



State of Wisconsin
2003 - 2004 LEGISLATURE

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**SENATE AMENDMENT 2,
TO 2003 SENATE BILL 441**

March 4, 2004 – Offered by Senators DARLING, PLALE and MOORE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: after “release” insert “and creating a committee to make
3 recommendations regarding the location of a facility for the treatment of sexual
4 predators”.

5 **2.** Page 4, line 24: after that line insert:

6 **“SECTION 7m. Nonstatutory provisions.**

7 (1) In this section, “facility for children” means a public or private school, a
8 group home, as defined in section 48.02 (7) of the statutes, a residential care center
9 for children and youth, as defined in section 48.02 (15d) of the statutes, a shelter care
10 facility, as defined in section 48.02 (17) of the statutes, a foster home, as defined in
11 section 48.02 (6) of the statutes, a treatment foster home, as defined in section 48.02
12 (17q) of the statutes, a day care center licensed under section 48.65 of the statutes,
13 a day care program established under section 120.13 (14) of the statutes, a day care

1 provider certified under section 48.651 of the statutes, or a youth center, as defined
2 in section 961.01 (22) of the statutes.

3 (1m) (a) There is created a committee to assist the state in determining the
4 location for the facility enumerated in 2001 Wisconsin Act 16, section 9107 (1) (d) 1.,
5 that will be a transitional facility for the housing of persons committed to the custody
6 of the department of health and family services under chapter 980 of the statutes.

7 (b) The departments of corrections and health and family services shall provide
8 necessary administrative support services to the committee.

9 (c) The department of administration shall reimburse members of the
10 committee for their actual and necessary expenses incurred in carrying out their
11 functions, from the appropriation under section 20.505 (4) (ba) of the statutes, within
12 the budget authorized under section 16.40 (14) of the statutes.

13 (d) The members of the committee shall be:

14 1. The chairperson of the Milwaukee County board of supervisors or his or her
15 designee.

16 2. The chief of police of the city of Milwaukee or his or her designee.

17 3. The county executive of Milwaukee County or his or her designee.

18 4. The district attorney of Milwaukee County or his or her designee.

19 5. The mayor of the city of Milwaukee or his or her designee.

20 6. The sheriff of Milwaukee County or his or her designee.

21 7. One representative of the Milwaukee County Law Enforcement Executives
22 Association who is not from the city of Milwaukee.

23 8. One representative of the Intergovernmental Cooperation Council who is not
24 from the city of Milwaukee.

1 9. Three persons, other than elected officials, who are residents of Milwaukee
2 County but two of whom may not be residents of the city of Milwaukee, to be
3 appointed by the governor.

4 10. Four persons, other than elected officials, who are residents of Milwaukee
5 County, to be appointed as follows:

6 a. One by the speaker of the assembly and one by the majority leader of the
7 senate, appointed before the appointments in subdivision 10. b.

8 b. One by the minority leader of the assembly and one by the minority leader
9 of the senate. If the speaker of the assembly appointed a resident of the city of
10 Milwaukee, the minority leader of the assembly may not appoint a resident of the city
11 of Milwaukee. If the speaker of the assembly appointed a person who is not a resident
12 of the city of Milwaukee, the minority leader of the assembly may not appoint a
13 person who is not a resident of the city of Milwaukee. If the majority leader of the
14 senate appointed a resident of the city of Milwaukee, the minority leader of the
15 senate may not appoint a resident of the city of Milwaukee. If the majority leader
16 of the senate appointed a person who is not a resident of the city of Milwaukee, the
17 minority leader of the senate may not appoint a person who is not a resident of the
18 city of Milwaukee.

19 (e) The committee shall elect the chair of the committee from the individuals
20 appointed under paragraph (d) 9. and 10.

21 (em) No later than June 1, 2004, the department of health and family services
22 shall provide the committee an estimate of the maximum number of persons likely
23 to be placed in Milwaukee County on supervised release under section 980.06, 1997
24 stats., or section 980.08 of the statutes at any one time between that date and
25 February 1, 2009.

1 (f) The committee shall hold public hearings in Milwaukee County regarding
2 the selection of a location of the facility. The committee shall consider all of the
3 following factors when determining the criteria for the location of the facility or when
4 determining specific locations for the facility:

5 1. Community safety.

6 2. Proximity to sensitive locations.

7 3. Ability to make the facility secure.

8 4. Accessibility to treatment for the persons living in the facility.

9 5. Payments that may be made in lieu of property taxes.

10 6. Availability of tax incentives to a community to locate the facility within its
11 jurisdiction.

12 7. Proximity of the placement to all of the following:

13 a. The residence of other persons on supervised release.

14 b. The residence of persons who are in the custody of the department of
15 corrections and regarding whom a sex offender notification bulletin has been issued
16 to law enforcement agencies under section 301.46 (2m) (a) or (am) of the statutes.

17 c. Any facility for children of which the committee is aware.

18 d. Any residential subdivision.

19 (g) No later than December 31, 2004, the committee shall submit a report to
20 the departments of corrections and health and family services recommending at
21 least 3 specific locations that the committee determines are appropriate for the
22 placement of the facility. Each of the locations shall be suitable for the development
23 of a facility that can house at least the number of persons set forth in the estimate
24 submitted to the committee under paragraph (em). When considering locations, the

