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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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Memo No. 2

TO: MEMBERS OF THE SPECIAL COMMITTEE ON SEXUALLY VIOLENT PERSON  
COMMITMENTS

FROM: Don Salm and Ronald Sklansky, Senior Staff Attorneys

RE: Clarifications to WLC: 0083/1 Proposed by Thomas Fallon, Department of Justice

DATE: January 27, 2005

This Memo describes clarifications to WLC: 0083/1, generally relating to sexually violent person commitment proceedings, that have been proposed by Thomas Fallon, the Department of Justice liaison to the Special Committee on Sexually Violent Person Commitments. Mr. Fallon and the Special Committee staff met on January 24 to discuss the proposals, which briefly can be described as follows:

1. Amend s. 51.375 (2) (b), Stats., to clarify that polygraph results not only may be disclosed to a committing court, but they are also admissible in a proceeding before the court. [See Enclosure 1.]
2. Amend proposed s. 980.07 (1) (a) in WLC: 0083/1 to clarify that a court is not required to appoint an examiner if supervised release or discharge is supported by the examination conducted by the Department of Health and Family Services. [See Enclosure 2.]
3. Amend proposed s. 980.07 (1m) in WLC: 0083/1 to describe further the factors that should be assessed in a treatment evaluation for potential supervised release. [See Enclosure 3.]
4. Amend proposed s. 980.07 (7) (b) and (d) in WLC: 0083/1 to describe further the factors that a court must consider before authorizing supervised release and the conditions under which the court may grant supervised release. [See Enclosure 4.]
5. Amend proposed s. 980.07 (7) (c) in WLC: 0083/1 to require a county, within 30 days of a court order, to identify prospective residential options for placement of a person under supervised release. [See Enclosure 5.]
6. Amend proposed s. 980.093 (2) in WLC: 0083/1 to clarify that a court must consider assertions of fact and counsels' arguments in determining whether to deny a petition for discharge. [See Enclosure 6.]

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Enclosures