

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous
Mental Health - detent/commit**

Extra Copies: **MGD**

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN2750,

Topic:

County of residence of persons subject to sexually violent person petitions and responsibility of county of residence to prepare plan for 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	rryan 06/17/2001	wjackson 06/17/2001	kfollet 06/18/2001	_____	lrb_docadmin 06/18/2001		

FE Sent For:

<END>

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/1	rryan	1 wly 6/17	kjl 6/18	sl/pg 6/18			

FE Sent For:

<END>

CN 2750

Subject or Agency	Description	Source / connection	Fiscal effect /positions if known
Justice	Require counties to participate in ch 980 release plans	Proposed language included	

RCA

Justice

980 COUNTY OF RESIDENCE LEGISLATION
DRAFT 1

- ✓ Section 980.01(1) of the Statutes is renumbered 980.01(1t)
- ✓ Section 980.015(1) of the Statutes is renumbered 980.01(1) and amended to read:
980.01(1) ~~In this section, "agency~~ "Agency with jurisdiction" means the agency with the authority or duty to release or discharge the person.

- Section 980.01 (1m) and (1r) of the Statutes are created to read:
- ✓ (1m) "County department" means the county department under s. 51.42.
- (1r) "County of residence" means the county determined to be the county of residence by the agency with jurisdiction under s. 980.015(1m).

980.015(2)(intro)

Section 980.105 of the Statutes is renumbered to s. 980.015(1m) and amended to read:
980.015(1m) Determination of county of residence. Prior to sending a notice under this section, the agency with jurisdiction ~~The court~~ shall determine a person's county of residence for the purposes of this chapter by doing all of the following:

- (1) The agency with jurisdiction ~~court~~ shall consider residence as the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation and shall consider physical presence as prima facie evidence of intent to remain.
- (2) The agency with jurisdiction ~~court~~ shall apply the criteria for consideration of residence and physical presence under sub. (1) to the facts that existed on the date that the person committed the sexually violent offense that resulted in the sentence, placement or commitment that is ~~was~~ in effect when the determination under this subsection is made ~~petition was filed under s. 980.02~~.

Section 980.02(1)(a) and (b) of the Statutes are amended to read:

980.02(1)(a) The department of justice at the request of the agency with jurisdiction, ~~as defined in s. 980.015 (1)~~, over the person. If the department of justice decides to file a petition under this paragraph, it shall file the petition before the date of the release or discharge of the person.

(b) If the department of justice does not file a petition under par. (a), the district attorney for the person's county of residence, as determined under s. 980.015(1m).

(c) If a petition is not filed by the department of justice under par. (a) or the district attorney for the county of residence under par. (b), one of the following:

- 1. The county in which the person was convicted of a sexually violent offense, adjudicated

delinquent for a sexually violent offense or found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect or illness.

2. The county in which the person will reside or be placed upon his or her discharge from a sentence, release on parole or extended supervision, release from imprisonment, from a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or from a commitment order.

Section 980.02(4)(c) of the Statutes is created to read:

980.02(4)(c) The circuit court for the person's county of residence, as determined under s. 980.015(1m).

Section 980.02(6) of the Statutes is created to read:

980.02(6) Upon request of the district attorney for the person's county of residence, as determined under s. 980.015(1m), venue in an action commenced by a petition under this section shall be transferred to the circuit court for the person's county of residence.

Section 980.03(1) of the Statutes is amended to read:

980.03(1) The circuit court in which a petition under s. 980.02 is venued filed shall conduct all hearings under this chapter. The court shall give the person who is the subject of the petition reasonable notice of the time and place of each such hearing. The court may designate additional persons to receive these notices.

Section 980.05(5) is amended to read:

980.05(5) If the court or jury determines that the person who is the subject of a petition under s. 980.02 is a sexually violent person, the court shall enter a judgment on that finding, and shall commit the person as provided under s. 980.06 and shall notify the county department in the person's county of residence. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent person, the court shall dismiss the petition and direct that the person be released unless he or she is under some other lawful restriction.

