



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3942/1
CMH:cdc

2019 ASSEMBLY BILL 947

February 24, 2020 - Introduced by Representative SINICKI. Referred to Committee on Corrections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 980.08 (4) (dm) 1. (intro.), 980.08 (4) (dm) 1.
2 a., b. and c. and 980.08 (4) (dm) 3.; *to amend* 980.08 (6m); and *to create* 301.48
3 (3) (e), 980.08 (4) (dm) 1c. and 1e., 980.08 (4) (dm) 3. b., 980.08 (6p) (b), (c), (d)
4 and (e), 980.08 (5) and 980.08 (6r) of the statutes; **relating to:** placement of
5 sexually violent persons on supervised release.

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. If a court determines that supervised release is appropriate, the court must order the person's county of residence to prepare a report that identifies one appropriate residence for the person. Under this bill, the county must notify all state senators and assembly members, as well as mayors, who represent districts in which the person may be placed. Additionally, while preparing the report, this bill requires the county to hold a public hearing and provide notice of the hearing to persons who reside in areas in which the person may be placed and to local elected officials, including school board members, who represent areas in which the person may be placed. If an attendee objects to a proposed residence or area, the committee must review the objection. The bill also prohibits using a residence that is adjacent to or shares an aldermanic district with another residence of a person on supervised release or using the same

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residence for housing persons on supervised release for a total of more than three years.

Under current law, once the court approves a residence as part of a supervised release plan, the court must notify law enforcement agencies that a person will be placed on supervised release. The bill requires the law enforcement agencies to, at least ten working days before the person is placed, mail notification of the placement to community members. The community members entitled to receive notification under the bill are based on the assessment by the law enforcement agency of what best protects the public. Also, under the bill, at least five days before the person is placed, DHS must hold a public hearing in the neighborhood of placement. A representative from DHS and a representative from the Department of Corrections must attend the meeting to answer questions.

The bill requires quarterly meetings, with representatives from DHS and DOC, to update residents and to hear complaints, answer questions, and address issues and requires DHS to appoint a person to be a local point of contact liaison while the person is on supervised release. The bill also requires DHS to ensure that residences housing persons on supervised release are maintained and that no person on supervised release is housed in a residence that is owned or managed by a person who has more than five ordinance or code violations involving building or property maintenance standards. Under the bill, DHS must reimburse local governments that incur policing costs due to the placement of a person on supervised release.

Under current law, persons on supervised release are tracked using global positioning system tracking monitored by DOC. The bill requires DOC to create a plan for responding to GPS alerts that the person has violated a condition of release. The plan must include notification to persons who reside within a specified radius of the person on supervised release, the level of response needed for an alert, and a specific response time for an alert given the location of the person and the size of the law enforcement community.

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.** 301.48 (3) (e) of the statutes is created to read:
2 301.48 (3) (e) For each tracked person on supervised release, the department
3 shall create a plan for responding to alerts that the person has improperly stayed in
4 an exclusion zone or improperly left an inclusion zone or for other alerts regarding
5 the person. The plan shall include a plan for notifying of an alert persons who reside
6 within a specified radius of the person on supervised release, the level of response

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1 needed for an alert, and a specific response time for an alert that is appropriate given
2 the location of the person and the size of the law enforcement community with
3 jurisdiction over the residence of the person on supervised release.

4 **SECTION 2.** 980.08 (4) (dm) 1. (intro.) of the statutes is renumbered 980.08 (4)
5 (dm) 1. and amended to read:

6 980.08 (4) (dm) 1. If the court finds that all of the criteria in par. (cg) are met,
7 the court shall order the county of the person's residence, as determined by the
8 department of health services under s. 980.105, to prepare a report.

9 1b. The county shall create a temporary committee to prepare the report ~~for the~~
10 ~~county.~~ The committee shall consist of the county department under s. 51.42, a
11 representative of the department of health services, a local probation or parole
12 officer, the county corporation counsel or his or her designee, and a representative
13 of the county that is responsible for land use planning or the department of the
14 county that is responsible for land information.

15 1f. In the report, the county shall identify an appropriate residential option in
16 that county while the person is on supervised release. In counties with a population
17 of 750,000 or more, the committee shall select a residence in the person's city, village,
18 or town of residence, as determined by the department of health services under s.
19 980.105 (2m). The report shall demonstrate that the county has contacted the
20 landlord for that residential option and that the landlord has committed to enter into
21 a lease. The county may not select a residential option that is adjacent to or that
22 shares an aldermanic district with a residence housing another person on supervised
23 release or a residential option that has been used as a residence under this section
24 for a total period of more than 3 years. The county shall, when identifying an
25 appropriate residential option, do all of the following:

ASSEMBLY BILL 947**SECTION 3**

1 **SECTION 3.** 980.08 (4) (dm) 1. a., b. and c. of the statutes are renumbered 980.08
2 (4) (dm) 1f. a., b. and c., and 980.08 (4) (dm) 1f. c., as renumbered, is amended to read:

3 980.08 (4) (dm) 1f. c. If the person is a serious child sex offender, ensure that
4 the person's placement is into a residence that is not on a property adjacent to a
5 property where a child's primary residence exists. For the purpose of this
6 subdivision, adjacent properties are properties that share a property line without
7 regard to a public or private road or agricultural corridor if the living quarters on
8 each property are not more than 1,500 feet apart. A person is not in violation of a
9 condition or rule of supervised release under sub. (7) (a) if a child establishes primary
10 residence in a property adjacent to the person's residence after the person is placed
11 in the residence under this section.

