

**2003 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB270)**

Received: **10/27/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Lisa**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Placement of sex predators

**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>
/?	mdsida 11/20/2003	kgilfoy 11/21/2003		_____			
/1			pgreensl 11/24/2003	_____	lemery 11/24/2003	lemery 11/24/2003	

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/2	mdsida 12/19/2003	kgilfoy 12/19/2003	chaugen 12/22/2003	_____	lemery 12/22/2003	lemery 12/22/2003	
/3	mdsida 12/29/2003	kgilfoy 12/29/2003	rschlue 12/30/2003	_____	lemery 12/30/2003	lemery 12/30/2003	

FE Sent For:

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/1		13-12/29 Kmg	pgreensl 11/24/2003		lemery 11/24/2003	lemery 11/24/2003	

*Handwritten signature and date: 12/30/03*

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/2	mdsida 12/19/2003	kgilfoy 12/19/2003	chaugen 12/22/2003	_____	lemery 12/22/2003	lemery 12/22/2003	

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/1		12-12/19 kmg	pgreensl 11/24/2003	_____	lemery 11/24/2003	lemery 11/24/2003	

*Ch 12-22 PG-12-22*

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/?	mdsida 11/20/2003	kgilfoy 11/21/2003	lrb_lps 11/21 py	11/24 P8115			

FE Sent For:

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*A. Sub. Amdt*

**2003 ASSEMBLY BILL 270**

*Soon*

April 18, 2003 - Introduced by Representatives JOHNSRUD, HINES, GUNDRUM, McCORMICK, OTT, KRAWCZYK, LASSA, AINSWORTH, HUNDERTMARK, J. FITZGERALD, JESKEWITZ and J. WOOD, cosponsored by Senators HARSDOFF, A. LASEE, KANAVAS, LEIBHAM and DARLING. Referred to Committee on Judiciary

*Gen. Cat.*

1 AN ACT *to renumber* 302.11 (4m), 302.116 (1) (a) and 971.17 (1); *to renumber*  
2 *and amend* 980.08 (4) and 980.08 (5); *to amend* 46.10 (2), 51.42 (3) (aw) 1. d.,  
3 302.11 (1), 971.17 (1g), 971.17 (1h), 971.17 (1j) (b), 971.17 (1m) (a), 971.17 (1m)  
4 (b) 1m., 971.17 (1m) (b) 2m., 971.17 (3) (a), 971.17 (3) (e), 971.17 (4) (d), 971.17  
5 (6) (a) (intro.), 971.17 (6) (b), 980.08 (3) and 980.08 (6m); and *to create* 302.11  
6 (1g) (b) 3., 302.11 (4m) (b), 302.116 (1) (ad), 302.116 (1) (af), 302.116 (3), 304.02  
7 (4t), 304.06 (2m) (af), 971.17 (1b), 971.17 (4f), 973.09 (8), 975.10 (1m), 980.08 (4)  
8 (a) 1. b., 980.08 (5) (a) 2. and 980.08 (5) (b) of the statutes; **relating to:** the  
9 residence of ~~child sex offenders~~ *child sex predators*

*Certain*

*Analysis by the Legislative Reference Bureau*

Current law restricts where certain persons who have been convicted of first or second degree sexual assault, first or second degree sexual assault of a child, repeated sexual assault of a child, incest with a child, or child enticement (a "serious sex offense") may reside if they are living in the community. First, no person who has been convicted of a serious sex offense (a "sex offender") may be paroled to any county where there is a correctional institution that has a specialized sex offender treatment program, unless that county was the person's county of residence at the time of the

**ASSEMBLY BILL 270**

person's offense. Second, any sex offender who is released to extended supervision must agree, as a condition of extended supervision, to live in a residence that the Department of Corrections (DOC) has approved. Current law also imposes certain obligations on DOC with respect to where sex offenders reside. DOC must work to minimize, to the greatest extent possible, the residential population density of sex offenders who are on probation, parole, or extended supervision or who are placed on supervised release after having been committed for treatment as sexually violent persons.

This bill places additional restrictions on where a child sex offender — defined as a person who has been convicted of child enticement; using a computer to facilitate having sex with a child; attempting to commit either of these crimes; or, if the victim or the intended victim was under 18, any other serious sex offense — may reside. Under the bill, a child sex offender who is being placed in the community under the supervision of DOC (through parole, extended supervision, or probation) may not reside within 1,000 feet of any of the following places: 1) a state, county, city, village, or town park; 2) a multiunit public housing project; 3) a public swimming pool; 4) a child care facility; 5) a youth center; 6) a community center; or 7) any private or public school premises. The bill imposes the same restriction on: 1) any person being placed in the community on conditional release after having been found not guilty by reason of mental disease or defect of child enticement; using a computer to facilitate having sex with a child; attempting to commit either of these crimes; or, if the victim or the intended victim was under 18, any other serious sex offense; and 2) any person placed on supervised release after having been committed for treatment as a sexually violent person, regardless of the offense or offenses that provided a basis for his or her commitment.

For further information see the *state and local* 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:*

- 1           **SECTION 1.** 46.10 (2) of the statutes is amended to read:
- 2           46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
- 3 including but not limited to a person admitted, committed, or placed under s. 975.01,
- 4 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 51.10, 51.13,
- 5 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12), and (13), 55.05, 55.06, 971.14
- 6 (2) and (5), 971.17 (1) ~~Ad~~, 975.06, and 980.06, receiving care, maintenance, services,
- 7 and supplies provided by any institution in this state including University of

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1 Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of  
 2 the person's care, maintenance, services, and supplies, any person receiving care and  
 3 services from a county department established under s. 51.42 or 51.437 or from a  
 4 facility established under s. 49.73, and any person receiving treatment and services  
 5 from a public or private agency under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d)  
 6 or (4) (e) or 980.08 ~~(5) (a)~~ <sup>(6m) (a)</sup> and the person's property and estate, including the  
 7 homestead, and the spouse of the person, and the spouse's property and estate,  
 8 including the homestead, and, in the case of a minor child, the parents of the person,  
 9 and their property and estates, including their homestead, and, in the case of a  
 10 foreign child described in s. 48.839 (1) who became dependent on public funds for his  
 11 or her primary support before an order granting his or her adoption, the resident of  
 12 this state appointed guardian of the child by a foreign court who brought the child  
 13 into this state for the purpose of adoption, and his or her property and estate,  
 14 including his or her homestead, shall be liable for the cost of the care, maintenance,  
 15 services, and supplies in accordance with the fee schedule established by the  
 16 department under s. 46.03 (18). If a spouse, widow, or minor, or an incapacitated  
 17 person may be lawfully dependent upon the property for their support, the court  
 18 shall release all or such part of the property and estate from the charges that may  
 19 be necessary to provide for those persons. The department shall make every  
 20 reasonable effort to notify the liable persons as soon as possible after the beginning  
 21 of the maintenance, but the notice or the receipt thereof is not a condition of liability.

22 **SECTION 2.** 51.42 (3) (aw) 1. d. of the statutes is amended to read:

23 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a  
 24 conditional release plan approved by a court for a person who is a county resident and  
 25 is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised

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1 release plan approved by a court under s. 980.06 (2) (c), 1997 stats., or s. 980.08 (5)  
2 (d). If the county department provides treatment and services under this  
3 subdivision, the department of health and family services shall, from the  
4 appropriation under s. 20.435 (2) (bj), pay the county department for the costs of the  
5 treatment and services.

6 **SECTION 3.** ~~302.11 (1) of the statutes is amended to read:~~

7 302.11 (1) The warden or superintendent shall keep a record of the conduct of  
8 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),  
9 (1m), (1q), (1z), ~~(4m) (b)~~, (7), and (10), each inmate is entitled to mandatory release  
10 on parole by the department. The mandatory release date is established at  
11 two-thirds of the sentence. Any calculations under this subsection or sub. (1q) (b)  
12 or (2) (b) resulting in fractions of a day shall be rounded in the inmate's favor to a  
13 whole day.

14 **SECTION 4.** 302.11 (1g) (b) 3. of the statutes is created to read:

15 302.11 (1g) (b) 3. Refusal by the inmate, if the inmate is a child sex offender,  
16 as defined in s. 302.116 (1) (af), to reside, as a condition of parole, in a residence that  
17 is not within 1,000 feet of any state, county, city, village, or town park, a multiunit  
18 public housing project, a swimming pool open to members of the public, a child care  
19 facility, as defined in s. 302.116 (1) (ad), a youth center, a community center, or any  
20 private or public school premises.

21 **SECTION 5.** 302.11 (4m) of the statutes is renumbered 302.11 (4m) (a).

22 **SECTION 6.** 302.11 (4m) (b) of the statutes is created to read:

23 302.11 (4m) (b) A child sex offender, as defined in s. 302.116 (1) (af), is not  
24 entitled to mandatory release on parole under this section unless he or she agrees,  
25 as a condition of parole, not to reside within 1,000 feet of any state, county, city,

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1 village, or town park, a multiunit public housing project, a swimming pool open to  
2 members of the public, a child care facility, as defined in s. 302.116 (1) (ad), a youth  
3 center, a community center, or any private or public school premises.