Section 980.07(2) of the Statutes is amended to read:

980.07 (2) Any examiner conducting an examination under this section shall prepare a written report of the examination no later than 30 days after the date of the examination. The examiner shall place a copy of the report in the person's medical records and shall provide a copy

of the report to the court that committed the person under s. 980.06 and to the county department in the person's county of residence.

Section 980.08(2) of the Statutes is amended to read:

980.08(2) If the person files a timely petition without counsel, the court shall serve a copy of the petition on the district attorney or department of justice, whichever is applicable and on the county department in the person's county of residence and, subject to s. 980.03 (2) (a), shall refer the matter to the authority for indigency determinations under s. 977.07 (1) and appointment of counsel under s. 977.05 (4) (j). If the person petitions through counsel, his or her attorney shall serve the district attorney or department of justice, whichever is applicable and the county department in the person's county of residence.

Section 980.08(3) of the Statutes is amended to read:

980.08(3) Within 20 days after receipt of the petition, the court shall appoint one or more examiners having the specialized knowledge determined by the court to be appropriate, who shall examine the person and furnish a written report of the examination to the court within 30 days after appointment. The examiners shall have reasonable access to the person for purposes of examination and to the person's past and present treatment records, as defined in s. 51.30 (1) (b), and patient health care records, as provided under s. 146.82 (2) (c). If any such examiner believes that the person is appropriate for supervised release under the criterion specified in sub. (4), the examiner shall report on the type of treatment and services that the person may need while in the community on supervised release and shall furnish a copy of the written report to the county department in the person's county of residence at the time the report is furnished to the court. The county shall pay the costs of an examiner appointed under this subsection as provided under s. 51.20(18)(a).

Section 980.08(3m) of the Statutes is created to read:

980.08(3m) A county department that receives a copy of an examiner's report under sub. (3) shall identify a residence in which the person may live if the court places the person on supervised release. A residence identified by a county department under this subsection is subject to approval by the department. The county shall furnish the court a written description of the residence prior to the hearing under sub. (4).

Section 980.08(5) of the Statutes is amended to read:

980.08(5) If the court finds that the person is appropriate for supervised release, the court shall notify the department and the county department in the person's county of residence. The department and ~~that the county department under s. 51.42 in the county of residence of the person, as determined under s. 980.105,~~ shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. If the person is a serious child sex offender, the plan shall address the person's need for pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen. The department may contract with a county department, ~~under s. 51.42 (3) (aw) 1. d,~~ with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for supervised release, unless the department, county department and person to be released request additional time to develop the plan. The ~~If the~~ county department of the person's county of residence ~~declines to prepare a plan, the department~~ may arrange for another county to prepare the plan if that county agrees to prepare the plan ~~and if the person will be living in that county. If the department is unable to arrange for another county to prepare a plan, the court shall designate a county department to prepare the plan, order the county department to prepare the plan and place the person on supervised release in that county, except that the court may not so designate the county department in any county where there is a facility in which persons committed to institutional care under this chapter are placed unless that county is also the person's county of residence.~~



SDC:.....Keckhaver – CN2750, County of residence of persons subject to sexually violent person petitions and responsibility of county of residence to prepare plan for supervised release

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

D-Note

substitute amendment

1 At the locations indicated, amend the ~~bill~~ as follows:

2 1. Page 656, line 10: after that line insert:

3 *LPs: please fix* — SECTION 1966v. 51.30 (4) (b) 10m. of the statutes is amended to read:

4 51.30 (4) (b) 10m. To the department of justice or a district attorney under s.
5 980.015 (3) (b), if the treatment records are maintained by an agency with
6 jurisdiction, as defined in s. 980.015 (1) 980.01 (1d), that has control or custody over
7 a person who may meet the criteria for commitment as a sexually violent person
8 under ch. 980.”.