12 **SECTION 4.** 980.08 (4) (dm) 1c. and 1e. of the statutes are created to read:

13 980.08 (4) (dm) 1c. As soon as practically possible after the county receives the
14 order under subd. 1., the county shall notify all state senators and assembly
15 members who represent districts in which the person may be placed, as well as
16 mayors and, for 1st class cities, alderpersons who represent cities in which the
17 person may be placed.

18 1e. When preparing the report, the committee shall hold a public hearing and
19 provide notice of the hearing, no later than 48 hours before the hearing is scheduled
20 to occur, to persons who reside in areas in which the person may be placed and to local
21 elected officials and school board members who represent areas in which the person
22 may be placed. At the hearing, if an attendee objects to a proposed residence or area
23 where a person may be placed, the committee shall review the objection and respond
24 to the attendee. If the objection indicates that the proposed placement may violate

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1 a law, the committee shall determine whether it needs to propose a different
2 residence or area to comply with the law.

3 **SECTION 5.** 980.08 (4) (dm) 3. of the statutes is renumbered 980.08 (4) (dm) 3.
4 (intro.) and amended to read:

5 980.08 (4) (dm) 3. (intro.) To assist the county in identifying appropriate
6 residential options for the report, within 30 days after the court orders the county to
7 prepare the report, the department of health services shall determine do all of the
8 following:

9 a. Determine the identity and location of known and registered victims of the
10 person's acts by searching its victim database and consulting with the office of victim
11 services in the department of corrections, the department of justice, and the county
12 coordinator of victims and witnesses services in the county of intended placement,
13 the county where the person was convicted, and the county of commitment. ~~The~~

14 c. If the county may consult consults with the department of health services on
15 other matters while preparing the report ~~and the department of health services~~
16 ~~shall,~~ respond to the county within 10 days.

17 **SECTION 6.** 980.08 (4) (dm) 3. b. of the statutes is created to read:

18 980.08 (4) (dm) 3. b. Share with the county the address of any residence in the
19 county that is occupied by a person on supervised release.

20 **SECTION 7.** 980.08 (6m) of the statutes is amended to read:

21 980.08 (6m) An order for supervised release places the person in the custody
22 and control of the department. The department shall arrange for control, care and
23 treatment of the person in the least restrictive manner consistent with the
24 requirements of the person and in accordance with the plan for supervised release
25 approved by the court under sub. (4) (g). A person on supervised release is subject

ASSEMBLY BILL 947**SECTION 7**

1 to the conditions set by the court and to the rules of the department. Within 10 days
2 of imposing a rule, the department shall file with the court any additional rule of
3 supervision not inconsistent with the rules or conditions imposed by the court. If the
4 department wants to change a rule or condition of supervision imposed by the court,
5 the department must obtain the court's approval.

6 **(6p)(a)** Before a person is placed on supervised release by the court under this
7 section, the court shall so notify the municipal police department and county sheriff
8 for the municipality and county in which the person will be residing. The notification
9 requirement under this ~~subsection~~ paragraph does not apply if a municipal police
10 department or county sheriff submits to the court a written statement waiving the
11 right to be notified.

12 **SECTION 8.** 980.08 (6p) (b), (c), (d) and (e) of the statutes are created to read:

13 980.08 **(6p)** (b) At least 10 working days before the person is placed on
14 supervised release, a police chief or sheriff that is entitled to receive notice under par.
15 (a) shall mail notice to members of the community in which the person will be
16 residing. The members entitled to receive notice shall be based on the assessment
17 of the police chief or sheriff of what best protects the public.

18 (c) At least 5 working days before a person is placed on supervised release under
19 this section, the department shall hold a public hearing in the neighborhood in which
20 the person will be residing. The department shall provide notice of the hearing no
21 later than 48 hours before the hearing is scheduled to occur. A representative from
22 the department of health services and a representative from the department of
23 corrections shall attend the hearing to answer questions. At the hearing, the
24 department of corrections shall share the plan created under s. 301.48 (3) (e).

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1 (d) At least 10 working days before a person is placed on supervised release,
2 the department shall organize a committee that includes a representative from the
3 department and a representative from the department of corrections. The committee
4 shall, for the duration of the period the person is on supervised release, hold public
5 meetings at least quarterly to update residents and to hear complaints, answer
6 questions, and address issues. Notice shall be provided at least 5 days before each
7 meeting and shall be given to members of the community, local law enforcement
8 agencies, local elected officials, and any other person who requests notification.

9 (e) For each person on supervised release, the department, working with the
10 county of residence, shall appoint a person to be a local point-of-contact liaison for
11 the duration of the period the person is on supervised release. If a person contacts
12 the liaison, the liaison shall respond via electronic mail, phone, or in person within
13 24 hours.

14 **SECTION 9.** 980.08 (5) of the statutes is created to read:

15 980.08 (5) The department shall ensure that any residence that houses a
16 person on supervised release is maintained and shall ensure that no person on
17 supervised release is housed in a residence that is owned or managed by a person who
18 has more than 5 ordinance or building code violations involving building or property
19 maintenance standards.

20 **SECTION 10.** 980.08 (6r) of the statutes is created to read:

21 980.08 (6r) The department shall reimburse a local government for actual
22 policing costs the local government incurs due to the placement of a person on
23 supervised release within the boundaries of the local government.

24 **SECTION 11. Initial applicability.**