4 **SECTION 7.** 302.116 (1) (a) of the statutes is renumbered 302.116 (1) (at).

5 **SECTION 8.** 302.116 (1) (ad) of the statutes is created to read:

6 302.116 (1) (ad) "Child care facility" means a child care facility that is operated  
7 by a person licensed under s. 48.65 or 48.69 or certified under s. 48.651 or that is  
8 established or contracted for under s. 120.13 (14)

9 ~~**SECTION 9.** 302.116 (1) (af) of the statutes is created to read.~~

10 ~~302.116 (1) (af) "Child sex offender" means a person serving a sentence for any~~  
11 ~~of the following:~~

- 12 1. A violation of s. 948.07 or 948.075 or a solicitation or conspiracy to commit
- 13 a violation of s. 948.07 or 948.075.
- 14 2. Any other ~~serious sex~~ <sup>serious sex</sup> offense, <sup>under sub. (6) (a)</sup> if the victim or the intended victim of the
- 15 ~~serious sex~~ offense was a person who had not attained the age of 18 years at the time
- 16 of the offense.

17 ~~**SECTION 10.** 302.116 (3) of the statutes is created to read:~~

18 ~~302.116 (3) As a condition of extended supervision, a child sex offender shall~~  
19 ~~live in a residence that is not within 1,000 feet of any state, county, city, village, or~~  
20 ~~town park, a multiunit public housing project, a swimming pool open to members of~~  
21 ~~the public, a child care facility, a youth center, a community center, or any private or~~  
22 ~~public school premises.~~

23 **SECTION 11.** 304.02 (4t) of the statutes is created to read:

24 304.02 (4t) Notwithstanding subs. (1) to (3), a child sex offender, as defined in  
25 s. 302.116 (1) (af), may not be paroled under this section unless he or she agrees, as

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1 a condition of parole, not to reside within 1,000 feet of any state, county, city, village,  
2 or town park, a multiunit public housing project, a swimming pool open to members  
3 of the public, a child care facility, as defined in s. 302.116 (1) (ad), a youth center, a  
4 community center, or any private or public school premises.

5 **SECTION 12.** 304.06 (2m) (af) of the statutes is created to read:

6 304.06 (2m) (af) Neither the parole commission nor the department may parole  
7 a child sex offender, as defined in s. 302.116 (1) (af), unless he or she agrees, as a  
8 condition of parole, not to reside within 1,000 feet of any state, county, city, village,  
9 or town park, a multiunit public housing project, a swimming pool open to members  
10 of the public, a child care facility, as defined in s. 302.116 (1) (ad), a youth center, a  
11 community center, or any private or public school premises.

12 **SECTION 13.** 971.17 (1) of the statutes is renumbered 971.17 (1d).

13 **SECTION 14.** 971.17 (1b) of the statutes is created to read:

14 971.17 (1b) In this section, “child sex offender” means a person who has been  
15 found not guilty by reason of mental disease or defect of any of the following:

16 (a) A violation of s. 948.07 or 948.075 or a solicitation or conspiracy to commit  
17 a violation of s. 948.07 or 948.075.

18 (b) Any other serious sex offense, if the victim or the intended victim of the  
19 serious sex offense was a person who had not attained the age of 18 years at the time  
20 of the offense.

21 **SECTION 15.** 971.17 (1g) of the statutes is amended to read:

22 971.17 (1g) If the defendant under sub. ~~(1)~~ (1d) is found not guilty of a felony  
23 by reason of mental disease or defect, the court shall inform the defendant of the  
24 requirements and penalties under s. 941.29.

25 **SECTION 16.** 971.17 (1h) of the statutes is amended to read:

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1           **971.17 (1h) NOTICE OF RESTRICTIONS ON POSSESSION OF BODY ARMOR.** If the  
2 defendant under sub. ~~(1)~~ **(1d)** is found not guilty of a violent felony, as defined in s.  
3 941.291 (1) (b), by reason of mental disease or defect, the court shall inform the  
4 defendant of the requirements and penalties under s. 941.291.

5           **SECTION 17.** 971.17 (1j) (b) of the statutes is amended to read:

6           **971.17 (1j) (b)** If a person is found not guilty by reason of mental disease or  
7 defect of a serious sex offense, the court may, in addition to committing the person  
8 to the department of health and family services under sub. ~~(1)~~ **(1d)**, place the person  
9 on lifetime supervision under s. 939.615 if notice concerning lifetime supervision was  
10 given to the person under s. 973.125 and if the court determines that lifetime  
11 supervision of the person is necessary to protect the public.

12           **SECTION 18.** 971.17 (1m) (a) of the statutes is amended to read:

13           **971.17 (1m) (a)** If the defendant under sub. ~~(1)~~ **(1d)** is found not guilty by reason  
14 of mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), or  
15 948.025, the court shall require the person to provide a biological specimen to the  
16 state crime laboratories for deoxyribonucleic acid analysis.

17           **SECTION 19.** 971.17 (1m) (b) 1m. of the statutes is amended to read:

18           **971.17 (1m) (b) 1m.** Except as provided in subd.2m., if the defendant under sub.  
19 ~~(1)~~ **(1d)** is found not guilty by reason of mental disease or defect for any violation, or  
20 for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944,  
21 or 948 or ss. 943.01 to 943.15, the court may require the defendant to comply with  
22 the reporting requirements under s. 301.45 if the court determines that the  
23 underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it  
24 would be in the interest of public protection to have the defendant report under s.  
25 301.45.

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1           **SECTION 20.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

2           971.17 (1m) (b) 2m. If the defendant under sub. ~~(1) (1d)~~ is found not guilty by  
3 reason of mental disease or defect for a violation, or for the solicitation, conspiracy,  
4 or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02  
5 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11  
6 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was  
7 a minor and the defendant was not the victim's parent, the court shall require the  
8 defendant to comply with the reporting requirements under s. 301.45 unless the  
9 court determines, after a hearing on a motion made by the defendant, that the  
10 defendant is not required to comply under s. 301.45 (1m).

11           **SECTION 21.** 971.17 (3) (a) of the statutes is amended to read:

12           971.17 (3) (a) An order for commitment under this section shall specify either  
13 institutional care or conditional release. The court shall order institutional care if  
14 it finds by clear and convincing evidence that conditional release of the person would  
15 pose a significant risk of bodily harm to himself or herself or to others or of serious  
16 property damage. ~~If or that the person is a child sex offender who refuses to comply~~  
17 ~~with sub. (4f). Otherwise, the court does not make this finding, it shall order~~  
18 ~~conditional release. In determining whether commitment shall be for institutional~~  
19 ~~care or conditional release the person would pose a significant risk of bodily harm to~~  
20 ~~himself or herself or to others or of serious property damage, the court may consider,~~  
21 without limitation because of enumeration, the nature and circumstances of the  
22 crime, the person's mental history and present mental condition, where the person  
23 will live, how the person will support himself or herself, what arrangements are  
24 available to ensure that the person has access to and will take necessary medication,  
25 and what arrangements are possible for treatment beyond medication.

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1           **SECTION 22.** 971.17 (3) (e) of the statutes is amended to read:

2           971.17 (3) (e) An order for conditional release places the person in the custody  
3 and control of the department of health and family services. A conditionally released  
4 person is subject to the conditions set by the court ~~and~~, to the rules of the department  
5 of health and family services, ~~and, if applicable, to sub. (4f)~~. Before a person is  
6 conditionally released by the court under this subsection, the court shall so notify the  
7 municipal police department and county sheriff for the area where the person will  
8 be residing. The notification requirement under this paragraph does not apply if a  
9 municipal department or county sheriff submits to the court a written statement  
10 waiving the right to be notified. If the department of health and family services  
11 alleges that a released person has violated any condition or rule, or that the safety  
12 of the person or others requires that conditional release be revoked, he or she may  
13 be taken into custody under the rules of the department. The department of health  
14 and family services shall submit a statement showing probable cause of the  
15 detention and a petition to revoke the order for conditional release to the committing  
16 court and the regional office of the state public defender responsible for handling  
17 cases in the county where the committing court is located within 48 hours after the  
18 detention. The court shall hear the petition within 30 days, unless the hearing or  
19 time deadline is waived by the detained person. Pending the revocation hearing, the  
20 department of health and family services may detain the person in a jail or in a  
21 hospital, center or facility specified by s. 51.15 (2). The state has the burden of  
22 proving by clear and convincing evidence that any rule or condition of release has  
23 been violated, or that the safety of the person or others requires that conditional  
24 release be revoked. If the court determines after hearing that any rule or condition  
25 of release has been violated, or that the safety of the person or others requires that

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1 conditional release be revoked, it may revoke the order for conditional release and  
2 order that the released person be placed in an appropriate institution under s. 51.37  
3 (3) until the expiration of the commitment or until again conditionally released  
4 under this section.