History: 1975 c. 430; 1977 c. 26 s. 75; 1977 c. 61, 428; 1979 c. 110 s. 60 (1); 1983 a. 27, 292, 398, 538; 1985 a. 29, 176; 1985 a. 292 s. 3; 1985 a. 332 ss. 97, 98, 251 (1); 1987 a. 352, 355, 362, 367, 399, 403; 1989 a. 31, 334, 336; 1991 a. 39, 189; 1993 a. 196, 445, 479; 1995 a. 169, 440; 1997 a. 35, 231, 237, 283, 292; 1999 a. 32, 78, 79, 109; s. 13.93 (1) (b).

1 [✓]2. Page 1231, line 6: after that line insert:

2 “SECTION 3928r. 938.78 (2) (e)[✓] of the statutes is amended to read:

3 938.78 (2) (e) Paragraph (a) does not prohibit the department from disclosing
4 information about an individual adjudged delinquent under s. 938.183 or 938.34 for
5 a sexually violent offense, as defined in s. 980.01 (6), to the department of justice, or
6 a district attorney or a judge acting under ch. 980 or to an attorney who represents
7 a person subject to a petition under ch. 980. The court in which the petition under
8 s. 980.02 is filed or, if an action filed under s. 980.02[✓] is transferred to another court
9 under s. 980.02 (6)[✓], the court to which the action is transferred, may issue any
10 protective orders that it determines are appropriate concerning information
11 disclosed under this paragraph.”.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9.

12 [✓]3. Page 1280, line 9: after that line insert:

13 “SECTION 4034ycc. 980.01 (1)[✓] of the statutes is renumbered 980.01 (1r).[✓]

14 SECTION 4034ycd. 980.01 (1g)[✓] of the statutes is created to read:

15 980.01 (1g) “County department” means a county department of community
16 programs created in accordance with s. 51.42 (3) (a).[✓]

17 SECTION 4034yce. 980.01 (1m)[✓] of the statutes is created to read:

18 980.01 (1m) “County of residence” means the county in which a person is
19 considered to reside for purposes of this chapter as determined under s. 980.015[✓] by
20 the agency with jurisdiction.

21 SECTION 4034ycf. 980.015 (1)[✓] of the statutes is renumbered 980.01 (1d)[✓] and
22 amended to read:

1 980.01 (1d) In this section, ~~“agency”~~ ^{Agency} with jurisdiction” means the
2 agency with the authority or duty to release or discharge ~~the~~ a person.

History: 1993 a. 479; 1995 a. 77; 1997 a. 205, 283; 1999 a. 9.

3 SECTION 4034ycg. 980.015 (2) (intro.) of the statutes is amended to read:

4 980.015 (2) (intro.) If an agency with jurisdiction has control or custody over
5 a person who may meet the criteria for commitment as a sexually violent person,
6 after determining the person’s county of residence as provided under sub. (5), the
7 agency with jurisdiction shall inform each appropriate district attorney and the
8 department of justice regarding the person as soon as possible beginning 3 months
9 prior to the applicable date of the following:

History: 1993 a. 479; 1995 a. 77; 1997 a. 205, 283; 1999 a. 9.

10 SECTION 4034ych. 980.02 (1) (a) of the statutes is amended to read:

11 980.02 (1) (a) The department of justice at the request of the agency with
12 jurisdiction, ~~as defined in s. 980.015 (1),~~ over the person. If the department of justice
13 decides to file a petition under this paragraph, it shall file the petition before the date
14 of the release or discharge of the person.

History: 1993 a. 479; 1995 a. 77, 225; 1997 a. 27, 205, 283; 1999 a. 9.

15 SECTION 4034yci. 980.02 (1) (am) of the statutes is created to read:

16 980.02 (1) (am) If the department of justice does not file a petition under par.
17 (a), the district attorney for the person’s county of residence.

18 SECTION 4034ycj. 980.02 (1) (b) (intro.) of the statutes is amended to read:

19 980.02 (1) (b) (intro.) If the department of justice does not file a petition under
20 par. (a) and the district attorney for the person’s county of residence does not file a
21 petition under par. (am), the district attorney for one of the following:

History: 1993 a. 479; 1995 a. 77, 225; 1997 a. 27, 205, 283; 1999 a. 9.

