



MICHAEL SCHRAA

P.O. Box 8953
Madison, WI 53708

STATE REPRESENTATIVE • 53RD ASSEMBLY DISTRICT

Office: (608) 267-7990
Toll-Free: (608) 534-0053
Rep.Schraa@legis.wi.gov

Assembly Bill 55 Testimony

Thank you Chairman Ott, Vice Chair Horlacher, and members of the committee for the opportunity to provide testimony on this bill to clarify the appropriate placement of sexually violent persons.

As you are aware, after an individual has served a criminal sentence for a violent sex crime, that individual may have a civil commitment for treatment at Sandridge Secure Treatment Center, which is run by the Department of Health Services. When an individual is no longer considered dangerous, that individual has a constitutional right to be returned to society, although under strict rules and supervision.

Last year, the issue of where to place these violent sex offenders was finally resolved with Act 184, authored by Representative Krug and Senator Testin. Under the new state statutes, individuals released from civil commitments at Sandridge are to be placed in their county of residence, commonly called county of origin. Unfortunately, several judges intentionally misinterpreted the clear legislative intent of this law. There were individuals in process, who had already had their court date, but had not been physically moved. Some judges still ordered their placement to a residence outside of the county of origin. We are here today to right that wrong.

Assembly Bill 55 clarifies the definition of a pending petition. An offender who had not been physically placed by the effective date of Act 184 must be placed in the county of origin.

The bill also reinstates language from Act 184 that was vetoed. Current law says that certain placements not be adjacent or within 1500 feet of particular residents or facilities. That usually makes sense. On the other hand, allowing for local control is even better. Urban areas simply are not able to meet these requirements. This bill replaces the requirement of the 1500 foot rule and "adjacent" with the word "near." Local committees are going to have the flexibility to determine the best site.

Most importantly, we need to move violent sexual offenders who have been inappropriately placed. Under AB 55 as it was introduced, these offenders would be revoked to be immediately removed from the inappropriate placement. We are drafting an amendment to simplify that process.

In closing, I never expected to become an expert in 980 statutes on sexually violent persons. This issue might very well come to your district. The DHS website has excellent information on the history and process for chapter 980.

Thank you so much for your attention to this serious matter. I will be happy to answer any questions from the committee.



DAN FEYEN

STATE SENATOR

18th Senate District
(608) 266-5300
Sen.Feyen@legis.wi.gov

PO Box 7882, Madison, WI 53707-7882
<http://legis.wisconsin.gov/senate/18/feyen>

To: The Assembly Committee on Judiciary
From: Sen. Dan Feyen
Re: Assembly Bill 55

Mr. Chair, members of the committee, thank you for holding this hearing today.

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. However, due to a veto by Governor Walker and a Racine County Judge misinterpreting the legislative intent of the word "pending" in 2017 WI Act 184, we are back again!

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.

Additionally, this bill removes the current statutory 1500 foot rule. Last session's legislation also made this change however it was vetoed by Governor Walker. Counties are now charged with placing SVPs and we believe no one knows their county better than the local government entities involved in these decisions. We believe local control is appropriate and will ensure the most positive outcomes for all Wisconsin residents and local government officials involved in the SVP placement process.

As an example, in Portage County the Sheriff's Department has a vacant building directly across the street from their office. They would ideally like to use this vacant building as SVP housing due to the proximity to the Sheriff's Office. However, due to the 1500 foot rule they are unable to utilize that housing.

I would just like to note that when this bill came before the Assembly last session, every member of this committee voted in favor of these same changes with the exceptions of Rep. Anderson and Rep. Cabrera, as she was not yet elected.

Thank you for your time today. I welcome any questions you may have.

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Judiciary

FROM: Kyle Christianson, Director of Government Affairs *vc*

DATE: March 14, 2019

SUBJECT: Support for Assembly Bill 55

The Wisconsin Counties Association (WCA) supports Assembly Bill 55, which makes modifications to 2017 Wisconsin Act 184 relating to the placement of sexually violent persons.

2017 Wisconsin Act 184 transferred certain responsibilities regarding the placement of sexually violent persons on supervised release from the state to the counties. Under the Act, counties are required to create a local committee charged with submitting a report to the Department of Health Services identifying a residence for the individual to be released to from Sand Ridge, as well as demonstrating that a landlord has been contacted and has committed to entering into a lease.

