



2007 DRAFTING REQUEST

Bill

Received: 12/19/2006

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Criminal Law - sentencing
Criminal Law - sex offenses**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Steinmetz, BB0247 -

Topic:

GPS tracking of sex offenders

Instructions:

See Attached

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 12/22/2006	lkunkel 01/04/2007		_____			S&L
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/P2	chanaman 01/16/2007	lkunkel 01/16/2007	rschluet 01/12/2007	_____	sbasford 01/12/2007		S&L
/P3	chanaman 01/18/2007	wjackson 01/18/2007	nmatzke 01/17/2007	_____	cduerst 01/17/2007		S&L
/P4			nmatzke	_____	cduerst		S&L

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/P5	chanaman 01/22/2007	wjackson 01/22/2007	pgreensl 01/22/2007 _____		sbasford 01/22/2007		S&L
	chanaman 01/26/2007	csicilia 01/26/2007	_____				
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/P7			pgreensl 01/30/2007 _____		mbarman 01/30/2007		

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1/30/07

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Handwritten notes: 1/22, 1/22, 1/22, 1/22

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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1127
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/?	chanaman	pl/mk 1/3	1/4 PS	1/4 PS/BR			S&L

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Sex Offender GPS Tracking
- Tracking Code: BB 0247
- SBO team: General Government and Justice
- SBO analyst: Jana Steinmetz
 - Phone: 266-2213
 - Email: Jana.Steinmetz@Wisconsin.gov
- Agency acronym: DOC
- Agency number: 410
- Priority (Low, Medium, High): Medium

FY07-09 Biennial Budget
Statutory Language Request

Agency: Department of Corrections

Topic: Sex Offender GPS Tracking

Contact: Jana Steinmetz
266-2213

Discharged offenders and offenders convicted of crimes in federal court or other states

Current Language

2005 Act 431 outlines global positioning system (GPS) tracking for certain sex offenders.

Proposed Change

Eliminate the requirement under s. 301.48(2)(c), that the Department of Corrections use GPS tracking for offenders no longer on probation, parole or extended supervision, and for out-of-state or federally charged offenders residing in Wisconsin or carrying on a vocation or education in Wisconsin.

Allow the Department of Corrections to use passive tracking for offenders on supervision who were convicted of applicable crimes under federal law or the law of any other state, or found not guilty or not responsible for the crime by reason of mental disease or defect.

Supervised Release Escorts

Current Language

Under s. 980.08(7) Wis. Stats., an offender granted supervised release must be under the direct supervision of a Department of Corrections escort when outside his or her home for the first year of supervised release.

Proposed Change

Allow the Department of Corrections to contract for these services.

Desired effective date: Upon passage of the bill



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1184/P1

CMH:.....

lmk

NOTE

DOA:.....Steinmetz, BB0247 - GPS tracking of sex offenders

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

down for cat

1 AN ACT ...; relating to: global positioning system tracking of sex offenders and
2 escorts for persons on supervised release. ✓

*CORRECTIONS (all caps)
and: title: had*

Analysis by the Legislative Reference Bureau

Current law requires DOC to maintain lifetime global positioning system (GPS) tracking of certain sex offenders who have committed certain sex offenses against a child (serious child sex offense). ✓ These child sex offenders include persons who are placed on probation on or after July 1, 2007, for committing a serious child sex offense, persons released on or after July 1, 2007, to extended supervision or parole while serving a sentence for committing a serious child sex offense, and persons released from prison on or after July 1, 2007, upon completing a sentence imposed for a serious child sex offense. ✓ This bill requires DOC to maintain GPS tracking over the persons while on probation, parole, or extended supervision, but gives DOC discretion over tracking options after the person is discharged from probation, parole, or extended supervision or after the person is released from prison upon completing a sentence. ✓ DOC may maintain GPS tracking of them, maintain a passive position system tracking of them, or decline ~~not~~ to track them. ✓

Also under current law, DOC must maintain GPS tracking of a person who has been found to have committed under the law of another jurisdiction a crime that is comparable to a serious child sex offense if the person resides in this state, is employed or carrying on a vacation in this state, or is a student in this state. This bill allows DOC to maintain either GPS tracking or passive position system tracking of these persons.