22 SECTION 4034yck. 980.02 (4) (c) of the statutes is created to read:

23 980.02 (4) (c) The circuit court in the person’s county of residence.

1 **SECTION 4034ycL.** 980.02 (6) of the statutes is created to read:

2 980.02 (6) Upon request from the district attorney for the person's county of
3 residence, an action commenced by filing a petition under this section in a circuit
4 court for a county other than the person's county of residence shall be transferred to
5 the circuit court for the person's county of residence.

6 **SECTION 4034ycm.** 980.03 (1) of the statutes is amended to read:

7 980.03 (1) The circuit court in which a petition under s. 980.02 is filed or, if an
8 action is transferred under s. 980.02 (6), the court to which the action was
9 transferred, shall conduct all hearings under this chapter. The court shall give the
10 person who is the subject of the petition reasonable notice of the time and place of
11 each such hearing. The court may designate additional persons to receive these
12 notices.

13 History: 1993 a. 479; 1997 a. 252; 1999 a. 9.

13 **SECTION 4034ycn.** 980.05 (5) of the statutes is amended to read:

14 980.05 (5) If the court or jury determines that the person who is the subject of
15 a petition under s. 980.02 is a sexually violent person, the court shall enter a
16 judgment on that finding, shall notify the county department for the person's county
17 of residence of that finding, and shall commit the person as provided under s. 980.06.
18 If the court or jury is not satisfied beyond a reasonable doubt that the person is a
19 sexually violent person, the court shall dismiss the petition and direct that the
20 person be released unless he or she is under some other lawful restriction.

21 History: 1993 a. 479; 1999 a. 9.

21 **SECTION 4034yco.** 980.07 (2) of the statutes is amended to read:

22 980.07 (2) Any examiner conducting an examination under this section shall
23 prepare a written report of the examination no later than 30 days after the date of
24 the examination. The examiner shall place a copy of the report in the person's

1 medical records and shall provide a copy of the report to the court that committed the
2 person under s. 980.06 and to the county department for the person's county of
3 residence.

History: 1993 a. 479; 1999 a. 9.

4 **SECTION 4034ycp.** 980.08 (2) of the statutes is amended to read:

5 980.08 (2) If the person files a timely petition without counsel, the court shall
6 serve a copy of the petition on the district attorney or department of justice,
7 whichever is applicable, and on the county department for the person's county of
8 residence and, subject to s. 980.03 (2) (a), refer the matter to the authority for
9 indigency determinations under s. 977.07 (1) and appointment of counsel under s.
10 977.05 (4) (j). If the person petitions through counsel, his or her attorney shall serve
11 the district attorney or department of justice, whichever is applicable, and the county
12 department for the person's county of residence.

History: 1993 a. 479; 1995 a. 276; 1997 a. 27, 275, 284; 1999 a. 9 ss. 3223f, 3232p to 3238d; 1999 a. 32.

13 **SECTION 4034ycq.** 980.08 (3) of the statutes is amended to read:

14 980.08 (3) Within 20 days after receipt of the petition, the court shall appoint
15 one or more examiners having the specialized knowledge determined by the court to
16 be appropriate, who shall examine the person and furnish a written report of the
17 examination to the court within 30 days after appointment. The examiners shall
18 have reasonable access to the person for purposes of examination and to the person's
19 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health
20 care records, as provided under s. 146.82 (2) (c). If any ~~such~~ examiner appointed
21 under this subsection believes that the person is appropriate for supervised release
22 under the criterion specified in sub. (4), the examiner shall report on the type of
23 treatment and services that the person may need while in the community on
24 supervised release and shall furnish a copy of the written report of the examination

1 to the county department for the person's county of residence at the time that the
2 examiner furnishes the report to the court. The county shall pay the costs of an
3 examiner appointed under this subsection as provided under s. 51.20 (18) (a).

