

1999 ASSEMBLY BILL 613

1 **AN ACT** *to repeal* 301.45 (2) (a) 7., 301.46 (2) (b) 7., 301.46 (4) (b) 3. and 301.46
2 (5) (b) 2.; *to renumber and amend* 301.45 (1), 301.45 (4m), 301.45 (5) (a) 1m.,
3 301.45 (6) (a), 301.46 (1), 938.185 (3) and 971.19 (9); *to amend* 20.410 (1) (gc),
4 48.396 (2) (f), 51.20 (13) (ct) 2m., 51.375 (1) (d), 71.78 (5), 301.132 (1) (c), 301.132
5 (2), 301.132 (3), 301.45 (1m) (a) 1., 301.45 (1m) (a) 2., 301.45 (1m) (b), 301.45 (2)
6 (a) (intro.), 301.45 (2) (b), 301.45 (2) (c), 301.45 (2) (d), 301.45 (2) (e) (intro.),
7 301.45 (2) (e) 2., 301.45 (2) (e) 5., 301.45 (3) (a) (intro.), 301.45 (3) (a) 1m., 301.45
8 (3) (a) 4., 301.45 (3) (b) 1., 301.45 (3) (b) 1m., 301.45 (3) (b) 2., 301.45 (3) (b) 3.,
9 301.45 (3) (b) 3m., 301.45 (3) (b) 4., 301.45 (5) (title), 301.45 (5) (a) (intro.),
10 301.45 (5) (a) 1., 301.45 (5) (a) 2., 301.45 (5) (a) 2m., 301.45 (5) (a) 3., 301.45 (5)
11 (a) 4., 301.45 (5) (b) (intro.), 301.45 (5) (b) 1., 301.45 (5) (b) 2., 301.46 (2m) (a),
12 301.46 (2m) (am), 301.46 (3) (c), 301.46 (6) (a), 938.34 (15m) (bm), 938.396 (2)
13 (em), 942.06 (2m) (a), 942.06 (2q) (a) (intro.), 971.17 (1m) (b) 2m. and 973.048
14 (2m); *to repeal and recreate* 301.45 (1g) (b), 301.45 (1g) (bm), 301.45 (2) (e)

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1 2., 301.45 (3) (b) 4., 301.45 (5) (a) 2., 301.45 (6), 938.185 (3) (intro.) and 971.19
2 (9) (intro.); and **to create** 51.20 (13) (ct) 4., 51.20 (13) (ct) 5., 71.78 (4) (q), 301.45
3 (1d), 301.45 (1g) (dj), 301.45 (1g) (dL), 301.45 (1g) (em), 301.45 (1g) (f), 301.45
4 (1g) (g), 301.45 (1m) (a) 1g., 301.45 (2) (a) 9m., 301.45 (2) (e) 2m., 301.45 (2) (e)
5 2t., 301.45 (2) (f), 301.45 (2) (g), 301.45 (3) (a) 1r., 301.45 (3) (a) 1t., 301.45 (4m)
6 (b), 301.45 (5) (am), 301.45 (5) (b) 1m., 301.45 (5) (b) 3., 301.45 (5m), 301.45 (6)
7 (a) 2., 301.45 (6) (d), 301.45 (6m), 301.46 (1) (b), 301.46 (2m) (b) 1m., 301.46 (5n),
8 452.23 (2) (d), 452.24, 704.50, 706.20, 938.185 (3) (b), (c) and (d), 938.34 (15m)
9 (d), 938.34 (15m) (e), 938.345 (3), 939.615 (6) (i), 971.17 (1m) (b) 4., 971.17 (1m)
10 (b) 5., 971.19 (9) (b), (c) and (d), 973.048 (4) and 973.048 (5) of the statutes;
11 **relating to:** sex offender registration, release of information from the sex
12 offender registry, honesty testing of sex offenders, the duty to disclose
13 information from or about sex offender registry and immunity for providing
14 notice concerning access to the sex offender registry before sales or rentals of
15 real property, making an appropriation and providing a penalty.

