

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0000

03hr_sb0441

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00



Mary Lazich

Wisconsin State Senator
Senate District 28

Senate Committee on Judiciary, Corrections and Privacy
Testimony on Senate Bill 441
March 1, 2004

Good morning, Committee Chair Zien and committee members. Thank you for the opportunity to provide testimony to the Senate Committee on Judiciary, Corrections and Privacy on Senate Bill 441.

According to a report in the *Milwaukee Journal Sentinel* in September 2003, the state of Maryland conducted a survey of the 16 states that have sexual predator commitment laws and found that 2500 people had been confined as sexual predators, with 86 of them released into the community. Wisconsin released 24 of 86 people, twenty-eight percent of the national total.

Even more disturbing is that almost half of the individuals released since 1994 under Chapter 980 have been returned to secure facilities or have revocations of their release pending because of rule violations. Despite strong supervision by the Department of Corrections, it is clear current law puts communities at risk of repeat offenders.

SB 441 changes the level of proof a prosecutor must show to have a person identified as a sexually violent offender, from substantially probable, to more likely than not. In simple layman's terms, from much more than fifty percent likely, to a fifty-one percent chance that the felon will re-offend. This brings Wisconsin into line with most of the other sixteen states that have civil commitment laws for sexual predators.

Second the bill requires the court to consider whether the person made significant progress in his or her treatment program or has refused treatment. As unbelievable as it may seem, under current law and policy, sexual predators who have refused treatment for their violent sexual tendencies have been considered



Page
2 thru ?
missing

Cheryl Ropicky
527 11th Avenue
Grafton, WI 53024
(262) 375-6373
(414)403-3035

Senate Bill 441

Thank you for allowing public testimony this morning. Sexually violent persons cannot be cured of their violent tendencies completely. I agree they have a mental disorder. The SVP is provided with treatment while committed. There is no nothing stating that the SVP participate in treatment. Treatment participation should be mandatory for any chance of release, whether it's supervised or discharge.

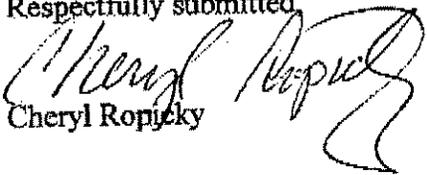
I would also like sufficient progress more defined. Offenders have been released with supervision with a rating of 7 out of 12. This is more than a 50% chance to reoffend. The committed at Sandridge use a formulary called Static 99. I feel the legislatures, as well as the citizens of Wisconsin, need to be more informed on how this system works to see if this is acceptable for what they are proposing.

I feel courts have spent too much time and money on the process of release. When the person is civilly committed the release plan process should start. It should not take another 90 days to present a plan to the court. This plan should consist of outpatient treatment and potential residency. It should also consist of the rules that the committed person will have to follow. This initial plan we know will change as treatment progresses. This way they would have a template to work with. This will save the courts money.

Upon supervised release the SVP must abide by the rules set by DHFS as well as the DOC. It would also be more fiscally responsible if the supervised offenders are housed in one facility owned by the state, instead of having them scattered in different houses throughout the community leased by Attic Correctional or someone else. Research has shown us offenders police each other and give each other support. We also have learned money has been set aside for the building of this type of facility and in the 2003-2005 DHFS budget, this expenditure has been noted.

I support this bill, but would like to see it stronger. You, as state lawmakers, need to take a more closer look at the civil commitment law. Don't make changes that are only going to affect the state of Wisconsin today. Make these changes for tomorrow.

Respectfully submitted,


Cheryl Ropicky



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Tim Carpenter, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

Please consider the following items and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 3:00pm Tuesday, March 2, 2004. Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 207

Relating to: the reporting of child abuse or neglect, and actions related to sexual exploitation brought against members of the clergy and religious organizations.