4 History: 1993 a. 479; 1995 a. 276; 1997 a. 27, 275, 284; 1999 a. 9 ss. 3223L, 3~~1~~32p to 3238d; 1999 a. 32.

4 **SECTION 4034~~ycr.~~** 980.08 (3m) of the statutes is created to read:

5 980.08 (3m) A county department that receives a copy of an examiner's report
6 under sub. (3)[✓] shall identify a residence in which the person may live if the court
7 grants the person's petition under this section for supervised release. The
8 identification of a residence by the county department is subject to approval by the
9 department. The county department shall provide the court a written description
10 of the residence before the hearing under sub. (4).[✓]

11 **SECTION 4034~~ycs.~~** 980.08 (5)[✓] of the statutes is amended to read:

12 980.08 (5) If the court finds that the person is appropriate for supervised
13 release, the court shall notify the department and the county department for the
14 person's county of residence. The department and the county department under s.
15 ~~51.42 in the for the person's county of residence of the person, as determined under~~
16 ~~s. 980.105,~~ shall prepare a plan that identifies the treatment and services, if any, that
17 the person will receive in the community. The plan shall address the person's need,
18 if any, for supervision, counseling, medication, community support services,
19 residential services, vocational services, and alcohol or other drug abuse treatment.
20 If the person is a serious child sex offender, the plan shall address the person's need
21 for pharmacological treatment using an antiandrogen or the chemical equivalent of
22 an antiandrogen. The department may contract with a county department, under s.
23 ~~51.42 (3) (aw) 1. d.,~~ with another public agency, or with a private agency to provide
24 the treatment and services identified in the plan. The plan shall specify who will be

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

History: 1993 a. 479; 1995 a. 276; 1997 a. 27, 275, 284; 1999 a. 9 ss. 3223L, 3232p to 3238d; 1999 a. 32.

15 [√]4. Page 1280, line 22: after that line insert:

16 “SECTION 4034^{yn}. 980.105 (intro.) of the statutes is renumbered 980.015 (5)
 17 and amended to read:

18 980.015 (5) ~~Determination of county of residence.~~ The court agency with
 19 jurisdiction shall determine a person's county of residence for the purposes of this
 20 chapter [√]by doing all of the following: in accordance with the criteria set forth in this
 21 subsection. A person's county of residence is the county in which a person's
 22 habitation was voluntarily fixed and in which the person voluntarily intended to
 23 remain on the date that the person committed the sexually violent offense that
 24 resulted in the sentence, placement, or commitment that is in effect when the

1 determination under this subsection is made. A person's physical presence at a place
2 shall be considered prima facie evidence of the person's intent to remain at that place.

3 ^{History - 1995 a. 276.} Please fix comp. SECTION 4034yo. 980.105 (1) ~~and (2)~~ ^{is} of the statutes ~~are~~ repealed. ^{9.}
4 # 4034 YP; RP; 980.105 (2).”

5 5. Page 1416, line 16: after that line insert:

6 “(12ⁿ) SEXUALLY VIOLENT PERSON COMMITMENTS.

7 (a) The repeal of section 980.105 (1) and (2) of the statutes, the renumbering
8 and amendment of section 980.105 (intro.) of the statutes, and the amendment of
9 section 980.015 (2) (intro.) of the statutes first apply to notice of persons who may
10 meet the criteria for commitment as sexually violent persons given on the effective
11 date of this ^{paragraph} ~~subsection.~~

12 (b) The treatment of sections 938.78 (2) (e), 980.02 (1) (am) and (b) (intro.),
13 980.02 (4) (c), 980.02 (6), ^{and} 980.03 (1) of the statutes first applies to sexually violent
14 persons petitions filed on the effective date of this ^{paragraph} ~~subsection.~~

15 (c) The treatment of section 980.05 (5) of the statutes first applies to sexually
16 violent person trials initiated on the effective date of this ^{paragraph} ~~subsection.~~

17 (d) The treatment of section 980.07 (2) of the statutes first applies to
18 reexaminations conducted on the effective date of this ^{paragraph} ~~subsection.~~

19 (e) The treatment of section 980.08 (2), (3), (3m) and (5) of the statutes first
20 applies to petitions for supervised release filed on the effective date of this
21 ^{paragraph} ~~subsection.~~”

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0813/1dn

RLR:.....

