

2007 SENATE BILL 468

February 8, 2008 – Introduced by Senators LASSA, LAZICH, GROTHMAN and DARLING, cosponsored by Representatives STONE, KLEEFISCH, SINICKI, KERKMAN, ZEPNICK, OWENS, SMITH, MURTHA, ALBERS, MUSSER, KRAMER, GUNDERSON, NASS, PETROWSKI, HAHN, TOWNSEND, J. OTT and WOOD. Referred to Committee on Judiciary, Corrections, and Housing.

1 **AN ACT** *to amend* 302.113 (7); and *to create* 304.06 (1r), 973.01 (5m) and 973.09
2 (6) of the statutes; **relating to:** conditions of extended supervision, probation,
3 and parole for persons convicted of certain sex offenses.

Analysis by the Legislative Reference Bureau

Under current law, if a person is under the supervision of the Department of Corrections (DOC) on parole, probation, or extended supervision (release), the person is subject to conditions and rules set by the court or DOC. Under this bill, a person who is on parole, probation, or extended supervision following a conviction for sexual assault, sexual assault of a child, or repeated sexual assault of a child (sex offense) is prohibited as a condition of release from contacting the victim of the sex offense or other persons who have certain relationships with the victim.

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:

4 **SECTION 1.** 302.113 (7) of the statutes is amended to read:
5 302.113 (7) Any inmate released to extended supervision under this section is
6 subject to all conditions and rules of extended supervision until the expiration of the

SENATE BILL 468

1 term of extended supervision portion of the bifurcated sentence. The department
2 may set conditions of extended supervision in addition to any conditions of extended
3 supervision required under s. 302.116, if applicable, or set by the court under sub.
4 (7m) or s. 973.01 (5) or (5m) (b) if the conditions set by the department do not conflict
5 with the court's conditions.

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

7 304.06 (1r) (a) In this subsection:

8 1. "Contact" has the meaning given in s. 973.01 (5m) (a) 1.

9 2. "Protected person" has the meaning given in s. 973.01 (5m) (a) 3.

10 (b) If parole is granted following a violation of s. 940.225 (1), (2), or (3), 948.02
11 (1) or (2), or 948.025, the parole commission shall, unless a court has granted a
12 petition under par. (c) 2., prohibit the parolee, as a condition of parole, from doing any
13 of the following:

14 1. Contacting the victim or any protected person.

15 2. Being within a specified distance of the residence of the victim or protected
16 person or any other location temporarily occupied by the victim or protected person.

17 3. Conducting an Internet search on the victim or any protected person.

18 4. Causing another person other than a law enforcement officer to contact the
19 victim or any protected person.

20 (c) 1. A parolee who is subject to a condition imposed under par. (b) may file,
21 with the circuit court for the county in which he or she was convicted, a petition, at
22 any time before or during the parole period, requesting that the condition be
23 eliminated.

SENATE BILL 468

1 2. Upon receiving a petition under subd. 1., the court shall grant the petition
2 if the court determines that the victim supports the petition and that granting the
3 petition does not pose a risk to public safety.

4 3. If the court does not grant a petition under subd. 2., the parolee may not file
5 another petition under subd. 1. until 5 years have elapsed since the petition was
6 denied.

7 **SECTION 3.** 973.01 (5m) of the statutes is created to read:

8 **973.01 (5m) EXTENDED SUPERVISION CONDITIONS FOR SEXUAL ASSAULT.** (a) In this
9 subsection:

10 1. “Contact” means come within a specified distance of, call, e-mail, mail, or
11 fax.

12 2. “Dating relationship” has the meaning given in s. 813.12 (1) (ag).

13 3. “Protected person” means a spouse, sibling, parent, child, grandparent, or
14 grandchild of the victim; any employer of the victim; any individual with whom the
15 victim has a child in common; any individual with whom the victim has or has had
16 a dating relationship; and any individual who is part of the victim’s household.

17 (b) Whenever the court imposes a bifurcated sentence under sub. (1) for a
18 violation of s. 940.225 (1), (2), or (3), 948.02 (1) or (2), or 948.025, the court shall,
19 except as provided in par. (c), prohibit the person, as a condition of extended
20 supervision, from doing any of the following:

21 1. Contacting the victim or any protected person.

22 2. Being within a specified distance of the residence of the victim or protected
23 person or any other location temporarily occupied by the victim or protected person.

24 3. Conducting an Internet search on the victim or any protected person.

SENATE BILL 468

1 4. Causing another person other than a law enforcement officer to contact the
2 victim or any protected person.

3 (c) 1. A person who is subject to a condition imposed under par. (b) may file, with
4 the circuit court for the county in which he or she was convicted, a petition, at any
5 time before or during his or her sentence, requesting that the condition be
6 eliminated.

7 2. Upon receiving a petition under subd. 1., the court shall grant the petition
8 if the court determines that the victim supports the petition and that granting the
9 petition does not pose a risk to public safety.

10 3. If the court does not grant a petition under subd. 2., the person may not file
11 another petition under subd. 1. until 5 years have elapsed since the petition was
12 denied.

13 **SECTION 4.** 973.09 (6) of the statutes is created to read:

14 973.09 **(6)** (a) In this subsection:

15 1. “Contact” has the meaning given in s. 973.01 (5m) (a) 1.

16 2. “Protected person” has the meaning given in s. 973.01 (5m) (a) 3.

17 (b) If the probation is imposed following a violation of s. 940.225 (1), (2), or (3),
18 948.02 (1) or (2), or 948.025, the court shall, except as provided in par. (c), prohibit
19 the person, as a condition of probation, from doing any of the following:

20 1. Contacting the victim or any protected person.

21 2. Being within a court–specified distance of the residence of the victim or
22 protected person or any other location temporarily occupied by the victim or
23 protected person.

24 3. Conducting an Internet search on the victim or any protected person.

SENATE BILL 468

1 4. Causing another person other than a law enforcement officer to contact the
2 victim or any protected person.

3 (c) 1. A person who is subject to a condition imposed under par. (b) may file, with
4 the circuit court for the county in which he or she was convicted, a petition, at any
5 time before or during his or her probation, requesting that the condition be
6 eliminated.

7 2. Upon receiving a petition under subd. 1., the court shall grant the petition
8 if the court determines that the victim supports the petition and that granting the
9 petition does not pose a risk to public safety.

10 3. If the court does not grant a petition under subd. 2., the person may not file
11 another petition under subd. 1. until 5 years have elapsed since the petition was
12 denied.

13 **SECTION 5. Initial applicability.**

14 (1) The treatment of section 973.09 (6) (b) of the statutes first applies to persons
15 placed on probation on the effective date of this subsection.

16 (2) The treatment of sections 304.06 (1r) (b) and 973.01 (5m) (b) of the statutes
17 first applies to persons sentenced on the effective date of this subsection.

18

(END)