

State of Wisconsin



2019 Senate Bill 60

Date of enactment:
Date of publication*:

2019 WISCONSIN ACT

AN ACT *to amend* 980.08 (4) (dm) 1. (intro.), 980.08 (4) (dm) 1. a., b. and c. and 980.08 (4) (dm) 4. of the statutes; and *to affect* 2017 Wisconsin Act 184, section 9320 (1); **relating to:** applicability of 2017 Wisconsin Act 184; time frame for reports for sexually violent persons petitioning for supervised release; and placement of sexually violent persons on supervised release.

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

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

980.08 (4) (dm) 1. (intro.) If the court finds that all of the criteria in par. (cg) are met, the court shall order the county of the person's residence, as determined by the department of health services under s. 980.105, to prepare a report. The county shall create a temporary committee to prepare the report for the county. The committee shall consist of the county department under s. 51.42, a representative of the department of health services, a local probation or parole officer, the county corporation counsel or his or her designee, ~~and a representative of the county that is responsible for land use planning or the department of the county that is responsible for land information, and, after a city, village, or town is selected under this subdivision, the chief executive officer, or his or her designee, of that city, village, or town.~~ In the report, the county shall identify an appropriate residential option in that county while the person is on supervised release. In counties with a population of 750,000 or more, the committee shall select a residence in the person's city, village, or town of residence, as determined by the department of health services under s. 980.105 (2m).

The report shall demonstrate that the county has contacted the landlord for that residential option and that the landlord has committed to enter into a lease. The county shall consider the following factors when identifying an appropriate residential option:

SECTION 2. 980.08 (4) (dm) 1. a., b. and c. of the statutes are amended to read:

980.08 (4) (dm) 1. a. ~~Ensure that~~ The distance between the person's placement is ~~into a residence that is not less than 1,500 feet from~~ and any school premises, child care facility, public park, place of worship, or youth center. A person is not in violation of a condition or rule of supervised release under sub. (7) (a) if any school premises, child care facility, public park, place of worship, or youth center is established ~~within 1,500 feet from~~ near the person's residence after he or she is placed in the residence under this section.

b. If the person committed a sexually violent offense against an adult at risk, as defined in s. 55.01 (1e), or an elder adult at risk, as defined in s. 46.90 (1) (br), ~~ensure that~~ the distance between the person's placement is ~~into a residence that is not less than 1,500 feet from~~ and a nursing home or an assisted living facility. A person is not in violation of a condition or rule of supervised release under sub. (7) (a) if a nursing home or an assisted living

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

facility is established within 1,500 feet from near the person's residence after he or she is placed in the residence under this section.

c. If the person is a serious child sex offender, ~~ensure that the distance between the person's placement is into a residence that is not on a property adjacent to and a property where a child's primary residence exists. For the purpose of this subdivision, adjacent properties are properties that share a property line without regard to a public or private road if the living quarters on each property are not more than 1,500 feet apart.~~ A person is not in violation of a condition or rule of supervised release under sub. (7) (a) if a child establishes primary residence in a property ~~adjacent to~~ near the person's residence after the person is placed in the residence under this section.

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

980.08 (4) (dm) 4. The county shall submit its report to the department of health services within ~~120~~ 180 days following the court order. ~~A- Unless a court, upon the county's request, determines that the county is making a good faith effort to conform to the deadline, a~~ county that does not submit its report within ~~120~~ 180 days violates the person's rights under s. 51.61, and each day that the county does not submit the report after the ~~120~~ 180 days have expired constitutes a separate violation under s.

51.61. Notwithstanding s. 51.61 (7), any damages beyond costs and reasonable actual attorney fees recovered by the person for a violation shall be deposited into the appropriation account under s. 20.435 (2) (gz).

SECTION 4. 2017 Wisconsin Act 184, section 9320 (1) is amended to read:

[2017 Wisconsin Act 184] Section 9320 (1) SUPERVISED RELEASE. The treatment of sections 20.435 (2) (gz), 51.61 (1) (z), 980.08 (4) (cm), (d), (dm) 3., (e), (em), (f) (intro.), 1., 2., 3., and 4., and (g) and (5m), and 980.105 (2) and (2m) (intro.) of the statutes and SECTION 9120 (1) of this act first apply to petitions pending under section 980.08 of the statutes on the effective date of this subsection. Under this subsection, a petition is pending if the person who filed the petition has not been physically placed in a residence on supervised release under section 980.08 of the statutes.

SECTION 5. Nonstatutory provisions.

(1) The department of health services shall identify any individual who was physically placed in a residence outside of his or her county of residence after March 30, 2018. The department shall notify the court that approved the placement and that court shall order the person's county of residence, as determined by the department under s. 980.105, to prepare a report identifying an appropriate residential option under s. 980.08 (4) (dm).