

2003 DRAFTING REQUEST

Bill

Received: **06/26/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Shirley Krug (608) 266-5813**

By/Representing: **herself**

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

Drafter: **rryan**

May Contact: **DFHS**

Addl. Drafters:

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

Extra Copies: **MGD**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Placement of sexually violent persons on supervised release

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	rryan 07/03/2003	kfollett 07/03/2003 kfollett 07/08/2003	jfrantze 07/08/2003		sbasford 07/08/2003		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rryan 07/16/2003	kfollett 07/16/2003	rschluet 07/17/2003	_____	amentkow 07/17/2003		State
/3	rryan 07/28/2003	jdye 07/30/2003	chaugen 07/30/2003	_____	sbasford 07/30/2003	lnorthro 09/24/2003	

FE Sent For:

Attnro

<END>

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Placement of sexually violent persons on supervised release; prohibiting placements at 6535 N. 51st Street in Milwaukee

Instructions:

See Attached

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/1	rryan 07/03/2003	kfollett 07/03/2003	jfrantze 07/08/2003	_____	sbasford 07/08/2003		State
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ck
7-30

ck
7-30

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/?							State

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kfollett
 07/08/2003
 12 kgf
 7/17

 7-17-3

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1/?	rryan	11 kjl 7/8	6/7/8	Self 7/8			

FE Sent For:

<END>

6/26/03

Shirley Krug

↳ 0805 (AA 51 to SB 44)

Billy Lee Moford - Sexually violent person that DHFS wanted to place in Mil. at location that is close to group home for sexually abused children

Attic Correctional Services located the placement for Moford

Attic has contracts w/ DHFS & DOC to locate placements

Bill to prohibit DHFS from contracting w/ Attic to locate placements for SVR (part ch. 980)

Don't want to move people already placed

(Krug thinks DHFS issues an RTP for each person for whom needs a placement)

OK for Attic to provide residence
may talk to DHFS



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-29272

RLR: [Signature]

Wanted Soon

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR
Note

Gen. Cat.

1 AN ACT (...); relating to: identifying residences for sexually violent persons on
2 supervised release.

Analysis by the Legislative Reference Bureau

Under current law, a court may commit a sexually violent person (a person who has committed a sexually violent offense and has a mental disorder that makes it substantially probable that he or she will commit a future act of sexual violence) to the custody of the Department of Health and Family Services (DHFS). A sexually violent person who is committed to DHFS is initially institutionalized and may subsequently petition to be placed in the community on supervised release. If a court orders a sexually violent person placed on supervised release, DHFS must identify a residence for the person. This bill prohibits DHFS from contracting with ATTIC Correctional Services, Inc., to search for or identify residences for sexually violent persons placed on supervised release.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 980.08 (5m) of the statutes is created to read:

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

LRB-2927/1dn

RLR: *KJ*

Date

Representative Krug:

Please review the initial applicability provision in this bill. Under the bill, the prohibition against DHFS contracting with ATTIC Correctional Services, Inc., first applies to placement searches that have not already been initiated. *De* X

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

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

LRB-2927/1dn
RLR:kjf:jf

July 8, 2003

Representative Krug:

Please review the initial applicability provision in this bill. Under the bill, the prohibition against DHFS contracting with ATTIC Correctional Services, Inc., first applies to placement searches that have not already been initiated.

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

Ryan, Robin

From: Shirley Krug [shirleykrug@yahoo.com]
Sent: July 08, 2003 3:11 PM
To: Robin.Ryan@legis.state.wi.us
Subject: Re: FW: Draft review: LRB 03-2927/1 Topic: Placement of sexually violent persons on supervised release

Hi, Robin. Draft so far is ok, but I wanted to add 2 things we didn't previously discuss. 1) That no state agency may use the property located at 6535 N. 51st St. in Milwaukee for any kind of placement whatsoever and that 2) ATTIC is encouraged to place the property up for resale to a person who would live in it as a private residence. Thanks

--- "Rep.Krug" <Rep.Krug@legis.state.wi.us> wrote:

>
> >
> > -----
> > From: Basford, Sarah
> > Sent: Tuesday, July 08, 2003 12:20:08 PM
> > To: Rep.Krug
> > Subject: Draft review: LRB 03-2927/1 Topic:
> Placement of sexually
> violent persons on supervised release
> > Auto forwarded by a Rule

> >
> State of Wisconsin
> Legislative Reference Bureau
>
> 100 North Hamilton Street
> 5th Floor
> P.O. Box 2037
> Madison, WI 53701-2037

>
>
>
> The attached draft was prepared at your request.
> Please review it carefully
> to ensure that it satisfies your intent. If you have
> any questions
> concerning the draft or would like to have it
> redrafted, please contact
> Robin L. Ryan, Legislative Attorney, at (608)
> 261-6927, at
> robin.ryan@legis.state.wi.us

>
> <mailto:robin.ryan@legis.state.wi.us?subject=Submitted:
> LRB 03-2927/1 Topic:
> Placement of sexually violent persons on supervised
> release?body=> , or at
> 100 North Hamilton, 5th Floor.

