

1       **AN ACT** to amend 303.09 (1), 303.09 (2) and 980.08 (4) (d) and (e); and to create  
 2           980.08 (4) (eg) of the statutes; **relating to:** placement in Huber facility.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Joint Legislative Council’s Special Committee on Placement of Sex Offenders.

Under the current Huber Law, the county board of any county (or the county boards of 2 or more counties) may establish, relocate, and maintain an unlocked facility (Huber facility) for use exclusively by certain statutorily specified persons. Current law does not permit sexually violent persons (SVPs) under ch. 980, stats., who are released on supervised release to be placed in a Huber facility.

Under the bill draft, the court may approve a plan for placing an SVP who is released on supervised release in a county Huber facility if:

1. The county board of that county has agreed to such placements in general, by a majority vote.
2. If there is a joint Huber facility for 2 or more counties under s. 303.09 (2), stats., each county board has agreed to such placements in general, by a majority vote.

As to the placement of a specific person in a Huber facility in the county or counties (joint facility), placement is permitted only if the sheriff of the county, or the sheriff with authority to act under s. 303.09 (2) in joint facility counties, approves the placement.

3           **SECTION 1.** 303.09 (1) of the statutes is amended to read:

4           303.09 (1) The county board of any county may establish, relocate and maintain an  
 5           unlocked facility for use exclusively by persons granted leave privileges under s. 303.08 (1)  
 6           and persons confined under s. 973.09 (4) or 973.11 (1) (b), and persons under supervised  
 7           release under s. 980.08 (4). The facility need not be located at the county seat.

8           **SECTION 2.** 303.09 (2) of the statutes is amended to read:

1           303.09 (2) The county boards of 2 or more counties may jointly establish, relocate and  
2 maintain a facility described in sub. (1). The operation and expenses of the facility shall be  
3 governed by an agreement between those counties. In a jointly established facility, authority  
4 under ss. 303.08 (2m), 973.09 (4) ~~and~~, 973.11 (1) (b), and 980.04 may be exercised by a sheriff  
5 of any of the counties which jointly establish the facility. The agreement shall specify who  
6 has authority to act under ss. 303.08 (2m), 973.09 ~~and~~, 973.11 (1) (b), and 980.04.

7           **SECTION 3.** 980.08 (4) (d) and (e) of the statutes are amended to read:

8           980.08 (4) (d) The court shall authorize the petitioner, the person's attorney, the district  
9 attorney, any law enforcement agency in the county of intended placement, and any local  
10 governmental unit in the county of intended placement to submit prospective residential  
11 options for community placement, including, subject to par. (eg), placement in a Huber facility  
12 under s. 303.09, to the department within 60 days following the selection of the county under  
13 par. (cm).

14           (e) The court shall order the county department under s. 51.42 in the county of intended  
15 placement to prepare a report, either independently or with the department of health and  
16 family services, identifying prospective residential options for community placement, including, subject to par. (eg), placement in a Huber facility under s. 303.09. In identifying  
17 prospective residential options, the county department shall consider the proximity of any  
18 potential placement to the residence of other persons on supervised release and to the  
19 residence of persons who are in the custody of the department of corrections and regarding  
20 whom a sex offender notification bulletin has been issued to law enforcement agencies under  
21 s. 301.46 (2m) (a) or (am). The county department shall submit its report to the department  
22 within 60 days following the court order.  
23

24           **SECTION 4.** 980.08 (4) (eg) of the statutes is created to read:

