

## 2005 DRAFTING REQUEST

### Assembly Substitute Amendment (ASA-AB591)

Received: 08/31/2005

Received By: **chanaman**

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:

Adtl. Drafters: **mdsida**

Subject: **Criminal Law - crimes agnst kids**  
**Criminal Law - sentencing**  
**Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

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

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

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Exclusion and inclusion zones, scope of tracking, costs of GPS tracking

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#### Instructions:

See Attached

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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>
/?	chanaman 09/09/2005	kfollett 09/09/2005		_____			
/P1			jfrantze 09/09/2005	_____	lemery 09/09/2005		
/P2	chanaman 09/12/2005	lkunkel 09/12/2005	pgreensl 09/12/2005	_____	lnorthro 09/12/2005		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	chanaman 10/09/2005 mdsida 10/24/2005	lkunkel 10/25/2005		_____			
/1			chaugen 10/25/2005	_____	mbarman 10/25/2005	mbarman 10/25/2005	

FE Sent For: .

<END>

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/P2	chanaman 09/12/2005	lkunkel 09/12/2005	pgreensl 09/12/2005	_____	lnorthro 09/12/2005		

↓ ↓

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/P3      chanaman      lrb\_editor  
10/09/2005  
mdsida  
10/24/2005

*Handwritten notes:*  
1/mk 10/25  
CH 10/24  
PS  
10/24

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/P1			jfrantze 09/09/2005	9/12/05	lemery 09/09/2005		
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1/p21mk 9/12

9/12/05

9/12/05  
lee  
<END>

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/?	chanaman	1/P/kjf 9/9	6/9/9	2/Ch 9/9			

FE Sent For:

<END>



contact for sub: Luke

Susan Klefjoh

Exclusion/inclusion zones - schools, parks, d-c centers,  
youth centers, other zones

"or comparable technology" -- to allow for implementation

offender must pay for unit



TODAY

2005 - 2006 LEGISLATURE

LRB-2637T

CMH:jld:rs

50194/PI

↓  
E.K.J.F

ASA  
to AB 591

**2005 ASSEMBLY BILL 591**

August 2, 2005 - Introduced by Representatives SUDER, KLEEFISCH, GRONEMUS, GARD, STONE, KAUFERT, VRAKAS, M. WILLIAMS, PETTIS, GUNDRUM, DAVIS, MUSSER, KESSLER, STRACHOTA, KRAWCZYK, LOTHIAN, OTT, LEMAHIEU, OWENS, KREIBICH, WOOD, ALBERS, VOS, NASS, MCCORMICK, F. LASEE, GUNDERSON, VRUWINK and HUNDERTMARK, cosponsored by Senators DARLING, LASSA, A. LASEE, BROWN, OLSEN and ROESSLER. Referred to Committee on Criminal Justice and Homeland Security.

repeal act

1 AN ACT *to create* 302.116 (3), 304.06 (1r), 946.465, 971.17 (4g), 973.10 (1r) and  
2 980.08 (7) of the statutes; **relating to:** global positioning system tracking for  
3 certain sex offenders while on probation, extended supervision, parole,  
4 supervised release, or conditional release and providing a penalty.

***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Corrections 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 the Department of Health and Family Services 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.

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

**ASSEMBLY BILL 591**

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:*

1WS  
2-1

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.

serious child sex offense  
use twice

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

INS 2-17  
97 (b)  
or comparable technology

use 3 times  
301-48  
304.48

ASSEMBLY BILL 591

*INS 3-4*

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.

*serious child sex offense*

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

4 973.10 (1r) (b) If probation is imposed for a violation of s. 948.02 (1) or (2) or

*serious child sex offense*

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.

*or comparable technology*

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

9 980.08 (7) (b) If the person granted supervised release is committed under s.  
10 980.06 for an offense under s. 948.02 (1) or (2) or 948.025 the department shall have  
11 the person tracked using a global positioning system tracking device as a condition  
12 of supervised release.

*a serious child sex offense*

*or comparable technology*

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)

*INS 3-3*

*INS 3-13*

*as described in  
S. 301.48,*

1 Ins 2-1

2 SECTION 1. 301.48 of the statutes is created to read:

3 **301.48 Global positioning system tracking for certain sex offenders.**

4 (1) In this section:

5 (a) "Child care facility" means a child care facility that is operated by a person  
6 licensed under s. 48.65 or 48.69 or certified under s. 48.651 or that is established or  
7 contracted for under s. 120.13 (14).

8 (b) "Exclusion zone" means a zone in which a person who is tracked using a  
9 global positioning tracking system device is prohibited from entering except for  
10 purposes of traveling through to get to another destination. An "exclusion zone"  
11 includes for all tracked persons a 2,500-foot radius surrounding a school; a child care  
12 facility; a state, county, city, town, or village park; a youth or community center; a  
13 swimming pool that is open to the public; and the grounds of a public or private  
14 school, and an "exclusion zone" includes any zone that a tracked person is prohibited  
15 from entering as a condition of extended supervision, parole, probation, conditional  
16 release, or supervised release.

17 (c) "School" means any school that provides an educational program for one or  
18 more grades between kindergarten and grade 12 and that is commonly known as a  
19 kindergarten, elementary school, middle school, junior high school, senior high  
20 school, or high school.

21 (2) If the department is required under s. 302.116 (3) (b), 304.06 (1r) (b), or  
22 973.10 (1r) (b), or the department of health and family services is required under s.  
23 971.17 (4g) (b) or 980.08 (7) (b), to track a person using a global positioning system

1 tracking device or comparable technology, the department of corrections shall create  
2 exclusion zones for the person who is tracked and program his or her global position  
3 system tracking device to alert the department of corrections if the person enters an  
4 exclusion zone.

5 (3) The department shall notify the department of health and family services  
6 of any tracking information for a person tracked as a condition of conditional release  
7 or supervised release under any of the following circumstances:

8 (a) The department of health and family services requests the tracking  
9 information from the department of corrections.

10 (b) The department of corrections learns that the person being tracked enters  
11 an exclusion zone or violates a condition of <sup>conditional release or supervised</sup> release imposed under sub. (4) (a).

12 (4) (a) The department shall determine the costs of the global positioning  
13 tracking system for each person tracked. The department shall determine also how  
14 much of the costs the person is able to pay based on the factors listed in par. (b). The  
15 department may impose, as a condition of parole, probation, extended supervision,  
16 conditional release, or supervised release, the payment of the costs that the person  
17 <sup>is able</sup> has the ability to pay.

18 (b) In determining how much of the costs the person is able to pay, the  
19 department may consider the following:

- 20 1. The person's financial resources.
- 21 2. The present and future earning ability of the person.
- 22 3. The needs and earning ability of the person's dependents.
- 23 4. Any other costs imposed as conditions of release.
- 24 5. Any other factors that the department considers appropriate.

1 Ins 2-2

2 (a) In this subsection, "serious child sex offense" means any of the following:

3 1. A violation of s. 948.02 (1) or 948.025 (1) (a).

4 2. A violation of s. 948.02 (2) or 948.025 (1) (b), if the court finds, without a jury  
5 and by a preponderance of the evidence, that the violation involved the use or a threat  
6 of force or violence.

7 3. A crime at any time under federal law or the law of any other state that is  
8 comparable to a crime specified in subd. 1. or 2.

9

10 Ins. 2-7

11 (a) In this subsection, "serious child sex offense" has the meaning given in s.

12 302.116 (2) (a).

13

14 Ins. 2-17

15 (a) In this subsection, "serious child sex offense" has the meaning given in s.

16 302.116 (2) (a).

17

18 Insert 3-4

19 (a) In this subsection, "serious child sex offense" has the meaning given in s.

20 302.116 (2) (a).

21

22 Insert 3-9

23 (a) In this subsection, "serious child sex offense" has the meaning given in s.

24 302.116 (2) (a).

25

1           Insert 3-13

2           **SECTION 2.** 980.12 (1) of the statutes is amended to read:

3           980.12 (1) Except as provided in ss. 301.48 (4) (a), 980.03 (4), and 980.08 (3),  
4           the department shall pay from the appropriations under s. 20.435 (2) (a) and (bm)  
5           for all costs relating to the evaluation, treatment, and care of persons evaluated or  
6           committed under this chapter.

