



2013 ASSEMBLY BILL 764

February 14, 2014 - Introduced by Representatives KAHL, WILLIAMS, BIES, DOYLE, JACQUE, SPIROS, KOOYENGA, KRUG, RINGHAND, WEININGER, JAGLER, STRACHOTA, NASS, A. OTT, BROOKS, BEWLEY, BALLWEG, BORN, RIPP, BERCEAU, KOLSTE, KULP, OHNSTAD, BERNIER, WRIGHT, ZAMARRIPA, KAUFERT and POPE, cosponsored by Senators GROTHMAN, CARPENTER, LASSA, PETROWSKI, KEDZIE and SCHULTZ. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 301.46 (2m) (a) and 301.46 (2m) (am); *to*
2 *amend* 301.46 (2m) (b) 2.; and *to create* 301.46 (2m) (a) 2. and 301.46 (2m) (am)
3 2. of the statutes; **relating to:** notifications to law enforcement officers and
4 dissemination to the public when registered out-of-state sex offenders enter a
5 community.

Analysis by the Legislative Reference Bureau

Under current law, a person must register with the Department of Corrections (DOC) as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect, or adjudicated delinquent on the basis of certain sex offenses. Under current law, when a registrant is released into the community from confinement or other care, DOC or the Department of Health Services (DHS), whichever agency has authority over the registrant, has the option to notify the police chief of the community, and the sheriff of the county, in which the registrant will be residing, employed, or attending school if the registrant has been convicted, or found not guilty by reason of mental defect or disease, of a sex offense only one time and must notify the police chief of the community, and the sheriff of the county, in which the registrant will be residing, employed, or attending school or through which the registrant will be traveling if the registrant has been, on two or more occasions, convicted, or found not guilty by reason of mental disease or defect, of a sex offense or if the registrant has been found to be a sexually violent person. This bill applies identical notification provisions to

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a sex offender in another state, or a person on supervision in another state following the commission of a sex offense, who becomes a resident of this state under an interstate compact, becomes employed or a student in this state, or becomes subject to a sanction in this state other than confinement in a prison or jail.

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

1 **SECTION 1.** 301.46 (2m) (a) of the statutes is renumbered 301.46 (2m) (a) 1. and
2 amended to read:

3 301.46 **(2m)** (a) 1. If an agency with jurisdiction confines a person under s.
4 301.046, provides a person entering the intensive sanctions program under s.
5 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
6 a person from confinement in a state correctional institution or institutional care,
7 and the person has, on one occasion only, been convicted or found not guilty or not
8 responsible by reason of mental disease or defect for a sex offense or for a violation
9 of a law of this state that is comparable to a sex offense, the agency with jurisdiction
10 may notify the police chief of any community and the sheriff of any county in which
11 the person will be residing, employed, or attending school if the agency with
12 jurisdiction determines that such notification is necessary to protect the public.
13 Notification under this ~~paragraph~~ subdivision may be in addition to providing access
14 to information under sub. (2) or to any other notification that an agency with
15 jurisdiction is authorized to provide.

16 **SECTION 2.** 301.46 (2m) (a) 2. of the statutes is created to read:

17 301.46 **(2m)** (a) 2. If a person described under s. 301.45 (1g) (dh), (dj), (f), or (g)
18 becomes a resident of this state from another state under s. 304.16, becomes a
19 student in this state, becomes employed or begins carrying on a vocation in this state,
20 or becomes subject to a sanction in this state other than a placement in a Type 1

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1 prison or a jail, and the person has, on one occasion only, been convicted or found not
2 guilty or not responsible by reason of mental disease or defect for a violation of the
3 law of another jurisdiction that is comparable to a sex offense, the department may
4 notify the police chief of any community and the sheriff of any county in which the
5 person will be residing, employed or carrying on a vocation, or attending school if the
6 department determines that such notification is necessary to protect the public.
7 Notification under this subdivision may be in addition to providing access to
8 information under sub. (2) or to any other notification that the department is
9 authorized to provide.

10 **SECTION 3.** 301.46 (2m) (am) of the statutes is renumbered 301.46 (2m) (am)

11 1. and amended to read:

12 301.46 **(2m)** (am) 1. If an agency with jurisdiction confines a person under s.
13 301.046, provides a person entering the intensive sanctions program under s.
14 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
15 a person from confinement in a state correctional institution or institutional care,
16 and the person has been found to be a sexually violent person under ch. 980 or has,
17 on 2 or more separate occasions, been convicted or found not guilty or not responsible
18 by reason of mental disease or defect for a sex offense or for a violation of a law of this
19 state that is comparable to a sex offense, the agency with jurisdiction shall notify the
20 police chief of any community and the sheriff of any county in which the person will
21 be residing, employed, or attending school and through or to which the person will
22 be regularly traveling. Notification under this ~~paragraph shall be~~ subdivision is in
23 addition to providing access to information under sub. (2) and to any other
24 notification that an agency with jurisdiction is authorized to provide.

25 **SECTION 4.** 301.46 (2m) (am) 2. of the statutes is created to read:

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1 301.46 (2m) (am) 2. If a person described under s. 301.45 (1g) (dh), (dj), (f), or
2 (g) becomes a resident of this state from another state under s. 304.16, becomes a
3 student in this state, becomes employed or begins carrying on a vocation in this state,
4 or becomes subject to a sanction in this state other than a placement in a Type 1
5 prison or a jail, and the person has, on 2 or more separate occasions, been convicted
6 or found not guilty or not responsible by reason of mental disease or defect for a
7 violation of the law of another jurisdiction that is comparable to a sex offense, the
8 department shall notify the police chief of any community and the sheriff of any
9 county in which the person will be residing, employed or carrying on a vocation, or
10 attending school. Notification under this subdivision is in addition to providing
11 access to information under sub. (2) or to any other notification that the department
12 is authorized to provide.

13 **SECTION 5.** 301.46 (2m) (b) 2. of the statutes is amended to read:

14 301.46 (2m) (b) 2. Any other information that the agency with jurisdiction, if
15 the notice is provided under par. (a) 1. or (am) 1., or that the department, if the notice
16 is provided under par. (a) 2. or (am) 2., determines is necessary to assist law
17 enforcement officers or to protect the public. Information under this subdivision may
18 include a photograph of the person, other identifying information and a description
19 of the person's patterns of violation.

20 **(END)**