>
> If you would like to jacket the draft for
> introduction, please click on the
> appropriate button (to the left). If you have any
> questions about jacketing,
> please call our program assistants at (608)
> 266-3561. Please allow one day
> for jacketing.

>
> If the last paragraph of the analysis states that a
> fiscal estimate will be
> prepared, the LRB will request that it be prepared



In 7/16/03
OTHER

2003 BILL

RMR
D-Note
N.
and prohibiting
certain placements
at the building located
at 6535 ~~51st~~ Street
in the City of Milwaukee

Legen. Cat.

1 AN ACT to create 980.08 (5m) of the statutes; relating to: identifying residences
2 for sexually violent persons on supervised release

Analysis by the Legislative Reference Bureau

Under current law, a court may commit a sexually violent person (a person who has committed a sexually violent offense and has a mental disorder that makes it substantially probable that he or she will commit a future act of sexual violence) to the custody of the Department of Health and Family Services (DHFS). A sexually violent person who is committed to DHFS is initially institutionalized and may subsequently petition to be placed in the community on supervised release. If a court orders a sexually violent person placed on supervised release, DHFS must identify a residence for the person. This bill prohibits DHFS from contracting with ATTIC Correctional Services, Inc., to search for or identify residences for sexually violent persons placed on supervised release. → INS Anal

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

INS
1-3

3 SECTION 980.08 (5m) of the statutes is created to read:

BILL

1 980.08 (5m) ^(a) The department may not contract with ATTIC Correctional
 2 Services, Inc., to search for or identify a residential placement for a person for whom
 3 supervised release is authorized under this section.

SECTION 2 Initial applicability.

4 ~~(#)~~ This act first applies to residential placement searches initiated on the
 5 effective date of this subsection.
 6

(END)

The treatment of section 980.08(5m)(a) of the statutes

D-Note

INS
2-3

INS
2-4

LPS:
change
component to
action. NS: inappl

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Ins Anal:

No # The bill also prohibits DHFS and the Department of Corrections (DOC) from purchasing residential services provided at the building located at 6535 North 51st Street in the City of Milwaukee, prohibits DHFS from placing sexually violent persons on supervised release at that location, and prohibits DOC from approving that location as a residence for any sex offender on extended supervision.

Ins 1-3:

SECTION 1. 46.036 (8) of the statutes is created to read:

46.036 (8) The department may not purchase residential services that are provided in the building located at 6535 N. 51st Street in the City of Milwaukee.

SECTION 2. 301.08 (4) of the statutes is created to read:

301.08 (4) PROHIBITED PLACEMENT LOCATION. The department may not purchase residential services that are provided in the building located at 6535 N. 51st Street in the City of Milwaukee.

SECTION 3. 302.116 (3) of the statutes is created to read:

302.116 (3) The department may not approve the building located at 6535 N. 51st Street in the City of Milwaukee as a residence for a sex offender on extended supervision.

Ins 2-3:

(b) The department may not place a person on supervised release at the building located at 6535 N. 51st Street in the City of Milwaukee.

Ins 2-4:

1 (1) The treatment of sections 46.036[✓] (8) and 301.08[✓] (4) of the statutes first
2 applies to purchasing agreements made on the effective date of this subsection.

3 (2) The treatment of sections 302.116[✓] (3) and 980.05⁸ (5m) (b)[✓] of the statutes first
4 applies to placements made on the effective date of this subsection. X

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2927/2dn

RLR: [Signature]

Date

Representative Krug:

1. This bill prohibits DOC and DHFS from purchasing residential services provided at the building located on ~~North~~ 51st Street. It also prohibits DHFS from placing a sexually violent person on supervised release at that location. Current law provides that as a condition of extended supervision, a sex offender may only live in a residence that ~~the department~~ has approved. The bill therefore prohibits DOC from approving the building on ~~North~~ 51st Street as a residence for a sex offender on extended probation. Current law does not require DOC to approve residences for offenders on extended supervision who are not sex offenders, or for offenders who are on parole or probation. So if DOC is not paying for the person's placement, under the bill, any offender on probation or parole, or any offender on extended supervision other than a sex offender may live at the building on ~~North~~ 51st Street. Do you want the bill to prohibit all persons who are on extended supervision, probation, or parole from living at the location on ~~North~~ 51st, regardless of whether ~~the~~ DOC pays for the placement and regardless of the offense the person committed?

2. I did not include a provision encouraging ATTIC to sell the property on ~~North~~ 51st Street in Milwaukee, because such a provision would have no legal effect. The statutes only require, prohibit, or authorize actions.

3. Article IV of the Wisconsin Constitution provides that no act that contains a private or local measure may embrace more than one subject. This bill arguably contains two private or local measures. The first prohibits the state from purchasing services provided at a particular property (regardless of who owns the property) and the second prohibits the state from contracting for services with a particular business (ATTIC). If the bill is passed as an act and the act is found to embrace more than one subject, the provisions in the bill could be invalidated. You may therefore wish to request two bills rather than one.

