

2001 – 2002 LEGISLATURE
January 2002 Special Session

LRBb2573/1
MGD:kmg:jf

ASSEMBLY AMENDMENT 49,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

March 14, 2002 – Offered by Representative WASSERMAN.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 16, line 5: after that line insert:

3 “**SECTION 37b.** 20.410 (1) (bm) of the statutes is repealed.”.

4 **2.** Page 186, line 13: after that line insert:

5 “**SECTION 374b.** 301.03 (11) of the statutes is repealed.”.

6 **3.** Page 189, line 18: after that line insert:

7 “**SECTION 383b.** 302.11 (1g) (b) 2. of the statutes, as affected by 2001 Wisconsin
8 Act 16, is amended to read:

9 302.11 **(1g)** (b) 2. Refusal by the inmate to participate in counseling or
10 treatment that the social service and clinical staff of the institution determines is
11 necessary for the inmate, ~~including pharmacological treatment using an~~
12 ~~antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious~~

1 ~~child sex offender as defined in s. 304.06 (1q) (a).~~ The parole commission may not
2 deny presumptive mandatory release to an inmate because of the inmate's refusal
3 to participate in a rehabilitation program under s. 301.047.”.

4 **4.** Page 208, line 10: after that line insert:

5 “**SECTION 430b.** 304.06 (1q) of the statutes is repealed.”.

6 **5.** Page 345, line 19: after that line insert:

7 “**SECTION 1152b.** 980.08 (4) of the statutes is amended to read:

8 **980.08 (4)** The court, without a jury, shall hear the petition within 30 days after
9 the report of the court-appointed examiner is filed with the court, unless the
10 petitioner waives this time limit. Expenses of proceedings under this subsection
11 shall be paid as provided under s. 51.20 (18) (b), (c), and (d). The court shall grant
12 the petition unless the state proves by clear and convincing evidence that the person
13 is still a sexually violent person and that it is still substantially probable that the
14 person will engage in acts of sexual violence if the person is not continued in
15 institutional care. In making a decision under this subsection, the court may
16 consider, without limitation because of enumeration, the nature and circumstances
17 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)
18 (a), the person's mental history and present mental condition, where the person will
19 live, how the person will support himself or herself, and what arrangements are
20 available to ensure that the person has access to and will participate in necessary
21 treatment, ~~including pharmacological treatment using an antiandrogen or the~~
22 ~~chemical equivalent of an antiandrogen if the person is a serious child sex offender.~~
23 ~~A decision under this subsection on a petition filed by a person who is a serious child~~
24 ~~sex offender may not be made based on the fact that the person is a proper subject~~

1 ~~for pharmacological treatment using an antiandrogen or the chemical equivalent of~~
2 ~~an antiandrogen or on the fact that the person is willing to participate in~~
3 ~~pharmacological treatment using an antiandrogen or the chemical equivalent of an~~
4 ~~antiandrogen.~~

5 **SECTION 1153b.** 980.08 (5) of the statutes, as affected by 2001 Wisconsin Act
6 16, is amended to read:

7 980.08 (5) If the court finds that the person is appropriate for supervised
8 release, the court shall notify the department. The department shall make its best
9 effort to arrange for placement of the person in a residential facility or dwelling that
10 is in the person's county of residence, as determined by the department under s.
11 980.105. The department and the county department under s. 51.42 in the county
12 of residence of the person shall prepare a plan that identifies the treatment and
13 services, if any, that the person will receive in the community. The plan shall address
14 the person's need, if any, for supervision, counseling, medication, community support
15 services, residential services, vocational services, and alcohol or other drug abuse
16 treatment. In developing a plan for where the person may reside while on supervised
17 release, the department shall consider the proximity of any potential placement to
18 the residence of other persons on supervised release and to the residence of persons
19 who are in the custody of the department of corrections and regarding whom a sex
20 offender notification bulletin has been issued to law enforcement agencies under s.
21 301.46 (2m) (a) or (am). ~~If the person is a serious child sex offender, the plan shall~~
22 ~~address the person's need for pharmacological treatment using an antiandrogen or~~
23 ~~the chemical equivalent of an antiandrogen.~~ The department may contract with a
24 county department, under s. 51.42 (3) (aw) 1. d., with another public agency, or with
25 a private agency to provide the treatment and services identified in the plan. The

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

15 **SECTION 1154b.** 980.12 (title) of the statutes is amended to read:

16 **980.12 (title) Department duties; costs.**

17 **SECTION 1155b.** 980.12 (1) of the statutes is renumbered 980.12.

18 **SECTION 1156b.** 980.12 (2) of the statutes is repealed.”.

19 **6.** Page 353, line 17: after that line insert:

20 “(1z) ANTIANDROGEN TREATMENT. The authorized FTE positions for the
21 department of corrections, funded from the appropriation under section 20.410 (1)
22 (bm) of the statutes, are decreased by 1.0 GPR position for the pharmacological
23 treatment program for child sex offenders.”.

24 **7.** Page 445, line 14: after that line insert:

