



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5693/1
CMH:klm&ahe

2017 SENATE BILL 878

March 22, 2018 - Introduced by Senators RINGHAND and NASS, cosponsored by Representatives SPREITZER, LOUDENBECK, BERCEAU, KOLSTE, OHNSTAD, NOVAK, QUINN and ZEPNICK. Referred to Committee on Senate Organization.

1 **AN ACT** *to renumber and amend* 980.01 (4m); and *to create* 980.01 (4m) (b) of
2 the statutes; **relating to:** definition of serious child sex offender for purposes
3 of placing 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 that identifies a proposed residence. If the person is a serious child sex offender, the person may not be placed into a residence on a property that is adjacent to a property where a child's primary residence exists. Under current law a "serious child sex offender" is a person who has been convicted of first-degree or second-degree sexual assault of a child under the age of 13, repeated sexual assault of a child under the age of 13, or sexual assault of a child under the age of 13 placed in substitute care. Under this bill, the definition of serious child sex offender is expanded to include a person who has been convicted of any sexually violent offense against a person under the age of 16. This bill also adds that a person is a serious child sex offender if the person was convicted of an offense and,

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as part of a plea agreement, a sexually violent offense was uncharged or dismissed and the victim of the sexually violent offense was under the age of 16.

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

1 **SECTION 1.** 980.01 (4m) of the statutes is renumbered 980.01 (4m) (intro.) and
2 amended to read:

3 980.01 (**4m**) (intro.) “Serious child sex offender” means ~~a~~ any of the following:

4 (a) A person who has been convicted, adjudicated delinquent or found not guilty
5 or not responsible by reason of insanity or mental disease, defect or illness for
6 committing a violation of a crime specified in s. ~~948.02 (1) or (2), 948.025 (1), or~~
7 ~~948.085~~ sexually violent offense against a child who had not attained the age of 13
8 16 years.

9 **SECTION 2.** 980.01 (4m) (b) of the statutes is created to read:

10 980.01 (**4m**) (b) A person who has been convicted for committing an offense if
11 a sexually violent offense was uncharged or dismissed as part of a plea agreement,
12 the victim of that sexually violent offense was a child who had not attained the age
13 of 16 years, and that sexually violent offense was considered by the court at the time
14 of sentencing the person for the offense for which the person was convicted.

15 **SECTION 3. Nonstatutory provisions.**

16 (1) If the residence of a serious child sex offender, as defined in section 980.01
17 (4m) of the statutes, does not comply with section 980.08 (4) (f) 4. of the statutes
18 beginning on the effective date of this subsection, the court shall direct the
19 preparation of another supervised release plan under section 980.08 (4) (f) of the

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1 statutes to be considered by the court under section 980.08 (4) (g) of the statutes as
2 soon as practically possible.

3 (END)