



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 594**

February 23, 1996 - Offered by Representatives KAUFERT, FOTI, HUBER and GOETSCH.

1 **AN ACT to renumber** 980.12; **to amend** 302.11 (1g) (b) 2., 980.06 (2) (b), 980.06
2 (2) (c), 980.08 (4) and 980.08 (5); and **to create** 301.03 (10g), 304.06 (1q), 980.01
3 (4m) and 980.12 (2) of the statutes; **relating to:** pharmacological treatment for
4 persons convicted of certain child sex offenses and certain persons found to be
5 sexually violent persons, and affecting parole.

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

6 **SECTION 1.** 301.03 (10g) of the statutes is created to read:
7 301.03 (10g) By the first day of the 37th month beginning after the effective
8 date of this subsection [revisor inserts date], submit a report to the legislature
9 under s. 13.172 (2) concerning the extent to which the department has required
10 pharmacological treatment using an antiandrogen or the chemical equivalent of an
11 antiandrogen as a condition of probation or parole and the effectiveness of the
12 treatment in the cases in which its use has been required.

13 **SECTION 2.** 302.11 (1g) (b) 2. of the statutes is amended to read:

1 302.11 **(1g)** (b) 2. Refusal by the inmate to participate in counseling or
2 treatment that the social service and clinical staff of the institution determines is
3 necessary for the inmate, including pharmacological treatment using an
4 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
5 child sex offender as defined in s. 304.06 (1q) (a).

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

7 304.06 **(1q)** (a) In this subsection, “serious child sex offender” means a person
8 who has been convicted of committing a crime specified in s. 948.02 (1) or (2) or
9 948.025 (1) against a child who had not attained the age of 13 years.

10 (b) The parole commission or the department may require as a condition of
11 parole that a serious child sex offender undergo pharmacological treatment using an
12 antiandrogen or the chemical equivalent of an antiandrogen. This paragraph does
13 not prohibit the department from requiring pharmacological treatment using an
14 antiandrogen or the chemical equivalent of an antiandrogen as a condition of
15 probation.

16 **SECTION 4.** 980.01 (4m) of the statutes is created to read:

17 980.01 **(4m)** “Serious child sex offender” means a person who has been
18 convicted, adjudicated delinquent or found not guilty or not responsible by reason of
19 insanity or mental disease, defect or illness for committing a violation of a crime
20 specified in s. 948.02 (1) or (2) or 948.025 (1) against a child who had not attained the
21 age of 13 years.

22 **SECTION 5.** 980.06 (2) (b) of the statutes is amended to read:

23 980.06 **(2)** (b) An order for commitment under this section shall specify either
24 institutional care in a secure mental health unit or facility, as provided under s.
25 980.065, or other facility or supervised release. In determining whether

1 commitment shall be for institutional care in a secure mental health unit or facility
2 or other facility or for supervised release, the court may consider, without limitation
3 because of enumeration, the nature and circumstances of the behavior that was the
4 basis of the allegation in the petition under s. 980.02 (2) (a), the person's mental
5 history and present mental condition, where the person will live, how the person will
6 support himself or herself, and what arrangements are available to ensure that the
7 person has access to and will participate in necessary treatment, including
8 pharmacological treatment using an antiandrogen or the chemical equivalent of an
9 antiandrogen if the person is a serious child sex offender. The department shall
10 arrange for control, care and treatment of the person in the least restrictive manner
11 consistent with the requirements of the person and in accordance with the court's
12 commitment order.

13 **SECTION 6.** 980.06 (2) (c) of the statutes is amended to read:

14 980.06 (2) (c) If the court finds that the person is appropriate for supervised
15 release, the court shall notify the department. The department and the county
16 department under s. 51.42 in the county of residence of the person shall prepare a
17 plan that identifies the treatment and services, if any, that the person will receive
18 in the community. The plan shall address the person's need, if any, for supervision,
19 counseling, medication, community support services, residential services, vocational
20 services, and alcohol or other drug abuse treatment. If the person is a serious child
21 sex offender, the plan shall address the person's need for pharmacological treatment
22 using an antiandrogen or the chemical equivalent of an antiandrogen. The
23 department may contract with a county department, under s. 51.42 (3) (aw) 1. d.,
24 with another public agency or with a private agency to provide the treatment and
25 services identified in the plan. The plan shall specify who will be responsible for

1 providing the treatment and services identified in the plan. The plan shall be
2 presented to the court for its approval within 21 days after the court finding that the
3 person is appropriate for supervised release, unless the department, county
4 department and person to be released request additional time to develop the plan.
5 If the county department of the person's county of residence declines to prepare a
6 plan, the department may arrange for another county to prepare the plan if that
7 county agrees to prepare the plan and if the person will be living in that county. If
8 the department is unable to arrange for another county to prepare a plan, the court
9 shall designate a county department to prepare the plan, order the county
10 department to prepare the plan and place the person on supervised release in that
11 county.

12 **SECTION 7.** 980.08 (4) of the statutes is amended to read:

13 980.08 (4) The court, without a jury, shall hear the petition within 30 days after
14 the report of the court-appointed examiner is filed with the court, unless the
15 petitioner waives this time limit. Expenses of proceedings under this subsection
16 shall be paid as provided under s. 51.20 (18). The court shall grant the petition unless
17 the state proves by clear and convincing evidence that the person is still a sexually
18 violent person and that it is still substantially probable that the person will engage
19 in acts of sexual violence if the person is not confined in a secure mental health unit
20 or facility. In making a decision under this subsection, the court may consider,
21 without limitation because of enumeration, the nature and circumstances of the
22 behavior that was the basis of the allegation in the petition under s. 980.02 (2) (a),
23 the person's mental history and present mental condition, where the person will live,
24 how the person will support himself or herself and what arrangements are available
25 to ensure that the person has access to and will participate in necessary treatment,

1 including pharmacological treatment using an antiandrogen or the chemical
2 equivalent of an antiandrogen if the person is a serious child sex offender.

3 **SECTION 8.** 980.08 (5) of the statutes is amended to read:

4 980.08 (5) If the court finds that the person is appropriate for supervised
5 release, the court shall notify the department. The department and the county
6 department under s. 51.42 in the county of residence of the person shall prepare a
7 plan that identifies the treatment and services, if any, that the person will receive
8 in the community. The plan shall address the person's need, if any, for supervision,
9 counseling, medication, community support services, residential services, vocational
10 services, and alcohol or other drug abuse treatment. If the person is a serious child
11 sex offender, the plan shall address the person's need for pharmacological treatment
12 using an antiandrogen or the chemical equivalent of an antiandrogen. The
13 department may contract with a county department, under s. 51.42 (3) (aw) 1. d.,
14 with another public agency or with a private agency to provide the treatment and
15 services identified in the plan. The plan shall specify who will be responsible for
16 providing the treatment and services identified in the plan. The plan shall be
17 presented to the court for its approval within 60 days after the court finding that the
18 person is appropriate for supervised release, unless the department, county
19 department and person to be released request additional time to develop the plan.
20 If the county department of the person's county of residence declines to prepare a
21 plan, the department may arrange for another county to prepare the plan if that
22 county agrees to prepare the plan and if the person will be living in that county. If
23 the department is unable to arrange for another county to prepare a plan, the court
24 shall designate a county department to prepare the plan, order the county

1 department to prepare the plan and place the person on supervised release in that
2 county.

3 **SECTION 9.** 980.12 of the statutes is renumbered 980.12 (1).

4 **SECTION 10.** 980.12 (2) of the statutes is created to read:

5 980.12 (2) By the first day of the 37th month beginning after the effective date
6 of this subsection [revisor inserts date], the department shall submit a report to
7 the legislature under s. 13.172 (2) concerning the extent to which pharmacological
8 treatment using an antiandrogen or the chemical equivalent of an antiandrogen has
9 been required as a condition of supervised release under s. 980.06 or 980.08 and the
10 effectiveness of the treatment in the cases in which its use has been required.

11 (END)