5 **SECTION 23.** 971.17 (4) (d) of the statutes is amended to read:

6 971.17 (4) (d) The court, without a jury, shall hear the petition within 30 days  
7 after the report of the court-appointed examiner is filed with the court, unless the  
8 petitioner waives this time limit. Expenses of proceedings under this subsection  
9 shall be paid as provided under s. 51.20 (18). The court shall grant the petition unless  
10 it finds by clear and convincing evidence that the person would pose a significant risk  
11 of bodily harm to himself or herself or to others or of serious property damage if  
12 conditionally released. In making this determination or that the person is a child sex  
13 offender who refuses to comply with sub. (4f). In determining whether the person  
14 would pose a significant risk of bodily harm to himself or herself or to others or of  
15 serious property damage, the court may consider, without limitation because of  
16 enumeration, the nature and circumstances of the crime, the person's mental history  
17 and present mental condition, where the person will live, how the person will support  
18 himself or herself, what arrangements are available to ensure that the person has  
19 access to and will take necessary medication, and what arrangements are possible  
20 for treatment beyond medication.

21 **SECTION 24.** 971.17 (4f) of the statutes is created to read:

22 971.17 (4f) RESIDENCY OF CHILD SEX OFFENDERS ON CONDITIONAL RELEASE. A child  
23 sex offender who is conditionally released under sub. (3) or (4) (e) may not, as a  
24 condition of the person's release, reside within 1,000 feet of any state, county, city,  
25 village, or town park, a multiunit public housing project, a swimming pool open to

**ASSEMBLY BILL 270**

1 members of the public, a child care facility, as defined in s. 302.116 (1) (ad), a youth  
2 center, a community center, or any private or public school premises.

3 **SECTION 25.** 971.17 (6) (a) (intro.) of the statutes is amended to read:

4 971.17 (6) (a) (intro.) At least 60 days prior to the expiration of a commitment  
5 order under sub. (1) (1d), the department of health and family services shall notify  
6 all of the following:

7 **SECTION 26.** 971.17 (6) (b) of the statutes is amended to read:

8 971.17 (6) (b) Upon the expiration of a commitment order under sub. (1) (1d),  
9 the court shall discharge the person, subject to the right of the department of health  
10 and family services or the appropriate county department under s. 51.42 or 51.437  
11 to proceed against the person under ch. 51 or 55. If none of those departments  
12 proceeds against the person under ch. 51 or 55, the court may order the proceeding.

13 **SECTION 27.** 973.09 (8) of the statutes is created to read:

14 973.09 (8) If the court places a child sex offender, as defined in s. 302.116 (1)  
15 (af), on probation, the court shall prohibit the probationer, as a condition of  
16 probation, from residing within 1,000 feet of any state, county, city, village, or town  
17 park, a multiunit public housing project, a swimming pool open to members of the  
18 public, a child care facility, as defined in s. 302.116 (1) (ad), a youth center, a  
19 community center, or any private or public school premises.

✓  
INS  
11/19

20 **SECTION 28.** 975.10 (1m) of the statutes is created to read:

21 975.10 (1m) A ~~person~~ <sup>INS 11/21</sup> may not be released on parole under sub. (1) unless he  
22 or she agrees, as a condition of parole, not to reside within 1,000 feet of any state,  
23 county, city, village, or town park, a multiunit public housing project, a swimming  
24 pool open to members of the public, a child care facility, as defined in s. 302.116 (1)  
25 (ad), a youth center, a community center, or any private or public school premises.

*of the violation of the ...*



ASSEMBLY BILL 270

1           2. In deciding whether to make a finding under subd. 1. a., the court may  
 2 consider, without limitation because of enumeration, the nature and circumstances  
 3 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)  
 4 (a), the person's mental history and present mental condition, where the person will  
 5 live, how the person will support himself or herself and what arrangements are  
 6 available to ensure that the person has access to and will participate in necessary  
 7 treatment, including pharmacological treatment using an antiandrogen or the  
 8 chemical equivalent of an antiandrogen if the person is a serious child sex offender.  
 9 A decision under ~~this subsection~~ subd. 1. a. on a petition filed by a person who is a  
 10 serious child sex offender may not be made based on the fact that the person is a  
 11 proper subject for pharmacological treatment using an antiandrogen or the chemical  
 12 equivalent of an antiandrogen or on the fact that the person is willing to participate  
 13 in pharmacological treatment using an antiandrogen or the chemical equivalent of  
 14 an antiandrogen.

*the residency requirement in*

*is a child sex offender who*

**SECTION 31.** 980.08 (4) (a) 1. b. of the statutes is created to read:

15           980.08 (4) (a) 1. b. That the person who is the subject of the petition ~~refuses to~~  
 16 comply with sub. (5) (a) ~~2.~~  
 17 *INS*

18           ~~SECTION 32.~~ 980.08 (5) of the statutes is ~~renumbered~~ 980.08 (5) (a) ~~1.~~ and  
 19 amended to read:  
 20 *(3/17)*  
 21 *A, B+C*  
 22 *D+E*

20           980.08 (5) (a) ~~1.~~ If the court finds that the person is appropriate for supervised  
 21 release, the court shall notify the department. The Subject to subd. 2., the  
 22 department shall make its best effort to arrange for placement of the person in a  
 23 residential facility or dwelling that is in the person's county of residence, as  
 24 determined by the department under s. 980.105. ~~The department and the county~~  
 25 ~~department under s. 51.42 in the county of residence of the person shall prepare a~~

ASSEMBLY BILL 270

1 ~~plan that identifies the treatment and services, if any, that the person will receive~~  
 2 ~~in the community. The plan shall address the person's need, if any, for supervision,~~  
 3 ~~counseling, medication, community support services, residential services, vocational~~  
 4 ~~services, and alcohol or other drug abuse treatment. In developing a plan for where~~  
 5 ~~the person may reside while on supervised release, the department shall consider the~~  
 6 ~~proximity of any potential placement to the residence of other persons on supervised~~  
 7 ~~release and to the residence of persons who are in the custody of the department of~~  
 8 ~~corrections and regarding whom a sex offender notification bulletin has been issued~~  
 9 ~~to law enforcement agencies under s. 301.46 (2m) (a) or (am).~~

*do all of the following:*  
 ¶ 1.

10 <sup>A</sup>  
 11 (c) ~~The~~ plan prepared under par. (b) shall address the person's need, if any, for  
 12 supervision, counseling, medication, community support services, residential  
 13 services, vocational services, and alcohol or other drug abuse treatment. If the  
 14 person is a serious child sex offender, the plan shall address the person's need for  
 15 pharmacological treatment using an antiandrogen or the chemical equivalent of an  
 16 antiandrogen. ~~The department may contract with a county department, under s.~~  
 17 ~~51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide~~  
 18 ~~the treatment and services identified in the plan. The plan shall specify who will be~~  
 19 ~~responsible for providing the treatment and services identified in the plan.~~

20 (d) The plan ~~prepared under par. (b)~~ shall be presented to the court for its  
 21 approval within 60 days after the court finding that the person is appropriate for  
 22 supervised release, unless the department, county department, and person to be  
 23 released request additional time to develop the plan. ~~If the county department of the~~  
 24 ~~person's county of residence declines to prepare a plan, the department may arrange~~  
 25 ~~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~~

## ASSEMBLY BILL 270

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

7 SECTION 33. 980.08 (5) (a) 2, of the statutes is created to read:

8 980.08 (5) (a) 2. A <sup>child sex offender</sup> person committed under s. 980.06 may not, as a condition  
9 of supervised release, reside within 1,000 feet of any state, county, city, village, or  
10 town park, a multiunit public housing project, a swimming pool open to members of  
11 the public, a child care facility, as defined in s. 302.116 (1) (ad), a youth center, a  
12 community center, or any private or public school premises. *INS 15/12*

13 SECTION 34. 980.08 (5) (b) of the statutes is created to read:

14 980.08 (5) (b) If the person will be living in his or her county of residence, the  
15 department and the county department under s. 51.42 in that county shall prepare  
16 a plan that identifies the treatment and services, if any, that the person will receive  
17 in the community. If the county department of the person's county of residence  
18 declines to prepare a plan, the department may arrange for another county to  
19 prepare the plan if that county agrees to prepare the plan and if the person will be  
20 living in that county. If the department is unable to arrange for another county to  
21 prepare a plan, the court shall designate a county department to prepare the plan,  
22 order the county department to prepare the plan, and place the person on supervised  
23 release in that county, except that the court may not so designate the county  
24 department in any county where there is a facility in which persons committed to

**ASSEMBLY BILL 270**

1 institutional care under this chapter are placed unless that county is also the  
2 person's county of residence.