Analysis by the Legislative Reference Bureau

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

16 **SECTION 1.** 20.410 (1) (gc) of the statutes is amended to read:
17 20.410 (1) (gc) *Sex offender honesty testing.* All moneys received from
18 ~~probation, extended supervision and parole clients~~ sex offenders who are required
19 to pay for polygraph examinations, as prescribed by rule in accordance with s.
20 301.132 (3), for expenditures related to the lie detector test program for ~~probationers,~~
21 ~~extended supervision and parolees~~ sex offenders under s. 301.132.

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1 **SECTION 2.** 48.396 (2) (f) of the statutes is amended to read:

2 48.396 **(2)** (f) Upon request of the department of corrections to review court
3 records for the purpose of obtaining information concerning a child required to
4 register under s. 301.45, the court shall open for inspection by authorized
5 representatives of the department of corrections the records of the court relating to
6 any child who has been found in need of protection or services for an offense specified
7 in s. 301.45 ~~(1)~~ (1g) (a). The department of corrections may disclose information that
8 it obtains under this paragraph as provided under s. 301.46.

9 **SECTION 3.** 51.20 (13) (ct) 2m. of the statutes is amended to read:

10 51.20 **(13)** (ct) 2m. If the subject individual is before the court on a petition filed
11 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
12 violation, or to have solicited, conspired or attempted to commit a violation, of s.
13 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
14 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or
15 of s. 940.30 or 940.31 if the victim was a minor and the subject individual was not
16 the victim's parent, the court shall require the individual to comply with the
17 reporting requirements under s. 301.45 unless the court determines, after a hearing
18 on a motion made by the individual, that the individual is not required to comply
19 under s. 301.45 (1m).

20 **SECTION 4.** 51.20 (13) (ct) 4. of the statutes is created to read:

21 51.20 **(13)** (ct) 4. If the court orders a subject individual to comply with the
22 reporting requirements under s. 301.45, the court may order the subject individual
23 to continue to comply with the reporting requirements until his or her death.

24 **SECTION 5.** 51.20 (13) (ct) 5. of the statutes is created to read:

ASSEMBLY BILL 613**SECTION 5**

1 51.20 **(13)** (ct) 5. If the court orders a subject individual to comply with the
2 reporting requirements under s. 301.45, the clerk of the court in which the order is
3 entered shall promptly forward a copy of the order to the department of corrections.
4 If the finding under s. 938.30 (5) (c) (intro.) on which the order is based is reversed,
5 set aside or vacated, the clerk of the court shall promptly forward to the department
6 of corrections a certificate stating that the finding has been reversed, set aside or
7 vacated.

8 **SECTION 6.** 51.375 (1) (d) of the statutes is amended to read:

9 51.375 **(1)** (d) “Sex offender” means a person committed to the department who
10 meets any of the criteria specified in s. 301.45 ~~(1)~~ (1g).

11 **SECTION 7.** 71.78 (4) (q) of the statutes is created to read:

12 71.78 **(4)** (q) Employees of the department of corrections involved in the
13 administration of the sex offender registry under s. 301.45, for the purpose of
14 verifying information provided by a person required to register as a sex offender.

15 **SECTION 8.** 71.78 (5) of the statutes is amended to read:

16 71.78 **(5)** AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified
17 in sub. (1) and related schedules, exhibits, writings or audit reports shall not be
18 furnished to the persons listed under sub. (4), except persons under sub. (4) (e), (k),
19 (n) ~~and~~, (o) and (q) or under an agreement between the department of revenue and
20 another agency of government.

21 **SECTION 9.** 301.132 (1) (c) of the statutes is amended to read:

22 301.132 **(1)** (c) “Sex offender” means a person in the custody of the department
23 who meets any of the criteria specified in s. 301.45 ~~(1)~~ (1g).

