State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1775/1
CMH:amn&wlj

2017 BILL

AN ACT ***to amend*** 980.08 (4) (e), 980.08 (4) (em) and 980.08 (4) (f) (intro.) of the statutes; **relating to:** plans for placement of a sexually violent person 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, DHS must prepare for the court a supervised release plan for the person. Before preparing the plan, current law requires DHS to consult with a local law enforcement agency with jurisdiction over the prospective residential option. This bill requires DHS to also notify and, upon their request, consult with the district attorney and pertinent local governmental units in the county of intended placement. In addition, under the bill, if a proposed residence was previously proposed but rejected for placement of a person on supervised release, DHS must include in the plan an explanation for why the residence was rejected.

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:

SECTION 1. 980.08 (4) (e) of the statutes is amended to read:

980.08 **(4)** (e) The court shall order the county department under s. 51.42 in the county of intended placement to prepare a report, either independently or with the department of health services, identifying prospective residential options for community placement. In identifying prospective residential options, the county department shall consider the proximity of any potential placement to the residence of other persons on supervised release and to the residence of persons who are in the custody of the department of corrections and regarding whom a sex offender notification bulletin has been issued to law enforcement agencies under s. 301.46 (2m) (a) or (am). <u>The county department shall also consider the proximity of any potential placement to businesses.</u> The county department shall submit its report to the department within 60 days following the court order.

SECTION 2. 980.08 (4) (em) of the statutes is amended to read:

980.08 **(4)** (em) <u>As soon as practicable following the identification of any prospective residential option under par. (e), the department shall notify the district attorney, any law enforcement agency having jurisdiction over a prospective residential option, and all local governmental units containing a prospective residential option.</u> The department shall consult with a local law enforcement agency having jurisdiction over any prospective residential option identified under par. (e) and <u>shall, upon request of the district attorney or a local governmental unit, consult with the district attorney and the local governmental unit containing a prospective residential option. The department</u> shall request the law enforcement agency to submit a written report that provides information relating to the prospective residential option. <u>If the department is consulting with a district attorney or local governmental unit under this paragraph, the district attorney or</u>

local governmental unit may submit a written report that provides information relating to the prospective residential option.

SECTION 3. 980.08 (4) (f) (intro.) of the statutes is amended to read:

980.08 **(4)** (f) (intro.) The court shall direct the department to use any submissions under par. (d), the report submitted under par. (e), any information provided or report submitted under par. (em), and other residential options identified by the department to prepare a supervised release plan for the person. The department shall search its victim database, and consult with the office of victim services in the department of corrections, the department of justice, and the county coordinator of victims and witnesses services in the county of intended placement, the county where the person was convicted, and the county of commitment to determine the identity and location of known and registered victims of the person's acts. The department shall prepare a supervised release plan that identifies the proposed residence. If the proposed residence had been previously proposed for placement of a person on supervised release but no placement was made, the department shall provide an explanation for why the placement was not made. The supervised release plan shall be submitted to the court within 90 days of the finding under par. (cg). The court may grant extensions of this time period for good cause. The plan shall do all of the following:

SECTION 4. Initial applicability.

(1) This act first applies to findings under section 980.08 (4) (cg) of the statutes made on the effective date of this subsection.

(END)