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Finally under current law, a person who is on supervised release must be restricted to his or her home for the first year except for outings that are under the direct supervision of a DOC escort and that are for employment purposes, for religious purposes, or for caring for the person's basic living needs. This bill allows DOC to contract for the escorts. ✓

✓For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

① SECTION 1. 301.48 (1) (d) of the statutes, as created by 2005 Wisconsin Act 277, is amended to read:

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

History: 2005 a. 431.

8 SECTION 2. 301.48 (2) (a) (intro.) of the statutes, as created by 2005 Wisconsin Act 277, is amended to read:

301.48 (2) (a) (intro.) ~~Except as provided in sub. (2m), the~~ The department shall maintain lifetime tracking of a person if the court that found the person not guilty of a serious child sex offense by reason of mental disease or mental defect does any of the following occurs with respect to the person on or after July 1, 2007:

History: 2005 a. 431.

14 SECTION 3. 301.48 (2) (a) 1. of the statutes, as created by 2005 Wisconsin Act 277, is renumbered 301.48 (2) (ag) 1. and amended to read:

301.48 (2) (ag) 1. ~~A~~ If a court places the a person on probation on or after July 1, 2007, for committing a serious child sex offense, the department shall have the

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1 person tracked using a global positioning tracking device until the person is
2 discharged from the probation imposed for the serious child sex offense. ✓

History: 2005 a. 431.

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3 **SECTION 4.** 301.48 (2) (a) 2. of the statutes, as created by 2005 Wisconsin Act

4 277, is renumbered 301.48 (2) (an) 1. and amended to read:

5 301.48 (2) (an) 1. The If, on or after July 1, 2007, the department releases the
6 a person to extended supervision or parole while the person is serving a sentence for
7 committing a serious child sex offense, the department shall have the person tracked
8 using a global positioning tracking device until the person is discharged from the
9 extended supervision or parole portion of the sentence imposed for the serious child
10 sex offense. ✓

History: 2005 a. 431.

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11 **SECTION 5.** 301.48 (2) (a) 3. of the statutes, as created by 2005 Wisconsin Act

12 277, is renumbered 301.48 (2) (ar) and amended to read:

13 431 301.48 (2) (ar) The If, on or after July 1, 2007, the department releases the a
14 person from prison upon the completion of a sentence imposed for a serious child sex
15 offense the department may track the person using a global positioning tracking
16 device for any period of time set by the department, maintain passive positioning
17 system tracking of the person for any period of time set by the department, or may
18 decide not to track the person. ✓

History: 2005 a. 431.

****NOTE: Do you want to specify any standards for DOC to use when deciding among these options? How about for determining the periods of time? The lack of standards may result in an improper delegation of authority for the statutes to let DOC make such decisions without any guidance from the legislature.

19 **SECTION 6.** 301.48 (2) (a) 4. and 5. of the statutes, as created by 2005 Wisconsin

20 Act 277, are amended to read:

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1 301.48 (2) (a) 4. ~~A court that found the person not guilty of a serious child sex~~
2 ~~offense by reason of mental disease or mental defect places~~ Places the person on
3 conditional release. ✓

4 History: 2005 a. 431. ✓

5 5. ~~A court that found the person not guilty of a serious child sex offense by~~
6 ~~reason of mental disease or mental defect discharges~~ Discharges the person under
7 s. 971.17 (6). ~~This subdivision does not apply if~~ unless the person was on conditional
release immediately before being discharged.

8 History: 2005 a. 431.

9 **SECTION 7.** 301.48 (2) (ag) 2. of the statutes is created to read:

10 301.48 (2) (ag) 2. After the person is discharged from the probation imposed for
11 the serious child sex offense, the department may do any of the following:

12 a. Track the person using a global positioning tracking device for any period
13 of time set by the department. ✓

14 b. Track the person using a passive positioning system tracking device for any
15 period of time set by the department. ✓

16 c. Terminate any tracking of the person. ✓

17 ****NOTE: Do you want to specify any standards for DOC to use when deciding
18 among a., b., and c.? How about for determining the periods of time? The lack of
19 standards may result in an improper delegation of authority ~~for the statutes~~ to let DOC
20 make such decisions without any guidance from the legislature.

21 **SECTION 8.** 301.48 (2) (an) 2. of the statutes is created to read:

22 301.48 (2) (an) 2. After the person is discharged from the extended supervision
23 or probation portion of the sentence imposed for the serious child sex offense, the
24 department may do any of the following:

25 a. Track the person using a global positioning tracking device for any period
26 of time set by the department. ✓

1 b. Track the person using a passive positioning system tracking device for any
2 period of time set by the department. ✓

3 c. Terminate any tracking of the person. ✓

****NOTE: Do you want to specify any standards for DOC to use when deciding
among a., b., and c.? How about for determining the time periods? The lack of standards
may result in an improper delegation of authority for the statutes to let DOC make such
decisions without any guidance from the legislature.

