

2007 DRAFTING REQUEST

Bill

Received: 01/29/2008

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Jessica Ford Kelly

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Courts - garn/injunct

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Enjoin sex offenders from contacting victims as a condition of supervision

Instructions:

See Attached--companion to 07-1947/1

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 01/29/2008	csicilia 01/29/2008		_____			S&L
/1			rschluet 01/29/2008	_____	mbarman 01/29/2008	cduerst 01/30/2008	

FE Sent For:

@ Intro.

<END>

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Received: **01/29/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Jessica Ford Kelly**

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

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Addl. Drafters:

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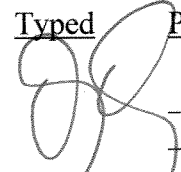
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/?	chanaman	1 js 1/29 08					

FE Sent For:

<END>

Hanaman, Cathlene

From: Kelly, Jessica
Sent: Monday, January 28, 2008 4:35 PM
To: Pyritz, Michael
Cc: Hanaman, Cathlene
Subject: RE: Co-Sponsorship- Short Deadline !!!!! LRB 07-1947/1 Enjoin sex offenders from contacting victims.

Julie is cool with doing a senate companion.

Jessica Ford Kelly

Office of Senator Julie Lassa
State Capitol, Room 323 - South
P.O. Box 7882
Madison, WI 53707-7882
608-266-3123
1-800-925-7491 toll-free
608-267-6797

From: Pyritz, Michael
Sent: Monday, January 28, 2008 10:48 AM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-Sponsorship- Short Deadline !!!!! LRB 07-1947/1 Enjoin sex offenders from contacting victims.

To: All Legislators

From: Rep. Jeff Stone

Re: Co-Sponsorship of LRB 07-1947/1 Placement of restraining order on sex offenders as condition of release.

This Bill will change the method that restraining orders are placed at the time of release for certain persons convicted of rape or other similar charges. Under current law the victim is the held responsible for petitioning the court to have a restraining order place on the criminal being released. This Bill will have a restraining order put in place as a condition of release. The victim will be able to petition the court to have the order waived if they feel that the order is not needed for their safety or well being. This Bill is being introduced at the request of a person that was brutally raped and then was forced to live in fear when one of the offenders was released and moved into the same neighborhood that she resided.

If you would like to be a co-sponsor for this Bill please contact Marsha or Mike in my office at 266-8590.

Deadline is Tue January 29th at 5 PM.

If there are any questions please contact Mike in my office.

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.

<< File: 07-19471.pdf >>

-3959/1

stays

TODAY
companion
bill

2007 BILL

refer cat

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

BILL

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.

BILL

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.

BILL

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.

Duerst, Christina

From: Kelly, Jessica
Sent: Wednesday, January 30, 2008 4:23 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-3959/1 Topic: Enjoin sex offenders from contacting victims as a condition of supervision

Please Jacket LRB 07-3959/1 for the SENATE.