

2003 DRAFTING REQUEST

Senate Amendment (SA-SB441)

Received: **03/04/2004**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **Adrienne**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Task force composition

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>
/1	chanaman 03/04/2004	csicilia 03/04/2004	chaugen 03/04/2004	_____	mbarman 03/04/2004	mbarman 03/04/2004	
	chanaman 03/04/2004	csicilia 03/04/2004		_____			
/2			pgreensl 03/04/2004	_____	lemery 03/04/2004	lemery 03/04/2004	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/1	chanaman 03/04/2004	csicilia 03/04/2004	chaugen 03/04/2004	3/4 3/4	mbarman 03/04/2004	mbarman 03/04/2004	

FE Sent For:

3/4
ps
<END>

03/04/2004 10:20:19 AM

Page 1

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/1 chanaman

1 g/s 3/4 on 04 3-4 on / plew

FE Sent For:

<END>

Hanaman, Cathlene

From: Dsida, Michael
Sent: Thursday, March 04, 2004 8:56 AM
To: Hanaman, Cathlene
Subject: FW: 980 additions/corrections UPDATE RE CHANGES

Importance: High

Can you draft this as a Senate amdt today? Incorporate all changes to the task force's composition and duties that we discussed yesterday.

thanks

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

From: Ramirez, Adrienne
Sent: Wednesday, March 03, 2004 5:04 PM
To: Dsida, Michael
Subject: RE: 980 additions/corrections UPDATE RE CHANGES

Mike -

Also, Tony just asked me to have you draft a simple amendment to SB 441. Rumor is that SB 441 is up in the Senate tomorrow, however, it is not on the calendar. Any way, Tony would like an amendment to add the membership of the transitional facility task force added to the bill. If you have any questions, please let me know.

Thanks,

Adrienne

2003

Date (time) needed

now

LRBa 2579 / 1

cmH mgD : cjs:

AMENDMENT

See form AMENDMENTS — COMPONENTS & ITEMS.

(S) A AMENDMENT

TO S A AMENDMENT _____ (LRBa /),

TO S A SUBSTITUTE AMENDMENT _____ (LRBs /),

TO 2003 (SB) SJR SR AB AJR AR 441 (LRB- /)

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed ..." or "as shown by")

#. Page . . . , line . . . : after "release" insert " (INSERT A) " .

#. Page . 4 . , line . 24 . : after that line insert :

(F) INSERT B

#. Page , line :

#. Page , line :

#. Page , line :



1 980.11 (2) (intro.) If the court places a person on supervised release under s.
2 980.08 or discharges a person under s. 980.09 or ~~980.10~~ 980.093, the department
3 shall do all of the following:

4 SECTION 121. 980.12 (1) of the statutes is amended to read:

5 980.12 (1) Except as provided in ss. ~~980.03 (4)~~ 980.031 (3) and 980.08 (3), the
6 department shall pay from the appropriations under s. 20.435 (2) (a) and (bm) for all
7 costs relating to the evaluation, treatment, and care of persons evaluated or
8 committed under this chapter.

9 SECTION 122. 980.14 (title) of the statutes is created to read:

10 980.14 (title) Immunity.

11 SECTION 123. 980.14 (1) of the statutes is created to read:

12 980.14 (1) In this section, "agency" means the department of corrections, the
13 department of health and family services, the department of justice, or a district
14 attorney.

15 → " SECTION 124. Nonstatutory provisions.

INS 52-16 to B

INS.
B

16 (m) (1) (a) There is created a committee to assist the state in determining the
17 location for the facility enumerated in 2001 Wisconsin Act 16, section 9107 (1) (d) 1.,
18 that will be a transitional facility for the housing of persons committed to the custody
19 of the department of health and family services under chapter 980 of the statutes.

20 (b) The departments of corrections and health and family services shall provide
21 necessary administrative support services to the committee.

22 (c) The department of administration shall reimburse members of the
23 committee for their actual and necessary expenses incurred in carrying out their
24 functions, from the appropriation under section 20.505 (4) (ba) of the statutes, within
25 the budget authorized under section 16.40 (14) of the statutes.

INS
B
continued
(2)

1 (d) The members of the committee shall be:

2 1. The chairperson of the Milwaukee County board of supervisors or his or her
3 designee.

4 2. The chief of police of the city of Milwaukee or his or her designee.

5 3. The county executive of Milwaukee County or his or her designee.

6 4. The district attorney of Milwaukee County or his or her designee.

7 5. The mayor of the city of Milwaukee or his or her designee.

8 6. The sheriff of Milwaukee County or his or her designee.

9 7. One representative of the Milwaukee County Law Enforcement Executives
10 Association who is not from the city of Milwaukee.

INS
53-12 to B

11 8. One representative of the intergovernmental cooperation council who is not
12 from the city of Milwaukee.

13 9. Three other individuals who are residents of the city of Milwaukee, to be
14 appointed by the governor.

15 10. Two other individuals who are residents of Milwaukee County but who are
16 not residents of the city of Milwaukee, to be appointed by the governor.

17 (e) The ~~governor~~ ^{committee} shall ~~appoint~~ ^{elect} the chair of the committee from the individuals
18 appointed under ~~par~~ (d) 9. and 10.

INS
53-19
to
B

19 (f) The ^{paragraph} committee shall hold public hearings in Milwaukee County regarding
20 the selection of a location of the facility. The committee shall consider all of the
21 following factors when determining the criteria for the location of the facility or when
22 determining specific locations for the facility:

23 1. Community safety.

24 2. Proximity to sensitive locations.

25 3. Ability to make the facility secure.



INS B continued (3)

1 INSERT 54-2 to B
2

54-5a
to B

4. Accessibility to treatment for the persons living in the facility.

(g) No later than December 31, 2004, the committee shall submit a report to the departments of corrections and health and family services recommending specific locations that the committee determines are appropriate for the placement of the facility.

INSERT 54-5b to B

(end of INS B)

at least 3

SECTION 125. Initial applicability.

(1) This act first applies to reviews regarding detention and probable cause hearings under section 980.04 of the statutes, as affected by this act, and trials under section 980.05 of the statutes, as affected by this act, that are based on a petition filed under s. 980.02 of the statutes, as affected by this act, on the effective date of this subsection.

(2) This act first applies to periodic reexaminations conducted under section 980.07 of the statutes, as affected by this act, begun on the effective date of this subsection and to court proceedings resulting from those reexaminations.

(3) This act first applies to proceedings to revoke supervised release under section 980.08 (5) of the statutes, as affected by this act, that are commenced on the effective date of this subsection, except that the treatment of section 980.08 (5) of the statutes, with respect to where a person may be detained while a petition to revoke supervised release is pending, first applies to a person whose detention commences on the effective date of this subsection.

(4) This act first applies to discharge proceedings commenced on the effective date of this subsection.

SECTION 126. Effective date.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2579/1ins
MGD:.....

INSERT § 2-16 to B section

(1) In this subsection, "facility for children" means a public or private school, a group home, as defined in section 48.02 (7) of the statutes, a residential care center for children and youth, as defined in section 48.02 (15d) of the statutes, a shelter care facility, as defined in section 48.02 (17) of the statutes, a foster home, as defined in section 48.02 (6) of the statutes, a treatment foster home, as defined in section 48.02 (17q) of the statutes, a day care center licensed under section 48.65 of the statutes, a day care program established under section 120.13 (14) of the statutes, a day care provider certified under section 48.651 of the statutes, or a youth center, as defined in section 961.01 (22) of the statutes.

INSERT 1 to INS 54-2 to INS B

7. Proximity of the placement to all of the following:
- The residence of other persons on supervised release.
 - 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 section 301.46 (2m) (a) or (am) of the statutes.
 - Any facility for children of which the committee is aware.
 - Any residential subdivision.

end of insert

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2579/1ins
CMH&MGD:.....

INSERT 53-12 TO B

1 9. Three persons, other than elected officials, who are residents of Milwaukee
2 County but ^{two of whom may not be residents} ~~only one may be a resident~~ of the city of Milwaukee, to be appointed by
3 the governor.

4 10. Four persons, other than elected officials, who are residents of Milwaukee
5 County, to be appointed as follows:

6 a. One by the speaker of the assembly and one by the majority leader of the
7 senate, appointed before the appointments in subdivision paragraph b.

8 b. One by the minority leader of the assembly and one by the minority leader
9 of the senate. If the speaker of the assembly appointed a resident of the city of
10 Milwaukee, the minority leader of the assembly may not appoint a resident of the city
11 of Milwaukee. If the speaker of the assembly appointed a person who is not a resident
12 of the city of Milwaukee, the minority leader of the assembly may not appoint a
13 person who is not a resident of the city of Milwaukee. If the majority leader of the
14 senate appointed a resident of the city of Milwaukee, the minority leader of the
15 assembly ^{e senate} may not appoint a resident of the city of Milwaukee. If the majority leader
16 of the senate appointed a person who is not a resident of the city of Milwaukee, the
17 minority leader of the assembly ^{e senate} may not appoint a person who is not a resident of the
18 city of Milwaukee.

19
20 Insert 54-5b to B

21 no 9 When considering locations, the committee shall make a reasonable effort to
22 reach and to maximize consensus among its members.”



ASSEMBLY BILL 861

INS 54-2 to B

1 (g) The committee shall hold public hearings in Milwaukee County regarding
2 the selection of a location for the facility.

3 (h) Subject to paragraph (i) no later than December 31, 2004, the committee
4 shall submit a report to the departments of corrections and health and family
5 services recommending at least 3 specific locations for the facility. Each of the

6 locations shall be suitable for the development of a facility that can house at least the
7 number of persons set forth in the estimate submitted to the committee under
8 paragraph (g). The committee shall consider all of the following factors when making
9 its recommendations:

- 10 1. Community safety.
- 11 2. Proximity to sensitive locations.
- 12 3. Ability to make the facility secure.
- 13 4. Accessibility to treatment for the persons living in the facility.

- 14 5. Payments that may be made in lieu of property taxes.
- 15 6. Availability of tax incentives to a community to locate the facility within its
16 jurisdiction.

17 7. Proximity to any residence or facility under section 980.08 (5) (b) 1. a. to c
18 of the statutes, as created by this act.

19 (i) When acting under paragraph (h), the committee may not recommend any
20 location in a municipality that is located in a county with a population that exceeds
21 500,000 if the total number of persons incarcerated at any facility located in that
22 municipality exceeds 1 percent of the municipality's population.

23 **SECTION 23. Initial applicability.**

no 91

INS
54-5a
to
B

INS
54-2
to
B

INS 1 to INS 54-2 to INS B

~~7. Proximity to any residence or facility under section 980.08 (5) (b) 1. a. to c of the statutes, as created by this act.~~

*planned
to be
included
in
the
bill*

*to
house
103*

ASSEMBLY BILL 861

1 1. The chairperson of the Milwaukee County board of supervisors or his or her
2 designee.

3 2. The chief of police of the city of Milwaukee or his or her designee.

4 3. The county executive of Milwaukee County or his or her designee.

5 4. The district attorney of Milwaukee County or his or her designee.

6 5. The mayor of the city of Milwaukee or his or her designee.

7 6. The sheriff of Milwaukee County or his or her designee.

8 7. A representative of the Milwaukee County Law Enforcement Executives
9 Association who is not from the city of Milwaukee.

10 8. A representative of the intergovernmental cooperation council who is not
11 from the city of Milwaukee.

12 9. Three other individuals who are residents of Milwaukee County, 2 of whom
13 do not reside in the city of Milwaukee, to be appointed by the governor.

14 10. Two members who reside in Milwaukee County, at least one of whom resides
15 outside of the city of Milwaukee, to be appointed by the senate majority leader.

16 11. Two members who reside in Milwaukee County, at least one of whom resides
17 outside of the city of Milwaukee, to be appointed by the speaker of the assembly.

18 (em) (e) The committee shall elect the chair of the committee from the 3 individuals
19 whom the governor appoints to the committee.