4 SECTION 9. 301.48 (2) (c) (intro.) of the statutes, as created by 2005 Wisconsin
5 Act 277, is amended to read:

6 301.48 (2) (c) (intro.) The department shall have a person tracked using a global
7 positioning system tracking device or a passive positioning system tracking device
8 if all of the following apply: ✓

History: 2005 a. 431.

****NOTE: Like under current law, this section applies to a person whose conviction
or finding may occur before July 1, 2007. The other paragraphs under this section apply
to persons whose convictions or findings occurred on or after July 1, 2007. Do you want
to keep the requirement retroactive? Also, do you want any standards to apply as to
whether the person is tracked actively or passively? The lack of standards may result in
an improper delegation of authority for the statutes to let DOC make such decisions
without any guidance from the legislature.

9 SECTION 10. 301.48 (2) (d) of the statutes, as created by 2005 Wisconsin Act 277,
10 is amended to read:

11 301.48 (2) (d) If, on or after July 1, 2007, a person is being placed on probation,
12 extended supervision, or parole for committing a sex offense and par. (a) (ag), (an),
13 (b), or (c) does not apply, the department may have the person tracked using a global
14 positioning system tracking device as a condition of the person's probation, extended
15 supervision, or parole.

History: 2005 a. 431.

16 SECTION 11. 301.48 (2m) of the statutes, as created by 2005 Wisconsin Act 277,
17 is repealed. ✓

18 SECTION 12. 301.48 (3) (a) (intro.) of the statutes, as created by 2005 Wisconsin
19 Act 277, is amended to read:

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1 ✓ 301.48 (3) (a) (intro.) Except as provided in sub. ~~(2m)~~ (2) (ag) 2. b., (an) 2. b.,
 2 (ar), and (c), the department shall implement a continuous global positioning
 3 tracking system to electronically monitor the whereabouts of persons who are subject
 4 to this section. The system shall do all of the following: ✓

History: 2005 a. 431.

5 **SECTION 13.** 980.08 (9) of the statutes, as created by 2005 Wisconsin Act 431,
 6 is renumbered 980.08 (9) (a). STET

7 **SECTION 14.** 980.08 (9) (b) of the statutes is created to read:

8 980.08 (9) (b) The department of corrections may contract for the escort
 9 services under par. (a) ✓

10 **SECTION 9309. Initial applicability; Corrections.**

11 (1) GLOBAL POSITIONING TRACKING OF CHILD SEX OFFENDERS. The treatment of
 12 section 301.48 (1) (d), (2) (a) (intro.), 1., 2., 3., 4., and 5., (ag) 2., (an) 2., and (d), (2m),
 13 and (3) (a) (intro.) of the statutes first applies to persons placed on probation, released
 14 to extended supervision or parole, ^{or} released from prison on July 1, 2007.

15 (2) GLOBAL POSITIONING TRACKING OF CHILD SEX OFFENDERS FROM OTHER
 16 JURISDICTIONS. The treatment of section 301.48 (2) (c) (intro.) of the statutes first
 17 applies to persons found to have violated a federal law, or a law of another state, that
 18 is comparable to a serious child sex offense, as defined in section 301.48 (1) (e) of the
 19 statutes, and resides, is employed or carrying on a vocation, or is a student in this
 20 state on July 1, 2007. ✓

21 **SECTION 9409. Effective dates; Corrections.**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

PI
LRB-1184/dn

CMH:.....
mk

date

Jana:

As I said in the embedded notes, if the legislature does not provide standards ^{DOC} ~~to DOC~~ to guide whether to track actively, to track passively, or to decline to track and how long to track, a court could strike the provision as an unconstitutional delegation of authority.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1184/P1dn
CMH:lmk:pg

January 4, 2007

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E-mail: cathlene.hanaman@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1184/P1
CMH:lmk:pg

soon 1/10

PL
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DOA:.....Steinmetz, BB0247 - GPS tracking of sex offenders

