



1995 ASSEMBLY BILL 1039

March 18, 1996 - Introduced by Representatives SCHNEIDERS, GOETSCH, BRANCEL, JOHNSRUD, SILBAUGH, BLACK, HAHN, KELSO, WIRCH, MUSSER, PORTER, JENSEN, ZIEGELBAUER, OLSEN, OWENS, BRANDEMUEHL, DOBYNS and SERATTI, cosponsored by Senators DARLING, DRZEWIECKI, ZIEN, ROSENZWEIG and ANDREA. Referred to Joint committee on Finance.

1 **AN ACT to amend** 20.435 (2) (bj) and 51.42 (3) (aw) 1. d. of the statutes; **relating**
2 **to:** providing for treatment and services for persons who are found to be
3 sexually violent persons and placed under supervised release, services to
4 inmates and making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, a petition may be filed by the department of justice or the district attorney for certain counties that alleges that a person who meets certain requirements is a sexually violent person. Upon the filing of the petition, a court must review the petition to determine whether to issue an order for detention of the subject of the petition. A person so detained must be held in a facility that is approved by the department of health and social services (DHSS) pending trial to determine whether he or she is a sexually violent person. Within 72 hours after the petition is filed (if the subject of the petition is in custody) or within a reasonable time (if the subject of the petition is not in custody), the court must hold a hearing to determine whether there is probable cause to believe that the subject of the petition is a sexually violent person. If the court determines, after the hearing, that there is probable cause to believe that the subject of the petition is a sexually violent person, the court shall order the person taken into custody, if he or she is not already, and transferred to an appropriate facility for evaluation. Within 45 days after the date of the probable cause hearing, a trial to determine whether the subject of the petition is a sexually violent person must commence. If the court or a jury determines that the subject of the petition is a sexually violent person, the court must enter a judgment and an order of commitment of the person to DHSS that specifies either supervised release for the person or institutional care for the person in a secure mental health unit or facility or other facility. If the person is placed under supervised release, DHSS and the county department of community programs in the person's county of residence must prepare a plan that identifies treatment and services for the person in the

community. DHSS may contract with the county department, with another public agency or with a private agency to provide the treatment and services specified in the plan.

Currently, the Wisconsin Resource Center is administered by DHSS as a correctional institution that provides psychological evaluations, specialized learning programs, training and supervision for inmates whose behavior presents serious problems in state prisons, whose mental health needs can be met at the resource center and for whom a hearing on transfer has been held. In addition, DHSS may place at the Wisconsin Resource Center persons who are committed to its custody as sexually violent persons and have been ordered by a court to institutional care. DHSS is also authorized to hold in the Wisconsin Resource Center a person for whom a petition alleging that he or she is a sexually violent person has been filed and for whom a court has ordered detention or transfer pending a trial to determine whether the person is a sexually violent person. The correctional officers who provide security at the Wisconsin Resource Center are employees of the department of corrections (DOC).

The bill increases an appropriation of general purpose revenue to DOC by \$49,100 for fiscal year 1995-96 and by \$704,400 for fiscal year 1996-97 to authorize the increase of 18.0 GPR FTE positions to provide security, transportation and food services for inmates who are transferred from a prison, jail or other criminal detention facility to the Wisconsin Resource Center for individualized care.

The bill increases an appropriation of general purpose revenue to DHSS by \$194,200 for fiscal year 1995-96 to authorize the increase of 21.0 GPR FTE positions and by \$4,254,600 for fiscal year 1996-97 to authorize the increase of 112.5 GPR FTE positions to provide services in the Wisconsin Resource Center. The bill also increases an appropriation of general purpose revenue to DHSS by \$72,000 for fiscal year 1995-96 and by \$768,000 for fiscal year 1996-97 to increase funding for the costs of treatment and services for persons who are found to be sexually violent persons and who are placed on supervised release.

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.** 20.435 (2) (bj) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 20.435 (2) (bj) (title) *Conditional and supervised release treatment and services.*
4 Biennially, the amounts in the schedule for payment by the department of costs for
5 treatment and services for conditionally released persons released under s. 971.17

1 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5), for which the department has contracted
2 with county departments under s. 51.42 (3) (aw) 1. d., with other public agencies or
3 with private agencies to provide the treatment and services.

4 **SECTION 2.** 51.42 (3) (aw) 1. d. of the statutes, as affected by 1995 Wisconsin
5 Act 27, is amended to read:

6 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a
7 conditional release plan approved by a court for a person who is a county resident and
8 is conditionally released under s. 971.17 (3) or (4) or that are specified in a supervised
9 release plan approved by a court under s. 980.06 (2) (c) or 980.08 (5). If the county
10 department provides treatment and services under this subdivision, the department
11 of health and social services shall, from the appropriation under s. 20.435 (2) (bj), pay
12 the county department for the costs of the treatment and services.

13 **SECTION 3. Appropriation changes; corrections.**

14 (1) SERVICES FOR INMATES. In the schedule under section 20.005 (3) of the
15 statutes for the appropriation to the department of corrections under section 20.410
16 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased
17 by \$49,100 for fiscal year 1995-96 and the dollar amount is increased by \$704,400
18 for fiscal year 1996-97 to increase the authorized FTE positions for the department
19 by 18.0 GPR positions on July 1, 1996, for the provision of security, transportation
20 and food services for persons transferred to the Wisconsin Resource Center under
21 chapter 302 of the statutes.

22 **SECTION 4. Appropriation changes; health and social services.**

23 (1) WISCONSIN RESOURCE CENTER SERVICES. In the schedule under section 20.005
24 (3) of the statutes for the appropriation to the department of health and social
25 services under section 20.435 (2) (b) of the statutes, as affected by the acts of 1995,

1 the dollar amount is increased by \$194,200 for fiscal year 1995-96 and the dollar
2 amount is increased by \$4,254,600 for fiscal year 1996-97 to increase the authorized
3 FTE positions for the department by 21.0 GPR positions on May 1, 1996, and by 112.5
4 GPR positions on July 1, 1996, for the performance of services of the Wisconsin
5 Resource Center.

6 (2) TREATMENT AND SERVICES FOR PERSONS PLACED ON SUPERVISED RELEASE. In the
7 schedule under section 20.005 (3) of the statutes for the appropriation to the
8 department of health and social services under section 20.435 (2) (bj) of the statutes,
9 as affected by the acts of 1995, the dollar amount is increased by \$72,000 for fiscal
10 year 1995-96 and the dollar amount is increased by \$768,000 for fiscal year 1996-97
11 to increase funding for the costs of treatment and services for persons who are placed
12 on supervised release under section 980.06 (2) (c) or 980.08 (5) of the statutes.

13 (END)