**History:** 1993 a. 479; 1997 a. 284; 1999 a. 9.





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0194/P1  
CMH:jld&kjff

P2  
mk

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2005 ASSEMBLY BILL 591

✓

Reagan

1 AN ACT to amend 980.12 (1); and to create 301.48, 302.116 (3), 304.06 (1r),  
2 946.465, 971.17 (4g), 973.10 (1r) and 980.08 (7) of the statutes; relating to:  
3 global positioning system tracking for certain sex offenders while on probation,  
4 extended supervision, parole, supervised release, or conditional release and  
5 providing a penalty.

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

6 SECTION 1. 301.48 of the statutes is created to read:  
7 301.48 Global positioning system tracking for certain sex offenders.  
8 (1) In this section:  
9 (a) "Child care facility" means a child care facility that is operated by a person  
10 licensed under s. 48.65 or 48.69 or certified under s. 48.651 or that is established or  
11 contracted for under s. 120.13 (14).

1 (b) "Exclusion zone" means a zone in which a person who is tracked using a  
 2 global positioning tracking system device is prohibited from entering except for  
 3 purposes of traveling through to get to another destination. An "exclusion zone"  
 4 includes for all tracked persons a 2,500-foot radius surrounding a school; a child care  
 5 facility; a state, county, city, town, or village park; a youth or community center; a  
 6 swimming pool that is open to the public; and the grounds of a public or private  
 7 school, and an "exclusion zone" includes any zone that a tracked person is prohibited  
 8 from entering as a condition of extended supervision, parole, probation, conditional  
 9 release, or supervised release.

10 (c) "School" means any school that provides an educational program for one or  
 11 more grades between kindergarten and grade 12 and that is commonly known as a  
 12 kindergarten, elementary school, middle school, junior high school, senior high  
 13 school, or high school.

14 (2) If the department is required under s. 302.116 (3) (b), 304.06 (1r) (b), or  
 15 973.10 (1r) (b), or the department of health and family services is required under s.  
 16 971.17 (4g) (b) <sup>or 980.08 (7) (b)</sup>, <sup>or 980.1005</sup>, to track a person using a global positioning system  
 17 tracking device or comparable technology, the department of corrections shall create  
 18 exclusion zones for the person who is tracked and program his or her global position  
 19 system tracking device to alert the department of corrections if the person enters an  
 20 exclusion zone.

21 (3) The department shall notify the department of health and family services  
 22 of any tracking information for a person tracked as a condition of conditional release  
 23 or supervised release <sup>or tracked under s. 980.1005</sup> under any of the following circumstances:

24 (a) The department of health and family services requests the tracking  
 25 information from the department of corrections.

1 (b) The department of corrections learns that the person being tracked enters  
2 an exclusion zone or violates a condition of conditional release or supervised release  
3 imposed under sub. (4) (a).

4 (4) (a) The department shall determine the costs of the global positioning  
5 tracking system for each person tracked. The department shall determine also how  
6 much of the costs the person is able to pay based on the factors listed in par. (b). The  
7 department may impose, as a condition of parole, probation, extended supervision,  
8 conditional release, or supervised release, the payment of the costs that the person  
9 is able to pay. *or as part of the lifetime tracking requirement*

10 (b) In determining how much of the costs the person is able to pay, the  
11 department may consider the following:

- 12 1. The person's financial resources.
- 13 2. The present and future earning ability of the person.
- 14 3. The needs and earning ability of the person's dependents.
- 15 4. Any other costs imposed as conditions of release.
- 16 5. Any other factors that the department considers appropriate.

17 **SECTION 2.** 302.116 (3) of the statutes is created to read:

18 302.116 (3) (a) In this subsection, "serious child sex offense" means any of the  
19 following:

- 20 1. A violation of s. 948.02 (1) or 948.025 (1) (a).
- 21 2. A violation of s. 948.02 (2) or 948.025 (1) (b), if the court finds, without a jury  
22 and by a preponderance of the evidence, that the violation involved the use or a threat  
23 of force or violence.
- 24 3. A crime at any time under federal law or the law of any other state that is  
25 comparable to a crime specified in subd. 1. or 2.

1 (b) If the person is on extended supervision following a serious child sex offense,  
2 the department shall have the person tracked, as described in s. 301.48, using a  
3 global positioning system tracking device or comparable technology as a condition  
4 of extended supervision.

5 **SECTION 3.** 304.06 (1r) of the statutes is created to read:

6 304.06 (1r) (a) In this subsection, “serious child sex offense” has the meaning  
7 given in s. 302.116 (3) (a).

8 (b) As a condition of parole for a serious child sex offense, the department shall  
9 have the parolee tracked, as described in s. 301.48, using a global positioning system  
10 tracking device or comparable technology.

11 **SECTION 4.** 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) (b), 304.06 (1r) (b), 971.17 (4g) (b), 973.10 (1r) (b), or  
15 980.08 (7) <sup>5 or 980.1005</sup> ~~(b)~~ is guilty of a Class I felony.

16 **SECTION 5.** 971.17 (4g) of the statutes is created to read:

17 971.17 (4g) TRACKING OF SEX OFFENDERS ON CONDITIONAL RELEASE. (a) In this  
18 subsection, “serious child sex offense” has the meaning given in s. 302.116 (3) (a).

19 (b) As a condition of conditional release, the department of health and family  
20 services shall have a person tracked, as described in s. 301.48, using a global  
21 positioning system tracking device or comparable technology if the person is  
22 conditionally released under sub. (3) or (4) (e) after having been found not guilty by  
23 reason of mental disease or defect of a serious child sex offense.

24 **SECTION 6.** 973.10 (1r) of the statutes is created to read:

1            973.10 (1r) (a) In this subsection, “serious child sex offense” has the meaning  
2 given in s. 302.116 (3) (a).

3            (b) If probation is imposed for a serious child sex offense, the department shall  
4 have the probationer tracked, as described in s. 301.48, using a global positioning  
5 system tracking device or comparable technology as a condition of probation.

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

7            980.08 (7) (a) In this subsection, “serious child sex offense” has the meaning  
8 given in s. 302.116 (3) (a).

9            (b) If the person granted supervised release is committed under s. 980.06 for  
10 a serious child sex offense, the department shall have the person tracked, as  
11 described in s. 301.48, using a global positioning system tracking device or  
12 comparable technology as a condition of supervised release.

13            **SECTION 8.** 980.12 (1) of the statutes is amended to read:

14            980.12 (1) Except as provided in ss. 301.48 (4) (a), 980.03 (4), and 980.08 (3),  
15 the department shall pay from the appropriations under s. 20.435 (2) (a) and (bm)  
16 for all costs relating to the evaluation, treatment, and care of persons evaluated or  
17 committed under this chapter.

18            **SECTION 9. Initial applicability.**

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

22            **SECTION 10. Effective date.**

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

INS  
5-13

INS 5-22

**2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0194/P1ins  
CMH:jld&kjf:jf

1           Insert 5-13 ✓

2           **SECTION 1.** 980.09 (1) (c) of the statutes is amended to read:

3           980.09 (1) (c) If the court is satisfied that the state has not met its burden of  
4 proof under par. (b), the petitioner shall be discharged, except as provided in s.  
5 980.1005, from the custody or supervision of the department. If the court is satisfied  
6 that the state has met its burden of proof under par. (b), the court may proceed to  
7 determine, using the criteria specified in s. 980.08 (4) (b), whether to modify the  
8 petitioner's existing commitment order by authorizing supervised release.

9 History: 1993 a. 479; 1999 a. 9; 2003 a. 187. ✓

9           **SECTION 2.** 980.09 (2) (c) of the statutes is amended to read:

10           980.09 (2) (c) If the court is satisfied that the state has not met its burden of  
11 proof under par. (b), the person shall be discharged, except as provided in s. 980.1005,  
12 from the custody or supervision of the department. If the court is satisfied that the  
13 state has met its burden of proof under par. (b), the court may proceed to determine,  
14 using the criteria specified in s. 980.08 (4) (b), whether to modify the person's existing  
15 commitment order by authorizing supervised release.

16 History: 1993 a. 479; 1999 a. 9; 2003 a. 187. ✓

16           **SECTION 3.** 980.1005 of the statutes is created to read:

17           **980.1005 Lifetime tracking of discharged persons.** Except as provided in  
18 s. 980.101 (2) (a), if a person is discharged under this chapter, the department shall  
19 have the person tracked, as described in s. 301.48, using a global positioning system  
20 tracking device or comparable technology for the duration of the person's lifetime. ✓

21           **SECTION 4.** 980.101 (2) (a) of the statutes is amended to read:

22           980.101 (2) (a) If the sexually violent offense was the sole basis for the  
23 allegation under s. 980.02 (2) (a) and there are no other judgments relating to a

1 sexually violent offense committed by the person, the court shall reverse, set aside,  
 2 or vacate the judgment under s. 980.05 (5) that the person is a sexually violent  
 3 person, vacate the commitment order, and discharge the person from the custody or  
 4 supervision of the department, and no longer track the person under s. 980.1005.

History: 2001 a. 16.

5

6

Insert 5-22

7

8

(0) This act first applies to all persons who are discharged under chapter 980  
 of the statutes on the effective date of this subsection. ✓

keep comma

plain

~~order the department to~~

stop

including the tracking requirement  
under s. 980.1005

## Dsida, Michael

---

**From:** Hilgemann, Luke  
**Sent:** Monday, October 24, 2005 1:29 PM  
**To:** Dsida, Michael  
**Cc:** Emerson, Anne  
**Subject:** RE: Early termination of GPS tracking

Mike,

Thanks for pointing out the difference. I spoke to Scott about the differences and he was wondering if it would possible to eliminate the 'other expert' appointed by the court in the youth exemption? If so, please remove that option so only an expert psychologist or doctor could make that determination. Thanks!

### *Luke Hilgemann*

*Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280*

---

**From:** Dsida, Michael  
**Sent:** Monday, October 24, 2005 12:49 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: Early termination of GPS tracking

The early termination provisions allow for expert examinations by a physician or psychologist, but the exemption provisions (which are based on the exemption provisions in the sex offender registry statute (s. 301.45 (1m)) and which apply to cases involving underage sexual activity) refer to expert examinations by a physician, psychologist, or other expert selected by the court. There is no requirement that you use one approach in both places, but I thought I should let you know about this difference.

---

**From:** Hilgemann, Luke  
**Sent:** Friday, October 21, 2005 4:48 PM  
**To:** Dsida, Michael  
**Cc:** Emerson, Anne  
**Subject:** RE: Early termination of GPS tracking

Hey Mike,

I think these provisions look great. Feel free to use exactly the same thing.

Have a great weekend! Thanks for all of your hard work on these bills, it is truly appreciated.

Regards,

### *Luke Hilgemann*

*Luke Hilgemann  
Office of Rep. Scott Suder*



Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280

---

**From:** Dsida, Michael  
**Sent:** Friday, October 21, 2005 10:45 AM  
**To:** Rep.Suder  
**Subject:** Early termination of GPS tracking

I am using s. 939.615 (6) as the basis for the provisions in the bill authorizing a court to end lifetime tracking early. That subsection imposes several restrictions on petitions for early termination:

1. The offender may not file a petition requesting early termination of GPS tracking until 15 years have passed after his or her probation, extended supervision, or parole has ended.
2. The offender is ineligible to petition for early termination if he or she commits another crime while subject to lifetime supervision.
3. If a petition is denied, the offender cannot refile a petition for the next three years.

Do you want provisions like these in the sub? If so, do you want exactly the same thing? Or is there some other approach you want to take?

Mike Dsida  
Legislative Reference Bureau  
608/266-9867  
michael.dsida@legis.state.wi.us

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## **Dsida, Michael**

---

**From:** Hilgemann, Luke  
**Sent:** Wednesday, October 19, 2005 4:21 PM  
**To:** Dsida, Michael  
**Subject:** RE: GPS tracking for probation, parole, and ES

Yes Mike we do not want this violation to be punishable by further jail time. It is more of a function of the GPS system than a punishable offense.

### *Luke Hilgemann*

*Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280*

---

**From:** Dsida, Michael  
**Sent:** Wednesday, October 19, 2005 4:17 PM  
**To:** Hilgemann, Luke  
**Subject:** GPS tracking for probation, parole, and ES

I know we talked about the absence of a penalty provision for people on conditional or supervised release who go where they are not supposed to go. Did you also decide that a person on probation, parole, or ES should not be sent back to prison if he or she goes into an exclusion zone?

## Dsida, Michael

---

**From:** Hilgemann, Luke  
**Sent:** Monday, October 17, 2005 11:34 AM  
**To:** Dsida, Michael  
**Subject:** RE: Exception for certain young offenders

Mike,

In talking with Rep. Suder and Rep. Honadel, they would like to leave the current exemption in place.

### *Luke Hilgemann*

*Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280*

---

**From:** Dsida, Michael  
**Sent:** Monday, October 17, 2005 9:40 AM  
**To:** Emerson, Anne; Hilgemann, Luke  
**Cc:** Sappenfield, Anne  
**Subject:** Exception for certain young offenders

When we met last week, Rep. Suder indicated that he wanted the minimum penalty to apply to cases that involve either sexual intercourse or sexual contact. But when we talked about the exception in current s. 301.45 (1m), we did not discuss how that exception treated sexual intercourse and sexual contact differently. Under that provision, if the offense involves sexual contact but not sexual intercourse, the age of the victim only matters for the purpose of determining the age gap between the victim and the offender. In other words, in a sexual contact case, if the court finds the exemption to be in the public interest, an offender who is no more than four years older than the victim can still be exempted from the registration requirements, even if the victim is under 12 years old. The 12-year-old-victim cutoff is only relevant in cases involving sexual intercourse.

Do you want to take the same approach in your bill? Or should the 12-year-old-victim cutoff apply in cases involving sexual contact in the same way that it would in cases involving sexual intercourse?

Mike Dsida  
Legislative Reference Bureau  
608/266-9867  
michael.dsida@legis.state.wi.us

2

## Dsida, Michael

---

**From:** Hilgemann, Luke  
**Sent:** Thursday, October 13, 2005 5:56 PM  
**To:** Dsida, Michael  
**Subject:** RE: One more change for AB 591

Mike,

We would like DOC to have responsibility for monitoring them from the start.

As for the petition provisions, are there any similar criteria in statute already? If not, come up with someone that you think would work for these instances and we will go from there.

Have a great night!

*Luke Hilgemann*

*Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280*

---

**From:** Dsida, Michael  
**Sent:** Thursday, October 13, 2005 5:04 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: One more change for AB 591

Including all cases of second-degree child sexual assault would address the judge vs. jury issue.

Since the sub will now cover lifetime registrants, how do you want to handle people who are on conditional release? Should DHFS have responsibility for having them monitored until they are discharged, with DOC picking it up afterwards? (DOC would handle it after their discharge because the person would be a lifetime registrant under s. 301.45 (5) (b) (1m).) Or do you want DOC to have responsibility for it from start to finish?

I can draft some provisions that allow a person to petition to end his or her lifetime GPS monitoring, but are there any particular restrictions or criteria that you want to include? My main questions here relate to the timing and frequency of such petitions and whether the judge can deny the petition without a hearing.

---

**From:** Hilgemann, Luke  
**Sent:** Thursday, October 13, 2005 4:06 PM  
**To:** Dsida, Michael  
**Cc:** Suder, Scott  
**Subject:** RE: One more change for AB 591

Mike,

Would including all 2nd degree sex offenders under that requirement then remedy those concerns? As far as the constitutionality of lifetime for offenders who are already in prison, we have already discussed this scenario and would like to move forward with the bill as it is written. Other states such as Florida who have already implemented lifetime GPS requirements have imposed those sanctions against offenders who were already in the system and have not had any constitutionality challenges arise.

As for the redundancy issue, please remove the duplicate provisions in the sub that require the registration of those offenders twice.

Thanks!

**Luke Hilgemann**

Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280

---

**From:** Dsida, Michael  
**Sent:** Thursday, October 13, 2005 2:26 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: One more change for AB 591

That may pose a problem from a constitutional standpoint. As the sub is now drafted, the judge -- not the jury -- determines whether a violation of s. 948.02 (2) or 948.025 (1) (b) involves force or violence. Making those offenders subject to GPS tracking during probation, ES, or parole probably does not increase their penalty. But arguably, making them subject to GPS tracking after they are discharged from probation, ES, or parole increases the penalty for their offenses, in which case, a jury would need to make the determination regarding force or violence.

In addition, requiring lifetime GPS supervision for someone who is currently in prison (or who is out of prison but subject to ch. 980) arguably violates the constitutional prohibition on ex post facto laws (under which a penalty cannot be increased retroactively). You can certainly argue that GPS monitoring is comparable to sex offender registration requirements, which can be imposed retroactively. But registration does not involve monitoring, nor does it require the person to wear a bracelet or something similar. Did you already discuss this issue with Cathlene?

