



2013 ASSEMBLY BILL 11

February 13, 2013 - Introduced by Representatives KLEEFISCH and BIES,
cosponsored by Senator OLSEN. Referred to Committee on Criminal Justice.

- 1 **AN ACT to create** 301.475 of the statutes; **relating to:** notification requirements
2 for registered sex offenders who are on school premises and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, 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. The sex offender registry contains specific information about a person required to register (registrant), such as the registrant's name, appearance, offense, address, and place of employment and any school in which the registrant is enrolled. A registrant must also periodically provide updated information to DOC if the information originally provided to the registry changes.

This bill generally prohibits a registrant from being in any school building, on any school grounds, school recreation area, or school athletic field, or on any school property owned, used, or operated for school administration unless the registrant notifies the school.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* 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.** 301.475 of the statutes is created to read:

2 **301.475 Sex offenders to notify schools. (1)** A person who is required to
3 comply with the reporting requirements under s. 301.45 (1g) may not be on any
4 school premises, as defined in s. 948.61 (1) (c), unless the school district
5 administrator or his or her designee, if the premises are affiliated with a public
6 school, or the governing body of the school, if the premises are affiliated with a
7 private school or charter school, has been notified of the specific date, time, and place
8 of the visit and of the person's status as a registered sex offender.

9 **(2)** (a) Except as provided in par. (b), whoever knowingly violates sub. (1) is
10 guilty of a misdemeanor and subject to a fine of not more than \$10,000 or
11 imprisonment not to exceed 9 months, or both.

12 (b) Whoever knowingly violates sub. (1) as a 2nd or subsequent offense is guilty
13 of a Class H felony.

14 **(3)** Subsection (1) does not apply to the following:

15 (a) A person who is on the school premises to vote if an election is being held
16 that day and the person's polling place is on the school premises.

17 (b) A person who is on the school premises to attend an event or activity that
18 is not sponsored by the school.

19 (c) A person whose child is enrolled at the school if the person notifies the school
20 district administrator or his or her designee, if the premises are affiliated with a
21 public school, or the governing body of the school, if the premises are affiliated with

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1 a private school or charter school, that he or she is a registered sex offender and that
2 he or she has a child enrolled at the school. The notification must occur as follows:

3 1. Except as provided in subds. 2., 3., and 4., at the beginning of each academic
4 school year.

5 2. If the child is not enrolled at the beginning of the academic school year, when
6 the child is first enrolled.

7 3. If the person is not subject to the reporting requirements under s. 301.45 (1g)
8 at the beginning of the academic school year or when the child is first enrolled, when
9 the person first becomes subject to the reporting requirements under s. 301.45 (1g).

10 4. If subd. 1., 2., or 3. does not apply but the person is otherwise subject to the
11 prohibition under sub. (1), when the person becomes subject to the prohibition under
12 sub. (1).

13 (d) A student who is enrolled at the school if the department, county
14 department, licensed child welfare agency, or other person supervising the student
15 under a dispositional order under s. 938.34, whichever is appropriate, works with the
16 school district administrator or his or her designee, if the premises are affiliated with
17 a public school, or with the governing body of the school, if the premises are affiliated
18 with a private school or charter school, to ensure the safety of the students attending
19 the school with the student.

20 **(3m)** Unless sub. (3) (d) applies to a county department, licensed child welfare
21 agency, or other person supervising a student under a dispositional order under s.
22 938.34, the department shall work with a school district administrator or his or her
23 designee or a governing body of a school, whichever is appropriate, as provided in
24 sub. (3) (d), to ensure that a student who is required to comply with the reporting
25 requirements under s. 301.45 (1g) is not prohibited under sub. (1) from being on the

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1 premises of the school at which he or she is enrolled and to ensure the safety of the
2 other students attending the school.

3 (4) The department shall make a reasonable attempt to notify each person
4 required to comply with the reporting requirements under s. 301.45 (1g) of the
5 prohibition under sub. (1), but neither the department's failure to make such an
6 attempt nor the department's failure to notify a person of that prohibition is a defense
7 to prosecution under this section.

8 (5) It is an affirmative defense to a prosecution under this section that the
9 defendant was traveling directly to the office of the school district administrator or
10 his or her designee, if the premises are affiliated with a public school, or to the
11 governing body of the school, if the premises are affiliated with a private school or
12 charter school, to comply with sub. (1). A defendant who raises this affirmative
13 defense has the burden of proving the defense by a preponderance of the evidence.

14 (6) The school district administrator or his or her designee, if the premises are
15 affiliated with a public school, or the governing body of the school, if the premises are
16 affiliated with a private school or charter school, is immune from any civil or criminal
17 liability for any good faith act or omission in connection with any notice given under
18 sub. (1).

19

(END)