3 **SECTION 35.** 980.08 (6m) of the statutes is amended to read:

4 980.08 (6m) An order for supervised release places the person in the custody  
5 and control of the department. The department shall arrange for control, care, and  
6 treatment of the person in the least restrictive manner consistent with the  
7 requirements of the person and in accordance with the plan for supervised release  
8 approved by the court under sub. (5) (d). A person on supervised release is subject  
9 to the conditions set by the court and to the rules of the department. Before a person  
10 is placed on supervised release by the court under this section, the court shall so  
11 notify the municipal police department and county sheriff for the municipality and  
12 county in which the person will be residing. The notification requirement under this  
13 subsection does not apply if a municipal police department or county sheriff submits  
14 to the court a written statement waiving the right to be notified. If the department  
15 alleges that a released person has violated any condition or rule, or that the safety  
16 of others requires that supervised release be revoked, he or she may be taken into  
17 custody under the rules of the department. The department shall submit a  
18 statement showing probable cause of the detention and a petition to revoke the order  
19 for supervised release to the committing court and the regional office of the state  
20 public defender responsible for handling cases in the county where the committing  
21 court is located within 72 hours after the detention, excluding Saturdays, Sundays,  
22 and legal holidays. The court shall hear the petition within 30 days, unless the  
23 hearing or time deadline is waived by the detained person. Pending the revocation  
24 hearing, the department may detain the person in a jail or in a hospital, center, or  
25 facility specified by s. 51.15 (2). The state has the burden of proving by clear and

**ASSEMBLY BILL 270**

1 convincing evidence that any rule or condition of release has been violated, or that  
2 the safety of others requires that supervised release be revoked. If the court  
3 determines after hearing that any rule or condition of release has been violated, or  
4 that the safety of others requires that supervised release be revoked, it may revoke  
5 the order for supervised release and order that the released person be placed in an  
6 appropriate institution until the person is discharged from the commitment under  
7 s. 980.09 or until again placed on supervised release under this section.

**SECTION 36. Initial applicability.**

8  
9 (1) The treatment of section 302.11 (1) and (4m) (b) of the statutes first applies  
10 to persons reaching their mandatory release date on the effective date of this  
11 subsection.

12 (2) The treatment of section 302.11 (1g) (b) 3. of the statutes first applies to  
13 persons whose cases are considered by the parole commission under section 302.11  
14 (1g) (b) (intro.) of the statutes on the effective date of this subsection.

15 (3) The treatment of sections 302.116 (3) of the statutes first applies to persons  
16 released to extended supervision on the effective date of this subsection.

17 (4) The treatment of section 304.02 (4t) of the statutes first applies to persons  
18 serving the confinement portion of any sentence on the effective date of this  
19 subsection.

20 (5) The treatment of section 304.06 (2m) (af) of the statutes first applies to  
21 persons in whose cases the department of corrections or the parole commission  
22 conducts an interview or a hearing regarding whether to grant the person parole  
23 under section 304.06 of the statutes on the effective date of this subsection.

ASSEMBLY BILL 270

1 (6) The treatment of section 971.17 (3) (a) and (e), (4) (d), and (4f) of the statutes  
2 first applies to persons released on conditions under section 971.17 of the statutes  
3 on the effective date of this subsection.

4 (7) The treatment of section 973.09 (8) of the statutes first applies to persons  
5 placed on probation on the effective date of this subsection.

6 (8) The treatment of section 975.10 <sup>(1) and</sup> (1m) of the statutes first applies to persons  
7 <sup>whom the department of health and family services release</sup> ~~released~~ <sup>releases</sup> on parole under section 975.10 of the statutes on the effective date of this  
8 subsection.

9 (9) The treatment of section <sup>5</sup> 980.08 (3) and (6m) of the statutes, the  
10 renumbering and amendment of section 980.08 (4) and (5) of the statutes, and the  
11 creation of section 980.08 (4) (a) 1. b. and (5) ~~(a) 2 and (b)~~ of the statutes first apply  
12 to persons ~~placed on~~ supervised release under section 980.08 of the statutes on the  
13 effective date of this subsection.

14 (END)

*whom the court finds are appropriate for*

INS 18/14

(b) and (d)

NS  
13/17 A

**BILL**

1 person may be lawfully dependent upon the property for their support, the court  
2 shall release all or such part of the property and estate from the charges that may  
3 be necessary to provide for those persons. The department shall make every  
4 reasonable effort to notify the liable persons as soon as possible after the beginning  
5 of the maintenance, but the notice or the receipt thereof is not a condition of liability.

**SECTION 3.** 51.42 (3) (aw) 1. d. of the statutes is amended to read:

7 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a  
8 conditional release plan approved by a court for a person who is a county resident and  
9 is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised  
10 release plan approved by a court under s. 980.06 (2) (c), 1997 stats., or s. 980.08 (5)  
11 (6) (b). If the county department provides treatment and services under this  
12 subdivision, the department of health and family services shall, from the  
13 appropriation under s. 20.435 (2) (bj), pay the county department for the costs of the  
14 treatment and services.

**SECTION 4.** 980.08 (5) of the statutes is renumbered 980.08 (5) (a) and amended  
16 to read:

17 980.08 (5) (a) If the court finds that the person is appropriate for supervised  
18 release, the court shall notify the department. ~~The department shall make its best~~  
19 ~~effort to arrange for placement of the person in a residential facility or dwelling that~~  
20 ~~is in the person's county of residence, as determined by the department under s.~~  
21 980.105. The department and, <sup>except</sup> ~~as provided in par. (c),~~ the county department  
22 under s. 51.42 in the person's county of residence ~~of the person~~ shall prepare a  
23 supervised release plan that identifies for the person that does all of the following:

24 1. Identifies the treatment and services, if any, that the person will receive in  
25 the community. ~~The plan shall address~~

## BILL

13/17 A  
ctd)

1           2. Addresses the person's need, if any, for supervision, counseling, medication,  
2 community support services, residential services, vocational services, and alcohol or  
3 other drug abuse treatment. ~~In developing a plan for where the person may reside~~  
4 ~~while on supervised release, the department shall consider the proximity of any~~  
5 ~~potential placement to the residence of other persons on supervised release and to~~  
6 ~~the residence of persons who are in the custody of the department of corrections and~~  
7 ~~regarding whom a sex offender notification bulletin has been issued to law~~  
8 ~~enforcement agencies under s. 301.46 (2m) (a) or (am). If the person is a serious child~~  
9 ~~sex offender, the plan shall address~~

10           3. Addresses the person's need for pharmacological treatment using an  
11 antiandrogen or the chemical equivalent of an antiandrogen. ~~The department may~~  
12 ~~contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public~~  
13 ~~agency or with a private agency to provide the treatment and services identified in~~  
14 ~~the plan. The plan shall specify if the person is a serious child sex offender.~~

15           4. Specifies who will be responsible for providing the treatment and services  
16 identified in the plan. ~~The plan shall be presented to the court for its approval within~~  
17 ~~60 days after the court finding that the person is appropriate for supervised release,~~  
18 ~~unless the department, county department and person to be released request~~  
19 ~~additional time to develop the plan. If~~

20           (c) The department shall make its best effort to arrange for placement of the  
21 person in a residential facility or dwelling that is in the person's county of residence.

22 ~~But~~ if the county department of the person's county of residence declines to prepare  
23 a plan, the department may arrange for another county to prepare the plan if that  
24 county agrees to prepare the plan and if the person will be living in that county. If  
25 the department is unable to arrange for another county to prepare a plan, the court

end  
13/1/7 A

**BILL**

1 shall designate a county department to prepare the plan, order the county  
2 department to prepare the plan and place the person on supervised release in that  
3 county, except that the court may not so designate the county department in any  
4 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.

~~SECTION 5. 980.08 (5)(a) and (b) and (c) of the statutes are created to read:~~

~~980.08 (5) (a) 5. Identifies a residence where the person shall live.~~

(b) In selecting a residence identified under par. (a) 5. in an initial or a modified supervised release plan, the department and county department shall do all of the following in the order specified:

1. Identify a proposed placement. In identifying any proposed placement, the department and the county department shall consider the proximity of the placement to all of the following:

- a. The residence of other persons on supervised release.
- b. The residence of persons who are in the custody of the department of corrections and regarding whom a sex offender notification bulletin has been issued to law enforcement agencies under s. 301.46 (2m) (a) or (am).
- c. Any facility for children described in subd. 2. of which the department or the county department is aware.

2. Prepare a list and a map of all public or private schools, group homes, as defined in s. 48.02 (7), residential care centers for children and youth, as defined in s. 48.02 (15d), shelter care facilities, as defined in s. 48.02 (17), foster homes, as defined in s. 48.02 (6), treatment foster homes, as defined in s. 48.02 (17c), day care centers licensed under s. 48.65, day care programs established under s. 120.13 (14),

*[Handwritten initials]*

ANS  
13/17 C

**BILL**

1 day care providers certified under s. 48.651, and youth centers, as defined in s. 961.01  
2 (22), that are located within one mile of any proposed residence. The department and  
3 the county department shall work with the municipality in which the residence is  
4 located and each municipality within one mile of the residence in preparing the list  
5 and the map.

6 3. Identify the proposed placement and submit the list and the map to the  
7 common council or the village or town board for the municipality in which the  
8 residence is located and each municipality within one mile of the residence. Each  
9 such common council or village or town board shall review the list and map and may  
10 provide the department and the county department comments regarding the risks  
11 that the use of the proposed placement might entail for the community based on its  
12 proximity to any facility included in the list.