Finally, aside from the few people whose offenses occur federal law or the law of another state, all people who commit a "serious child sex offense," as defined in the bill, are already subject to lifetime sex offender registration. If you make those registrants subject to GPS tracking for life, the provisions in the sub requiring registration for serious child sex offenders who are on probation, extended supervision, parole, or conditional release become redundant. Is that your intent?

I would be happy to discuss any of these issues with you or Rep. Suder. Please let me know how you want me to proceed.

Thanks.

---

**From:** Hilgemann, Luke  
**Sent:** Thursday, October 13, 2005 12:25 PM  
**To:** Dsida, Michael  
**Subject:** RE: One more change for AB 591

No just the offenders who are covered under our bill. Sorry for the confusion.

**Luke Hilgemann**

Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280

---

**From:** Dsida, Michael

**Sent:** Thursday, October 13, 2005 12:24 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: One more change for AB 591

Does that apply to 2nd degree sex offenses that did not involve the use or threat of force or violence?

---

**From:** Hilgemann, Luke  
**Sent:** Thursday, October 13, 2005 11:19 AM  
**To:** Dsida, Michael  
**Cc:** Emerson, Anne  
**Subject:** RE: One more change for AB 591

Good morning Mike,

One final change Scott would like to include is lifetime GPS monitoring for 1st and 2nd degree child sex offenders who are also required to be on the state's sex offender registry for their life. He would also like to include a way for the offenders who are required to wear the GPS for life under our bill the ability to petition the court for release from the GPS requirements.

I hope this will be the last of the changes! Sorry for the inconvenience.

Regards,

*Luke Hilgemann*

Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280

**Dsida, Michael**

---

**From:** Hilgemann, Luke  
**Sent:** Thursday, October 13, 2005 4:06 PM  
**To:** Dsida, Michael  
**Cc:** Suder, Scott  
**Subject:** RE: One more change for AB 591

Mike,

Would including all 2nd degree sex offenders under that requirement then remedy those concerns? As far as the constitutionality of lifetime for offenders who are already in prison, we have already discussed this scenario and would like to move forward with the bill as it is written. Other states such as Florida who have already implemented lifetime GPS requirements have imposed those sanctions against offenders who were already in the system and have not had any constitutionality challenges arise.

As for the redundancy issue, please remove the duplicate provisions in the sub that require the registration of those offenders twice.

Thanks!

***Luke Hilgemann***

*Luke Hilgemann*

*Office of Rep. Scott Suder*

*Wisconsin's 69th Assembly District*

*Room 21 North, State Capitol*

*888.534.0069 or 608.267.0280*

---

**From:** Dsida, Michael  
**Sent:** Thursday, October 13, 2005 2:26 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: One more change for AB 591

That may pose a problem from a constitutional standpoint. As the sub is now drafted, the judge -- not the jury -- determines whether a violation of s. 948.02 (2) or 948.025 (1) (b) involves force or violence. Making those offenders subject to GPS tracking during probation, ES, or parole probably does not increase their penalty. But arguably, making them subject to GPS tracking after they are discharged from probation, ES, or parole increases the penalty for their offenses, in which case, a jury would need to make the determination regarding force or violence.

In addition, requiring lifetime GPS supervision for someone who is currently in prison (or who is out of prison but subject to ch. 980) arguably violates the constitutional prohibition on ex post facto laws (under which a penalty cannot be increased retroactively). You can certainly argue that GPS monitoring is comparable to sex offender registration requirements, which can be imposed retroactively. But registration does not involve monitoring, nor does it require the person to wear a bracelet or something similar. Did you already discuss this issue with Cathlene?

Finally, aside from the few people whose offenses occur federal law or the law of another state, all people who commit a "serious child sex offense," as defined in the bill, are already subject to lifetime sex offender registration. If you make those registrants subject to GPS tracking for life, the provisions in the sub requiring registration for serious child sex offenders who are on probation, extended supervision, parole, or conditional release become redundant. Is that your intent?

I would be happy to discuss any of these issues with you or Rep. Suder. Please let me know how you want me to proceed.

Thanks.

---

**From:** Hilgemann, Luke  
**Sent:** Thursday, October 13, 2005 12:25 PM  
**To:** Dsida, Michael  
**Subject:** RE: One more change for AB 591

No just the offenders who are covered under our bill. Sorry for the confusion.

***Luke Hilgemann***

*Luke Hilgemann*

*Office of Rep. Scott Suder*

*Wisconsin's 69th Assembly District*

*Room 21 North, State Capitol*

*888.534.0069 or 608.267.0280*

---

**From:** Dsida, Michael  
**Sent:** Thursday, October 13, 2005 12:24 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: One more change for AB 591

Does that apply to 2nd degree sex offenses that did not involve the use or threat of force or violence?

---

**From:** Hilgemann, Luke  
**Sent:** Thursday, October 13, 2005 11:19 AM  
**To:** Dsida, Michael  
**Cc:** Emerson, Anne  
**Subject:** RE: One more change for AB 591

Good morning Mike,

One final change Scott would like to include is lifetime GPS monitoring for 1st and 2nd degree child sex offenders who are also required to be on the state's sex offender registry for their life. He would also like to include a way for the offenders who are required to wear the GPS for life under our bill the ability to petition the court for release from the GPS requirements.

I hope this will be the last of the changes! Sorry for the inconvenience.

Regards,

*Luke Hilgemann*

Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280

**Dsida, Michael**

---

**From:** Hilgemann, Luke  
**Sent:** Wednesday, October 12, 2005 4:24 PM  
**To:** Dsida, Michael  
**Subject:** RE: One more change for AB 591

Mike lets go with the definition under 301.45(1d)(b). I think that fits our intent.

*Luke Hilgemann*

Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280

---

**From:** Dsida, Michael  
**Sent:** Wednesday, October 12, 2005 4:19 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: One more change for AB 591

How do you want to define "sex offender"? Does it include teachers who have sex with students? People who possess child pornography?

I've attached the definitions of "sex offense" that are already in the statutes. (Note that some of them are for "child sex offenses.") You may want to look at those to see if any of them works.

<< File: Sex offense means.doc >>

Mike

---

**From:** Hilgemann, Luke  
**Sent:** Wednesday, October 12, 2005 4:06 PM  
**To:** Dsida, Michael  
**Cc:** Emerson, Anne

**Subject:** One more change for AB 591

Hey Mike,

We would like to include a catch-all provision in our bill that would allow DOC the ability to place any sex offender on GPS tracking that they deem as a public safety risk. I.e, DOC could place any sex offender up for release on GPS if they feel that person may recommit a sexual offense even if that offender did not meet the statutory criteria in the bill.

I hope this makes sense to you. If you have any questions, please feel free to call. I promise this is the last change, for today anyway! :) Have a great night...

Regards,

*Luke Hilgemann*

*Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280*

**Dsida, Michael**

---

**From:** Hilgemann, Luke  
**Sent:** Wednesday, October 12, 2005 12:25 PM  
**To:** Dsida, Michael  
**Subject:** GPS tracking follow-up and exclusion zone language changes

Hey mike,

Here is the email we received from one of the manufacturers who has implemented similar tracking programs in 38 states. This outlines the use of exclusion areas and what they are intended to do. I think the problem is we don't want to create an actual penalty for the offender to enter these areas, it is more of a tracking tool to let law enforcement know where they are and if they go near a school, a church, a youth center, etc. when and where.

I hope this helps give you an idea of our intent.

*Luke Hilgemann*

*Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280*



---

**From:** Tom Wharton [mailto:twharton@isecuretrac.com]  
**Sent:** Wednesday, September 14, 2005 6:16 PM  
**To:** Hilgemann, Luke  
**Cc:** Ed Sempek; Bill Jetter; Mark Langer; Tom Wharton  
**Subject:** follow up

To: Luke Hilgemann (Scott Suder's Office),

From: Tom Wharton CEO, iSECUREtrac.

Luke, as part of your request for information on the use of ZONES, below is our follow up comments regarding the use of GPS zoning as well as some other comments that may be beneficial to the legislative effort.

1<sup>st</sup>, there is some merit to what the DOC is stating regarding the use of too many EXCLUSION zones in any particular area, and more importantly, you must be careful about what you put into legislation that would create a FALSE sense of security from the public perception of the legislation. Yet it is important that the DOC make their best efforts to take advantage of any benefits that GPS zoning can offer in supporting public safety and a rapid response to violations.