WJ

I added initial applicability dates for the changes made in this amendment. Please review the initial applicability provisions and let me know if you would like any changes.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

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

LRBb0813/1dn
RLR:wlj:kjf

June 18, 2001

I added initial applicability dates for the changes made in this amendment. Please review the initial applicability provisions and let me know if you would like any changes.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

SDC:.....Keckhaver – CN2750, County of residence of persons subject to sexually violent person petitions and responsibility of county of residence to prepare plan for supervised release

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 656, line 10: after that line insert:

3 “SECTION 1966v. 51.30 (4) (b) 10m. of the statutes is amended to read:

4 51.30 (4) (b) 10m. To the department of justice or a district attorney under s.
5 980.015 (3) (b), if the treatment records are maintained by an agency with
6 jurisdiction, as defined in s. ~~980.015 (1)~~ 980.01 (1d), that has control or custody over
7 a person who may meet the criteria for commitment as a sexually violent person
8 under ch. 980.”.

9 **2.** Page 1231, line 6: after that line insert:

1 **“SECTION 3928r.** 938.78 (2) (e) of the statutes is amended to read:

2 938.78 (2) (e) Paragraph (a) does not prohibit the department from disclosing
3 information about an individual adjudged delinquent under s. 938.183 or 938.34 for
4 a sexually violent offense, as defined in s. 980.01 (6), to the department of justice, or
5 a district attorney or a judge acting under ch. 980 or to an attorney who represents
6 a person subject to a petition under ch. 980. The court in which the petition under
7 s. 980.02 is filed or, if an action filed under s. 980.02 is transferred to another court
8 under s. 980.02 (6), the court to which the action is transferred, may issue any
9 protective orders that it determines are appropriate concerning information
10 disclosed under this paragraph.”.

11 **3.** Page 1280, line 9: after that line insert:

12 **“SECTION 4034ycc.** 980.01 (1) of the statutes is renumbered 980.01 (1r).

13 **SECTION 4034ycd.** 980.01 (1g) of the statutes is created to read:

14 980.01 (1g) “County department” means a county department of community
15 programs created in accordance with s. 51.42 (3) (a).

16 **SECTION 4034yce.** 980.01 (1m) of the statutes is created to read:

17 980.01 (1m) “County of residence” means the county in which a person is
18 considered to reside for purposes of this chapter as determined under s. 980.015 by
19 the agency with jurisdiction.

20 **SECTION 4034ycf.** 980.015 (1) of the statutes is renumbered 980.01 (1d) and
21 amended to read:

22 980.01 (1d) ~~In this section, “agency~~ “Agency with jurisdiction” means the
23 agency with the authority or duty to release or discharge ~~the a~~ a person.

24 **SECTION 4034ycg.** 980.015 (2) (intro.) of the statutes is amended to read:

1 980.015 (2) (intro.) If an agency with jurisdiction has control or custody over
2 a person who may meet the criteria for commitment as a sexually violent person,
3 after determining the person's county of residence as provided under sub. (5), the
4 agency with jurisdiction shall inform each appropriate district attorney and the
5 department of justice regarding the person as soon as possible beginning 3 months
6 prior to the applicable date of the following:

7 **SECTION 4034ych.** 980.02 (1) (a) of the statutes is amended to read:

8 980.02 (1) (a) The department of justice at the request of the agency with
9 jurisdiction, ~~as defined in s. 980.015 (1)~~, over the person. If the department of justice
10 decides to file a petition under this paragraph, it shall file the petition before the date
11 of the release or discharge of the person.

12 **SECTION 4034yci.** 980.02 (1) (am) of the statutes is created to read:

13 980.02 (1) (am) If the department of justice does not file a petition under par.
14 (a), the district attorney for the person's county of residence.