13 4. Consider any comments that it receives under subd. 3. before submitting a  
14 plan for a person's supervised release to the court.

15 <sup>980.08</sup>  
16 1 (b) (a) The department and the county department shall present the plan for  
17 supervised release prepared under sub. (5) the list and map of facilities for children  
18 prepared under sub. (5) (b) 2, and the comments submitted under sub. (5) (b) 3, to  
19 the court within 60 days after the court finding that the person is appropriate for  
20 supervised release, unless the department, county department, and person to be  
21 released request additional time to develop the plan. When the department and  
22 county department submit the plan, list, map, and comments to the court, the  
23 department and county department shall notify the individuals identified under par.  
24 (b) 1. to 3. of the residence identified in the plan and shall provide those individuals  
25 copies of the list and map of facilities for children compiled under sub. (5) (b) 2. and  
the comments submitted under sub. (5) (b) 3. If any of the individuals notifies the

AV

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13/17 c.  
ctd

**BILL**

1 department in writing of a facility that the department and county department are  
2 required to include on the list, but that is not on the list, the department shall notify  
3 the court of the additional facility before the hearing under par. (b).

4 (b) After receiving the plan, the court shall hold a hearing on whether to  
5 approve the plan as submitted by the department and county department or whether  
6 to order the department and county department to modify the plan. The court shall  
7 notify all of the following of the hearing at least 5 days before the hearing:

- 8 1. The sheriff for the county in which the residence identified under sub. (5) (a)
- 9 5. is located.
- 10 2. The police chief for the political subdivision in which the residence identified
- 11 under sub. (5) (a) 5. is located.
- 12 3. The chief elected official of the political subdivision in which the residence
- 13 identified under sub. (5) (a) 5. is located.

14 **SECTION 6.** 980.08 (6m) of the statutes is renumbered 980.08 (6m) (a) and  
15 amended to read:

16 980.08 (6m) (a) An order for supervised release places the person in the custody  
17 and control of the department. The department shall arrange for control, care and  
18 treatment of the person in the least restrictive manner consistent with the  
19 requirements of the person and in accordance with the plan for supervised release

20 plain (5) approved by the court under sub. (5) (a) (b). The department may contract with a  
21 county department under s. 51.42 (3) (aw) 1. d., with another public agency, or with  
22 a private agency to provide the treatment and services identified in the plan. A  
23 person on supervised release is subject to the conditions set by the court and to the  
24 rules of the department.

(d) ← score

(21)  
(22)

Bonus insert 8/24 ✓



**BILL**

1           **(b)** Before a person is placed on supervised release by the court under this  
2 section, the court shall so notify the municipal police department and county sheriff  
3 for the municipality and county in which the person will be residing. The notification  
4 requirement under this subsection does not apply if a municipal police department  
5 or county sheriff submits to the court a written statement waiving the right to be  
6 notified.

7           **(c)** If the department alleges that a released person has violated any condition  
8 or rule, or that the safety of others requires that supervised release be revoked, he  
9 or she may be taken into custody under the rules of the department. The department  
10 shall submit a statement showing probable cause of the detention and a petition to  
11 revoke the order for supervised release to the committing court and the regional  
12 office of the state public defender responsible for handling cases in the county where  
13 the committing court is located within 72 hours after the detention, excluding  
14 Saturdays, Sundays and legal holidays. The court shall hear the petition within 30  
15 days, unless the hearing or time deadline is waived by the detained person. Pending  
16 the revocation hearing, the department may detain the person in a jail or in a  
17 hospital, center or facility specified by s. 51.15 (2). The state has the burden of  
18 proving by clear and convincing evidence that any rule or condition of release has  
19 been violated, or that the safety of others requires that supervised release be  
20 revoked. If the court determines after hearing that any rule or condition of release  
21 has been violated, or that the safety of others requires that supervised release be  
22 revoked, it may revoke the order for supervised release and order that the released  
23 person be placed in an appropriate institution until the person is discharged from the  
24 commitment under s. 980.09 or until again placed on supervised release under this  
25 section.

end  
of MC

13/17 c.  
cont'd

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0235/1ins  
MGD:.....

1 INSERT 11/19 ✓

2 SECTION 1. 975.10 (1) of the statutes is amended to read:

3 975.10 (1) ~~Any~~ Except as provided in sub. (1m), any person committed as  
4 provided in this chapter may be paroled if it appears to the satisfaction of the  
5 department of health and family services after recommendation by a special review  
6 board, appointed by the department, a majority of whose members shall not be  
7 connected with the department, that the person is capable of making an acceptable  
8 adjustment in society. Before a person is released on parole under this section, the  
9 department of health and family services shall so notify the municipal police  
10 department and county sheriff for the area where the person will be residing. The  
11 notification requirement does not apply if a municipal department or county sheriff  
12 submits to the department of health and family services a written statement waiving  
13 the right to be notified. Probation, extended supervision and parole agents of the  
14 department of corrections shall supervise persons paroled under this section.

15 History: 1981 c. 266; 1989 a. 31, 107; 1995 a. 27 s. 9126 (19); 1997 a. 283.

16 INSERT 11/21 ✓

17 No 9 child sex offender, as defined in s. 980.01 (1g),

18 INSERT 12/0 ✓

19 SECTION 2. 980.01 (1) of the statutes is renumbered 980.01 (1m).

20 SECTION 3. 980.01 (1g) ✓ of the statutes is created to read:

21 980.01 (1g) "Child sex offender" means a person who has been convicted,  
22 adjudicated delinquent, or found not guilty or not responsible by reason of insanity  
or mental disease, defect, or illness for committing an offense specified in s. 940.225

1 (1) or (2), if the victim or the intended victim was under 18 years of age at the time  
2 of the offense, or a crime specified in s. 948.02 (1) or (2), 948.025, 948.06, 948.07.

3 **INSERT 13/17B**

or

4 **SECTION 4.** 980.08 (5) (b) of the statutes is created to read:

5 980.08 (5) (b) In developing a supervised release plan under par. (a), the  
6 department shall do all of the following:

7 1. Consider the proximity of any potential placement to the residence of other  
8 persons on supervised release and to the residence of persons who are in the custody  
9 of the department of corrections and regarding whom a sex offender notification  
10 bulletin has been issued to law enforcement agencies under s. 301.46 (2m) (a) or (am).

11 2. Ensure that the potential placement is not within 1,000 feet of any public or  
12 private school premises.

13 **SECTION 5.** 980.08 (5) (d) of the statutes is created to read:

14 **Bonus INSERT 8/24 (goes into insert 13/17C)**

NoA

16 The court shall require, as a condition of supervised release, that the person not  
17 reside within 1,000 feet of any public or private school premises.

Section #. Am; 980.09(1)(c)

980.09(1)(c)

(c) If the court is satisfied that the state has not met its burden of proof under par. (b), the petitioner shall be discharged from the custody or supervision of the department. If the court is satisfied that the state has met its burden of proof under par. (b), the court may proceed to determine, using the criteria specified in s. 980.08 (4), whether to modify the petitioner's existing commitment order by authorizing supervised release.

(a) 1.

criteria

Section #.

AM 980.09(2)(c) INS 13/17 E ✓

980.09(2)(a)

(c) If the court is satisfied that the state has not met its burden of proof under par. (b), the person shall be discharged from the custody or supervision of the department. If the court is satisfied that the state has met its burden of proof under par. (b), the court may proceed to determine, using the ~~criteria~~ specified in s. 980.08 (4), whether to modify the person's existing commitment order by authorizing supervised release.

(a) 1.

criteria

INS

18/14 ✓

ASSEMBLY BILL 270

1 ~~(6) The treatment of section 971.17 (3) (a) and (e), (4) (d), and (4f) of the statutes~~  
2 ~~first applies to persons released on conditions under section 971.17 of the statutes~~  
3 ~~on the effective date of this subsection.~~

4 ~~(7) The treatment of section 973.09 (8) of the statutes first applies to persons~~  
5 ~~placed on probation on the effective date of this subsection.~~

6 ~~(8) The treatment of section 975.10 (1m) of the statutes first applies to persons~~  
7 ~~released on parole under section 975.10 of the statutes on the effective date of this~~  
8 ~~subsection.~~

980.09  
980.08 (1)(c) and (2)(c) ✓

9 ~~(9) The treatment of section 980.08 (3) and (6) of the statutes, the~~  
10 ~~renumbering and amendment of section 980.08 (4) and (5) of the statutes, and the~~  
11 ~~creation of section 980.08 (4) (a) 1. b. and (5) (a) 2. and (b) of the statutes first apply~~  
12 ~~to persons placed on supervised release under section 980.08 of the statutes on the~~  
13 ~~effective date of this subsection.~~

980.09

(END)

pending

to petitions for discharge



ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2003 ASSEMBLY BILL 270

PROOF all amended  
stats. w/FOLIO.

Gen. Cont.