*INSERT 53-184B
48135
235M1*

20 (em) (a) No later than June 1, 2004, the department of health and family services
21 shall provide the committee an estimate of the maximum number of persons likely
22 to be placed in Milwaukee County on supervised release under section 980.06, 1997
23 stats., or section 980.08 of the statutes at any one time between that date and
24 February 1, 2009.

✓

1 980.03 (2) (intro.), 980.03 (3), 980.04 (1), 980.04 (3), 980.05 (1), 980.05 (3) (a),
 2 980.05 (3) (b), 980.065 (1m), 980.07 (2), 980.07 (3), 980.09 (title), 980.101 (2) (a),
 3 980.11 (2) (intro.) and 980.12 (1); **to repeal and recreate** 809.10 (1) (d), 809.30
 4 (1) (c), 809.30 (1) (f) and 980.08; and **to create** 46.055 (2), 48.396 (6), 48.78 (2)
 5 (e), 48.981 (7) (a) 8s., 51.30 (3) (bm), 51.30 (4) (b) 8s., 118.125 (2) (ck), 146.82 (2)
 6 (cm), 756.06 (2) (cm), 814.61 (1) (c) 6., 938.35 (1) (e), 972.15 (6), 973.155 (1) (c),
 7 978.043 (2), 978.13 (2) (a), 980.01 (1g), 980.01 (1m), 980.01 (6) (am), 980.01 (6)
 8 (bm), 980.015 (1) (b), 980.015 (2) (d), 980.02 (1) (b) 3., 980.02 (1m), 980.02 (6),
 9 980.031 (title), 980.031 (1) and (2), 980.034, 980.036, 980.038, 980.04 (2) (b),
 10 980.05 (2m), 980.07 (1) (b), 980.07 (1g), 980.07 (1m), 980.07 (4) to (7), 980.093,
 11 980.095, 980.14 (title) and 980.14 (1) of the statutes; **relating to:** the definition
 12 of sexually violent person, sexually violent person commitment proceedings,
 13 criteria for supervised release, escape from custody by a person who is subject
 14 to a sexually violent person commitment proceeding, ^{and} creating a committee to
 15 make recommendations regarding the location of a facility for the treatment of
 16 sexual predators, payments in lieu of taxes and grants for a municipality in
 17 which such a facility is located, making an appropriation, and providing
 18 penalties.

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

19 **SECTION 1.** 20.435 (2) (bm) of the statutes is amended to read:

20 20.435 (2) (bm) *Secure mental health units or facilities; payments relating to*
 21 *transitional facilities.* The amounts in the schedule for the general program
 22 operations of secure mental health units or facilities under s. 980.065 for persons
 23 committed under s. 980.06 and placed in a secure mental health unit or facility and

Estans

only
change
is one
page
4

SENATE AMENDMENT ,
TO 2003 SENATE BILL 441

NOW

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 4: after "release" insert "and creating a committee to make
- 3 recommendations regarding the location of a facility for the treatment of sexual
- 4 predators".
- 5 **2.** Page 4, line 24: after that line insert:
- 6 **"SECTION 7m. Nonstatutory provisions.**
- 7 (1) In this section, "facility for children" means a public or private school, a
- 8 group home, as defined in section 48.02 (7) of the statutes, a residential care center
- 9 for children and youth, as defined in section 48.02 (15d) of the statutes, a shelter care
- 10 facility, as defined in section 48.02 (17) of the statutes, a foster home, as defined in
- 11 section 48.02 (6) of the statutes, a treatment foster home, as defined in section 48.02
- 12 (17q) of the statutes, a day care center licensed under section 48.65 of the statutes,
- 13 a day care program established under section 120.13 (14) of the statutes, a day care

1 provider certified under section 48.651 of the statutes, or a youth center, as defined
2 in section 961.01 (22) of the statutes.

3 (1m) (a) There is created a committee to assist the state in determining the
4 location for the facility enumerated in 2001 Wisconsin Act 16, section 9107 (1) (d) 1.,
5 that will be a transitional facility for the housing of persons committed to the custody
6 of the department of health and family services under chapter 980 of the statutes.