24 **SECTION 10.** 301.132 (2) of the statutes is amended to read:

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1 301.132 (2) ~~The department may require, as a condition of probation, parole~~
2 ~~or extended supervision, that a probationer, parolee or person on extended~~
3 ~~supervision who is a sex offender~~ to submit to a lie detector test when directed to do
4 so by the department. The department may require submission to a lie detector test
5 under this subsection as part of a sex offender's correctional programming or care
6 and treatment, as a condition of a sex offender's probation, parole or extended
7 supervision, or both as part of a sex offender's correctional programming or care and
8 treatment and as a condition of the sex offender's probation, parole or extended
9 supervision.

10 **SECTION 11.** 301.132 (3) of the statutes is amended to read:

11 301.132 (3) The department shall promulgate rules establishing a lie detector
12 test program for probationers, parolees and persons on extended supervision who are
13 sex offenders. The rules shall provide for assessment of fees upon probationers,
14 parolees and persons on extended supervision sex offenders to partially offset the
15 costs of the program.

16 **SECTION 12.** 301.45 (1) of the statutes is renumbered 301.45 (1g), and 301.45
17 (1g) (intro.), (a), (b), (bm), (c), (d), (dd), (dh) and (e), as renumbered, are amended to
18 read:

19 301.45 (1g) (intro.) Except as provided in sub. (1m), a person shall comply with
20 the reporting requirements under this section if he or she meets any one or more of
21 the following criteria:

22 (a) Is convicted, or adjudicated delinquent ~~or found in need of protection or~~
23 ~~services~~ on or after December 25, 1993, for ~~any violation, or for the solicitation,~~
24 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
25 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or~~

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1 ~~948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the~~
2 ~~victim's parent~~ a sex offense.

3 (b) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m), or
4 a secured child caring institution, as defined in s. 938.02 (15g), or on probation,
5 extended supervision, parole, supervision or aftercare supervision on or after
6 December 25, 1993, for ~~any violation, or for the solicitation, conspiracy or attempt~~
7 ~~to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or~~
8 ~~(2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30~~
9 ~~or 940.31 if the victim was a minor and the person was not the victim's parent~~ a sex
10 offense.

11 (bm) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m),
12 or a secured child caring institution, as defined in s. 938.02 (15g), or on probation,
13 extended supervision, parole, supervision or aftercare supervision on or after
14 December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to
15 commit a violation, of a law of this state that is comparable to ~~s. 940.22 (2), 940.225~~
16 ~~(1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07,~~
17 ~~948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if~~
18 ~~the victim was a minor and the person was not the victim's parent~~ a sex offense.

19 (c) Is found not guilty or not responsible by reason of mental disease or defect
20 on or after December 25, 1993, and committed under s. 51.20 or 971.17 for ~~any~~
21 ~~violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.~~
22 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
23 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
24 ~~a minor and the person was not the victim's parent~~ a sex offense.

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1 (d) Is in institutional care or on conditional transfer under s. 51.35 (1) or
2 conditional release under s. 971.17 on or after December 25, 1993, for ~~any violation,~~
3 ~~or for the solicitation, conspiracy or attempt to commit any violation,~~ of s. ~~940.22 (2),~~
4 ~~940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
5 ~~948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor~~
6 ~~and the person was not the victim's parent~~ a sex offense.

7 (dd) Is in institutional care or on conditional transfer under s. 51.35 (1) or
8 conditional release under s. 971.17 on or after December 25, 1993, for a violation, or
9 for the solicitation, conspiracy or attempt to commit a violation, of a law of this state
10 that is comparable to s. ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),~~
11 ~~948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30~~ or that is
12 comparable to a violation of s. ~~940.30 or 940.31 if the victim was a minor and the~~
13 ~~person was not the victim's parent~~ a sex offense.

14 (dh) Is on parole, extended supervision or probation in this state from another
15 state under s. 304.13 or 304.135 on or after December 25, 1993, for a violation, or for
16 the solicitation, conspiracy or attempt to commit a violation, of the law of another
17 state that is comparable to a violation of s. ~~940.22 (2), 940.225 (1), (2) or (3), 944.06,~~
18 ~~948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30~~
19 ~~or that is comparable to a violation of s. 940.30 or 940.31 if the victim was a minor~~
20 ~~and the person was not the victim's parent~~ sex offense.

