

2005 DRAFTING REQUEST

Bill

Received: 04/01/2005

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Scott Suder (608) 267-0280

By/Representing: Luke

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters: mdsida

Subject: Correctional System - com crctns
Criminal Law - crimes agnst kids

Extra Copies: gmm

Submit via email: YES

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

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Require tracking by GPS of persons convicted of sexual assault of a child who are on probation, parole, or extended supervision

Instructions:

Applies to 1st or 2nd degree s.a. and repeated s.a. of a child

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 04/12/2005			_____			S&L Crime
/1	chanaman 05/09/2005	jdyer 05/09/2005	rschluet 05/10/2005	_____	sbasford 05/10/2005	sbasford 07/25/2005	

FE Sent For:

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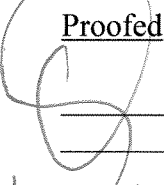
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/?	mdsida 04/12/2005 chanaman	1.5/9 JLD					S&L Crime

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<END>

Hanaman, Cathlene

From: Hilgemann, Luke
Sent: Tuesday, May 03, 2005 9:58 AM
To: Hanaman, Cathlene
Subject: RE: LRB-2637

The GPS tracking systems consist of a belt pack style transponder and a tamper-proof bracelet. Florida recently passed a similar measure for their sex offenders and I believe they made it a felony for the offender to disable the system. Here is an excerpt from a story on Florida's new law. We would like our bill to follow those lines in regards to tampering with the GPS system.

Tampering with the GPS brace will be a third-degree felony, as will harboring sex offenders and withholding important information from police, which prosecutors say happened in Couey's case. Also, twice a year offenders must register their address at the local sheriff's office in person, rather than by mail.

From: Hanaman, Cathlene
Sent: Tuesday, May 03, 2005 9:35 AM
To: Hilgemann, Luke
Subject: RE: LRB-2637

*up to 5 yrs
\$5000*

Okay, thanks.

I am not sure how the gps tracking works--is it a bracelet or a surgically implanted chip? In any case, do you want a particular penalty to apply if the tracked person manages to intentionally disable the system?

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

From: Hilgemann, Luke
Sent: Monday, May 02, 2005 11:47 AM
To: Hanaman, Cathlene
Subject: RE: LRB-2637

The delay is fine. Rep. Suder would like this bill to apply to all sex offenders regardless of where they are in the process. i.e., those already on parole, probation, or extended supervision and those beginning those processes.

From: Hanaman, Cathlene
Sent: Monday, May 02, 2005 11:21 AM
To: Hilgemann, Luke
Subject: RE: LRB-2637

I also added a delayed effective date of six months to allow time to get the tracking systems--OK?

And should it apply to persons already on probation, parole, or extended supervision following a child sex offense or only to persons beginning their probation, parole, or extended supervision?

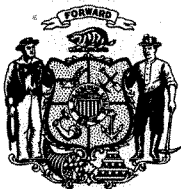
Thanks,
Cathlene

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

From: Hilgemann, Luke
Sent: Monday, May 02, 2005 8:50 AM
To: Hanaman, Cathlene
Subject: RE: LRB-2637

That is perfect. Thanks for following up!

From: Hanaman, Cathlene



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2637/7

CMH:...

Tues

jd kmc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *general*; relating to: *✓* global positioning system tracking for certain sex
2 offenders while on probation, extended supervision, parole, *or* supervised
3 release *or conditional release* and providing a penalty.

Analysis by the Legislative Reference Bureau

~~Under current law, a person on probation or extended supervision is subject to conditions set by the court and the Department of Corrections (DOC). A person on parole is subject to conditions set by DOC. A person on supervised release or conditional release is subject to conditions set by the court and the Department of Health and Family Services (DHFS).~~

✓ This bill requires DOC to track a person using a global positioning system (GPS) tracking device if the person is on parole, probation, or extended supervision following a conviction for first or second degree sexual assault of a child or for repeated sexual assault of a child. This bill also requires DHFS to track a person using a GPS tracking device if the person is on: 1) supervised release after having been committed for treatment as a sexually violent person following a first or second degree sexual assault of a child or repeated sexual assault of a child; or 2) conditional release after having been found not guilty by reason of mental disease or defect of first or second degree sexual assault of a child or repeated sexual assault of a child. ✓

This bill prohibits a person from tampering with a GPS device required by the bill. A person who violates this prohibition is guilty of a felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three years and six months (which, if the sentence is for more than one year, includes a term of extended supervision) or both. ✓

(S)

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* 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. 302.116 (3) of the statutes is created to read:

2 302.116 (3) If the person is on extended supervision following a violation of s.
3 948.02 (1) or (2) or 948.025 or of a law of another state that is comparable to s. 948.02
4 (1) or (2) or 948.025, the department shall have the person tracked using a global
5 positioning system tracking device as a condition of extended supervision.

6 SECTION 2. 304.06 (1r) of the statutes is created to read:

7 304.06 (1r) As a condition of parole for a violation of s. 948.02 (1) or (2) or
8 948.025 or of a law of another state that is comparable to s. 948.02 (1) or (2) or
9 948.025, the department shall have the parolee tracked using a global positioning
10 system tracking device.

11 SECTION 3. 946.465 of the statutes is created to read:

12 **946.465 Tampering with a global positioning system tracking device.**

13 Whoever intentionally tampers with a global positioning system tracking device that
14 is required under s. 302.116 (3), 304.06 (1r), 971.17 (4g), 973.10 (1r), or 980.08 (7) is
15 guilty of a Class I felony.

16 SECTION 4. 971.17 (4g) of the statutes is created to read:

17 971.17 (4g) TRACKING OF SEX OFFENDERS ON CONDITIONAL RELEASE. As a condition
18 of conditional release, the department of health and family services shall have a
19 person tracked using a global positioning system tracking device if the person is

1 conditionally released under sub. (3) or (4) (e) after having been found not guilty by
2 reason of mental disease or defect of a violation of s. 948.02 (1) or (2) or 948.025.

3 **SECTION 5.** 973.10 (1r) of the statutes is created to read:

4 973.10 (1r) If probation is imposed for a violation of s. 948.02 (1) or (2) or
5 948.025 or of a law of another state that is comparable to s. 948.02 (1) or (2) or
6 948.025, the department shall have the probationer tracked using a global
7 positioning system tracking device as a condition of probation.

8 **SECTION 6.** 980.08 (7) of the statutes is created to read:

9 980.08 (7) If the person granted supervised release ~~was convicted of, found~~
10 ~~delinquent for, or found not guilty by reason of mental disease or defect of violating~~
11 ~~for an offense under~~ s. 948.02 (1) or (2) or 948.025, the department shall have the person tracked using
12 a global positioning system tracking device as a condition of supervised release.

13 **SECTION 7. Initial applicability.**

14 (1) This act first applies to all persons who are on parole, probation, extended
15 supervision, supervised release, or conditional release on the effective date of this
16 subsection.

17 **SECTION 8. Effective date.**

18 (1) This act takes effect on the first day of the 6th month beginning after
19 publication.

20

(END)

Northrop, Lori

From: Emerson, Anne
Sent: Monday, July 25, 2005 11:25 AM
To: LRB.Legal
Subject: FW: Draft review: LRB 05-2637/1 Topic: Require tracking by GPS of persons convicted of sexual assault of a child who are on probation, parole, or extended supervision

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

FW: Draft review: LRB 05-2637/1 Topic: Require tracking by GPS of persons convicted of sexual assault of a child who are on probation, parole, or extended supervision