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

don't see - ect

U 234
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Also under current law, DOC must maintain GPS tracking of a person who has been found to have committed under the law of another jurisdiction a crime that is comparable to a serious child sex offense if the person resides in this state, is employed or carrying on a vocation in this state, or is a student in this state. This

these individuals

only while the individuals are

eliminates and eliminates requirement to maintain GPS tracking over individuals released from prison at the completion of their sentence

individual

on individual

bill allows DOC to maintain either GPS tracking or passive position system tracking of these persons. *individuals*

Finally under current law, ~~a person~~ *an individual* who is on supervised release must be restricted to his or her home for the first year except for outings that are under the direct supervision of a DOC escort and that are for employment purposes, for religious purposes, or for caring for the ~~person's~~ *individual's* basic living needs. This bill allows DOC to contract for the escorts.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 301.48 (1) (d) of the statutes, as created by 2005 Wisconsin Act 431,
2 is amended to read:

3 301.48 (1) (d) "Lifetime tracking" means global positioning system tracking
4 that is required for a person for the remainder of the person's life or until terminated
5 under ~~sub. (2m)~~, sub. (6), if applicable, or sub. (7) or (8). "Lifetime tracking" does not
6 include global positioning system tracking under sub. (2) (c) or (d), regardless of how
7 long it is required.

8 SECTION 2. 301.48 (2) (a) (intro.) of the statutes, as created by 2005 Wisconsin
9 Act 431, is amended to read:

10 301.48 (2) (a) (intro.) ~~Except as provided in sub. (2m), the~~ The department shall
11 maintain lifetime tracking of a person if the court that found the person not guilty
12 of a serious child sex offense by reason of mental disease or mental defect does any
13 of the following occurs with respect to the person on or after July 1, 2007:

14 SECTION 3. 301.48 (2) (a) 1. of the statutes, as created by 2005 Wisconsin Act
15 431, is renumbered 301.48 (2) (ag) 1 and amended to read:

16 301.48 (2) (ag) 1 - A If a court places the a person on probation on or after July
17 1, 2007, for committing a serious child sex offense, the department shall have the

applies this requirement only to individuals who begin their residency, start their employment or vocational or become a student on or after July 1, 2007, and

1 person tracked using a global positioning tracking device until the person is
2 discharged from the probation imposed for the serious child sex offense.

3 SECTION 4. 301.48 (2) (a) 2. of the statutes, as created by 2005 Wisconsin Act
4 431, is renumbered 301.48 (2) (an) 1 and amended to read:

5 301.48 (2) (an) 1. The If, on or after July 1, 2007, the department releases the
6 a person to extended supervision or parole while the person is serving a sentence for
7 committing a serious child sex offense, the department shall have the person tracked
8 using a global positioning tracking device until the person is discharged from the
9 extended supervision or parole portion of the sentence imposed for the serious child
10 sex offense.

11 SECTION 5. 301.48 (2) (a) 3. of the statutes, as created by 2005 Wisconsin Act
12 431, is renumbered 301.48 (2) (ar) and amended to read. *repealed*

13 301.48 (2) (ar) The If, on or after July 1, 2007, the department releases the a
14 person from prison upon the completion of a sentence imposed for a serious child sex
15 offense the department may track the person using a global positioning tracking
16 device for any period of time set by the department, maintain passive positioning
17 system tracking of the person for any period of time set by the department, or may
18 decide not to track the person.

****NOTE: Do you want to specify any standards for DOC to use when deciding among these options? How about for determining the periods of time? The lack of standards may result in an improper delegation of authority to let DOC make such decisions without any guidance from the legislature.

19 SECTION 6. 301.48 (2) (a) 4. and 5. of the statutes, as created by 2005 Wisconsin
20 Act 431, are amended to read:

21 301.48 (2) (a) 4. ~~A court that found the person not guilty of a serious child sex~~
22 ~~offense by reason of mental disease or mental defect places~~ Places the person on
23 conditional release.

*UPJ
Please
change
companion*

✓

✓ 1 5. ~~A court that found the person not guilty of a serious child sex offense by~~
2 ~~reason of mental disease or mental defect discharges~~ Discharges the person under
3 s. 971.17 (6). ~~This subdivision does not apply if~~ unless the person was on conditional
4 release immediately before being discharged.

5 **SECTION 7.** 301.48 (2) (ag) 2. of the statutes is created to read:

6 301.48 (2) (ag) 2. After the person is discharged from the probation imposed for
7 the serious child sex offense, the department may do any of the following:

8 a. Track the person using a global positioning tracking device for any period
9 of time set by the department.

