



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 03/10/2004 (Per: MGD)



☞ The 2003 drafting file for LRB 03a2437/2

has been copied/added to the 2003 drafting file for

LRB 03a2790

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

2003 DRAFTING REQUEST

Assembly Amendment (AA-ASA(LRBs0404/1)-AB861)

Received: 02/27/2004

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Jeff Stone (608) 266-8590

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Where sex predators may not be placed

Instructions:

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

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida 03/01/2004	jdyer 03/01/2004	pgreensl 03/01/2004	_____	lemery 03/01/2004	lemery 03/01/2004	
	mdsida 03/02/2004	jdyer 03/01/2004		_____			
		jdyer 03/03/2004		_____			

<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			pgreensl 03/03/2004	_____	lemery 03/03/2004	lemery 03/03/2004	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Assembly Amendment (AA-ASA(LRBs0404/1)-AB861)

Received: 02/27/2004

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Jeff Stone (608) 266-8590

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Where sex predators may not be placed

Instructions:

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

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida 03/01/2004	jdyer 03/01/2004 jdyer 03/01/2004	pgreensl 03/01/2004	_____	lemery 03/01/2004	lemery 03/01/2004	
		12/3 jld	3/13/ps	3/13 sub			

FE Sent For:

2003 DRAFTING REQUEST

Assembly Amendment (AA-ASA(LRBs0404/1)-AB861)

Received: 02/27/2004

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Jeff Stone (608) 266-8590

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Where sex predators may not be placed

Instructions:

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

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida	1 3/1 jcd	3/1 1 PY	3/1 1 1guts			

FE Sent For:

<END>



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2437/1

MGD:.....

Jid

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0404/1),
TO 2003 ASSEMBLY BILL 861

Tues
9 AM

- 1 At the locations indicated, amend the substitute amendment as follows: ✓
- 2 1. Page 3, line 22: after that line insert:
- 3 "SECTION 6p. 980.08 (6m) of the statutes is renumbered 980.08 (6m) (a) and ✓
- 4 amended to read:
- 5 980.08 (6m) (a) An order for supervised release places the person in the custody
- 6 and control of the department. The department shall arrange for control, care and
- 7 treatment of the person in the least restrictive manner consistent with the
- 8 requirements of the person and, subject to s. 980.085, ✓ in accordance with the plan for
- 9 supervised release approved by the court under sub. (5). A person on supervised
- 10 release is subject to the conditions set by the court and to the rules of the department.
- 11 (b) Before a person is placed on supervised release by the court under this
- 12 section, the court shall so notify the municipal police department and county sheriff

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 6v.** 980.085 of the statutes is created to read:



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2437/1
MGD:jld:pg

RMNR

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0404/1),
TO 2003 ASSEMBLY BILL 861

3/8

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

2 1. Page 3, line 22: after that line insert:

3 "SECTION 6p. 980.08 (6m) of the statutes is renumbered 980.08 (6m) (a) and
4 amended to read:

5 980.08 (6m) (a) An order for supervised release places the person in the custody
6 and control of the department. The department shall arrange for control, care and
7 treatment of the person in the least restrictive manner consistent with the
8 requirements of the person and, subject to s. 980.085, in accordance with the plan for
9 supervised release approved by the court under sub. (5). A person on supervised
10 release is subject to the conditions set by the court and to the rules of the department.

11 (b) Before a person is placed on supervised release by the court under this
12 section, the court shall so notify the municipal police department and county sheriff

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 6v. 980.085 of the statutes is created to read:

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

5 (a) The municipality is located in a county with a population that exceeds
6 500,000.

7 (b) The total number of persons incarcerated at any facility located in the
8 municipality exceeds 10 percent of the municipality's population.

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

13

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2437/2
MGD:jld:pg

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0404/1),
TO 2003 ASSEMBLY BILL 861

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

2 1. Page 3, line 22: after that line insert:

3 "SECTION 6p. 980.08 (6m) of the statutes is renumbered 980.08 (6m) (a) and
4 amended to read:

5 980.08 (6m) (a) An order for supervised release places the person in the custody
6 and control of the department. The department shall arrange for control, care and
7 treatment of the person in the least restrictive manner consistent with the
8 requirements of the person and, subject to s. 980.085, in accordance with the plan for
9 supervised release approved by the court under sub. (5). A person on supervised
10 release is subject to the conditions set by the court and to the rules of the department.

11 (b) Before a person is placed on supervised release by the court under this
12 section, the court shall so notify the municipal police department and county sheriff

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 6v.** 980.085 of the statutes is created to read:

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

5 (a) The municipality is located in a county with a population that exceeds
6 500,000.

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

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

13

(END)