21 (e) Is ordered by a court under s. 51.20 (13) (ct) 1m., 938.34 (15m) (am), 938.345
22 (3), 971.17 (1m) (b) 1m. or 973.048 (1m) to comply with the reporting requirements
23 under this section.

24 **SECTION 13.** 301.45 (1d) of the statutes is created to read:

25 301.45 **(1d)** DEFINITIONS. In this section:

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1 (a) “Employed or carrying on a vocation” means employment or vocational
2 activity that is full-time or part-time for a continuous period of time exceeding 14
3 days or for an aggregate period of time exceeding 30 days during any calendar year,
4 whether financially compensated, volunteered or for the purpose of government or
5 educational benefit.

6 (am) “Found to have committed a sex offense by another jurisdiction” means
7 any of the following:

8 1. Convicted or found not guilty or not responsible by reason of mental disease
9 or defect for a violation of a law of another state that is comparable to a sex offense.

10 2. Convicted or found not guilty by reason of mental disease or defect for a
11 violation of a federal law that is comparable to a sex offense.

12 3. Convicted or found not guilty or not responsible by reason of mental disease
13 or defect in the tribal court of a federally recognized American Indian tribe or band
14 for a violation that is comparable to a sex offense.

15 4. Sentenced or found not guilty by reason of mental disease or defect by a court
16 martial for a violation that is comparable to a sex offense.

17 (b) “Sex offense” means a violation, or the solicitation, conspiracy or attempt
18 to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),
19 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am),
20 948.12, 948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the
21 person who committed the violation was not the victim’s parent.

22 (c) “Student” means a person who is enrolled on a full-time or part-time basis
23 in any public or private educational institution, including a secondary school, a
24 business, trade, technical or vocational school or an institution of higher education.

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1 **SECTION 14.** 301.45 (1g) (b) of the statutes, as affected by 1999 Wisconsin Acts
2 9 and (this act), is repealed and recreated to read:

3 301.45 **(1g)** (b) Is in prison, a secured correctional facility, a secured child caring
4 institution or a secured group home or is on probation, extended supervision, parole,
5 supervision or aftercare supervision on or after December 25, 1993, for a sex offense.

6 **SECTION 15.** 301.45 (1g) (bm) of the statutes, as affected by 1999 Wisconsin Acts
7 9 and (this act), is repealed and recreated to read:

8 301.45 **(1g)** (bm) Is in prison, a secured correctional facility, a secured child
9 caring institution or a secured group home or is on probation, extended supervision,
10 parole, supervision or aftercare supervision on or after December 25, 1993, for a
11 violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law
12 of this state that is comparable to a sex offense.

13 **SECTION 16.** 301.45 (1g) (dj) of the statutes is created to read:

14 301.45 **(1g)** (dj) Is a juvenile in this state on or after the effective date of this
15 paragraph [revisor inserts date], and is on supervision in this state from another
16 state pursuant to the interstate compact on the placement of juveniles under s.
17 938.988 for a violation of a law of another state that is comparable to a sex offense.

18 **SECTION 17.** 301.45 (1g) (dL) of the statutes is created to read:

19 301.45 **(1g)** (dL) Is placed on lifetime supervision under s. 939.615 on or after
20 June 26, 1998.

21 **SECTION 17d.** 301.45 (1g) (em) of the statutes is created to read:

22 301.45 **(1g)** (em) Was required to register under s. 301.45 (1) (a), 1997 stats.,
23 based on a finding that he or she was in need of protection or services and is ordered
24 to continue complying with the requirements of this section by a court acting under
25 1999 Wisconsin Act (this act), section 107 (1) (e).

ASSEMBLY BILL 613**SECTION 18**

1 **SECTION 18.** 301.45 (1g) (f) of the statutes is created to read:

2 301.45 **(1g)** (f) On or after the first day of the 7th month beginning after the
3 effective date of this paragraph [revisor inserts date], is registered as a sex
4 offender in another state or is registered as a sex offender with the federal bureau
5 of investigation under 42 USC 14072 and is a resident of this state, a student in this
6 state or employed or carrying on a vocation in this state.