7 (b) The departments of corrections and health and family services shall provide
8 necessary administrative support services to the committee.

9 (c) The department of administration shall reimburse members of the
10 committee for their actual and necessary expenses incurred in carrying out their
11 functions, from the appropriation under section 20.505 (4) (ba) of the statutes, within
12 the budget authorized under section 16.40 (14) of the statutes.

13 (d) The members of the committee shall be:

14 1. The chairperson of the Milwaukee County board of supervisors or his or her
15 designee.

16 2. The chief of police of the city of Milwaukee or his or her designee.

17 3. The county executive of Milwaukee County or his or her designee.

18 4. The district attorney of Milwaukee County or his or her designee.

19 5. The mayor of the city of Milwaukee or his or her designee.

20 6. The sheriff of Milwaukee County or his or her designee.

21 7. One representative of the Milwaukee County Law Enforcement Executives
22 Association who is not from the city of Milwaukee.

23 8. One representative of the Intergovernmental Cooperation Council who is not
24 from the city of Milwaukee.

1 9. Three persons, other than elected officials, who are residents of Milwaukee
2 County but two of whom may not be residents of the city of Milwaukee, to be
3 appointed by the governor.

4 10. Four persons, other than elected officials, who are residents of Milwaukee
5 County, to be appointed as follows:

6 a. One by the speaker of the assembly and one by the majority leader of the
7 senate, appointed before the appointments in subdivision 10. b.

8 b. One by the minority leader of the assembly and one by the minority leader
9 of the senate. If the speaker of the assembly appointed a resident of the city of
10 Milwaukee, the minority leader of the assembly may not appoint a resident of the city
11 of Milwaukee. If the speaker of the assembly appointed a person who is not a resident
12 of the city of Milwaukee, the minority leader of the assembly may not appoint a
13 person who is not a resident of the city of Milwaukee. If the majority leader of the
14 senate appointed a resident of the city of Milwaukee, the minority leader of the
15 senate may not appoint a resident of the city of Milwaukee. If the majority leader
16 of the senate appointed a person who is not a resident of the city of Milwaukee, the
17 minority leader of the senate may not appoint a person who is not a resident of the
18 city of Milwaukee.

19 (e) The committee shall elect the chair of the committee from the individuals
20 appointed under paragraph (d) 9. and 10.

21 (em) No later than June 1, 2004, the department of health and family services
22 shall provide the committee an estimate of the maximum number of persons likely
23 to be placed in Milwaukee County on supervised release under section 980.06, 1997
24 stats., or section 980.08 of the statutes at any one time between that date and
25 February 1, 2009.

1 (f) The committee shall hold public hearings in Milwaukee County regarding
2 the selection of a location of the facility. The committee shall consider all of the
3 following factors when determining the criteria for the location of the facility or when
4 determining specific locations for the facility:

- 5 1. Community safety.
- 6 2. Proximity to sensitive locations.
- 7 3. Ability to make the facility secure.
- 8 4. Accessibility to treatment for the persons living in the facility.
- 9 5. Payments that may be made in lieu of property taxes.
- 10 6. Availability of tax incentives to a community to locate the facility within its
11 jurisdiction.

- 12 7. Proximity of the placement to all of the following:
 - 13 a. The residence of other persons on supervised release.
 - 14 b. The residence of persons who are in the custody of the department of
15 corrections and regarding whom a sex offender notification bulletin has been issued
16 to law enforcement agencies under section 301.46 (2m) (a) or (am) of the statutes.
 - 17 c. Any facility for children of which the committee is aware.
 - 18 d. Any residential subdivision.

19 (g) No later than December 31, 2004, the committee shall submit a report to
20 the departments of corrections and health and family services recommending
21 specific locations that the committee determines are appropriate for the placement
22 of the facility. Each of the locations shall be suitable for the development of a facility
23 that can house at least the number of persons set forth in the estimate submitted to
24 the committee under paragraph (em). When considering locations, the committee

at least
3

1 shall make a reasonable effort to reach and to maximize consensus among its
2 members.”.

3 (END)