15 **SECTION 4034ycj.** 980.02 (1) (b) (intro.) of the statutes is amended to read:

16 980.02 (1) (b) (intro.) If the department of justice does not file a petition under
17 par. (a), and the district attorney for the person's county of residence does not file a
18 petition under par. (am), the district attorney for one of the following:

19 **SECTION 4034yck.** 980.02 (4) (c) of the statutes is created to read:

20 980.02 (4) (c) The circuit court in the person's county of residence.

21 **SECTION 4034ycL.** 980.02 (6) of the statutes is created to read:

22 980.02 (6) Upon request from the district attorney for the person's county of
23 residence, an action commenced by filing a petition under this section in a circuit
24 court for a county other than the person's county of residence shall be transferred to
25 the circuit court for the person's county of residence.

1 **SECTION 4034ycm.** 980.03 (1) of the statutes is amended to read:

2 980.03 (1) The circuit court in which a petition under s. 980.02 is filed or, if an
3 action is transferred under s. 980.02 (6), the court to which the action was
4 transferred, shall conduct all hearings under this chapter. The court shall give the
5 person who is the subject of the petition reasonable notice of the time and place of
6 each such hearing. The court may designate additional persons to receive these
7 notices.

8 **SECTION 4034ycn.** 980.05 (5) of the statutes is amended to read:

9 980.05 (5) If the court or jury determines that the person who is the subject of
10 a petition under s. 980.02 is a sexually violent person, the court shall enter a
11 judgment on that finding, shall notify the county department for the person's county
12 of residence of that finding, and shall commit the person as provided under s. 980.06.
13 If the court or jury is not satisfied beyond a reasonable doubt that the person is a
14 sexually violent person, the court shall dismiss the petition and direct that the
15 person be released unless he or she is under some other lawful restriction.

16 **SECTION 4034yco.** 980.07 (2) of the statutes is amended to read:

17 980.07 (2) Any examiner conducting an examination under this section shall
18 prepare a written report of the examination no later than 30 days after the date of
19 the examination. The examiner shall place a copy of the report in the person's
20 medical records and shall provide a copy of the report to the court that committed the
21 person under s. 980.06 and to the county department for the person's county of
22 residence.

23 **SECTION 4034ycp.** 980.08 (2) of the statutes is amended to read:

24 980.08 (2) If the person files a timely petition without counsel, the court shall
25 serve a copy of the petition on the district attorney or department of justice,

1 whichever is applicable, and on the county department for the person's county of
2 residence and, subject to s. 980.03 (2) (a), refer the matter to the authority for
3 indigency determinations under s. 977.07 (1) and appointment of counsel under s.
4 977.05 (4) (j). If the person petitions through counsel, his or her attorney shall serve
5 the district attorney or department of justice, whichever is applicable, and the county
6 department for the person's county of residence.

7 **SECTION 4034ycq.** 980.08 (3) of the statutes is amended to read:

8 980.08 (3) Within 20 days after receipt of the petition, the court shall appoint
9 one or more examiners having the specialized knowledge determined by the court to
10 be appropriate, who shall examine the person and furnish a written report of the
11 examination to the court within 30 days after appointment. The examiners shall
12 have reasonable access to the person for purposes of examination and to the person's
13 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health
14 care records, as provided under s. 146.82 (2) (c). If any ~~such~~ examiner appointed
15 under this subsection believes that the person is appropriate for supervised release
16 under the criterion specified in sub. (4), the examiner shall report on the type of
17 treatment and services that the person may need while in the community on
18 supervised release and shall furnish a copy of the written report of the examination
19 to the county department for the person's county of residence at the time that the
20 examiner furnishes the report to the court. The county shall pay the costs of an
21 examiner appointed under this subsection as provided under s. 51.20 (18) (a).

22 **SECTION 4034ycr.** 980.08 (3m) of the statutes is created to read:

23 980.08 (3m) A county department that receives a copy of an examiner's report
24 under sub. (3) shall identify a residence in which the person may live if the court
25 grants the person's petition under this section for supervised release. The

1 identification of a residence by the county department is subject to approval by the
2 department. The county department shall provide the court a written description
3 of the residence before the hearing under sub. (4).