For example if ZONING is included in the legislation, will that give the public a sense that this will create an immediate siren and the police will be there to apprehend the individual before a crime can be committed??? You must be very cautious about how this is handled, and what you put in legislation needs to be consistent with the protocols that are set up and in use by the department of corrections to respond. For example - if the DOC protocol is 12 hour follow up to zone violations which may be appropriate considering their ability to INSURE a response, and the potential liability if they don't, how important is it that exclusion zone violations occurred for the purpose of immediate response. I would presume they would have a goal of a much more rapid response, but for liability purposes, that protocol would best be a longer period than their true average response time.

I believe if done carefully exclusion zones of the appropriate size and with appropriate grace periods could be set up for a large portion of the elementary schools and nursery schools, or related high risk areas. These would have very small perimeter zones, IE 100 feet and as well grace periods that could be adopted based upon the speed of movement through a zone. But even this will NOT eliminate a crime from occurring. For example an individual could pick a child up will they were walking to school, or a person could cut there equipment off before getting near the school. Or a person could have still quickly driven in, picked up a child, and driven out and stayed within the grace period. It is important that the public does not perceive this as a tool that will stop a crime from occurring. It is important to reiterate that the perception of an offender being watched, (IE that he will be found out of he does something wrong) is in itself what reduces the rate of re-offence. And that the ability to identify a potential offender is increased dramatically.

But it is critical to remember that even though OVERALL re-offence rates will be reduced, CRIMES WILL STILL OCCUR, and you don't want to put yourselves in position of liability or a perception of program failure related to the crimes that do occur. You do not want the public to assume that because exclusion zones are set up around a school that it will insure that an offender is caught immediately if they go in that zone – before they can commit a crime, or that they should assume that a response should have been there sooner. Responsiveness can be based on a number of factors.

Schools and other potential "exclusion areas" are often very close to general use roads, grocery stores, eating establishments, work places, and hundreds of other places that would potentially create an impossible living, working or traveling situation for an offender if large zones were created around these locations.

Though I do believe zones can be used carefully for many situations, blanket exclusion zoning for sex offenders is NOT used heavily in Tennessee, Florida, or South Carolina and with many other agencies because of the integrated nature of these locations into society, because of the safety miss-perception that could be created, because of the potential follow up requirements to innocent zone violations, and because of the concern that someone may not follow up fast enough to a violation creating a liability concern or the perception that the GPS systems are NOT working.

The most important benefits of GPS monitoring of sex offenders are as follows:

1. Reducing overall recidivism rates by letting offenders know they are being watched (public safety)
2. Having a faster (NOT IMMEDIATE) response to go after offenders that abscond (break the rules).
3. Eliminating tracked offenders from the list of potential perpetrators of a crime based upon their tracking data.
4. For a tracked offender, be able to use GPS tracking data, or other non compliance data like tampering that would implicate them in a crime.
5. Reduce the cost of jailing and victim support (cost savings)

When considering equipment and systems for monitoring then it is most important to be able to:

1. Insure that equipment is 100% tamper evident (IE the unit can not be opened or manipulated without a notification being created to officers)
2. Insure that it is evident that if an offender is attempting to block the GPS signal motion can be detected that would implicate manipulation or a cuff leave violation would occur IE if the offender attempted to cover the unit to block GPS, then they would also block the Radio frequency signal between the transmitter bracelet and the GPS tracking unit – each of which would implicate manipulation of the system and of non compliance.

These features are critical to insure that an offender that is on a GPS system will NOT be able to use the GPS system that is expected to catch him, as a FALSE alibi. It is important to make sure an offender can not tamper with and fool the system, such that the offender can make claims about their location that were not true.

IN CONCLUSION for the specific legislation:

1. If zoning requirements are added there must be some discretionary capability for the DOC to apply zoning that best supports their ability to manage the offenders in accordance with their response protocols without creating liability issues for the state. **Language such as "The DOC will use their best efforts to implement inclusion and exclusion zones around appropriate locations that would best enhance**

**public safety and restrict offenders from locations. The DOC will make there best efforts to implement exclusion zones around restricted locations with perimeters of 100 to 250 feet, and with grace periods to allow for the normal course of travel on streets that accommodate standard travel to and from work and residence of the offender, and or inclusion zones around areas that the offenders may be confined, in accordance with the condition of their release.”**

- 2. And to insure appropriate system selection. The legislation may also include that “the systems selected have motion detection, Radio Frequency tethering, and tamper evidencing that supports that proper verification and validity of the GPS location and movement of the offender”.**

Also, each of these would be generally be non restrictive for any vendor that would provide an effective system yet critical to program success.

Public communication should focus on overall reduction in re-offence, and therefore greater public safety, but not complete elimination of re-offence.

I hope this was helpful information in preparing your legislation that will be most effective, yet not too restrictive.

All my best,

Tom Wharton

402-537-0022

**Dsida, Michael**

---

**From:** Hilgemann, Luke  
**Sent:** Wednesday, October 12, 2005 12:25 PM  
**To:** Dsida, Michael  
**Subject:** RE: AB 591 changes

Mike that's just fine. I am also sending you the changes we would like to implement for the exclusion zone language in the sub.

***Luke Hilgemann***

*Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District  
Room 21 North, State Capitol  
888.534.0069 or 608.267.0280*

**From:** Dsida, Michael  
**Sent:** Wednesday, October 12, 2005 12:07 PM  
**To:** Hilgemann, Luke  
**Subject:** RE: AB 591 changes

Luke-

1. The question that I had with respect to people who have been discharged under ch. 980 also applies to lifetime GPS monitoring for offenders who are the subjects of bulletins and who are "off paper." Note that there will probably be many more of them than there will be of people who have been discharged under ch. 980.

2. I'm not sure how the third point works with respect to ch. 980. But you may be able to avoid the issue altogether. Aside from cases to which your first bullet point applies, the court has no discretion to order or not order GPS tracking. Therefore, you can just have the statutes specify that offenders will automatically be subject to tracking under specified circumstances without requiring any court order. The only time the court becomes involved is in cases involving younger offenders. In those cases, you can have the person file a petition with the court to ask to be exempted from the requirement (as in s. 301.45 (1m)). Is that okay?

Mike Dsida  
Legislative Reference Bureau  
608/266-9867  
michael.dsida@legis.state.wi.us

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**From:** Hilgemann, Luke  
**Sent:** Wednesday, October 12, 2005 9:39 AM  
**To:** Hanaman, Cathlene  
**Cc:** Emerson, Anne  
**Subject:** AB 591 changes

Good morning Cathlene,

Sorry for the delay in getting back to you with our final changes for our GPS bill. We finally have the kinks worked out. We are planning to exec the bill out of committee next Wednesday and would the following changes incorporated by then.

They are:

- An exception to the GPS tracking requirements for youth offenders who do not have intercourse or use threat of violence with a victim under 12 and the offender is under 18 at the time of the offense. Basically the same exception provided for the sex offender registry under (940.225-2)
- We would like the "Special Bulletin Notice" offenders to have lifetime GPS requirements. These are the offenders that Rep. Friske mentioned in our meeting.
- Make sure that GPS is ordered at the time of criminal sentencing rather than the civil sentencing, to eliminate the constitutionality concerns.
- As well as the exclusion zone language changes that we discussed in our meeting.

If you have any questions on these changes please feel free to contact me. Thank you for your continued efforts on this proposal, it is truly appreciated!

Regards,

*Luke Hilgemann*  
Luke Hilgemann  
Office of Rep. Scott Suder  
Wisconsin's 69th Assembly District

*Room 21 North, State Capitol*  
888.534.0069 or 608.267.0280



State of Wisconsin  
2005 - 2006 LEGISLATURE

MSD: LRBs0194/P3  
CMH: [unclear] & lmk:pg  
pls change  
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2005 ASSEMBLY BILL 591

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5 PM

cs Definitions

ReGen

✓

1 AN ACT *to amend* 980.09 (1) (c), 980.09 (2) (c), 980.101 (2) (a) and 980.12 (1); and  
2 *to create* 301.48, 302.116 (3), 304.06 (1r), 946.465, 971.17 (4g), 973.10 (1r),  
3 980.08 (7) and 980.1005 of the statutes; **relating to:** global positioning system  
4 tracking for certain sex offenders and providing a penalty. ✓

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

5 SECTION 1. 301.48 of the statutes is created to read:

6 **301.48 Global positioning system tracking for certain sex offenders.**

7 (1) In this section:

8 (a) "Child care facility" means a child care facility that is operated by a person  
9 licensed under s. 48.65 or 48.69 or certified under s. 48.651 or that is established or  
10 contracted for under s. 120.13 (14).

