

# State of Wisconsin



2015 Assembly Bill 497

Date of enactment: **February 29, 2016**

Date of publication\*: **March 1, 2016**

## 2015 WISCONSIN ACT 156

AN ACT *to renumber and amend* 980.08 (4) (f); *to amend* 980.08 (4) (cm); and *to create* 980.01 (1e), 980.01 (1g), 980.01 (2m), 980.01 (3d), 980.01 (3g), 980.01 (3m), 980.01 (11), 980.08 (4) (em), 980.08 (4) (f) 2., 980.08 (4) (f) 3., 980.08 (4) (f) 4. and 980.135 of the statutes; **relating to:** residency requirements for sexually violent persons on supervised release.

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

**SECTION 1.** 980.01 (1e) of the statutes is created to read:

980.01 (1e) "Assisted living facility" has the meaning given in s. 101.123 (1) (ab).

**SECTION 2.** 980.01 (1g) of the statutes is created to read:

980.01 (1g) "Child care facility" means a child care facility that is operated by a person licensed under s. 48.65 or certified under s. 48.651 or that is established or contracted for under s. 120.13 (14).

**SECTION 3.** 980.01 (2m) of the statutes is created to read:

980.01 (2m) "Nursing home" has the meaning given in s. 50.01 (3).

**SECTION 4.** 980.01 (3d) of the statutes is created to read:

980.01 (3d) "Place of worship" means a church building where religious services are held.

**SECTION 5.** 980.01 (3g) of the statutes is created to read:

980.01 (3g) "Public park" means a park or playground that is owned or maintained by the state or by a city, village, town, or county.

**SECTION 6.** 980.01 (3m) of the statutes is created to read:

980.01 (3m) "School premises" has the meaning given in s. 948.61 (1) (c).

**SECTION 7.** 980.01 (11) of the statutes is created to read:

980.01 (11) "Youth center" means any center that provides, on a regular basis, recreational, vocational, academic, or social services activities for persons younger than 18 years old or for those persons and their families.

**SECTION 8.** 980.08 (4) (cm) of the statutes is amended to read:

980.08 (4) (cm) If the court finds that all of the criteria in par. (cg) are met, the court shall select a county to prepare a report under par. (e). Unless the court has good cause to select another county, the court shall select the person's county of residence as determined by the department under s. 980.105. An actual or alleged lack of available housing for the person within a county because of an ordinance or resolution in effect or proposed by the county or by a city, town, or village within the county may not constitute good cause to select another county under this paragraph. The court may not select a county where there is a facility in which persons committed to institutional care under this chapter are placed unless that county is also that person's county of residence.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 9.** 980.08 (4) (em) of the statutes is created to read:

980.08 (4) (em) The department shall consult with a local law enforcement agency having jurisdiction over any prospective residential option identified under par. (e) and shall request the law enforcement agency to submit a written report that provides information relating to the prospective residential option.

**SECTION 10.** 980.08 (4) (f) of the statutes is renumbered 980.08 (4) (f) (intro) and amended to read:

980.08 (4) (f) (intro.) The court shall direct the department to use any submissions under par. (d), the report submitted under par. (e), ~~or any report submitted under par. (em), and~~ other residential options identified by the department to prepare a supervised release plan for the person. The department shall search its victim database, and consult with the office of victim services in the department of corrections, the department of justice, and the county coordinator of victims and witnesses services in the county of intended placement, the county where the person was convicted, and the county of commitment to determine the identity and location of known and registered victims of the person's acts. The department shall prepare a supervised release plan that identifies the proposed residence. The supervised release plan shall be submitted to the court within 90 days of the finding under par. (cg). The court may grant extensions of this time period for good cause. The plan shall address do all of the following:

1. Address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. ~~The supervised release plan shall be submitted to the court within 90 days of the finding under par. (cg). The court may grant extensions of this time period for good cause.~~

**SECTION 11.** 980.08 (4) (f) 2. of the statutes is created to read:

980.08 (4) (f) 2. Ensure that the person's placement is into a residence that is not less than 1,500 feet from any school premises, child care facility, public park, place of worship, or youth center. A person is not in violation of a condition or rule of supervised release under sub. (7) (a) if any school premises, child care facility, public park, place of worship, or youth center is established within 1,500 feet from the person's residence after he or she is placed in the residence under this section.

**SECTION 12.** 980.08 (4) (f) 3. of the statutes is created to read:

980.08 (4) (f) 3. If the person committed a sexually violent offense against an adult at risk, as defined in s. 55.01 (1e), or an elder adult at risk, as defined in s. 46.90 (1) (br), ensure that the person's placement is into a residence that is not less than 1,500 feet from a nursing home or an assisted living facility. A person is not in violation of a condition or rule of supervised release under sub. (7) (a) if a nursing home or an assisted living facility is established within 1,500 feet from the person's residence after he or she is placed in the residence under this section.

**SECTION 13.** 980.08 (4) (f) 4. of the statutes is created to read:

980.08 (4) (f) 4. If the person is a serious child sex offender, ensure that the person's placement is into a residence that is not on a property adjacent to a property where a child's primary residence exists. For the purpose of this subdivision, adjacent properties are properties that share a property line without regard to a public or private road if the living quarters on each property are not more than 1,500 feet apart. A person is not in violation of a condition or rule of supervised release under sub. (7) (a) if a child establishes primary residence in a property adjacent to the person's residence after the person is placed in the residence under this section.

**SECTION 14.** 980.135 of the statutes is created to read:

**980.135 Local restrictions; limited exemption.** No county, city, town, or village may enforce an ordinance or resolution that restricts or prohibits a sex offender from residing at a certain location or that restricts or prohibits a person from providing housing to a sex offender against an individual who is released under s. 980.08 or against a person who provides housing to the individual so long as the individual is subject to supervised release under this chapter, the individual is residing where he or she is ordered to reside under s. 980.08, and the individual is in compliance with all court orders issued under this chapter.

**SECTION 16. Initial applicability.**

(1m) This act first applies to persons who have applied for supervised release under section 980.08 (4) of the statutes before the effective date of this subsection and whose supervised release is not authorized on the effective date of this subsection.