1 AN ACT *to renumber* 980.01 (1); *to renumber and amend* 980.08 (4), 980.08  
2 (5) and 980.08 (6m); *to amend* 46.10 (2), 51.42 (3) (aw) 1. d., 975.10 (1), 980.08  
3 (3), 980.09 (1) (c) and 980.09 (2) (c); and *to create* 975.10 (1m), 980.01 (1g),  
4 980.08 (4) (a) 1. b., 980.08 (5) (b) and 980.08 (5) (d) of the statutes; **relating to:**  
5 the residence of certain sex predators.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

6 SECTION 1. 46.10 (2) of the statutes is amended to read:  
7 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,  
8 including but not limited to a person admitted, committed, or placed under s. 975.01,  
9 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 51.10, 51.13,  
10 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12), and (13), 55.05, 55.06, 971.14  
11 (2) and (5), 971.17 (1), 975.06, and 980.06, receiving care, maintenance, services, and  
12 supplies provided by any institution in this state including University of Wisconsin

1 Hospitals and Clinics, in which the state is chargeable with all or part of the person's  
2 care, maintenance, services, and supplies, any person receiving care and services  
3 from a county department established under s. 51.42 or 51.437 or from a facility  
4 established under s. 49.73, and any person receiving treatment and services from a  
5 public or private agency under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d) or (4)  
6 (e) or 980.08 (5) (6m) (a) and the person's property and estate, including the  
7 homestead, and the spouse of the person, and the spouse's property and estate,  
8 including the homestead, and, in the case of a minor child, the parents of the person,  
9 and their property and estates, including their homestead, and, in the case of a  
10 foreign child described in s. 48.839 (1) who became dependent on public funds for his  
11 or her primary support before an order granting his or her adoption, the resident of  
12 this state appointed guardian of the child by a foreign court who brought the child  
13 into this state for the purpose of adoption, and his or her property and estate,  
14 including his or her homestead, shall be liable for the cost of the care, maintenance,  
15 services, and supplies in accordance with the fee schedule established by the  
16 department under s. 46.03 (18). If a spouse, widow, or minor, or an incapacitated  
17 person may be lawfully dependent upon the property for their support, the court  
18 shall release all or such part of the property and estate from the charges that may  
19 be necessary to provide for those persons. The department shall make every  
20 reasonable effort to notify the liable persons as soon as possible after the beginning  
21 of the maintenance, but the notice or the receipt thereof is not a condition of liability.

22 **SECTION 2.** 51.42 (3) (aw) 1. d. of the statutes is amended to read:

23 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a  
24 conditional release plan approved by a court for a person who is a county resident and  
25 is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised

1 release plan approved by a court under s. 980.06 (2) (c), 1997 stats., or s. 980.08 (5)  
2 (d). If the county department provides treatment and services under this  
3 subdivision, the department of health and family services shall, from the  
4 appropriation under s. 20.435 (2) (bj), pay the county department for the costs of the  
5 treatment and services.

6 **SECTION 3.** 975.10 (1) of the statutes is amended to read:

7 975.10 (1) ~~Any~~ Except as provided in sub. (1m), any person committed as  
8 provided in this chapter may be paroled if it appears to the satisfaction of the  
9 department of health and family services after recommendation by a special review  
10 board, appointed by the department, a majority of whose members shall not be  
11 connected with the department, that the person is capable of making an acceptable  
12 adjustment in society. Before a person is released on parole under this section, the  
13 department of health and family services shall so notify the municipal police  
14 department and county sheriff for the area where the person will be residing. The  
15 notification requirement does not apply if a municipal department or county sheriff  
16 submits to the department of health and family services a written statement waiving  
17 the right to be notified. Probation, extended supervision and parole agents of the  
18 department of corrections shall supervise persons paroled under this section.

19 **SECTION 4.** 975.10 (1m) of the statutes is created to read:

20 975.10 (1m) A child sex offender, as defined in s. 980.01 (1g), may not be  
21 released on parole under sub. (1) unless he or she agrees, as a condition of parole, not  
22 to reside within 1,000 feet of any private or public school premises.

23 **SECTION 5.** 980.01 (1) of the statutes is renumbered 980.01 (1m).

24 **SECTION 6.** 980.01 (1g) of the statutes is created to read:

1           980.01 (1g) “Child sex offender” means a person who has been convicted,  
2 adjudicated delinquent, or found not guilty or not responsible by reason of insanity  
3 or mental disease, defect, or illness for committing an offense specified in s. 940.225  
4 (1) or (2), if the victim or the intended victim was under 18 years of age at the time  
5 of the offense, or a crime specified in s. 948.02 (1) or (2), 948.025, 948.06, or 948.07.

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

7           980.08 (3) Within 20 days after receipt of the petition, the court shall appoint  
8 one or more examiners having the specialized knowledge determined by the court to  
9 be appropriate, who shall examine the person and furnish a written report of the  
10 examination to the court within 30 days after appointment. The examiners shall  
11 have reasonable access to the person for purposes of examination and to the person’s  
12 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health  
13 care records, as provided under s. 146.82 (2) (c). If any such examiner believes that  
14 the person is appropriate for supervised release under the ~~criteria~~ criteria specified  
15 in sub. (4) (a) 1., the examiner shall report on the type of treatment and services that  
16 the person may need while in the community on supervised release. The county shall  
17 pay the costs of an examiner appointed under this subsection as provided under s.  
18 51.20 (18) (a).

19           **SECTION 8.** 980.08 (4) of the statutes is renumbered 980.08 (4) (a) 1. (intro.) and  
20 amended to read:

21           980.08 (4) (a) 1. (intro.) The court, without a jury, shall hear the petition within  
22 30 days after the report of the court-appointed examiner is filed with the court,  
23 unless the petitioner waives this time limit. Expenses of proceedings under this  
24 subsection shall be paid as provided under s. 51.20 (18) (b), (c) and (d). The court shall

1 grant the petition unless the state proves one of the following by clear and convincing  
2 evidence ~~that~~:

3 a. That the person is still a sexually violent person and that it is still  
4 substantially probable that the person will engage in acts of sexual violence if the  
5 person is not continued in institutional care. ~~In making a decision under this~~  
6 ~~subsection~~

7 2. In deciding whether to make a finding under subd. 1. a., the court may  
8 consider, without limitation because of enumeration, the nature and circumstances  
9 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)  
10 (a), the person's mental history and present mental condition, where the person will  
11 live, how the person will support himself or herself and what arrangements are  
12 available to ensure that the person has access to and will participate in necessary  
13 treatment, including pharmacological treatment using an antiandrogen or the  
14 chemical equivalent of an antiandrogen if the person is a serious child sex offender.  
15 A decision under ~~this subsection~~ subd. 1. a. on a petition filed by a person who is a  
16 serious child sex offender may not be made based on the fact that the person is a  
17 proper subject for pharmacological treatment using an antiandrogen or the chemical  
18 equivalent of an antiandrogen or on the fact that the person is willing to participate  
19 in pharmacological treatment using an antiandrogen or the chemical equivalent of  
20 an antiandrogen.

21 **SECTION 9.** 980.08 (4) (a) 1. b. of the statutes is created to read:

22 980.08 (4) (a) 1. b. That the person who is the subject of the petition is a child  
23 sex offender who refuses to comply with the residency requirement in sub. (6m) (a).

24 **SECTION 10.** 980.08 (5) of the statutes is renumbered 980.08 (5) (a) and  
25 amended to read:

1           980.08 (5) (a) If the court finds that the person is appropriate for supervised  
2 release, the court shall notify the department. ~~The department shall make its best~~  
3 ~~effort to arrange for placement of the person in a residential facility or dwelling that~~  
4 ~~is in the person's county of residence, as determined by the department under s.~~  
5 ~~980.105. The department and, except as provided in par. (c), the county department~~  
6 ~~under s. 51.42 in the person's county of residence of the person shall prepare a~~  
7 supervised release plan that identifies for the person that does all of the following:

8           1. Identifies the treatment and services, if any, that the person will receive in  
9 the community. ~~The plan shall address~~

10           2. Addresses the person's need, if any, for supervision, counseling, medication,  
11 community support services, residential services, vocational services, and alcohol or  
12 other drug abuse treatment. ~~In developing a plan for where the person may reside~~  
13 ~~while on supervised release, the department shall consider the proximity of any~~  
14 ~~potential placement to the residence of other persons on supervised release and to~~  
15 ~~the residence of persons who are in the custody of the department of corrections and~~  
16 ~~regarding whom a sex offender notification bulletin has been issued to law~~  
17 ~~enforcement agencies under s. 301.46 (2m) (a) or (am). If the person is a serious child~~  
18 ~~sex offender, the plan shall address~~

19           3. Addresses the person's need for pharmacological treatment using an  
20 antiandrogen or the chemical equivalent of an antiandrogen. ~~The department may~~  
21 ~~contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public~~  
22 ~~agency or with a private agency to provide the treatment and services identified in~~  
23 ~~the plan. The plan shall specify if the person is a serious child sex offender.~~

24           4. Specifies who will be responsible for providing the treatment and services  
25 identified in the plan. ~~The plan shall be presented to the court for its approval within~~

1 ~~60 days after the court finding that the person is appropriate for supervised release,~~  
2 ~~unless the department, county department and person to be released request~~  
3 ~~additional time to develop the plan. If~~

4 (c) The department shall make its best effort to arrange for placement of the  
5 person in a residential facility or dwelling that is in the person's county of residence.  
6 If the county department of the person's county of residence declines to prepare a  
7 plan, the department may arrange for another county to prepare the plan if that  
8 county agrees to prepare the plan and if the person will be living in that county. If  
9 the department is unable to arrange for another county to prepare a plan, the court  
10 shall designate a county department to prepare the plan, order the county  
11 department to prepare the plan and place the person on supervised release in that  
12 county, except that the court may not so designate the county department in any  
13 county where there is a facility in which persons committed to institutional care  
14 under this chapter are placed unless that county is also the person's county of  
15 residence.

