



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5029/1
CMH:amn

2021 ASSEMBLY BILL 704

November 12, 2021 - Introduced by Representatives SORTWELL, THIESFELDT and WICHGERS, cosponsored by Senators JACQUE and L. TAYLOR. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 980.01 (11) and 980.08 (6m); and *to create* 980.08 (6p) (b) and
2 (c) of the statutes; **relating to:** definition of youth center for purposes of placing
3 a sexually violent person on supervised release and notification requirements
4 for such placements.

Analysis by the Legislative Reference Bureau

Under current law, a person who has been found to be a sexually violent person may be involuntarily committed to the Department of Health Services for control, care, and treatment. If a person is committed and placed in institutional care, the person may periodically petition the court for supervised release into the community. If a court determines that supervised release is appropriate, current law prohibits placing the sexually violent person within 1,500 feet of a school, child care facility, place of worship, park, or youth center. Under current law, a “youth center” is defined as a center that regularly provides recreational, vocational, academic, or social services activities for persons under 18. This bill adds that “youth center” also includes private property on which recreational, vocational, academic, or social services activities are regularly provided for persons under 18.

Under current law, once the court approves a residence as part of a supervised release plan, the court must notify law enforcement agencies with jurisdiction that a person will be placed on supervised release. The bill requires the law enforcement agencies to, at least 10 working days before the person is placed, provide written notice of the placement to all private residences within 1,500 feet of the approved residence. The notice must include the name, approved residence address, and a

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recent picture of the person; all sexually violent offenses for which the person was convicted, found not guilty by reason of mental disease or defect, or adjudicated delinquent; conditions or rules of the person's supervised release; and methods by which persons may report suspected violations of a condition or rule of the person's supervised release. Finally, under the bill, DHS must reimburse local governments for the costs incurred for providing such notice.

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.** 980.01 (11) of the statutes is amended to read:

2 980.01 **(11)** "Youth center" means any center that provides or any private
3 property on which are provided, on a regular basis, recreational, vocational,
4 academic, or social services activities for persons younger than 18 years old or for
5 those persons and their families.

6 **SECTION 2.** 980.08 (6m) of the statutes is amended to read:

7 980.08 **(6m)** An order for supervised release places the person in the custody
8 and control of the department. The department shall arrange for control, care and
9 treatment of the person in the least restrictive manner consistent with the
10 requirements of the person and in accordance with the plan for supervised release
11 approved by the court under sub. (4) (g). A person on supervised release is subject
12 to the conditions set by the court and to the rules of the department. Within 10 days
13 of imposing a rule, the department shall file with the court any additional rule of
14 supervision not inconsistent with the rules or conditions imposed by the court. If the
15 department wants to change a rule or condition of supervision imposed by the court,
16 the department must obtain the court's approval.

17 **(6p) (a)** Before a person is placed on supervised release by the court under this
18 section, the court shall so notify the municipal police department and county sheriff

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1 for the municipality and county in which the person will be residing. The notification
2 requirement under this subsection paragraph does not apply if a municipal police
3 department or county sheriff submits to the court a written statement waiving the
4 right to be notified.

5 **SECTION 3.** 980.08 (6p) (b) and (c) of the statutes are created to read:

6 980.08 **(6p)** (b) At least 10 working days before the person is placed on
7 supervised release, a police chief or sheriff that is entitled to receive notice under par.
8 (a) shall provide written notice to any private residence that is within 1,500 feet of
9 the approved residence of the person being placed on supervised release. The notice
10 shall include all of the following:

11 1. The name of the person, the address of the approved residence, and a recent
12 picture of the person.

13 2. Any sexually violent offense for which the person was convicted; found not
14 guilty of, or not responsible for, by reason of insanity or mental disease, defect, or
15 illness; or adjudicated delinquent.

16 3. All conditions and rules of the person's supervised release.

17 4. Methods by which persons may report a suspected violation of a condition
18 or rule of the person's supervised release.

19 (c) The department shall reimburse a local government for costs incurred for
20 providing notice under par. (a).

21 **SECTION 4. Initial applicability.**

22 (1) This act first applies to court orders under s. 980.08 (4) (dm) 1. made on the
23 effective date of this subsection.

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(END)