



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3881/1
PJH:jld&wlj

2015 SENATE BILL 409

December 3, 2015 – Introduced by Senators WANGGAARD, S. FITZGERALD, GUDEx, MOULTON and LAZICH, cosponsored by Representatives BORN, TITTL, JAGLER, KREMER, T. LARSON, MURPHY, J. OTT, SKOWRONSKI, SWEARINGEN, VORPAGEL, QUINN and BERNIER. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to renumber and amend** 980.08 (4) (f); and **to create** 980.01 (1e), 980.01
2 (1g), 980.01 (2m), 980.01 (3m), 980.01 (11), 980.08 (4) (em), 980.08 (4) (f) 2.,
3 980.08 (4) (f) 3. and 980.08 (4) (f) 4. of the statutes; **relating to:** residency
4 requirements for sexually violent persons on supervised release.

Analysis by the Legislative Reference Bureau

This bill makes changes to the procedure for releasing certain violent sex offenders into the community. Under current law, a person who commits certain sex offenses may be involuntarily committed as a sexually violent person to the Department of Health Services (DHS) 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 authorizes the person, the person's attorney, the district attorney, any law enforcement agency in the county of intended placement, and any local governmental unit in the county of intended placement to submit to DHS prospective residential options for community placement. Current law requires DHS and the county in which the person is to be placed to prepare a plan that identifies potential sites for the person to reside, taking into consideration the options submitted.

This bill requires DHS to consult with a local law enforcement agency that has jurisdiction over any prospective residential option identified by DHS or the county and to request the law enforcement agency to submit a written report that provides information on the prospective residential option. The bill requires DHS to take into

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consideration the written report of the law enforcement agency to determine where the victims of the person live, and to ensure that any potential residential placement of the person meets certain guidelines.

Under the bill, no sexually violent person generally may be placed in a residence within 1,500 feet of any school, child care facility, youth center, place of worship, or public park. If the person committed a sexually violent offense against a child, he or she may not be placed in a residence in a property adjacent to a property where a child resides. If the person committed a sexually violent offense against an elderly or disabled person, he or she may not be placed in a residence within 1,500 feet of a nursing home or other assisted living facility.

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

1 **SECTION 1.** 980.01 (1e) of the statutes is created to read:

2 980.01 **(1e)** “Assisted living facility” has the meaning given in s. 101.123 (1)
3 (ab).

4 **SECTION 2.** 980.01 (1g) of the statutes is created to read:

5 980.01 **(1g)** “Child care facility” means a child care facility that is operated by
6 a person licensed under s. 48.65 or certified under s. 48.651 or that is established or
7 contracted for under s. 120.13 (14).

8 **SECTION 3.** 980.01 (2m) of the statutes is created to read:

9 980.01 **(2m)** “Nursing home” has the meaning given in s. 50.01 (3).

10 **SECTION 4.** 980.01 (3m) of the statutes is created to read:

11 980.01 **(3m)** “School premises” has the meaning given in s. 948.61 (1) (c).

12 **SECTION 5.** 980.01 (11) of the statutes is created to read:

13 980.01 **(11)** “Youth center” means any center that provides, on a regular basis,
14 recreational, vocational, academic, or social services activities for persons younger
15 than 18 years old or for those persons and their families.

16 **SECTION 6.** 980.08 (4) (em) of the statutes is created to read:

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1 980.08 (4) (em) The department shall consult with a local law enforcement
2 agency having jurisdiction over any prospective residential option identified under
3 par. (e) and shall request the law enforcement agency to submit a written report that
4 provides information relating to the prospective residential option.

5 **SECTION 7.** 980.08 (4) (f) of the statutes is renumbered 980.08 (4) (f) (intro) and
6 amended to read:

7 980.08 (4) (f) (intro.) The court shall direct the department to use any
8 submissions under par. (d), the report submitted under par. (e), ~~or any report~~
9 submitted under par. (em), and other residential options identified by the
10 department to prepare a supervised release plan for the person. The department
11 shall search its victim database, and consult with the office of victim services in the
12 department of corrections, the department of justice, and the county coordinator of
13 victims and witnesses services in the county of intended placement, the county
14 where the person was convicted, and the county of commitment to determine the
15 identity and location of known and registered victims of the person's acts. The
16 department shall prepare a supervised release plan that identifies the proposed
17 residence. The supervised release plan shall be submitted to the court within 90 days
18 of the finding under par. (cg). The court may grant extensions of this time period for
19 good cause. The plan shall address do all of the following:

20 1. Address the person's need, if any, for supervision, counseling, medication,
21 community support services, residential services, vocational services, and alcohol or
22 other drug abuse treatment. ~~The supervised release plan shall be submitted to the~~
23 ~~court within 90 days of the finding under par. (cg). The court may grant extensions~~
24 ~~of this time period for good cause.~~

25 **SECTION 8.** 980.08 (4) (f) 2. of the statutes is created to read:

