to determine whether facts exist that warrant a hearing to determine whether the person is still a sexually violent person.

Current law also provides that a person may petition for discharge without DHFS approval at any other time; however, if the person has previously filed a petition for discharge without DHFS approval and the court determined that the person's petition was frivolous or that the person was still a sexually violent person, the court must then deny any subsequent petition without a hearing unless the petition contains factors upon which a court could find that the condition of the person had so changed that a hearing is warranted. [s. 980.10, Stats.]

Assembly Bill 777 provides that a person who is committed as a sexually violent person may not petition for discharge without DHFS approval unless at least 18 months have elapsed since he or she was committed or unless at least six months have elapsed since the most recent petition for discharge was denied. Under the bill, if a person files a discharge petition without DHFS approval, the court must, without holding a hearing, review the most recent reexamination report and other relevant documentation to determine whether there is probable cause to believe that the person is no longer a sexually violent person. If the court finds probable cause, it must set a hearing on the petition.

F. OTHER PROVISIONS.

Other provisions of the bill include those:

1. **Discovery.** Providing detailed provisions for sexually violent person proceedings under ch. 980, Stats., relating to discovery, inspection and sharing of evidence. These provisions are patterned after discovery provisions applicable in criminal proceedings. [See, generally, s. 971.23, Stats.]

2. **Protective orders.** Providing broad authority for the court in a sexually violent person proceeding to issue any appropriate protective order concerning the disclosure or redisclosure of information related to a proceeding.

3. **Closed hearings involving juvenile offenses.** Providing procedures allowing for closed hearings in proceedings that are based solely on allegations that the person who is the subject of the proceeding committed sexually violent offenses as a juvenile.

4. **Request for discharge hearing before a jury.** Providing that the district attorney or DOJ, whichever is representing the state, or the petitioner or his or her attorney may request that the discharge hearing under ch. 980 be to a jury of six persons. Note that the Wisconsin Supreme Court has held that the petitioner has the right to request a jury for a discharge hearing. [*State v. Post*, 197 Wis. 2d 279 541 N.W.2d 115 (1995).]

5. **Evidence of other crimes to prove character.** Providing that the evidentiary rule excluding evidence of other crimes, wrongs or acts when offered to prove the character of a person in order to show that the person acted in conformity with that character does not apply when the evidence is offered at a trial or other proceeding under ch. 980 for the purpose of proving the diagnosis of a person or showing the basis of an opinion concerning the probability that a person will engage in acts of sexual violence.

6. Applicability of physician-patient privilege. Providing that the physician-patient and related privileges under the rules of evidence do not apply to communications and information relevant to an issue in proceedings for control, care and treatment of a sexually violent person under ch. 980 if the physician or other professional subject to the privilege has determined that the patient is in need of control, care and treatment as a sexually violent person.

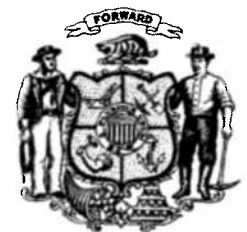
7. Civil liability immunity under ch. 980. Providing immunity from criminal or civil liability for acts or omissions as the result of a good faith effort to comply with the provisions of ch. 980, Stats. The immunity extends to DOC, DHFS, qualified experts or professional persons retained or appointed to evaluate or examine a person under ch. 980, district attorneys and the DOJ. Currently, the immunity only extends to DOC and DHFS in connection with notification to DOJ and district attorneys of the anticipated release of potential or already-committed sexually violent persons.

If you have any questions or need additional information, please contact me directly at the Legislative Council Staff offices.

DD:rv:wu;rv



WISCONSIN STATE LEGISLATURE



DRAFT

AB 777

HUEBSCH
Drzewooski

Date ??

Clean
up

→ Chap 980

- protect public from sexually violent persons
likelihood of repeats

- treatment

traumatic experience

Needed referral
competency jurisdictions

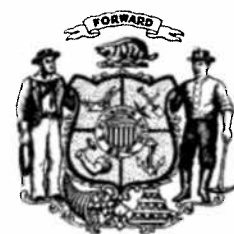
Doesn't allow corrections to be only gatekeeper
allows DOJ + DA's have equal ability
to file under this

access to records
juv + medical + DOC records

\$185,000 to hire new shrink



WISCONSIN STATE LEGISLATURE



Get the **"B"**
Attitude

Take the
B vitamin
folic acid
every day

Preevaluation -
Filing Petition -
Commitment Proceedings -
Reexamination -
Petition for Discharge.

AB 777
folder

Date ?

