



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 441

Assembly Amendments 1 and 2

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BACKGROUND

Under current law, if a person must register with the Department of Corrections (DOC) as a sex offender, he or she must provide certain information, including the address where he or she will be residing and certain information related to the crime for which he or she must register.

DOC is required to maintain the sex offender registry and is required to make certain information available to the general public on the Internet. For example, the Internet site available to the general public must include the person's name and his or her home address and the crime committed for which he or she must register. DOC is also required to make certain information about a person required to register as a sex offender available to law enforcement agencies through a direct electronic data transfer system.

Also, in addition to providing direct access to law enforcement agencies with the required sex offender registry information and any other notification that an agency with jurisdiction¹ is required to give, current law states that DOC or the Department of Human Services (DHS), **may** provide a "special bulletin notification" to a police chief of any community and a sheriff in any county in which the person on the sex offender registry will be residing, employed, or attending school, if all of the following apply:

- The agency with jurisdiction confines a person under community residential confinement; provides a person entering the intensive sanctions program with a sanction other than placement in a Type 1 prison or jail; or releases a person from confinement in a state correctional institution or institutional care.

¹ Section 301.46 (1) (a), Stats., defines "agency with jurisdiction" to mean "the authority or duty to confine or supervise a person or release or discharge a person from confinement."

- The person has, on one occasion only, been convicted or found not guilty or not responsible by mental disease or defect for a sex offense or for a violation of a Wisconsin law that is comparable to a sex offense.
- The agency with jurisdiction determines that such notification is necessary to protect the public.

The statutes also specify that the agency with jurisdiction **shall** issue a special bulletin notification to the police chief or sheriff described above if both of the following apply:

- The agency with jurisdiction confines a person under community residential confinement; provides a person entering the intensive sanctions program with a sanction other than placement in a Type 1 prison or jail; or releases a person from confinement in a state correctional institution or institutional care.
- The person has been found to be a sexually violent person or has, on two or more separate occasions, been convicted or found not guilty or not responsible by mental disease or defect for a sex offense or for a violation of a Wisconsin law that is comparable to a sex offense.

2013 ASSEMBLY BILL 441

2013 Assembly Bill 441 (the bill) makes the following changes to current law:

- Requires the sex offender registry to include:
 - Any sex offense that was dismissed as part of a plea agreement if the sentencing court ordered that the offender, or the court with the authority to exercise jurisdiction over the Juvenile Justice Code (juvenile court) ordered that the juvenile, be subject to the sex offender registration requirements.
 - All addresses at which the person is or will be residing.
- Requires that the Internet site available to the general public must include any aliases the person uses, indicating for each name and each alias all addresses at which the person is residing.
- Specifies that, if an agency with jurisdiction provided a special bulletin notification and the subject of the notification changes his or her residential address, the agency with jurisdiction **must** notify the police chief of any community, and the sheriff of any county, in which the person will be residing, employed, or attending school. The notification must also satisfy both of the following requirements:
 - Be in the form of a written bulletin.
 - Be made in addition to providing law enforcement agencies with access to sex offender information required under current law and in addition to any other notification that an agency with jurisdiction is authorized to provide.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 amends the provision of the bill, to provide that when an agency with jurisdiction notifies a police chief or sheriff if the subject of a previously issued special bulletin notification changes his or her residential address, the notification may be provided in either an electronic form or in the form of a written bulletin.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 amends the provision of the bill, which requires an agency with jurisdiction to notify a police chief or sheriff if the subject of a special bulletin notification changes his or her residential address, to specify that requirement does not apply if the agency with jurisdiction determines both of the following: (1) that the notification is not necessary in the interest of public protection; and (2) that the person did not commit a sex offense with the use or threat of force or violence.

BILL HISTORY

On January 27, 2014, Representative Williams introduced Assembly Amendments 1 and 2. On January 30, 2014 the Assembly Committee on Criminal Justice adopted both amendments by votes of Ayes, 9; Noes, 0; and Absent, 2; and then voted to recommend passage of the bill, as amended, by a vote of Ayes, 9; Noes, 0; and Absent, 2.

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