7 **SECTION 19.** 301.45 (1g) (g) of the statutes is created to read:

8 301.45 **(1g)** (g) Has been found to have committed a sex offense by another
9 jurisdiction and, on or after the first day of the 7th month beginning after the
10 effective date of this paragraph [revisor inserts date], is a resident of this state,
11 a student in this state or employed or carrying on a vocation in this state. This
12 paragraph does not apply if 10 years have passed since the date on which the person
13 was released from prison or placed on parole, probation, extended supervision or
14 other supervised release for the sex offense.

15 **SECTION 20.** 301.45 (1m) (a) 1. of the statutes is amended to read:

16 301.45 **(1m)** (a) 1. The person meets the criteria under sub. ~~(1)~~ **(1g)** (a) to ~~(dh)~~
17 **(dd)** based on any violation, or on the solicitation, conspiracy or attempt to commit
18 any violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of another state that is~~
19 ~~comparable to s. 948.02 (1) or (2) or 948.025.~~

20 **SECTION 21.** 301.45 (1m) (a) 1g. of the statutes is created to read:

21 301.45 **(1m)** (a) 1g. The violation, or the solicitation, conspiracy or attempt to
22 commit the violation, of s. 948.02 (1) or (2) or 948.025 did not involve sexual
23 intercourse, as defined in s. 948.01 (6), either by the use or threat of force or violence
24 or with a victim under the age of 12 years.

25 **SECTION 22.** 301.45 (1m) (a) 2. of the statutes is amended to read:

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1 301.45 **(1m)** (a) 2. At the time of the violation, or of the solicitation, conspiracy
2 or attempt to commit the violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of~~
3 ~~another state that is comparable to s. 948.02 (1) or (2) or 948.025~~, the person had not
4 attained the age of 19 years and was not more than 4 years older or not more than
5 4 years younger than the child.

6 **SECTION 23.** 301.45 (1m) (b) of the statutes is amended to read:

7 301.45 **(1m)** (b) If a person believes that he or she is not required under par.
8 (a) to comply with the reporting requirements under this section and the person is
9 not before the court under s. 51.20 (13) (ct), 938.34 (15m), 971.17 (1m) (b) or 973.048,
10 the person may move a court to make a determination of whether the person satisfies
11 the criteria specified in par. (a). A motion made under this paragraph shall be filed
12 with the circuit court for the county in which the person was convicted, adjudicated
13 delinquent, ~~found in need of protection or services~~ or found not guilty or not
14 responsible by reason of mental disease or defect, ~~except that if the person meets the~~
15 ~~criteria of sub. (1) (dh) the person shall file the motion in the circuit court for the~~
16 ~~county in which he or she resides.~~

17 **SECTION 24.** 301.45 (2) (a) (intro.) of the statutes is amended to read:

18 301.45 **(2)** (a) (intro.) The department shall maintain a registry of all persons
19 subject to sub. (1) **(1g)**. The registry shall contain all of the following with respect to
20 each person:

21 **SECTION 25.** 301.45 (2) (a) 7. of the statutes is repealed.

22 **SECTION 26.** 301.45 (2) (a) 9m. of the statutes is created to read:

23 301.45 **(2)** (a) 9m. For a person covered under sub. (1g) (dt), a notation
24 concerning the treatment that the person has received for his or her mental disorder,
25 as defined in s. 980.01 (2).

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1 **SECTION 27.** 301.45 (2) (b) of the statutes is amended to read:

2 301.45 **(2)** (b) If the department has supervision over a person subject to sub.
3 ~~(1)~~ **(1g)**, the department shall enter into the registry under this section the
4 information specified in par. (a) concerning the person.

5 **SECTION 28.** 301.45 (2) (c) of the statutes is amended to read:

6 301.45 **(2)** (c) If the department of health and family services has supervision
7 over a person subject to sub. ~~(1)~~ **(1g)**, that department, with the assistance of the
8 person, shall provide the information specified in par. (a) to the department of
9 corrections in accordance with the rules under sub. (8).

