



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections

FROM: Kyle Christianson, Director of Government Affairs
Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs

DATE: November 28, 2017

SUBJECT: Comments on Assembly Bill 539 – Placement of Sexually Violent Persons

Assembly Bill 539 modifies the process for placing sexually violent offenders into the community under supervised release. Under current law, county human services departments or 51.42 boards are required to provide the Department of Health Services with potential placement options for sexually violent persons who have completed their treatment at Sand Ridge Secure Treatment Center and are eligible for supervised release. Under the bill, counties will be required to create a temporary committee consisting of the human services department or 51.42 agency, the county corporation counsel or his or her designee, a local probation and parole officer, a representative from the Department of Health Services (DHS), and a representative from the county land use or land information department to recommend a single placement option for the individual (county must show that the landlord has agreed to enter into a lease).

The Wisconsin Counties Association (WCA) worked with the authors and other legislators to address some of our counties' concerns with the legislation. However, WCA respectfully requests two additional modifications to the bill.

First, our counties would like the penalty provision removed from the bill. The bill assumes that counties have a blatant disregard for the law and will not comply if this legislation is enacted. That is insulting to many county officials. Under the current law provision, counties have experienced situations in which notices have been sent to the incorrect county agency or the state does not reply to county requests in a timely manner; therefore, it has been difficult for some county human services agencies, through no fault of their own, to provide DHS with placement options as required. If the penalty provision is not removed from the bill, counties request a one-time extension of up to 30 days for good cause. Second, our counties would like to specify that the DHS representative come from the Sand Ridge Secure Treatment Center.

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There are a few items included in the legislation that counties request remains in the legislation as well, including the creation of the temporary committee (as opposed to a single county agency), requiring DHS to respond to county requests within 10 days, and the grace period for county reports.

Counties across the state understand that the placement of sexually violent persons on supervised release is a difficult issue to tackle. Some counties are not thrilled about the county role in this process; however, many counties understand why this legislation has been introduced and appreciate the efforts of several legislators to correct a process that has been manipulated to avoid the placement of sexually violent persons on supervised release in their home counties.

WCA appreciates the work the Legislature has done to date on this issue to make the process as smooth as possible for counties and we look forward to continued discussion moving forward.

Thank you for considering our comments.