

2501 PRELIMINARY INSTRUCTION: COMMITMENT AS A SEXUALLY VIOLENT PERSON UNDER CHAPTER 980, WIS. STATS.

A petition has been filed alleging that (name) is a sexually violent person. A sexually violent person is one who has been convicted of a sexually violent offense and is dangerous to others because he or she currently has a mental disorder that makes it more likely than not that the person will engage in future acts of sexual violence.

Wisconsin law requires that a jury determine whether or not a person is a sexually violent person. That is the purpose of this hearing.

You will now hear testimony. At the conclusion of the hearing, you will be asked to decide whether or not (name) is a sexually violent person.

COMMENT

Wis JI-Criminal 2501 was approved by the Committee in October 1994 and was revised in 1999 and 2005. The 2005 revision reflected changes made in Chapter 980 by 2003 Wisconsin Act 187. This revision was approved by the Committee in February 2011; it involved nonsubstantive changes in the text.

2003 Wisconsin Act 187 amended the definition of "sexually violent person" in § 980.01(7) by replacing "creates a substantial probability" that the person will engage in future acts of sexual violence with "makes it likely" that the person will do so. The Act also created § 980.01(1m), which defines "likely" as "more likely than not." Rather than use "likely" and define it, the instructions use "makes it more likely than not" throughout.