4 **SECTION 4034**ycs. 980.08 (5) of the statutes is amended to read:

5 980.08 (5) If the court finds that the person is appropriate for supervised
6 release, the court shall notify the department and the county department for the
7 person's county of residence. The department and the county department ~~under s.~~
8 ~~51.42 in the~~ for the person's county of residence of the person, as determined under
9 ~~s. 980.105,~~ shall prepare a plan that identifies the treatment and services, if any, that
10 the person will receive in the community. The plan shall address the person's need,
11 if any, for supervision, counseling, medication, community support services,
12 residential services, vocational services, and alcohol or other drug abuse treatment.
13 If the person is a serious child sex offender, the plan shall address the person's need
14 for pharmacological treatment using an antiandrogen or the chemical equivalent of
15 an antiandrogen. The department may contract with a county department, ~~under s.~~
16 ~~51.42 (3) (aw) 1. d.,~~ with another public agency, or with a private agency to provide
17 the treatment and services identified in the plan. The plan shall specify who will be
18 responsible for providing the treatment and services identified in the plan. The plan
19 shall be presented to the court for its approval within 60 days after the court finding
20 that the person is appropriate for supervised release, unless the department, county
21 department and person to be released request additional time to develop the plan.
22 ~~If the~~ The county department of for the person's county of residence declines to
23 ~~prepare a plan,~~ the department may arrange for another county to prepare the plan
24 if that the other county agrees to prepare the plan ~~and if the person will be living in~~
25 ~~that county. If the department is unable to arrange for another county to prepare a~~

1 ~~plan, the court shall designate a county department to prepare the plan, order the~~
2 ~~county department to prepare the plan and place the person on supervised release~~
3 ~~in that county, except that the court may not so designate the county department in~~
4 ~~any county where there is a facility in which persons committed to institutional care~~
5 ~~under this chapter are placed unless that county is also the person's county of~~
6 ~~residence.”.~~

7 **4.** Page 1280, line 22: after that line insert:

8 “**SECTION 4034yn.** 980.105 (intro.) of the statutes is renumbered 980.015 (5)
9 and amended to read:

10 **980.015 (5) ~~Determination of county of residence.~~** The court agency with
11 jurisdiction shall determine a person's county of residence for the purposes of this
12 chapter by doing all of the following: in accordance with the criteria set forth in this
13 subsection. A person's county of residence is the county in which a person's
14 habitation was voluntarily fixed and in which the person voluntarily intended to
15 remain on the date that the person committed the sexually violent offense that
16 resulted in the sentence, placement, or commitment that is in effect when the
17 determination under this subsection is made. A person's physical presence at a place
18 shall be considered prima facie evidence of the person's intent to remain at that place.

19 **SECTION 4034yo.** 980.105 (1) of the statutes is repealed.

20 **SECTION 4034yp.** 980.105 (2) of the statutes is repealed.”.

21 **5.** Page 1416, line 16: after that line insert:

22 “(12n) **SEXUALLY VIOLENT PERSON COMMITMENTS.**

23 (a) The repeal of section 980.105 (1) and (2) of the statutes, the renumbering
24 and amendment of section 980.105 (intro.) of the statutes, and the amendment of

1 section 980.015 (2) (intro.) of the statutes first apply to notices of persons who may
2 meet the criteria for commitment as sexually violent persons given on the effective
3 date of this paragraph.

4 (b) The treatment of sections 938.78 (2) (e), 980.02 (1) (am) and (b) (intro.),
5 980.02 (4) (c), 980.02 (6), and 980.03 (1) of the statutes first applies to sexually violent
6 persons petitions filed on the effective date of this paragraph.

7 (c) The treatment of section 980.05 (5) of the statutes first applies to sexually
8 violent person trials initiated on the effective date of this paragraph.

9 (d) The treatment of section 980.07 (2) of the statutes first applies to
10 reexaminations conducted on the effective date of this paragraph.

11 (e) The treatment of section 980.08 (2), (3), (3m), and (5) of the statutes first
12 applies to petitions for supervised release filed on the effective date of this
13 paragraph.”.

14

(END)