By Senators Darling, A. Lasee, Roessler and Stepp; cosponsored by Representatives Krusick, Gundrum, Gard, Balow, Berceau, Boyle, Coggs, Colon, Grothman, Gunderson, Hines, Hubler, Jeskewitz, Kestell, Kreibich, McCormick, Morris, Owens, Pocan, Powers, Richards, Sherman, Sinicki, Stone, Suder, Taylor, Travis, Turner, J. Wood, Young and Zepnick.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye _____ No

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye No _____



Senate Bill 441

Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye ✓ No

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye ✓ No

Senate Bill 479

Relating to: lie detector tests of sexual assault victims.

By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye ✓ No

Signature Tim Carpenter
Senator Tim Carpenter



STATE SENATOR DAVE ZIEN

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

ASSISTANT MAJORITY LEADER

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Scott Fitzgerald, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

Please consider the following items and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 3:00pm Tuesday, March 2, 2004. Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 207

Relating to: the reporting of child abuse or neglect, and actions related to sexual exploitation brought against members of the clergy and religious organizations.

By Senators Darling, A. Lasee, Roessler and Stepp; cosponsored by Representatives Krusick, Gundrum, Gard, Balow, Berceau, Boyle, Coggs, Colon, Grothman, Gunderson, Hines, Hubler, Jeskewitz, Kestell, Kreibich, McCormick, Morris, Owens, Pocan, Powers, Richards, Sherman, Sinicki, Stone, Suder, Taylor, Travis, Turner, J. Wood, Young and Zepnick.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye X No _____

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye X No _____



Senate Bill 441

Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye X No _____

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye X No _____

Senate Bill 479

Relating to: lie detector tests of sexual assault victims.

By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye X No _____

Signature _____


Senator Scott Fitzgerald



STATE SENATOR DAVE ZIEN

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

ASSISTANT MAJORITY LEADER

MEMORANDUM

TO: Senator Cathy Stepp, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

Please consider the following items and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 3:00pm Tuesday, March 2, 2004. Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 207

Relating to: the reporting of child abuse or neglect, and actions related to sexual exploitation brought against members of the clergy and religious organizations.

By Senators Darling, A. Lasee, Roessler and Stepp; cosponsored by Representatives Krusick, Gundrum, Gard, Balow, Berceau, Boyle, Coggs, Colon, Grothman, Gunderson, Hines, Hubler, Jeskewitz, Kestell, Kreibich, McCormick, Morris, Owens, Pocan, Powers, Richards, Sherman, Sinicki, Stone, Suder, Taylor, Travis, Turner, J. Wood, Young and Zepnick.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye No

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye No



Senate Bill 441

Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye ✓ No

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye ✓ No

Senate Bill 479

Relating to: lie detector tests of sexual assault victims.

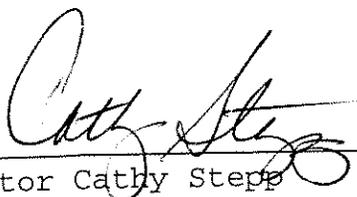
By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye ✓ No

Signature _____


Senator Cathy Stepp



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator G. Spencer Coggs, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

Please consider the following items and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 3:00pm Tuesday, March 2, 2004. Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 207

Relating to: the reporting of child abuse or neglect, and actions related to sexual exploitation brought against members of the clergy and religious organizations.

By Senators Darling, A. Lasee, Roessler and Stepp; cosponsored by Representatives Krusick, Gundrum, Gard, Balow, Berceau, Boyle, Coggs, Colon, Grothman, Gunderson, Hines, Hubler, Jeskewitz, Kestell, Kreibich, McCormick, Morris, Owens, Pocan, Powers, Richards, Sherman, Sinicki, Stone, Suder, Taylor, Travis, Turner, J. Wood, Young and Zepnick.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye No

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye No



Senate Bill 441

Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye ✓ No _____

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye ✓ No _____

Senate Bill 479

Relating to: lie detector tests of sexual assault victims.

By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye ✓ No _____

Signature _____

Spencer Coggs

Senator G. Spencer Coggs