

**2003 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA(LRBs0410/5)-AB861)**

Received: **03/09/2004**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**

By/Representing:

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Where sex predators may not be placed

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**Instructions:**

Use Franklin prohibition from AB861; applies to all court and DHFS decisions regarding placements

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 03/09/2004	wjackson 03/09/2004		_____			
/1			pgreensl 03/09/2004	_____	lemery 03/09/2004	lemery 03/09/2004	

FE Sent For:

<END>

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1/?	mdsida	1 WLJ 3/8	3/9 ps	3/9 ps/HLE			

FE Sent For:

<END>

2003

Date (time) needed

Now

LRBa 2790 / 1

AMENDMENT

msgd : Wlj :

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

TO S A AMENDMENT (LRBa)

TO S A SUBSTITUTE AMENDMENT (LRBs 041015), ✓

TO 2003 SB SJR SR AB AJR AR 861 (LRB- ) ✓

At the locations indicated, amend the substitute amendment as follows: (fill ONLY if "engrossed ..." or "as shown by .....")

✓ #. Page 46, line 2: after ✓ and ✓ insert ✓ plain subject to 50980085 ✓

✓ #. Page 47, line 18: after that line insert ✓  
Insert

#. Page 44, line 4: delete ✓ The ✓ and substitute ✓ Subject to 50980085 (1) the".

#. Page ..., line ...:

#. Page ..., line ...:

# RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: md) (Date: 3 / 10 / 04)



Please transfer the drafting file for

2001 LRB \_\_\_\_\_ to the drafting file

for 2003 LRB \_\_\_\_\_

The final version of the 2001 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2001 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2001 draft was incorporated into a 2003 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the 2003 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

— OR —

Please copy the drafting file for

2003 LRB <sup>2437</sup> a ~~2479~~ / 2 and place it in the drafting file

for 2003 LRB <sup>a</sup> # 2790

For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

*Insert*

1 for the municipality and county in which the person will be residing. The notification  
2 requirement under this subsection paragraph does not apply if a municipal police  
3 department or county sheriff submits to the court a written statement waiving the  
4 right to be notified.

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

24 *✓* SECTION *6* 980.085 of the statutes is created to read:

*§ 104 m.*

980.07

authorize

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**980.085 Limitation on certain placements.** (1) The court may not ~~approve~~ <sup>authorize</sup> supervised release ~~plan~~ <sup>980.08 (7)(d)</sup> for a person under s. ~~980.08 (5)~~ on or after the effective date of this subsection .... [revisor inserts date], if under the plan, the person being placed on supervised release will reside in a municipality to which all of the following apply:

(a) The municipality is located in a county with a population that exceeds 500,000.

(b) The total number of persons incarcerated at any facility located in the municipality exceeds 1 percent of the municipality's population.

(2) The department may not, on or after the effective date of this subsection .... [revisor inserts date], change the placement of a person who is on supervised release under s. 980.06, 1997 stats., or s. 980.08 (6m) to a residence that is in a municipality to which sub. (1) (a) and (b) apply."

(END)

2001 stats, ^ m

so 980.08