10 b. Track the person using a passive positioning system tracking device for any
11 period of time set by the department.

12 c. Terminate any tracking of the person.

****NOTE: Do you want to specify any standards for DOC to use when deciding
among a., b., and c.? How about for determining the periods of time? The lack of
standards may result in an improper delegation of authority to let DOC make such
decisions without any guidance from the legislature.

13 **SECTION 8.** 301.48 (2) (an) 2. of the statutes is created to read:

14 301.48 (2) (an) 2. After the person is discharged from the extended supervision
15 or probation portion of the sentence imposed for the serious child sex offense, the
16 department may do any of the following:

17 a. Track the person using a global positioning tracking device for any period
18 of time set by the department.

19 b. Track the person using a passive positioning system tracking device for any
20 period of time set by the department.

21 c. Terminate any tracking of the person.

****NOTE: Do you want to specify any standards for DOC to use when deciding
among a., b., and c.? How about for determining the time periods? The lack of standards

may result in an improper delegation of authority to let DOC make such decisions without any guidance from the legislature.

1 **SECTION 9.** 301.48 (2) (c) (intro.) of the statutes, as created by 2005 Wisconsin
2 Act 431, is amended to read:

3 301.48 (2) (c) (intro.) The department shall have a person tracked using a global
4 positioning system tracking device or a passive positioning system tracking device
5 if all of the following apply:

****NOTE: Like under current law, this section applies to a person whose conviction or finding may occur before July 1, 2007. The other paragraphs under this section apply to persons whose convictions or findings occurred on or after July 1, 2007. Do you want to keep the requirement retroactive? Also, do you want any standards to apply as to whether the person is tracked actively or passively? The lack of standards may result in an improper delegation of authority to let DOC make such decisions without any guidance from the legislature.

MS
5-6 →

6 **SECTION 10.** 301.48 (2) (d) of the statutes, as created by 2005 Wisconsin Act 431,
7 is amended to read:

8 301.48 (2) (d) If, on or after July 1, 2007, a person is being placed on probation,
9 extended supervision, or parole for committing a sex offense and par. (a) (ag), (an),
10 (b), or (c) does not apply, the department may have the person tracked using a global
11 positioning system tracking device as a condition of the person's probation, extended
12 supervision, or parole.

13 **SECTION 11.** 301.48 (2m) of the statutes, as created by 2005 Wisconsin Act 431,
14 is repealed.

15 **SECTION 12.** 301.48 (3) (a) (intro.) of the statutes, as created by 2005 Wisconsin
16 Act 431, is amended to read:

17 301.48 (3) (a) (intro.) Except as provided in sub. (2m) (2) (ag) 2. b., (an) 2. b.,
18 (ar), and (c), the department shall implement a continuous global positioning
19 tracking system to electronically monitor the whereabouts of persons who are subject
20 to this section. The system shall do all of the following:

→
MS
5-20

1 **SECTION 13.** 980.08 (9) of the statutes, as created by 2005 Wisconsin Act 431,
2 is renumbered 980.08 (9) (a).

3 **SECTION 14.** 980.08 (9) (b) of the statutes is created to read:

4 980.08 (9) (b) The department of corrections may contract for the escort
5 services under par. (a).

6 **SECTION 9309. Initial applicability; Corrections.**

7 (1) GLOBAL POSITIONING TRACKING OF CHILD SEX OFFENDERS. The treatment of
8 section 301.48 (1) (d), (2) (a) (intro.), 1., 2., 3., 4., and 5. ~~(ag) 2., (an) 2.~~ and (d), (2m),
9 and (3) (a) (intro.) of the statutes first applies to persons placed on probation, released
10 to extended supervision or parole, or released from prison on July 1, 2007. ✓

11 (2) GLOBAL POSITIONING TRACKING OF CHILD SEX OFFENDERS FROM OTHER
12 JURISDICTIONS. The treatment of section 301.48 (2) (c) (intro.) of the statutes first
13 applies to persons found to have violated a federal law, or a law of another state, that
14 is comparable to a serious child sex offense, as defined in section 301.48 (1) (e) of the
15 statutes, and resides, is employed or carrying on a vocation, or is a student in this
16 state on July 1, 2007. ✓

17 **SECTION 9409. Effective dates; Corrections.**

18 (1) SUPERVISION OF PERSONS ON SUPERVISED RELEASE. The renumbering of section
19 980.08 (9) of the statutes and the creation of section 980.08 (9) (b) of the statutes take
20 effect on July 1, 2007. ✓

21

(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1184/P1ins
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1 Insert 5-6

2
3 SECTION 1. 301.48 (2) (c) 2. of the statutes, as created by 2005 Wisconsin Act
4 431, is amended to read:

5 301.48 (2) (c) 2. The On or after July 1, 2007, the person resides begins
6 residency in this state, is or begins a period in which he or she is employed or carrying
7 on a vocation, as defined in s. 301.45 (1d) (a), in this state, or in which he or she is
8 a student, as defined in s. 301.45 (1d) (c), in this state.

