



1997 ASSEMBLY BILL 2

January 21, 1997 - Introduced by Representatives OTTE, GOETSCH, RYBA, FOTI, LADWIG, ZIEGELBAUER, AINSWORTH, ZUKOWSKI, DUFF, GREEN, SKINDRUD, HASENOHRL, GUNDERSON, GRONEMUS, OTT, PLALE, PLOUFF, OLSEN, HUEBSCH, DOBYNS, OWENS, MUSSER, KAUFERT, M. LEHMAN, HAHN, PORTER, KREUSER, SERATTI, LA FAVE, VRAKAS, NASS, KREIBICH and SYKORA, cosponsored by Senators FITZGERALD, C. POTTER, DRZEWIECKI, GROBSCHMIDT, HUELSMAN, BUETTNER, ZIEN, FARROW and COWLES. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to renumber and amend 786.36; and to create 786.36 (2) of the**
2 **statutes; relating to:** prohibiting name changes by prisoners, probationers
3 and parolees while under the supervision of the department of corrections.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, any resident of this state may petition the circuit court of the county where he or she resides to have his or her name changed or established by order of the court, provided that no sufficient cause is shown to prevent a name change. A primary exception to this right is that no person engaged in the practice of any profession for which a license is required by the state may change his or her name to any other name than that under which the person was originally licensed in the profession, in any instance in which the state regulatory body for the particular profession, after a hearing, finds that practicing under the changed name operates to unfairly compete with another practitioner or misleads the public as to identity or otherwise results in detriment to the profession or the public.

This bill provides that no prisoner, probationer or parolee may have his or her name changed while he or she is in the custody of or under the supervision of the department of corrections.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 786.36 of the statutes is renumbered 786.36 (1) and amended to
2 read:

3 786.36 (1) Any Except as provided in sub. (2), any resident of this state,
4 whether a minor or adult, may upon petition to the circuit court of the county where
5 he or she resides and upon filing a copy of the notice, with proof of publication, as
6 required by s. 786.37, if no sufficient cause is shown to the contrary, have his or her
7 name changed or established by order of the court. If the person whose name is to
8 be changed is a minor under the age of 14 years, the petition may be made by: both
9 parents, if living, or the survivor of them; the guardian or person having legal
10 custody of the minor if both parents are dead or if the parental rights have been
11 terminated by judicial proceedings; or the mother, if the minor is a nonmarital child
12 who is not adopted or whose parents do not subsequently intermarry under s. 767.60,
13 except that the father must also make the petition unless his rights have been legally
14 terminated. The order shall be entered at length upon the records of the court and
15 a certified copy of the record shall be recorded in the office of the register of deeds of
16 the county, who shall make an entry in a book to be kept by the register. The fee for
17 recording a certified copy is the fee specified under s. 59.43 (2) (ag). If the person
18 whose name is changed or established was born or married in this state, the clerk
19 of the court shall send to the state registrar of vital statistics, on a form designed by
20 the state registrar of vital statistics, an abstract of the record, duly certified,
21 accompanied by the fee prescribed in s. 69.22, which fee the clerk of court shall charge

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1 to and collect from the petitioner. The state registrar of vital statistics shall then
2 correct the birth record, marriage record or both, and direct the register of deeds and
3 local registrar to make similar corrections on their records. No person engaged in
4 the practice of any profession for which a license is required by the state may change
5 his or her given name or his or her surname to any other given name or any other
6 surname than that under which the person was originally licensed in the profession
7 in this or any other state, in any instance in which the state board or commission for
8 the particular profession, after a hearing, finds that practicing under the changed
9 name operates to unfairly compete with another practitioner or misleads the public
10 as to identity or otherwise results in detriment to the profession or the public. This
11 prohibition against a change of name by a person engaged in the practice of any
12 profession does not apply to any person legally qualified to teach in the public schools
13 in this state, nor to a change of name resulting from marriage or divorce, nor to
14 members of any profession for which there exists no state board or commission
15 authorized to issue licenses or pass upon the qualifications of applicants or hear
16 complaints respecting conduct of members of the profession. Any change of name
17 other than as authorized by law is void.

18 **SECTION 2.** 786.36 (2) of the statutes is created to read:

19 786.36 (2) A prisoner, probationer or parolee may not have his or her name
20 changed while he or she is in the custody of or under the supervision of the
21 department of corrections.

22 **SECTION 3. Initial applicability.**

23 (1) This act first applies to a prisoner, probationer or parolee who petitions the
24 circuit court for a name change on the effective date of this subsection.

25 (END)