While counties are not happy with this new responsibility, counties are finding a way to comply with the new law. There are portions of Act 184, however, that counties all across the state would like to see modified.

Under 2017 Wisconsin Act 184, counties have 180 days to prepare its report for the court. Beginning April 1, 2019, counties have only 120 days to prepare its report. If a county fails to prepare its report on time, counties are subject to monetary damages. Counties have raised concerns with these provisions in Act 184 as it is a difficult task to identify a landlord willing to accept an individual as a tenant who has been convicted of a sexually violent offense. Counties that have had to make placement recommendations to date have reported that it takes significant staff time to identify a placement option that meets all of the restrictions included in the law.

Counties support modifications included in 2019 Assembly Bill 55 that (1) eliminate the shortening of the timeframe to prepare a report to 120 days beginning in April 2019, (2) allows a county to request a court make a finding that the county is making a good faith

Support for Assembly Bill 55

Page 2

March 14, 2019

effort to find a placement and prepare the report which would, in essence, remove a county's liability for damages; (3) replaces the 1,500 foot restriction with language requiring counties to consider the proximity of the placement to certain places specified in law.

Adoption of these modifications to Chapter 980 of the statutes would go a long way in easing county concerns with the new process for the placement of sexually violent offenders created in 2017 Wisconsin Act 184.

Thank you for considering our comments.

Tony Evers
Governor



DIVISION OF CARE AND TREATMENT SERVICES

1 WEST WILSON STREET
PO BOX 7851
MADISON WI 53707-7851

Andrea Palm
Secretary

State of Wisconsin
Department of Health Services

Telephone: 608-266-2717
Fax: 608-266-2579
TTY: 711 or 800-947-3529

March 14, 2019

To: Representatives Ott, Horlacher, Thiesfeldt, Brooks, Tusler, Kerkman, Anderson, Hebl,
and Cabrera

From: Beth Dodsworth, Director
Bureau of Community Forensic Services

2019 Assembly Bill 55

My name is Beth Dodsworth and I am the Director of the Bureau of Community Forensic Services. In this role I oversee the aspects of the Department related to supervised release and discharge of patients under commitment to the Department under Chapter 980. Also with me from DHS is Alicia Boehme, Supervised Release Section Chief and DHS Legislative Liaison, Lisa Olson. On behalf of DHS, I would like to offer an information only testimony about Assembly Bill 55 before the committee today.

To begin, since March 30, 2018 when Wisconsin Act 184 went into effect, clients with new supervised release orders under Chapter 980 civil commitment are being released. The counties now have control in deciding residential placement of these individuals. Since the law passed eight individuals have been placed into the community under Act 184. There have been 26 county committees formed who are leading the determination of residences within their home counties. County committees work quickly to find appropriate residences for individuals that meet distance requirements. There have been fewer lawsuits against DHS since this law passed.

For our role, DHS participates in the committees and communicates with counties and courts about the requirements under the new law. Because Act 184 was silent on individuals with pending releases and those serving an alternative to revocation, DHS has attempted to clarify pending releases by sending letters to the courts asking them to review the potential applicability of Act 184 to the matters pending before March 30, 2018. Some courts responded and others did not.

2019 Assembly Bill 55 offers some clarification on identifying individuals who must be covered under Act 184. In addition, county committees would no longer be hindered by placement restrictions.

March 14, 2019

Page 2

We believe Assembly Bill 55 would revoke current community placement of 17 individuals because they were court ordered to reside outside their county of residence. These individuals have not otherwise been recommended for revocation of their community placement. If placed back at Sand Ridge Secure Treatment Center, per AB 55, these 17 individuals would lose their current community connections including jobs, treatment services, and medical care. Clients who are revoked will have additional court records showing a revocation. The current version of this bill is silent on whether they would need to repeat their first year of supervised release upon placement in their county of residence, which is essentially house arrest.

Courts and county committees would be responsible for finding these additional residences for individuals. There are many supervised release clients who have stipulated to supervised release rather than seeking to be released directly to the community. They would likely apply for direct discharge rather than await placement into their county of residence. There is a risk that revocation of their community placement violates due process, and could result in a lawsuit against the Department.

Thank you for the opportunity to provide information to the committee. We would be glad to answer questions now or any time after the hearing.