



MARK BORN

STATE REPRESENTATIVE • 39TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 497 *Assembly Committee on Corrections* *January 28, 2016*

Members of the Assembly Committee on Corrections,

Thank you for allowing me to speak in favor of Assembly Bill 497, relating to residency requirements for sexually violent persons on supervised release under Wisconsin's Chapter 980 program.

One morning in late May, my office received a flurry of calls from constituents in an area of my district where a violent sex offender notification meeting had taken place the prior evening. At that meeting, members of the Leroy community learned two violent sex offenders were going to be placed on supervised release together in a house in their township. This house, which is located in a very rural area of Dodge County near the Horicon Marsh, is many miles away from the nearest full-time law enforcement department and more importantly, less than 200 feet from an adjacent house where twin 11-year olds lived with their widowed father.

Though the Department of Health Services (DHS) has a difficult task in placing these offenders once they are granted supervised release, this placement was simply unacceptable. In late July and early August, two separate judges in Dodge County agreed, and ordered both offenders in the house in Leroy back to the Sand Ridge Secure Treatment Center until a more suitable residence could be found.

After the judges' orders and several weeks of research, it was readily apparent that the guidelines DHS uses when searching for suitable residences for these individuals are insufficient and need to be changed. AB 497 was crafted after discussions with members of the community, law enforcement, and administrators of the state's Chapter 980 program with the goal of keeping a situation like this from happening again elsewhere in the state.

Under AB 497:

- DHS must consult with the local law enforcement agency that has jurisdiction over a prospective residential option for an offender on supervised release;
- DHS must review a written report from local law enforcement on the offender's victims, and ensure residential placements are meeting guidelines as they relate to victims;
- No sexually violent person may live with 1,500 feet of a school, daycare, youth center, place of worship, or public park;

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- No sexually violent person may reside adjacent to a property where a child resides, if the offender committed a sexually violent offence against a child; and
- No sexually violent person may reside within 1,500 feet of a nursing home or assisted living facility, if they committed a sexually violent offence against an elderly or disabled person.

I also authored a substitute amendment in response to a series of instances from the past few months in which judges have ordered sexually violent persons in the Chapter 980 program to be placed on supervised release outside their home county due to lack of available housing. According to state statute, offenders are to be placed back in their county of origin, but judges have used “good cause”, as stated in Ch. 980.08(4)(cm), to place them elsewhere. Most recently, an individual from Milwaukee County was ordered to be placed in Fond du Lac County due to the “good cause” provision.

The substitute amendment narrows the definition of “good cause” by stating that a lack of available housing due to local ordinances does not constitute “good cause”. We have balanced this out by working with various stakeholders to create a limited exemption of local ordinances on a case by case basis if a judge deems it necessary. This will also help bolster the constitutionality of the program by reducing delays that keep offenders in civil commitment after their court-ordered release.

Yesterday, the Senate Committee on Judiciary and Public Safety unanimously supported the Senate companion bill, as amended.

Thank you for your consideration. I will now take any questions.



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Submitted Testimony on AB 497

Thank you Chairman Hutton, Vice Chair Brandtjen, and members of the committee for giving me the opportunity to provide testimony on this legislation reform sex offender placement in Wisconsin.

Late last year, it was announced that a court order was going to place a violent sex offender from Milwaukee in the Town of Eldorado. The individual was set to be placed in the township under Chapter 980 supervised release. The issue was resolved in mid-December after county a judge ruled against the placement.

Since this individual is from Milwaukee County and committed his crime in Milwaukee County, it would have been more appropriate to place him in his county of origin, not Fond du Lac County. After talking with local officials and constituents, Senator Gudex and I began looking at options to make sure violent sex offenders are released and placed in their home counties. After discussing the issue with a number of our colleagues in the Legislature, we worked with Rep. Mark Born to amend AB497, a bill he was working on to make reforms to sex offender placement in Wisconsin.

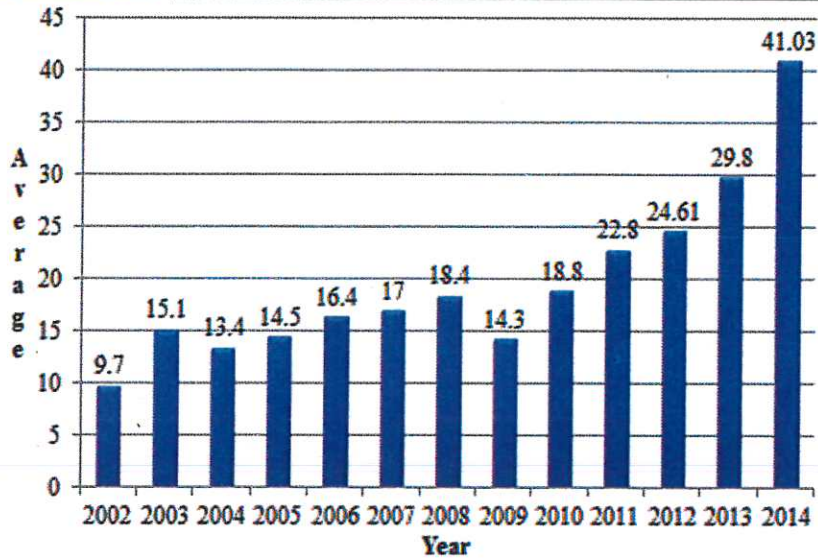
The relevant portion of the amendment dealing with the situation that occurred in the 53rd Assembly district reads:

Unless the court has good cause to select another county, the court shall select the person's county of residence as determined by the department under s. 980.105. An actual or alleged lack of available housing for the person within a county because of an ordinance or resolution in effect or proposed by the county or by a city, town, or village within the county may not constitute good cause to select another county under this paragraph. The court may not select a county where there is a facility in which persons committed to institutional care under this chapter are placed unless that county is also that person's county of residence.

Local units of government are still able to put these residency restrictions into place, however they would not be able to use those restrictions as a reason to release its violent sex offenders into other counties across the state. I believe this is a common sense change to the statutes dealing with the placement of violent sex offenders.



HISTORICAL GROWTH RATE—SR



HISTORICAL RATE OF DISCHARGES