1 (b) "Exclusion zone" means a zone in which a person who is tracked using a  
2 global positioning tracking system device is prohibited from entering except for  
3 purposes of traveling through to get to another destination. An "exclusion zone"

4 includes for all tracked persons a 2,500-foot radius surrounding a school; a child care  
5 facility; a state, county, city, town, or village park; a youth or community center; a  
6 swimming pool that is open to the public; and the grounds of a public or private  
7 school, and an "exclusion zone" includes any zone that a tracked person is prohibited  
8 from entering as a condition of extended supervision, parole, probation, conditional  
9 release, or supervised release.

10 (c) "School" means any school that provides an educational program for one or  
11 more grades between kindergarten and grade 12 and that is commonly known as a  
12 kindergarten, elementary school, middle school, junior high school, senior high  
13 school, or high school.

NS  
2/10

NS  
2/13B from  
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NS  
2/13

14 (2) If the department is required under s. 302.116 (3) (b), 304.06 (1r) (b), or  
15 973.10 (1r) (b), or the department of health and family services is required under s.  
16 971.17 (4g) (b), 980.08 (7), or 980.1005, to track a person using a global positioning  
17 system tracking device or comparable technology, the department of corrections shall  
18 create exclusion zones for the person who is tracked and program his or her global  
19 position system tracking device to alert the department of corrections if the person  
20 enters an exclusion zone.

NS  
2/21

21 (3) ~~The department~~ shall notify the department of health and family services <sup>upon request</sup>  
22 of any tracking information for ~~a person tracked as a condition of conditional release~~  
23 ~~or supervised release or tracked under s. 980.1005~~ under any of the following  
24 circumstances:

*has improperly stayed in*

*improperly left an*

1 (a) The department of health and family services requests the tracking  
2 information from the department of corrections.

3 1. ~~(b)~~ <sup>has been alerted under par. (a) 2.</sup> The department of corrections <sup>on inclusion zone</sup> learns that the person being tracked enters  
4 an exclusion zone <sup>or violation of law</sup> or violates a condition of conditional release or supervised release  
5 imposed under sub. (4) ~~(a)~~.

*INS  
3/5*

6 (4) <sup>all of the following</sup> (a) The department shall determine ~~the~~ costs of the global positioning  
7 tracking system for each person tracked; <sup>INS 3/7</sup> The department shall determine also how

*CS COSTS.*

8 much of the costs <sup>of under subd. 1.</sup> the person is able to pay based on the factors listed in par. (b). The  
9 department may impose, as a condition of parole, probation, extended supervision,  
10 conditional release <sup>or require</sup> or supervised release or as part of the lifetime tracking  
11 requirement under s. 980.1005, the payment of the costs that the person is able to  
12 pay.

*INS  
3/12*

13 (b) In determining how much of the costs the person is able to pay, the  
14 department may consider the following:

- 15 1. The person's financial resources.
- 16 2. The present and future earning ability of the person.
- 17 3. The needs and earning ability of the person's dependents.
- 18 4. Any other costs imposed as conditions of release <sup>INS 3/18</sup> *keep*
- 19 5. Any other factors that the department considers appropriate.

*INS  
3/19A*

20 SECTION 2. 302.116 (3) of the statutes is created to read:

21 302.116 (3) (a) <sup>e</sup> In this subsection, "serious child sex offense" means any of the  
22 following:

- 23 1. A violation of s. 948.02 (1) or 948.025 (1) (a).

*INS 3/19B  
from p. 6*

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2/13B*

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page*



*makes a finding under s. 948.02(c) or 948.025(4)(b)*

*2/13 B cont'd*

1 2. A violation of s. 948.02 (2) or 948.025 (1) (b), if the court finds, without a jury  
2 and by a preponderance of the evidence, that the violation involved the use or a threat  
3 of force or violence. *keep*

4 3. A crime at any time under federal law or the law of any other state that is  
5 comparable to a crime specified in subd. 1. or 2.

6 (b) If the person is on extended supervision following a serious child sex offense,  
7 the department shall have the person tracked, as described in s. 301.48, using a  
8 global positioning system tracking device or comparable technology as a condition  
9 of extended supervision.

10 **SECTION 3.** 304.06 (1r) of the statutes is created to read:  
11 304.06 (1r) (a) In this subsection, "serious child sex offense" has the meaning  
12 given in s. 302.116 (3) (a).

13 (b) As a condition of parole for a serious child sex offense, the department shall  
14 have the parolee tracked, as described in s. 301.48, using a global positioning system  
15 tracking device or comparable technology.

*or comparable technology*

16 **SECTION 4.** 946.465 of the statutes is created to read:  
17 **946.465 Tampering with a global positioning system tracking device.**  
18 Whoever intentionally tampers with a global positioning system tracking device that  
19 is required under s. 302.116 (3) (b), 304.06 (1r) (b), 971.17 (4g) (b), 973.10 (1r) (b),  
20 980.08 (7), or 980.1005 is guilty of a Class I felony. *INS 4/18*

*INS 4/20*

21 **SECTION 5.** 971.17 (4g) of the statutes is created to read:  
22 **971.17 (4g) TRACKING OF SEX OFFENDERS ON CONDITIONAL RELEASE.** (a) In this  
23 subsection, "serious child sex offense" has the meaning given in s. 302.116 (3) (a).  
24 (b) As a condition of conditional release, the department of health and family  
25 services shall have a person tracked, as described in s. 301.48, using a global

*INS 4/20*

1 positioning system tracking device or comparable technology if the person is  
2 conditionally released under sub. (3) or (4) (e) after having been found not guilty by  
3 reason of mental disease or defect of a serious child sex offense. *INS 5/3*

4 **SECTION 6.** 973.10 (1r) of the statutes is created to read:

5 973.10 (1r) (a) In this subsection, "serious child sex offense" has the meaning  
6 given in s. 302.116 (3) (a).

7 (b) If probation is imposed for a serious child sex offense, the department shall  
8 have the probationer tracked, as described in s. 301.48, using a global positioning  
9 system tracking device or comparable technology as a condition of probation.

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

11 980.08 (7) <sup>(a)</sup> If the person is granted supervised release, the department shall  
12 have the person tracked, as described in s. 301.48, using a global positioning system  
13 tracking device or comparable technology as a condition of supervised release. *INS 5/13*

14 **SECTION 8.** 980.09 (1) (c) of the statutes is amended to read:

15 980.09 (1) (c) If the court is satisfied that the state has not met its burden of  
16 proof under par. (b), the petitioner shall be discharged, except as provided in s.  
17 980.1005, from the custody or supervision of the department. If the court is satisfied  
18 that the state has met its burden of proof under par. (b), the court may proceed to  
19 determine, using the criteria specified in s. 980.08 (4) (b), whether to modify the  
20 petitioner's existing commitment order by authorizing supervised release.

21 **SECTION 9.** 980.09 (2) (c) of the statutes is amended to read:

22 980.09 (2) (c) If the court is satisfied that the state has not met its burden of  
23 proof under par. (b), the person shall be discharged, except as provided in s. 980.1005,  
24 from the custody or supervision of the department. If the court is satisfied that the  
25 state has met its burden of proof under par. (b), the court may proceed to determine,

1 using the criteria specified in s. 980.08 (4) (b), whether to modify the person's existing  
2 commitment order by authorizing supervised release.

3 **SECTION 10.** 980.1005 of the statutes is created to read:

4 **980.1005 Lifetime tracking of discharged persons.** Except as provided in  
5 s. 980.101 (2) (a), if a person is discharged under this chapter, the department shall  
6 have the person tracked, as described in s. 301.48, using a global positioning system  
7 tracking device or comparable technology for the duration of the person's lifetime.

8 **SECTION 11.** 980.101 (2) (a) of the statutes is amended to read:

9 980.101 (2) (a) If the sexually violent offense was the sole basis for the  
10 allegation under s. 980.02 (2) (a) and there are no other judgments relating to a  
11 sexually violent offense committed by the person, the court shall reverse, set aside,  
12 or vacate the judgment under s. 980.05 (5) that the person is a sexually violent  
13 person, vacate the commitment order, and discharge the person from the custody or  
14 supervision of the department, including the tracking requirement under s.  
15 980.1005.

