

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/12/2002

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Sarah

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Correctional System - misc
Criminal Law - crimes agnst kids

Extra Copies: rpn

Submit via email: YES

Requester's email: Rep.Wasserman@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Chemical castration

Instructions:

Eliminate program as in governor's bill

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>
/?	mdsida 03/13/2002	gilfokm 03/13/2002		_____			
/1			jfrantze 03/14/2002	_____	lrb_docadmin 03/14/2002	lrb_docadmin 03/14/2002	

03/14/2002 11:49:56 AM

Page 2

LRB62573

FE Sent For:

<END>

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/12/2002

Received By: ~~gibson~~ DSIDAM

Wanted: As time permits

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Sarah

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Correctional System - misc
Criminal Law - crimes agnst kids

Extra Copies: rpn

Submit via email: YES

Requester's email: Rep.Wasserman@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Chemical castration

Instructions:

Eliminate program as in governor's bill

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?	mdsida	3/13 Kmg	3/14	3/14 cmh			

FE Sent For:

<END>

2001

Date (time)
needed _____

LRB b 2573 | 1

BUDGET AMENDMENT

msd : King : _____

NOT FOR COMPILE

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 ASSEMBLY BILL 1**

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

INSECT

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

DOA:.....Steinmetz - Chemical castration

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

1 ~~AN ACT ...; relating to: antiandrogen treatment of child sex offenders and~~
2 ~~making an appropriation.~~

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, DOC may require that a serious child sex offender (a person who has been convicted of sexual assault of a child under the age of 13) who is on or being placed on probation undergo antiandrogen treatment (pharmacological treatment using an antiandrogen — a substance that inhibits the biological effects of male hormones such as testosterone — or the chemical equivalent of an antiandrogen) as a condition of probation. DOC or the parole commission may also impose such a requirement as a condition of a child sex offender's parole. Neither DOC nor the parole commission may base a decision to parole a child sex offender on the offender's suitability or willingness to undergo the treatment. But a child sex offender's unwillingness to undergo antiandrogen treatment may affect the offender's "presumptive mandatory release."

Under current law, a person sentenced to imprisonment in a state prison is generally entitled to be released on his or her mandatory release date; that is, once he or she has served two-thirds of his or her sentence. However, if a person is sentenced to imprisonment for certain serious felonies, including sexual assault of a child, the mandatory release date is merely a presumptive mandatory release date.

The parole commission may deny such a person presumptive mandatory release if, among other things, the person is a child sex offender who refuses to participate in recommended antiandrogen treatment.

This bill eliminates the antiandrogen treatment program.

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, a person who has been found to be a sexually violent person may be committed to DHFS, in which case DHFS must confine the person in an institution. After 18 months of institutional care, the person may petition the court to order his or her supervised release. If the person is a serious child sex offender, the court, when deciding whether he or she should be placed on supervised release, may consider, among other things, what arrangements are available to ensure that the person has access to and will participate in antiandrogen treatment or other necessary treatment, although the court may not base a decision to release a sexually violent person who is a child sex offender on the person's suitability or willingness to undergo the treatment. If the court finds that the person is appropriate for supervised release, DHFS and the social services department of the county in which the person will reside must prepare a plan — which the court must approve — that identifies the person's needs for treatment and services, including antiandrogen treatment. This bill eliminates the antiandrogen treatment program.

For further information see the *state* 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:

- ✓ # Page 16, line 5 : after that line insert: ^{37b}
- 1 "SECTION 1. 20.410 (1) (bm) of the statutes is repealed. "
- ✓ # Page 186, line 13 : after that line insert: ^{374b}
- 2 "SECTION 2. 301.03 (11) of the statutes is repealed. "
- ✓ # Page 189, line 18 : after that line insert:
- 3 "SECTION 3. 302.11 (1g) (b) 2. of the statutes, as affected by 2001 Wisconsin Act ^{383b}
- 4 16, is amended to read:
- 5 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
- 6 treatment that the social service and clinical staff of the institution determines is
- 7 necessary for the inmate, ~~including pharmacological treatment using an~~
- 8 ~~antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious~~
- 9 ~~child sex offender as defined in s. 304.06 (1q) (a).~~ The parole commission may not

4306

1 deny presumptive mandatory release to an inmate because of the inmate's refusal
2 to participate in a rehabilitation program under s. 301.047. "

3 # Page 208, line 10 : after that line insert:

SECTION 4. 304.06 (1q) of the statutes is repealed. "

4 # Page 345, line 19 : after that line insert:

SECTION 5. 980.08 (4) of the statutes is amended to read:

1152b

5 980.08 (4) The court, without a jury, shall hear the petition within 30 days after
6 the report of the court-appointed examiner is filed with the court, unless the
7 petitioner waives this time limit. Expenses of proceedings under this subsection
8 shall be paid as provided under s. 51.20 (18) (b), (c), and (d). The court shall grant
9 the petition unless the state proves by clear and convincing evidence that the person
10 is still a sexually violent person and that it is still substantially probable that the
11 person will engage in acts of sexual violence if the person is not continued in
12 institutional care. In making a decision under this subsection, the court may
13 consider, without limitation because of enumeration, the nature and circumstances
14 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)
15 (a), the person's mental history and present mental condition, where the person will
16 live, how the person will support himself or herself, and what arrangements are
17 available to ensure that the person has access to and will participate in necessary
18 treatment, ~~including pharmacological treatment using an antiandrogen or the~~
19 ~~chemical equivalent of an antiandrogen if the person is a serious child sex offender.~~
20 ~~A decision under this subsection on a petition filed by a person who is a serious child~~
21 ~~sex offender may not be made based on the fact that the person is a proper subject~~
22 ~~for pharmacological treatment using an antiandrogen or the chemical equivalent of~~
23 ~~an antiandrogen or on the fact that the person is willing to participate in~~
24 ~~pharmacological treatment using an antiandrogen or the chemical equivalent of an~~
25 antiandrogen.

1 SECTION ^{1153b} 980.08 (5) of the statutes, as affected by 2001 Wisconsin Act 16, is
2 amended to read:

3 980.08 (5) If the court finds that the person is appropriate for supervised
4 release, the court shall notify the department. The department shall make its best
5 effort to arrange for placement of the person in a residential facility or dwelling that
6 is in the person's county of residence, as determined by the department under s.
7 980.105. The department and the county department under s. 51.42 in the county
8 of residence of the person shall prepare a plan that identifies the treatment and
9 services, if any, that the person will receive in the community. The plan shall address
10 the person's need, if any, for supervision, counseling, medication, community support
11 services, residential services, vocational services, and alcohol or other drug abuse
12 treatment. In developing a plan for where the person may reside while on supervised
13 release, the department shall consider the proximity of any potential placement to
14 the residence of other persons on supervised release and to the residence of persons
15 who are in the custody of the department of corrections and regarding whom a sex
16 offender notification bulletin has been issued to law enforcement agencies under s.
17 301.46 (2m) (a) or (am). ~~If the person is a serious child sex offender, the plan shall~~
18 ~~address the person's need for pharmacological treatment using an antiandrogen or~~
19 ~~the chemical equivalent of an antiandrogen.~~ The department may contract with a
20 county department, under s. 51.42 (3) (aw) 1. d., with another public agency, or with
21 a private agency to provide the treatment and services identified in the plan. The
22 plan shall specify who will be responsible for providing the treatment and services
23 identified in the plan. The plan shall be presented to the court for its approval within
24 60 days after the court finding that the person is appropriate for supervised release,
25 unless the department, county department, and person to be released request

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

11 SECTION ^{1154 b} 980.12 (title) of the statutes is amended to read:

12 **980.12 (title) Department duties; costs.**

13 SECTION ^{1155 b} 980.12 (1) of the statutes is renumbered 980.12.

14 SECTION ^{1156 b} 980.12 (2) of the statutes is repealed. "

15 ✓ # Page 353, line 17 : after that line insert:

~~provisions; corrections,~~

16 " (1) ~~ANTIANDROGEN TREATMENT.~~ ¹² The authorized FTE positions for the
 17 department of corrections, funded from the appropriation under section 20.410 (1)
 18 (bm) of the statutes, are decreased by 1.0 GPR position for the pharmacological
 19 treatment program for child sex offenders. "

20 ✓ # Page 445, line 14 : after that line insert:

~~dates; corrections;~~

21 " (1) ~~ANTIANDROGEN TREATMENT.~~ ¹² The treatment of sections 20.410 (1) (bm), 301.03
 22 (11), 302.11 (1g) (b) 2., 304.06 (1q), 980.08 (4) and (5), and 980.12 (title), (1), and (2)
 23 of the statutes and SECTION 9111 (1) of this act take effect on July 1, 2002. "

24

(END)

12