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**DISTRICT II**

November 20, 2019

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You are hereby notified that the Court has entered the following opinion and order:

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2018AP1669

State of Wisconsin v. Preston L. Rintamaki (L.C. #1998CI1)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

The Town of Eldorado and Fond du Lac County appeal from an order for supervised release. Based upon our review of the briefs and record, we conclude at conference that this case

is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup> We reverse and remand for further proceedings consistent with this opinion.

Preston L. Rintamaki was committed as a sexually violent person under WIS. STAT. ch. 980. In August 2017, Rintamaki filed a petition for supervised release pursuant to WIS. STAT. § 980.08.

Rintamaki’s petition quickly cleared the first hurdle in the supervised release process—the circuit court accepted the parties’ stipulation that Rintamaki met the criteria necessary to order a supervised release plan. However, prior to completion of the plan, the legislature modified a provision in the law relating to the placement of sexually violent persons.

In March 2018, the legislature enacted 2017 Wisconsin Act 184, which eliminated out-of-county placements of sexually violent persons. This meant that such persons had to be placed in their counties of residence when released from their commitments. The new law, which became WIS. STAT. § 980.08(4)(dm), applied to all petitions for supervised release that were “pending” as of the act’s effective date. 2017 Wis. Act 184, § 9320.

After the enactment of Act 184, the parties appeared before the circuit court for a status conference. They discussed the impact of the new law, and the court determined that it was not applicable because “the petition was granted months before the law went into effect.” In the court’s view, once it accepted the parties’ stipulation and ordered a supervised released plan, Rintamaki’s petition was no longer “pending.” At the same status conference, the court also

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version.

ordered that a notice be sent to the Town of Eldorado and Fond du Lac County regarding the potential placement of Rintamaki there instead of Racine County, which was Rintamaki's county of residence.

The Town of Eldorado and Fond du Lac County subsequently moved to intervene in the case. They also moved the circuit court to reconsider its decision regarding the applicability of Act 184. The court granted the first motion but denied the second.

Eventually, the circuit court issued an order for supervised release, which effectively placed Rintamaki in the Town of Eldorado and Fond du Lac County instead of Racine County. This appeal follows.

In this case, we are asked to determine whether Act 184 applied to Rintamaki's petition for supervised release, thereby limiting Rintamaki's potential placement to Racine County. The interpretation and application of a session law presents a question of law that we review de novo. *See Schwegel v. Milwaukee Cty.*, 2015 WI 12, ¶18, 360 Wis. 2d 654, 859 N.W.2d 78.

As noted, Act 184 applied to all petitions for supervised release that were "pending" as of the act's effective date. 2017 Wis. Act 184, § 9320. "Pending" is commonly understood to mean "[n]ot yet decided or settled; awaiting conclusion or confirmation." *Pending*, AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (5th ed. 2011).

We conclude that Rintamaki's petition was "pending" when Act 184 went into effect. At that time, Rintamaki had only obtained an order for a supervised release plan. The plan was not yet complete, and the circuit court had not yet determined whether supervised release was appropriate considering Rintamaki's treatment needs or the safety needs of the community. *See*

WIS. STAT. § 980.08(4)(g). Thus, the matter was far from decided or settled, and Rintamaki would not receive confirmation of his supervised release until months later.

As Rintamaki's petition was "pending" when Act 184 went into effect, the circuit court should have applied the new law, which limits Rintamaki's potential placement to Racine County. Because it did not, we reverse its order for supervised release and remand for further proceedings consistent with this opinion.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily reversed and the cause is remanded with directions, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*