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

Street

DOC +

X

X

X

X

X

X

X

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2927/2dn
RLR:kjf:rs

July 17, 2003

Representative Krug:

1. This bill prohibits DOC and DHFS from purchasing residential services provided at the building located on N. 51st Street. It also prohibits DHFS from placing a sexually violent person on supervised release at that location. Current law provides that as a condition of extended supervision, a sex offender may only live in a residence that DOC has approved. The bill therefore prohibits DOC from approving the building on N. 51st Street as a residence for a sex offender on extended probation. Current law does not require DOC to approve residences for offenders on extended supervision who are not sex offenders, or for offenders who are on parole or probation. So if DOC is not paying for the person's placement, under the bill, any offender on probation or parole, or any offender on extended supervision other than a sex offender may live at the building on N. 51st Street. Do you want the bill to prohibit all persons who are on extended supervision, probation, or parole from living at the location on N. 51st Street regardless of whether DOC pays for the placement and regardless of the offense the person committed?
2. I did not include a provision encouraging ATTIC to sell the property on N. 51st Street in Milwaukee, because such a provision would have no legal effect. The statutes only require, prohibit, or authorize actions.
3. Article IV of the Wisconsin Constitution provides that no act that contains a private or local measure may embrace more than one subject. This bill arguably contains two private or local measures. The first prohibits the state from purchasing services provided at a particular property (regardless of who owns the property) and the second prohibits the state from contracting for services with a particular business (ATTIC). If the bill is passed as an act and the act is found to embrace more than one subject, the provisions in the bill could be invalidated. You may therefore wish to request two bills rather than one.

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2003 BILL

1 AN ACT *to create* 46.036 (8), 301.08 (4), 302.116 (3) and 980.08 (5m) of the
2 statutes; **relating to:** identifying residences for sexually violent persons on
3 supervised release and prohibiting certain placements at the building located
4 at 6535 N. 51st Street in the city of Milwaukee.

Analysis by the Legislative Reference Bureau

Under current law, a court may commit a sexually violent person (a person who has committed a sexually violent offense and has a mental disorder that makes it substantially probable that he or she will commit a future act of sexual violence) to the custody of the Department of Health and Family Services (DHFS). A sexually violent person who is committed to DHFS is initially institutionalized and may subsequently petition to be placed in the community on supervised release. If a court orders a sexually violent person placed on supervised release, DHFS must identify a residence for the person.

This bill prohibits DHFS from contracting with ATTIC Correctional Services, Inc., to search for or identify residences for sexually violent persons placed on supervised release. The bill also prohibits DHFS and the Department of Corrections (DOC) from purchasing residential services provided at the building located at 6535 N. 51st Street in the city of Milwaukee, prohibits DHFS from placing sexually violent persons on supervised release at that location, and prohibits DOC from approving that location as a residence for any sex offender on extended supervision.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 46.036 (8) of the statutes is created to read:

2 46.036 (8) The department may not purchase residential services that are
3 provided in the building located at 6535 N. 51st Street in the city of Milwaukee.

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6 residential services that are provided in the building located at 6535 N. 51st Street
7 in the city of Milwaukee.

8 **SECTION 3.** 302.116 (3) of the statutes is created to read:

9 302.116 (3) The department may not approve the building located at 6535 N.
10 51st Street in the city of Milwaukee as a residence for a sex offender on extended
11 supervision.

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

13 980.08 (5m) (a) The department may not contract with ATTIC Correctional
14 Services, Inc., to search for or identify a residential placement for a person for whom
15 supervised release is authorized under this section.

16 (b) The department may not place a person on supervised release at the
17 building located at 6535 N. 51st Street in the city of Milwaukee.

18 **SECTION 5. Initial applicability.**

19 (1) The treatment of sections 46.036 (8) and 301.08 (4) of the statutes first
20 applies to purchasing agreements made on the effective date of this subsection.

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Bill

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

P/c from Shirley Krug 7/17/03

① Yes. or 1st issue in 8-Note
ie. prohibit all types of offenders from
living at location on N. 57th while
in custody of DOC

② Wants to hear more on policy
for not including language
"encouraging Attic to sell

③ Separate into 2 dif. bills

(2nd bill will be LRB 03-3030)
(Equal protection raised in file for 03-3030)

3
LRB-2927/1
RLR:kjffj
stays

wanted soon

2003 BILL

RMR

Reger

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3 SECTION 1. 980.08 (5m) of the statutes is created to read:

Northrop, Lori

From: Little, Sharon
Sent: Wednesday, September 24, 2003 3:58 PM
To: LRB.Legal
Subject: Draft review: LRB 03-2927/3 Topic: Placement of sexually violent persons on supervised release

It has been requested by <Little, Sharon> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2927/3 Topic: Placement of sexually violent persons on supervised release