History: 2005 a. 431.

****NOTE: This tracking requirement applies even if the person is no longer under
any supervision in the other jurisdiction. ~~OK?~~
em

9
10
11 Insert 5-20

12 SECTION 2. 301.48 (8) (b) of the statutes, as created by 2005 Wisconsin Act 431,
13 is amended to read:

14 301.48 (8) (b) Notwithstanding sub. (2), if a person is subject to being tracked
15 under sub. (2) the department may terminate a person's lifetime tracking after 10
16 years and if the victim of the serious child sex offense for which the person is being
17 tracked is a relative of the person being tracked, the department may track the
18 person using a global positioning tracking device or a passive positioning tracking
19 device for a period of time determined by the department, or may terminate any
20 tracking of the person. ✓

NOTE: NOTE: This section is created eff. 7-1-07 by 2005 Wis. Act 431. NOTE:

History: 2005 a. 431.

Hanaman, Cathlene

From: Steinmetz, Jana D - DOA
Sent: Monday, January 15, 2007 11:19 AM
To: Hanaman, Cathlene
Subject: GPS draft

Cathlene,

On the GPS tracking draft (#1184), we would like to retain the provision that allows the offender to petition for termination of tracking after 20 years.

Thanks,
Jana

Hanaman, Cathlene

From: Steinmetz, Jana D - DOA
Sent: Saturday, January 13, 2007 12:21 PM
To: Hanaman, Cathlene
Cc: Reines, Bruce - DOA
Subject: FW: LRB Draft: 07-1184/P2 GPS tracking of sex offenders
Importance: High

Cathlene,

See Bill's comments below that are in addition to the comments Susan Crawford. His biggest change is related to probation. I don't think I talked to you about that one yesterday. Feel free to call or e-mail with any questions, and thanks for all your work on this.

Jana

From: Grosshans, William J - DOC
Sent: Saturday, January 13, 2007 9:14 AM
To: Crawford, Susan - DOC; Steinmetz, Jana D - DOA
Cc: Streveler, Anthony J - DOC; Nikolay, Robert A - DOC; Champagne, Quala K - DOC
Subject: RE: LRB Draft: 07-1184/P2 GPS tracking of sex offenders
Importance: High

I agree with all of Susan's recommended changes below. These are my suggestions forward from where Susan ended:

- Sec. 7- recommend removal of the added language "...or a passive positioning system tracking devise...". This would allow the DOC to decide active or passive GPS.
- Sec. 8- recommend removal of the language "...or begins a period in which he or she is employed or carrying on a vocation...", and recommend removal of "...in which he or she is a student...". Persons who are transferred to WI from another jurisdiction through the interstate compact agreement will be placed on GPS while they are residing in WI. This is to include persons who are students at a state or private college or university or in a technical college if they reside in WI during their school term. Persons who reside in another state but travel to WI for work or school will be difficult to monitor as their phones will be in another state which will require our staff to travel across state lines to complete the hook-up. Further, if a person's home phone system became inoperable or the person, while at their out of state residence violated the rules of supervision, our P/P agents have no authority to actively take that offender into custody.
- Sec. 9- recommend changing the effective date to January 1, 2008. Further recommend removal of word "probation" in both places.
- Sec. 9309-recommend removal of "placed on probation". Further recommend that the effective date be changed to January 1, 2008.
- Sec. 9409-recommend changing the effective date to January 1, 2008
-

From: Crawford, Susan - DOC
Sent: Friday, January 12, 2007 4:59 PM
To: Steinmetz, Jana D - DOA
Cc: Streveler, Anthony J - DOC; Nikolay, Robert A - DOC; Grosshans, William J - DOC
Subject: RE: LRB Draft: 07-1184/P2 GPS tracking of sex offenders

Jana, here are changes we already discussed, plus some additional issues I have identified.