16 **SECTION 12.** 980.12 (1) of the statutes is amended to read:

17 980.12 (1) Except as provided in ss. 301.48 (4) (a), 980.03 (4), and 980.08 (3),  
18 the department shall pay from the appropriations under s. 20.435 (2) (a) and (bm)  
19 for all costs relating to the evaluation, treatment, and care of persons evaluated or  
20 committed under this chapter.

21 **SECTION 13. Initial applicability.**

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

*of health and family services*

*2/19/18*

*INS  
6/20*

*reference to*

*INS A from 03-2014*



1           **Insert 2-10**

2           (b) "Global positioning system tracking" includes comparable technology.

3           (c) "Inclusion zone" means a zone in which a person who is tracked using a  
4 global positioning system tracking device is prohibited from leaving. ✓

5           (d) "Lifetime tracking" means global positioning system tracking that is  
6 required for a person for the remainder of the person's life or until terminated under  
7 sub. (6). ✓ "Lifetime tracking" does not include global positioning system tracking  
8 under sub. (2) (b) or (c), regardless of how long it is required.

9           **Ins 2/21**

10          (f) "Sex offense" means any of the following: ✓

11           1. A sex offense, as defined in s. 301.45 (1d) (b). ✓

12           2. A crime under federal law or the law of any state that is comparable to a crime  
13 described in subd. 1. ✓

14          (2) WHO IS COVERED. (a) The department shall arrange for lifetime tracking of  
15 all of the following: ✓

16           1. Any person who is placed on probation, extended supervision, or parole for  
17 committing a serious child sex offense, unless a court exempts the person from  
18 lifetime tracking under sub. (5). ✓

19           2. Any person who is placed on conditional release after having been found not  
20 guilty of a serious child sex offense by reason of mental disease or mental defect,  
21 unless a court exempts the person from lifetime tracking under sub. (5). ✓

22           3. Any person who is placed on supervised release under s. 980.08 (6m). ✓

23          (b) The department shall have a person tracked using a global positioning  
24 system tracking device if all of the following apply:

1           1. The person has been convicted under federal law or the law of any other state  
2 of a crime that is comparable to a serious child sex offense or found not guilty of or  
3 not responsible for such a crime by reason of mental disease or mental defect. ✓

4           2. The person resides in this state, is employed or carrying on a vocation, as  
5 defined in s. 301.45 (1d) (a), in this state, or is a student, as defined in s. 301.45 (1d)  
6 (c), in this state.

7           (c) If a person is placed on probation, extended supervision, or parole for  
8 committing a sex offense and par. (a) or (b) does not apply, the department may have  
9 the person tracked using a global positioning system tracking device. ✓

10           **(3) DUTIES OF THE DEPARTMENT.** (a) For each person who is subject to global  
11 positioning system tracking under this subsection, the department shall do all of the  
12 following:

13           1. Create individualized exclusion and inclusion zones for the person, if  
14 necessary to protect public safety. In creating exclusion zones, the department shall  
15 focus on areas where children congregate, with perimeters of 100 to 250 feet, and on  
16 areas where the person has been prohibited from going as a condition of probation,  
17 extended supervision, parole, conditional release, or supervised release. ✓

18           2. Ensure that the person's global positioning system tracking device, or any  
19 comparable technology used with respect to the person, immediately alerts the  
20 department and the local law enforcement agency having jurisdiction over the  
21 exclusion or inclusion zone if the person stays in any exclusion zone that is created  
22 for him or her under subd. 1. for any longer period than the time needed to travel  
23 through the zone to get to another destination or if the person leaves any inclusion  
24 zone that is created for him or her under subd. 1. ✓

1 (b) If a person who is on supervised release or conditional release is being  
2 tracked, the department

3 **Ins 3/5**

4 <sup>2.</sup>  
5 (b) The person being tracked fails to make a payment to the department under  
6 sub. (4) (b).

6 **Ins 3/7**

7 1. The cost of global positioning system tracking for the person. ✓

8 **Ins 3/12**

9 (b) If required by the department, a person who is subject to global positioning  
10 system tracking shall pay for the cost of tracking up to the amount calculated for the  
11 person under par. (a) 2. ✓

12 (c) The department of health and family services shall pay for the cost of  
13 tracking a person to whom sub. (2) (a) 2. or 3. ✓ applies while the person is on  
14 conditional release or supervised release to the extent that the cost is not covered by  
15 payments made by the person under par. (b). ✓

16 **Ins 3/18**

17 <sup>not</sup> that the person is required to pay in conjunction with his or her supervision by  
18 the department or the department of health and family services ✓

19 **Ins 3/19a**

20 (5) EXCEPTION TO LIFETIME TRACKING REQUIREMENT; UNDERAGE SEXUAL ACTIVITY. (a)  
21 A person described in sub. (2) (a) 1. ✓ or 2. ✓ is not subject to tracking under this section  
22 if all of the following apply: ✓

23 1. The serious child sex offense <sup>described in</sup> that makes sub. (2) (a) 1. or 2. <sup>applicable</sup> did  
24 not involve sexual intercourse, as defined in s. 948.01(6), by the use or threat of force  
25 or violence <sup>did not involve</sup> or sexual intercourse with a victim under the age of 12 years.

and

1           2. At the time of the serious child sex offense, the person had not attained the  
2 age of 19 years, was not more than 4 years older than the child, and was not more  
3 than 4 years younger than the child. ✓

4           3. It is not necessary, in the interest of public protection, to subject the person  
5 to global positioning system tracking. ✓

6           (b) If a person believes that he or she is not subject to global positioning system  
7 tracking under par. (a), the person may move a court to make a determination of  
8 whether the person satisfies those criteria. A motion made under this ✓ paragraph  
9 shall be filed with the circuit court for the county in which the person was convicted  
10 or found not guilty or not responsible by reason of mental disease or defect. ✓

11           (c) A person who files a motion under par. (b) shall send a copy of the motion  
12 to the district attorney for the county in which the motion is filed. The district  
13 attorney shall make a reasonable attempt to contact the victim of the crime that is  
14 the subject of the person's motion to inform the victim of his or her right to make or  
15 provide a statement under par. (e). ✓

16           (d) A court shall hold a hearing on a motion made by a person under par. (b). ✓  
17 The district attorney who receives a copy of a motion under par. (c) may appear at  
18 the hearing. ✓

19           (e) Before deciding a motion filed under par. (b), the court shall allow the victim  
20 of the serious child sex offense described in sub. (2) (a) 1. or 2. ~~crime that is the subject of the motion~~ to make a statement in court at the  
21 hearing under par. (d) or to submit a written statement to the court. ✓ A statement  
22 under this paragraph ✓ must be relevant to whether the person satisfies the criteria  
23 specified in par. (a). ✓

24           (f) 1. Before deciding a motion filed by a person under par. (b), a court may  
25 request the person to be examined by a physician, psychologist, or other expert

or a  
licensed  
under ch. 445  
and who is



1 approved by the court. If the person refuses to undergo an examination requested  
2 by the court under this subdivision, the court shall deny the person's motion without  
3 prejudice.

4 2. If a person is examined by a physician, <sup>or a</sup> psychologist, or other expert under  
5 subd. 1., the physician, <sup>or</sup> psychologist, or other expert shall file a report of his or her  
6 examination with the court, and the court shall provide copies of the report to the  
7 person and, if he or she requests a copy, to the district attorney. The contents of the  
8 report shall be confidential until the physician, <sup>or</sup> psychologist, or other expert has  
9 testified at the hearing held under par. (d). The report shall contain an opinion  
10 regarding whether it would be in the interest of public protection to have the person  
11 subject to global positioning system tracking and the basis for that opinion.

12 3. A person who is examined by a physician, <sup>or</sup> psychologist, or other expert under  
13 subd. 1. is responsible for paying the cost of the services provided by the physician,  
14 psychologist, or other expert, except that if the person is indigent the cost of the  
15 services provided by the physician, <sup>or</sup> psychologist, or other expert shall be paid by the  
16 county. If the person claims or appears to be indigent, the court shall refer the person  
17 to the authority for indigency determinations under s. 977.07 (1), except that the  
18 person shall be considered indigent without another determination under s. 977.07  
19 (1) if the person is represented by the state public defender or by a private attorney  
20 appointed under s. 977.08.