16 SECTION 11. 980.08 (5) (b) of the statutes is created to read: *for a person*

17 980.08 (5) (b) In developing a supervised release plan *under par. (a),* the  
18 department shall do all of the following:

19 1. Consider the proximity of any potential placement to the residence of other  
20 persons on supervised release and to the residence of persons who are in the custody  
21 of the department of corrections and regarding whom a sex offender notification  
22 bulletin has been issued to law enforcement agencies under s. 301.46 (2m) (a) or (am).

23 2. Ensure that the potential placement is not within 1,000 feet of any public or  
24 private school premises. *if the person is a child sex offender*

25 SECTION 12. 980.08 (5) (d) of the statutes is created to read:

1           980.08 (5) (d) The department and the county department shall present the  
2 plan for supervised release to the court within 60 days after the court finding that  
3 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           **SECTION 13.** 980.08 (6m) of the statutes is renumbered 980.08 (6m) (a) and  
6 amended to read:

7           980.08 (6m) (a) An order for supervised release places the person in the custody  
8 and control of the department. The department shall arrange for control, care and  
9 treatment of the person in the least restrictive manner consistent with the  
10 requirements of the person and in accordance with the plan for supervised release  
11 approved by the court under sub. (5) (d). The department may contract with a county  
12 department under s. 51.42 (3) (aw) 1. d., with another public agency, or with a private  
13 agency to provide the treatment and services identified in the plan. A person on  
14 supervised release is subject to the conditions set by the court and to the rules of the  
15 department. The court shall require, as a condition of supervised release, that the  
16 person not reside within 1,000 feet of any public or private school premises.

17           (b) Before a person is placed on supervised release by the court under this  
18 section, the court shall so notify the municipal police department and county sheriff  
19 for the municipality and county in which the person will be residing. The notification  
20 requirement under this subsection does not apply if a municipal police department  
21 or county sheriff submits to the court a written statement waiving the right to be  
22 notified.

23           (c) If the department alleges that a released person has violated any condition  
24 or rule, or that the safety of others requires that supervised release be revoked, he  
25 or she may be taken into custody under the rules of the department. The department

if the person is a child sex offender

1 shall submit a statement showing probable cause of the detention and a petition to  
2 revoke the order for supervised release to the committing court and the regional  
3 office of the state public defender responsible for handling cases in the county where  
4 the committing court is located within 72 hours after the detention, excluding  
5 Saturdays, Sundays and legal holidays. The court shall hear the petition within 30  
6 days, unless the hearing or time deadline is waived by the detained person. Pending  
7 the revocation hearing, the department may detain the person in a jail or in a  
8 hospital, center or facility specified by s. 51.15 (2). The state has the burden of  
9 proving by clear and convincing evidence that any rule or condition of release has  
10 been violated, or that the safety of others requires that supervised release be  
11 revoked. If the court determines after hearing that any rule or condition of release  
12 has been violated, or that the safety of others requires that supervised release be  
13 revoked, it may revoke the order for supervised release and order that the released  
14 person be placed in an appropriate institution until the person is discharged from the  
15 commitment under s. 980.09 or until again placed on supervised release under this  
16 section.

17 **SECTION 14.** 980.09 (1) (c) of the statutes is amended to read:

18 980.09 (1) (c) If the court is satisfied that the state has not met its burden of  
19 proof under par. (b), the petitioner shall be discharged from the custody or  
20 supervision of the department. If the court is satisfied that the state has met its  
21 burden of proof under par. (b), the court may proceed to determine, using the ~~criteria~~  
22 criteria specified in s. 980.08 (4) (a) 1., whether to modify the petitioner's existing  
23 commitment order by authorizing supervised release.

24 **SECTION 15.** 980.09 (2) (c) of the statutes is amended to read:





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0235(2) (3)  
MGD:kmg:ch

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2003 ASSEMBLY BILL 270

*Gen. Cat.*

1 AN ACT *to renumber* 980.01 (1); *to renumber and amend* 980.08 (4), 980.08  
2 (5) and 980.08 (6m); *to amend* 46.10 (2), 51.42 (3) (aw) 1. d., 975.10 (1), 980.08  
3 (3), 980.09 (1) (c) and 980.09 (2) (c); and *to create* 975.10 (1m), 980.01 (1g),  
4 980.08 (4) (a) 1. b., 980.08 (5) (b) and 980.08 (5) (d) of the statutes; **relating to:**  
5 the residence of certain sex predators.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

6 SECTION 1. 46.10 (2) of the statutes is amended to read:  
7 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,  
8 including but not limited to a person admitted, committed, or placed under s. 975.01,  
9 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 51.10, 51.13,  
10 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12), and (13), 55.05, 55.06, 971.14  
11 (2) and (5), 971.17 (1), 975.06, and 980.06, receiving care, maintenance, services, and  
12 supplies provided by any institution in this state including University of Wisconsin

1 Hospitals and Clinics, in which the state is chargeable with all or part of the person's  
2 care, maintenance, services, and supplies, any person receiving care and services  
3 from a county department established under s. 51.42 or 51.437 or from a facility  
4 established under s. 49.73, and any person receiving treatment and services from a  
5 public or private agency under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d) or (4)  
6 (e) or 980.08 ~~(5)~~ (6m) (a) and the person's property and estate, including the  
7 homestead, and the spouse of the person, and the spouse's property and estate,  
8 including the homestead, and, in the case of a minor child, the parents of the person,  
9 and their property and estates, including their homestead, and, in the case of a  
10 foreign child described in s. 48.839 (1) who became dependent on public funds for his  
11 or her primary support before an order granting his or her adoption, the resident of  
12 this state appointed guardian of the child by a foreign court who brought the child  
13 into this state for the purpose of adoption, and his or her property and estate,  
14 including his or her homestead, shall be liable for the cost of the care, maintenance,  
15 services, and supplies in accordance with the fee schedule established by the  
16 department under s. 46.03 (18). If a spouse, widow, or minor, or an incapacitated  
17 person may be lawfully dependent upon the property for their support, the court  
18 shall release all or such part of the property and estate from the charges that may  
19 be necessary to provide for those persons. The department shall make every  
20 reasonable effort to notify the liable persons as soon as possible after the beginning  
21 of the maintenance, but the notice or the receipt thereof is not a condition of liability.

22 **SECTION 2.** 51.42 (3) (aw) 1. d. of the statutes is amended to read:

23 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a  
24 conditional release plan approved by a court for a person who is a county resident and  
25 is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised

1 release plan approved by a court under s. 980.06 (2) (c), 1997 stats., or s. 980.08 (5)  
2 (d). If the county department provides treatment and services under this  
3 subdivision, the department of health and family services shall, from the  
4 appropriation under s. 20.435 (2) (bj), pay the county department for the costs of the  
5 treatment and services.

6 SECTION 3. 975.10 (1) of the statutes is amended to read:

7 975.10 (1) ~~Any~~ Except as provided in sub. (1m), any person committed as  
8 provided in this chapter may be paroled if it appears to the satisfaction of the  
9 department of health and family services after recommendation by a special review  
10 board, appointed by the department, a majority of whose members shall not be  
11 connected with the department, that the person is capable of making an acceptable  
12 adjustment in society. Before a person is released on parole under this section, the  
13 department of health and family services shall so notify the municipal police  
14 department and county sheriff for the area where the person will be residing. The  
15 notification requirement does not apply if a municipal department or county sheriff  
16 submits to the department of health and family services a written statement waiving  
17 the right to be notified. Probation, extended supervision and parole agents of the  
18 department of corrections shall supervise persons paroled under this section.

19 SECTION 4. 975.10 (1m) of the statutes is created to read:

20 975.10 (1m) A child sex offender, as defined in s. 980.01 (1g), may not be  
21 released on parole under sub. (1) unless he or she agrees, as a condition of parole, not  
22 to reside within 1,000 feet of any private or public school premises.

