

1 **AN ACT** *to amend* 980.01 (8), 980.065 (1r), 980.08 (4) (cg) 1. and 980.08 (9) (a) of
 2 the statutes; **relating to:** criteria for supervised release from commitment as sexually
 3 violent persons under ch. 980, placement of females committed as sexually violent
 4 persons, and permitted outings under direct supervision for individuals on supervised
 5 release from commitment.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Supervised Release and Discharge of Sexually Violent Persons.

Chapter 980 of the Wisconsin statutes provides a statutory scheme for the involuntary civil commitment of individuals who have completed their criminal sentences and are determined to be “sexually violent persons”. In general, a sexually violent person (SVP) is an individual who has been convicted of a sexually violent offense and who is dangerous because he or she suffers from a mental disorder that makes it likely the person will engage in future acts of sexual violence. Current law contains provisions for the discharge or supervised release of individuals committed under ch. 980.

This draft makes several changes to the supervised release provisions of ch. 980. The draft amends one of the 5 criteria which a committed person must show before a court may grant supervised release. The amended criterion provides that a committed person must be participating in certain treatment or demonstrating certain changes in thoughts and understanding regarding his or her behaviors and arousal, rather than providing that the committed person must show that he already participated in the treatment or demonstrated the changes. The draft also expands the list of facilities at which DHS may place a female SVP and expands the list of activities for which a committed person on supervised release may leave his or her residence under direct supervision of a department of corrections (DOC) escort.

COMMENT: The draft contains recommendations submitted by the Wisconsin department of health services (DHS), which were discussed

by committee members at the October 4, 2012 meeting of the special committee.

1 **SECTION 1.** 980.01 (8) of the statutes is amended to read:

2 980.01 (8) “Significant progress in treatment” means that the person ~~has done~~ is doing
3 all of the following:

4 (a) Meaningfully ~~participated~~ participating in the treatment program specifically
5 designed to reduce his or her risk to reoffend offered at a facility described under s. 980.065.

6 (b) ~~Participated~~ Participating in the treatment program at a level that ~~was~~ is sufficient
7 to allow the identification of his or her specific treatment needs and ~~then demonstrated~~
8 demonstrating, through overt behavior, a willingness to work on addressing the specific
9 treatment needs.

10 (c) ~~Demonstrated~~ Demonstrating an understanding of the thoughts, attitudes, emotions,
11 behaviors, and sexual arousal linked to his or her sexual offending and an ability to identify
12 when the thoughts, emotions, behaviors, or sexual arousal occur.

13 (d) ~~Demonstrated~~ Demonstrating sufficiently sustained change in the thoughts,
14 attitudes, emotions, and behaviors and sufficient management of sexual arousal such that one
15 could reasonably assume that, with continued treatment, the change could be maintained.

NOTE: Revises the definition of “significant progress in treatment” to specify that the individual must be participating in treatment programs at a sufficient level and demonstrating the requisite behavior, understanding, and changes, rather than specifying that the individual has already participated in the treatment or has already demonstrated these behaviors, understandings, and changes.

Under current law, a committed individual must meet 5 specified criteria before a court may grant him supervised release. One of the criteria requires that the individual has made “significant progress in treatment” and that the progress can be sustained while on supervised release. Because the draft revises the definition of “significant progress in treatment”, a committed individual must currently be engaged in or working towards the requirements set forth in the definition to meet the

criterion for supervised release. A corresponding revision is made in SECTION 3.

1 **SECTION 2.** 980.065 (1r) of the statutes is amended to read:

2 980.065 (1r) Notwithstanding sub. (1m), the department may place a female person
3 committed under s. 980.06 at Mendota Mental Health Institute, Wisconsin Women's Resource
4 Center, Winnebago Mental Health Institute, or a privately operated residential facility under
5 contract with the department of health services.

NOTE: Expands the list of facilities at which DHS may place a female committed as an SVP to include the Wisconsin Women's Resource Center.

6 **SECTION 3.** 980.08 (4) (cg) 1. of the statutes is amended to read:

7 980.08 (4) (cg) 1. The person ~~has made~~ is making significant progress in treatment and
8 the person's progress can be sustained while on supervised release.

NOTE: Revises one of the 5 criteria a committed individual must meet before being granted supervised release to require that the individual is making significant progress in treatment, rather than requiring that the individual has made significant progress in treatment.

9 **SECTION 4.** 980.08 (9) (a) of the statutes is amended to read:

10 980.08 (9) (a) As a condition of supervised release granted under this chapter, for the
11 first year of supervised release, the court shall restrict the person on supervised release to the
12 person's ~~home~~ residence except for outings approved by the department that are under the
13 direct supervision of a department of corrections escort and that are for employment or
14 volunteer purposes, for religious purposes, educational purposes, treatment and exercise
15 purposes, supervision purposes, residence maintenance, or for caring for the person's basic
16 living needs.

NOTE: Expands the list of activities for which a committed individual on supervised release may leave his or her residence under direct supervision of a DOC escort and requires that all outings be approved by

DHS. Specifically, in addition to existing purposes, the draft provides that a committed individual may leave his or her residence for volunteer, educational, treatment, exercise or supervision purposes, or for maintenance of his residence. The draft also replaces use of the term "home", with the term "residence".

1

(END)