

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/11/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Megna

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Mental Health - detent/commit

Extra Copies: MGD, RPN

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Megna -

Topic:

Placement of sexually violent persons on supervised release

Instructions:

LFB conference committee summary, page 291, #6: neither Assembly nor Senate. Instead, eliminate JFC provision that requires placement for sexually violent person (SVP) on supervised release to be at least 2,500 feet from dwelling of other SVPs; require DHFS to use best efforts to place SVPs in county of residence and to consider proximity to other SVPs and sex offenders

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 07/12/2001	hhagen 07/12/2001	pgreensl 07/12/2001	_____	lrb_docadmin 07/12/2001		

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/1	rryan	1. hmk 7/12/01	7/12 pb	7/12 SOB			

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 7-10-01

DELIVER TO: Robin Ryan

Addressee Fax #: 4-6948 Addressee Phone #: _____

of Pages, Including Cover: 3 Sender's Initials: _____

From: Richard Meegan

Message: email on placement of persons on supervised release.

Megna, Richard

From: Arsenault, Yvonne
Sent: Monday, July 09, 2001 3:52 PM
To: Sybell, Debra; Megna, Richard
Subject: RE: Conference Committee - SVP Placement

Debra -

I am forwarding this information to Richard Megna in our office who handles this issue.

Yvonne Arsenault

-----Original Message-----

From: Sybell, Debra
Sent: Monday, July 09, 2001 3:50 PM
To: Arsenault, Yvonne
Cc: Worcester, Barbara
Subject: Conference Committee - SVP Placement

Yvonne:

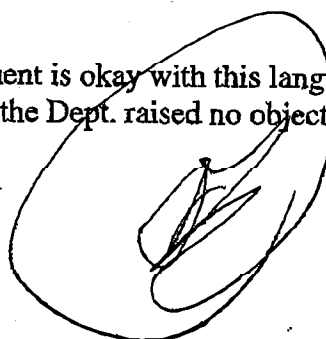
The conferees asked me to forward this language to you [see below] as a possible alternative to item 6 on page 291 (Placement of Sexually Violent Persons on Supervised Release).

This language is modeled after a provision approved in JFC regarding DOC's placement of sex offenders in the community. (60528)

Russ Pederson with DHFS has indicated that the Department is okay with this language. In addition, we have shared this language with the DOC (Bob Margolies) and the Dept. raised no objections.

If you have any questions, give me a call at 6-1832.

Deb Sybell
Senator Plache's Office



Require DHFS to use its best efforts to place any person on supervised release in a residential facility or dwelling that is in the SVP's county of residence.

The department shall determine a sex offender's county of residence by doing all of the following:

- (a) **considering residence as the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation and considering physical presence as prima facie evidence of intent to remain.**
- (b) **Applying the criteria for consideration of residence and physical presence under par. (a) to the facts that existed on the date on which the sex offender committed the serious sex offense that resulted in the sentence that the sex offender is serving.**

Before placement of any person or persons on supervised release in a residential facility or dwelling, require DHFS to consider the proximity of the residential facility or dwelling to another residential facility or dwelling in which is placed a person or persons on supervised release or sex offenders under the supervision of DOC for which DOC provides a special bulletin notification under Sec. 301.46(2m), Wis. Stats.

Consistent with comment 980.105 of DOC language

Require DOC to work with DHFS to coordinate the sharing of information on addresses of offenders for which special bulletin notifications are provided.

2001

Date (time) needed _____

LRB b 2056 / 1 / 1

RLR: hmb

BUDGET AMENDMENT

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT TO SENATE SUBSTITUTE AMENDMENT 1 TO 2001 SENATE BILL 55

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

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :



LFB:.....Magna - Placement of sexually violent persons on supervised release

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

Substitute amendment

- 1 At the locations indicated, amend the ~~bill~~ as follows:
- 2 1. Page 1076, line 7: after that line insert:
- 3 "SECTION 3352r. 301.46 (4) (d) of the statutes is created to read:
- 4 301.46 (4) (d) The department shall coordinate with the department of health
- 5 and family services the sharing of address information of persons regarding whom
- 6 notification bulletins are issued under sub. (2m) (a) or (am)."
- 7 2. Page 1280, line 10: delete lines 10 to 22 and substitute:
- 8 "SECTION 4034yg. 980.08 (5) of the statutes is amended to read:
- 9 980.08 (5) If the court finds that the person is appropriate for supervised
- 10 release, the court shall notify the department. The department shall make its best

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

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

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

8 **SECTION 4034yi.** 980.105 of the statutes is amended to read: ✓

9 **980.105 Determination of county of residence.** The ~~court~~ department
10 shall determine a person's county of residence for the purposes of this chapter by
11 doing all of the following:

12 (1) The ~~court~~ department ^{check spacing} shall consider residence as the voluntary
13 concurrence of physical presence with intent to remain in a place of fixed habitation
14 and shall consider physical presence as prima facie evidence of intent to remain.

15 (2) The ~~court~~ department shall apply the criteria for consideration of residence
16 and physical presence under sub. (1) to the facts that existed on the date that the
17 person committed the sexually violent offense that resulted in the sentence,
18 placement or commitment that was in effect when the petition was filed under s.
19 980.02.”

20 History: 1995 a. 276.

20 **3.** Page 1416, line 16: after that line insert:

21 ~~“(12)”~~ SUPERVISED RELEASE OF SEXUALLY VIOLENT PERSONS. The treatment of
22 sections 980.08 (5) and 980.105 of the statutes first applies to petitions for supervised
23 release filed on the effective date of this subsection.”

24 (END)



LFB:.....Megna – Placement of sexually violent persons on supervised
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