Sec. 1 - eliminated "lifetime tracking" definition. No offenders will have lifetime tracking, unless they have lifetime supervision. Duration of tracking will be until the offenders entirely discharges sentence, including extended

01/15/2007

supervision or parole.

Sec 2 - Change effective date to Jan 1, 2008, and change "lifetime tracking" to duration of supervision or conditional release or commitment, whichever term is most accurate.

Sec 3 - Eliminate entire provision for GPS for persons placed on probation.

Sec 4 - Change effective date to Jan 1 2008 per our discussion. Also, I'm concerned about the way this is worded because we don't want to have to maintain GPS on someone if they are revoked back to prison and the language could be read to require that (it says until "discharged from the ES or parole portion..." - that could happen after an intervening revocation). Can drafter reword to specify that the Dept must have the person tracked using GPS for as long as the person is on extended supervision or parole?

Sec 5 - OK

Sec 6 - Note that this is a continuation of Sec 2. New sec 301.48(a)5 should be deleted from this section. GPS should only be for duration of commitment, not post discharge.

That is as far as I can get today.

Susan

From: Steinmetz, Jana D - DOA

Sent: Friday, January 12, 2007 2:37 PM

To: Nikolay, Robert A - DOC; Crawford, Susan - DOC; Streveler, Anthony J - DOC; Grosshans, William J - DOC

Subject: FW: LRB Draft: 07-1184/P2 GPS tracking of sex offenders

Please review and offer comments by Monday.

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]

Sent: Friday, January 12, 2007 1:40 PM

To: Steinmetz, Jana D - DOA

Cc: Reines, Bruce - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA

Subject: LRB Draft: 07-1184/P2 GPS tracking of sex offenders

Following is the PDF version of draft 07-1184/P2.

Hanaman, Cathlene

From: Steinmetz, Jana D - DOA
Sent: Friday, January 12, 2007 5:01 PM
To: Hanaman, Cathlene
Subject: FW: LRB Draft: 07-1184/P2 GPS tracking of sex offenders

Cathlene,

Here are some of DOC's thoughts on the draft. I think we've discussed most if not all of it, but thought I'd forward this to you.

Thanks,
 Jana

From: Crawford, Susan - DOC
Sent: Friday, January 12, 2007 4:59 PM
To: Steinmetz, Jana D - DOA
Cc: Streveler, Anthony J - DOC; Nikolay, Robert A - DOC; Grosshans, William J - DOC
Subject: RE: LRB Draft: 07-1184/P2 GPS tracking of sex offenders

Jana, here are changes we already discussed, plus some additional issues I have identified.

Sec. 1 - eliminated "lifetime tracking" definition. No offenders will have lifetime tracking, unless they have lifetime supervision. Duration of tracking will be until the offenders entirely discharges sentence, including extended supervision or parole. *Supervised release - per Jana in phone call*

Sec 2 - Change effective date to Jan 1, 2008, and change "lifetime tracking" to duration of supervision or conditional release or commitment, whichever term is most accurate.

Sec 3 - Eliminate entire provision for GPS for persons placed on probation.

Sec 4 - Change effective date to Jan 1 2008 per our discussion. Also, I'm concerned about the way this is worded because we don't want to have to maintain GPS on someone if they are revoked back to prison and the language could be read to require that (it says until "discharged from the ES or parole portion..." - that could happen after an intervening revocation). Can drafter reword to specify that the Dept must have the person tracked using GPS for as long as the person is on extended supervision or parole?

Sec 5 - OK

Sec 6 - Note that this is a continuation of Sec 2. New sec 301.48(a)5 should be deleted from this section. GPS should only be for duration of commitment, not post discharge.

That is as far as I can get today.
 Susan

From: Steinmetz, Jana D - DOA
Sent: Friday, January 12, 2007 2:37 PM
To: Nikolay, Robert A - DOC; Crawford, Susan - DOC; Streveler, Anthony J - DOC; Grosshans, William J - DOC
Subject: FW: LRB Draft: 07-1184/P2 GPS tracking of sex offenders

Please review and offer comments by Monday.

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]
Sent: Friday, January 12, 2007 1:40 PM
To: Steinmetz, Jana D - DOA
Cc: Reines, Bruce - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA

01/15/2007

Subject: LRB Draft: 07-1184/P2 GPS tracking of sex offenders

Following is the PDF version of draft 07-1184/P2.