23 SECTION 5. 980.01 (1) of the statutes is renumbered 980.01 (1m).

24 SECTION 6. 980.01 (1g) of the statutes is created to read:

, as defined in s. 948.61 (1)(c) ✓

1           980.01 (1g) “Child sex offender” means a person who has been convicted,  
2 adjudicated delinquent, or found not guilty or not responsible by reason of insanity  
3 or mental disease, defect, or illness for committing an offense specified in s. 940.225  
4 (1) or (2), if the victim or the intended victim was under 18 years of age at the time  
5 of the offense, or a crime specified in s. 948.02 (1) or (2), 948.025, 948.06, or 948.07.

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

7           980.08 (3) Within 20 days after receipt of the petition, the court shall appoint  
8 one or more examiners having the specialized knowledge determined by the court to  
9 be appropriate, who shall examine the person and furnish a written report of the  
10 examination to the court within 30 days after appointment. The examiners shall  
11 have reasonable access to the person for purposes of examination and to the person’s  
12 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health  
13 care records, as provided under s. 146.82 (2) (c). If any such examiner believes that  
14 the person is appropriate for supervised release under the ~~criterion~~ criteria specified  
15 in sub. (4) (a) 1., the examiner shall report on the type of treatment and services that  
16 the person may need while in the community on supervised release. The county shall  
17 pay the costs of an examiner appointed under this subsection as provided under s.  
18 51.20 (18) (a).

19           **SECTION 8.** 980.08 (4) of the statutes is renumbered 980.08 (4) (a) 1. (intro.) and  
20 amended to read:

21           980.08 (4) (a) 1. (intro.) The court, without a jury, shall hear the petition within  
22 30 days after the report of the court-appointed examiner is filed with the court,  
23 unless the petitioner waives this time limit. Expenses of proceedings under this  
24 subsection shall be paid as provided under s. 51.20 (18) (b), (c) and (d). The court shall

1 grant the petition unless the state proves one of the following by clear and convincing  
2 evidence that:

3 a. That the person is still a sexually violent person and that it is still  
4 substantially probable that the person will engage in acts of sexual violence if the  
5 person is not continued in institutional care. ~~In making a decision under this~~  
6 ~~subsection~~

7 2. In deciding whether to make a finding under subd. 1. a., the court may  
8 consider, without limitation because of enumeration, the nature and circumstances  
9 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)  
10 (a), the person's mental history and present mental condition, where the person will  
11 live, how the person will support himself or herself and what arrangements are  
12 available to ensure that the person has access to and will participate in necessary  
13 treatment, including pharmacological treatment using an antiandrogen or the  
14 chemical equivalent of an antiandrogen if the person is a serious child sex offender.  
15 A decision under ~~this subsection~~ subd. 1. a. on a petition filed by a person who is a  
16 serious child sex offender may not be made based on the fact that the person is a  
17 proper subject for pharmacological treatment using an antiandrogen or the chemical  
18 equivalent of an antiandrogen or on the fact that the person is willing to participate  
19 in pharmacological treatment using an antiandrogen or the chemical equivalent of  
20 an antiandrogen.

21 **SECTION 9.** 980.08 (4) (a) 1. b. of the statutes is created to read:

22 980.08 (4) (a) 1. b. That the person who is the subject of the petition is a child  
23 sex offender who refuses to comply with the residency requirement in sub. (6m) (a).

24 **SECTION 10.** 980.08 (5) of the statutes is renumbered 980.08 (5) (a) and  
25 amended to read:

1           980.08 (5) (a) If the court finds that the person is appropriate for supervised  
2 release, the court shall notify the department. ~~The department shall make its best~~  
3 ~~effort to arrange for placement of the person in a residential facility or dwelling that~~  
4 ~~is in the person's county of residence, as determined by the department under s.~~  
5 ~~980.105. The department and, except as provided in par. (c), the county department~~  
6 ~~under s. 51.42 in the person's county of residence of the person shall prepare a~~  
7 ~~supervised release plan that identifies for the person that does all of the following:~~

8           1. Identifies the treatment and services, if any, that the person will receive in  
9 the community. ~~The plan shall address~~

10           2. Addresses the person's need, if any, for supervision, counseling, medication,  
11 community support services, residential services, vocational services, and alcohol or  
12 other drug abuse treatment. ~~In developing a plan for where the person may reside~~  
13 ~~while on supervised release, the department shall consider the proximity of any~~  
14 ~~potential placement to the residence of other persons on supervised release and to~~  
15 ~~the residence of persons who are in the custody of the department of corrections and~~  
16 ~~regarding whom a sex offender notification bulletin has been issued to law~~  
17 ~~enforcement agencies under s. 301.46 (2m) (a) or (am). If the person is a serious child~~  
18 ~~sex offender, the plan shall address~~

19           3. Addresses the person's need for pharmacological treatment using an  
20 antiandrogen or the chemical equivalent of an antiandrogen. ~~The department may~~  
21 ~~contract with a county department, under s. 51.42 (3) (aw) 1. d., with another public~~  
22 ~~agency or with a private agency to provide the treatment and services identified in~~  
23 ~~the plan. The plan shall specify if the person is a serious child sex offender.~~

24           4. Specifies who will be responsible for providing the treatment and services  
25 identified in the plan. ~~The plan shall be presented to the court for its approval within~~

1 ~~60 days after the court finding that the person is appropriate for supervised release,~~  
2 ~~unless the department, county department and person to be released request~~  
3 ~~additional time to develop the plan. If~~

4 (c) The department shall make its best effort to arrange for placement of the  
5 person in a residential facility or dwelling that is in the person's county of residence.

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

16 **SECTION 11.** 980.08 (5) (b) of the statutes is created to read:

17 980.08 (5) (b) In developing a supervised release plan for a person under par.  
18 (a), the department shall do all of the following:

19 1. Consider the proximity of any potential placement to the residence of other  
20 persons on supervised release and to the residence of persons who are in the custody  
21 of the department of corrections and regarding whom a sex offender notification  
22 bulletin has been issued to law enforcement agencies under s. 301.46 (2m) (a) or (am).

23 2. Ensure that the potential placement is not within 1,000 feet of any public or  
24 private school premises if the person is a child sex offender.

25 **SECTION 12.** 980.08 (5) (d) of the statutes is created to read:

, as defined in s. 948.61 (1)(c),

1           980.08 (5) (d) The department and the county department shall present the  
2 plan for supervised release to the court within 60 days after the court finding that  
3 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           **SECTION 13.** 980.08 (6m) of the statutes is renumbered 980.08 (6m) (a) and  
6 amended to read:

7           980.08 (6m) (a) An order for supervised release places the person in the custody  
8 and control of the department. The department shall arrange for control, care and  
9 treatment of the person in the least restrictive manner consistent with the  
10 requirements of the person and in accordance with the plan for supervised release  
11 approved by the court under sub. (5) (d). The department may contract with a county  
12 department under s. 51.42 (3) (aw) 1. d., with another public agency, or with a private  
13 agency to provide the treatment and services identified in the plan. A person on  
14 supervised release is subject to the conditions set by the court and to the rules of the  
15 department. The court shall require, as a condition of supervised release, that the  
16 person not reside within 1,000 feet of any public or private school premises if the  
17 person is a child sex offender.

18           (b) Before a person is placed on supervised release by the court under this  
19 section, the court shall so notify the municipal police department and county sheriff  
20 for the municipality and county in which the person will be residing. The notification  
21 requirement under this subsection does not apply if a municipal police department  
22 or county sheriff submits to the court a written statement waiving the right to be  
23 notified.

24           (c) If the department alleges that a released person has violated any condition  
25 or rule, or that the safety of others requires that supervised release be revoked, he

as defined in s. 948.61(1)(c),

1 or she may be taken into custody under the rules of the department. The department  
2 shall submit a statement showing probable cause of the detention and a petition to  
3 revoke the order for supervised release to the committing court and the regional  
4 office of the state public defender responsible for handling cases in the county where  
5 the committing court is located within 72 hours after the detention, excluding  
6 Saturdays, Sundays and legal holidays. The court shall hear the petition within 30  
7 days, unless the hearing or time deadline is waived by the detained person. Pending  
8 the revocation hearing, the department may detain the person in a jail or in a  
9 hospital, center or facility specified by s. 51.15 (2). The state has the burden of  
10 proving by clear and convincing evidence that any rule or condition of release has  
11 been violated, or that the safety of others requires that supervised release be  
12 revoked. If the court determines after hearing that any rule or condition of release  
13 has been violated, or that the safety of others requires that supervised release be  
14 revoked, it may revoke the order for supervised release and order that the released  
15 person be placed in an appropriate institution until the person is discharged from the  
16 commitment under s. 980.09 or until again placed on supervised release under this  
17 section.

18 **SECTION 14.** 980.09 (1) (c) of the statutes is amended to read:

19 980.09 (1) (c) If the court is satisfied that the state has not met its burden of  
20 proof under par. (b), the petitioner shall be discharged from the custody or  
21 supervision of the department. If the court is satisfied that the state has met its  
22 burden of proof under par. (b), the court may proceed to determine, using the ~~criteria~~  
23 criteria specified in s. 980.08 (4) (a) 1., whether to modify the petitioner's existing  
24 commitment order by authorizing supervised release.

25 **SECTION 15.** 980.09 (2) (c) of the statutes is amended to read:

