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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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<b>2003 Wisconsin Act 187</b> [2003 Senate Bill 441]	<b>Sexually Violent Persons</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

2003 Wisconsin Act 187 makes the following changes regarding the civil commitment of a sexually violent person:

1. Current law defines a sexually violent person in part to mean a person who is dangerous because the person suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence. The Wisconsin Supreme Court has stated that the substantially probable standard means that the person is much more likely than not to be a person who will engage in acts of sexual violence. Act 187 amends the definition of a sexually violent person in part to mean a person who is dangerous because the person suffers from a mental disorder that makes it likely that the person will engage in acts of sexual violence.

2. In order to oppose a release or discharge of a sexually violent person from a civil commitment, the state must prove by clear and convincing evidence that it is still substantially probable that the civilly committed person will engage in acts of sexual violence if the person is not continued in institutional care. Act 187 provides that the state must prove by clear and convincing evidence either that: (a) it is still likely that the person will engage in acts of sexual violence if the person is not continued in institutional care; or (b) that the person has not demonstrated significant progress in his or her treatment or the person has refused treatment.

3. Act 187 creates a committee to assist the state in determining the location of a transitional facility for the housing of persons committed to the custody of the Department of Health and Family Services (DHFS) under the statutes regarding the civil commitment of sexually violent persons. No later than June 1, 2004, DHFS must provide the committee an estimate of the maximum number of persons likely to be placed in Milwaukee County on supervised release. The committee must hold public hearings in Milwaukee County regarding the selection of a location of the transitional facility. No later than December 31, 2004, the committee must submit a report to the Departments of Corrections and

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

Health and Family Services recommending at least three specific locations that the committee determines are appropriate for the placement of the facility.

***Effective Date:*** April 22, 2004.

***Prepared by:*** Ronald Sklansky, Senior Staff Attorney

April 15, 2004

RS:tlu