

TO: Legislative Colleagues
FROM: Senators Feyen and Testin; Representatives Schraa and Krug
DATE: January 9th, 2019
RE: Co-sponsorship of LRB-1299/1, relating to: applicability of 2017 Wisconsin Act 184
Deadline: Friday, January 18th, 2019 at 5 pm

Last session the Legislature passed a bill that requires sexually violent persons to be placed in their county of origin upon release. This bill was signed into law as 2017 WI Act 184.

Unfortunately, a Racine County Judge misinterpreted the legislative intent of the word "pending" in 2017 WI Act 184.

This bill clarifies that if a plan for supervised release has not been approved yet, then the sexually violent person must return to their county of origin. This bill is intended to reassert the legislative intent of Act 184 and ensure that sexually violent persons return to their county of origin.

Analysis by the Legislative Reference Bureau

2017 Wisconsin Act 184 modified the procedure for determining placement of sexually violent persons on supervised release. One change required the court to order the person's county of residence to prepare a report identifying appropriate residential options for the person. Prior law had allowed the court, with good cause, to choose another county to prepare the report. The effect of this change was that the person could not be placed in a county that was not his or her county of residence. The changes made in 2017 Wisconsin Act 184 applied to any petition for supervised release that was pending as of March 30, 2018.

This bill clarifies that a petition for supervised release was pending if the court had not yet approved a plan for supervised release.

This bill also requires the Department of Health Services to identify any person on supervised release whose residence or proposed residence is not in his or her county of residence and whose plan for supervised release had not been approved as of March 30, 2018. If DHS identifies any such person, DHS must notify the court, and the court must revoke the person's supervised release and order the person's county of residence to prepare a new report.