21 (g) At the hearing held under par. (d), the person who filed the motion under  
22 par. (b) has the burden of proving by clear and convincing evidence that he or she  
23 satisfies the criteria specified in par. (a). In deciding whether the person has satisfied  
24 the criterion specified in par. (a) 3., the court may consider any of the following:

1           1. The ages, at the time of the violation, of the person and of the child with whom  
2 the person had sexual contact or sexual intercourse. ✓

3           2. The relationship between the person and the child with whom the person had  
4 sexual contact or sexual intercourse. ✓

5           3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to  
6 the child with whom the person had sexual contact or sexual intercourse. ✓

7           4. Whether the child with whom the person had sexual contact or sexual  
8 intercourse suffered from a mental illness or mental deficiency that rendered the  
9 child temporarily or permanently incapable of understanding or evaluating the  
10 consequences of his or her actions. ✓

11           5. The probability that the person will commit other violations in the future. ✓

12           6. The report of the examination conducted under par. (d). (f) 2. ✓

13           7. Any other factor that the court determines may be relevant to the particular  
14 case. ✓

15           **(6) PETITION FOR TERMINATION OF LIFETIME TRACKING.** (a) Subject to par. (b), a ✓  
16 person who is subject to lifetime tracking may file a petition requesting that lifetime  
17 tracking be terminated. ✓ A person shall file a petition requesting termination of  
18 lifetime tracking with the circuit court for the county in which the person was  
19 convicted or found not guilty or not responsible by reason of mental disease or defect  
20 or, in the case of a person described in sub. (2) (b) 3., the circuit court for the county  
21 in which the person was found to be a sexually violent person. ✓

22           (b) 1. A person may not file a petition requesting termination of lifetime  
23 tracking if he or she has been convicted of a crime that was committed during the  
24 period of lifetime tracking. ✓

1           2. A person may not file a petition requesting termination of lifetime tracking  
 2 earlier than 15 years after the date on which the period of lifetime tracking began. ✓  
 3 If a person files a petition requesting termination of lifetime tracking at any time  
 4 earlier than 15 years after the date on which the period of lifetime tracking began,  
 5 the court shall deny the petition without a hearing. ✓ *the agency that*

6           (c) Upon receiving a petition requesting termination of lifetime tracking, the  
 7 court shall send a copy of the petition to the district attorney responsible for  
 8 prosecuting the serious sex offense that was the basis for the order of lifetime  
 9 tracking or, in the case of a person described in sub. (2) (b) 3., the person who filed  
 10 the petition under s. 980.02. ✓ Upon receiving the copy of the petition, the district  
 11 attorney or, if applicable, the department of justice shall conduct a criminal history  
 12 record search to determine whether the person has been convicted of a criminal  
 13 offense that was committed during the period of lifetime tracking. ✓ No later than 30  
 14 days after the date on which he or she receives the copy of the petition, the district  
 15 attorney or, if applicable, the department of justice shall report the results of the  
 16 criminal history record search to the court and may provide a written response to the  
 17 petition. ✓

18           (d) After reviewing a report submitted under par. (c) concerning the results of  
 19 a criminal history record search, the court shall do whichever of the following is  
 20 applicable:

21           1. If the report indicates that the person filing the petition has been convicted  
 22 of a criminal offense that was committed during the period of lifetime tracking, the  
 23 court shall deny the person's petition without a hearing. ✓

24           2. If the report indicates that the person filing the petition has not been  
 25 convicted of a criminal offense that was committed during the period of lifetime

1 tracking, the court shall order the person to be examined under par. (e), shall notify  
2 the department that it may submit a report under par. (f) and shall schedule a  
3 hearing on the petition to be conducted as provided under par. (g).

4 (e) A person filing a petition requesting termination of lifetime tracking who  
5 is entitled to a hearing under par. (d) 2. shall be examined by a person who is either  
6 a physician or a psychologist licensed under ch. 455 and who is approved by the court.  
7 The physician or psychologist who conducts an examination under this paragraph  
8 shall prepare a report of his or her examination that includes his or her opinion of  
9 whether the person petitioning for termination of lifetime tracking is a danger to  
10 public. The physician or psychologist shall file the report of his or her examination  
11 with the court within 60 days after completing the examination, and the court shall  
12 provide copies of the report to the person filing the petition and the district attorney  
13 who received a copy of the person's petition under par. (c) or, if applicable, the  
14 department of justice. The contents of the report shall be confidential until the  
15 physician or psychologist testifies at a hearing under par. (g). The person petitioning  
16 for termination of lifetime tracking shall pay the cost of an examination required  
17 under this paragraph.

18 (f) After it receives notification from the court under par. (d) 2., the department  
19 may prepare and submit to the court a report concerning a person who has filed a  
20 petition requesting termination of lifetime tracking. If the department prepares and  
21 submits a report under this paragraph, the report shall include information  
22 concerning the person's conduct while on lifetime tracking and an opinion as to  
23 whether lifetime tracking of the person is still necessary to protect the public. When  
24 a report prepared under this paragraph has been received by the court, the court  
25 shall, before the hearing under par. (g), disclose the contents of the report to the

1 attorney for the person who filed the petition and to the district attorney or, if  
2 applicable, the department of justice. When the person who filed the petition is not  
3 represented by an attorney, the contents shall be disclosed to the person.

4 (g) A hearing on a petition requesting termination of lifetime tracking may not  
5 be conducted until the person filing the petition has been examined and a report of  
6 the examination has been filed as provided under par. (e). At the hearing, the court  
7 shall take evidence it considers relevant to determining whether lifetime tracking  
8 should be continued because the person who filed the petition is a danger to the  
9 public. The person who filed the petition and the district attorney who received the  
10 petition under par. (c) or, if applicable, the department of justice, may offer evidence  
11 relevant to the issue of the person's dangerousness and the continued need for  
12 lifetime tracking.

13 (h) The court may grant a petition requesting termination of lifetime tracking  
14 if it determines after a hearing under par. (g) that lifetime tracking is no longer  
15 necessary to protect the public.

16 (i) If a petition requesting termination of lifetime tracking is denied after a  
17 hearing under par. (g), the person may not file a subsequent petition requesting  
18 termination of lifetime tracking until at least 3 years have elapsed since the most  
19 recent petition was denied.

20 **Ins 4/18**

21 ~~not~~, without the authorization of the department of corrections,

22 **Ins 4/20**

23 ~~not~~ that is provided under s. 301.48

24 **Ins 6/20**

25 **SECTION 1.** 948.02 (6) of the statutes is created to read:

1            948.02 (6) FINDING REGARDING FORCE OR VIOLENCE. If a person is convicted under  
 2 sub. (2), the court shall determine, based on a preponderance of the evidence  
 3 presented at trial and without a jury, if the offense involved the use or a threat of force  
 4 or violence. If the court makes such a determination, the court shall enter a finding  
 5 to that effect in the record. ✓ X

6            SECTION ~~2~~ 948.025 (4) of the statutes is created to read:

7            948.025 (4) (a) If a person is convicted under sub. (1) (b), the court shall  
 8 determine, based on a preponderance of the evidence presented at trial and without  
 9 a jury, if any of the following applies:

- 10            1. The offense involved a violation of s. 948.02 (1).
- 11            2. The offense involved a violation of s. 948.02 (2) the use or a threat of force  
 12 or violence.

13            (b) If the court determines that either par. (a) 1. or 2. applies, the court shall  
 14 enter a finding to that effect in the record. ✓

INS A

ASSEMBLY BILL 120

Use 2x  
This act

1 SECTION 7. Initial applicability.

2 ~~KEEP~~ (1) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED  
3 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons  
4 whom the department of corrections releases to parole or extended supervision on  
5 the effective date of this subsection.

6 ~~KEEP~~ (2) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The  
7 treatment of section 973.09 (4m) of the statutes first applies to persons whom the  
8 court places on probation on the effective date of this subsection. <sup>conditional release;</sup>  
<sub>or supervised release</sub>

9 (3) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment  
10 of sections 973.033 and 973.034 of the statutes and the creation of section 973.176  
11 of the statutes first apply to persons whom the court sentences on the effective date  
12 of this subsection. <sub>ies</sub> <sub>part of probation</sub>

13 SECTION 8. Effective date. This act takes effect on the day after publication,  
14 except as follows:

15 (1) The treatment of sections 302.117, 973.033, 973.034, and 973.09 (4m) of the  
16 statutes, the creation of section 973.176 of the statutes, and SECTION 7, (1), (2), and  
17 (3) of this act take effect on the first day of the 3rd month beginning after publication.

(END)  
of insert