10 **SECTION 29.** 301.45 (2) (d) of the statutes is amended to read:

11 301.45 **(2)** (d) A person subject to sub. ~~(1)~~ **(1g)** who is not under the supervision
12 of the department of corrections or the department of health and family services shall
13 provide the information specified in par. (a) to the department of corrections in
14 accordance with the rules under sub. (8). If the person is unable to provide an item
15 of information specified in par. (a), the department of corrections may request
16 assistance from a circuit court or the department of health and family services in
17 obtaining that item of information. A circuit court and the department of health and
18 family services shall assist the department of corrections when requested to do so
19 under this paragraph.

20 **SECTION 30.** 301.45 (2) (e) (intro.) of the statutes is amended to read:

21 301.45 **(2)** (e) (intro.) The department of health and family services shall
22 provide the information required under par. (c) or the person subject to sub. ~~(1)~~ **(1g)**
23 shall provide the information required under par. (d) in accordance with whichever
24 of the following is applicable:

25 **SECTION 31.** 301.45 (2) (e) 2. of the statutes is amended to read:

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1 301.45 (2) (e) 2. If the person is on parole, extended supervision or probation
2 or other supervision from another state under s. 304.13 or 304.135 or 938.988, within
3 10 days after the person enters this state.

4 **SECTION 31d.** 301.45 (2) (e) 2. of the statutes, as affected by 1999 Wisconsin
5 Acts (Assembly Bill 99) and (this act), is repealed and recreated to read:

6 301.45 (2) (e) 2. If the person is on parole, extended supervision, probation or
7 other supervision from another state under s. 304.13, 304.135 or 938.988, before the
8 person enters this state.

9 **SECTION 32.** 301.45 (2) (e) 2m. of the statutes is created to read:

10 301.45 (2) (e) 2m. If the person is registered as a sex offender in another state
11 or is registered as a sex offender with the federal bureau of investigation under 42
12 USC 14072, within 10 days after the person enters this state to take up residence or
13 begin school, employment or his or her vocation.

14 **SECTION 33.** 301.45 (2) (e) 2t. of the statutes is created to read:

15 301.45 (2) (e) 2t. If the person has been found to have committed a sex offense
16 by another jurisdiction and subd. 2m. does not apply, within 10 days after the person
17 enters this state to take up residence or begin school, employment or his or her
18 vocation.

19 **SECTION 34.** 301.45 (2) (e) 5. of the statutes is amended to read:

20 301.45 (2) (e) 5. If subd. 1., 2., 2m., 2t., 3. or 4. does not apply, within 10 days
21 after the person is sentenced or receives a disposition.

22 **SECTION 35.** 301.45 (2) (f) of the statutes is created to read:

23 301.45 (2) (f) The department may require a person covered under sub. (1g) to
24 provide the department with his or her fingerprints, a recent photograph of the
25 person and any other information required under par. (a) that the person has not

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1 previously provided. The department may require the person to report to a place
2 designated by the department, including an office or station of a law enforcement
3 agency, for the purpose of obtaining the person's fingerprints, the photograph or
4 other information.

5 **SECTION 36.** 301.45 (2) (g) of the statutes is created to read:

6 301.45 (2) (g) The department may send a person subject to sub. (1g) a notice
7 or other communication requesting the person to verify the accuracy of any
8 information contained in the registry. A person subject to sub. (1g) who receives a
9 notice or communication sent by the department under this paragraph shall, no later
10 than 10 days after receiving the notice or other communication, provide verification
11 of the accuracy of the information to the department in the form and manner
12 specified by the department.

13 **SECTION 37.** 301.45 (3) (a) (intro.) of the statutes is amended to read:

14 301.45 (3) (a) (intro.) A person covered under sub. (1) (1g) is subject to the
15 annual registration requirements under par. (b) as follows:

16 **SECTION 38.** 301.45 (3) (a) 1m. of the statutes is amended to read:

17 301.45 (3) (a) 1m. If the person is on parole, extended supervision ~~or~~ probation
18 or other supervision from another state under s. 304.13 ~~or~~ 304.135 or 938.988, he or
19 she is subject to this subsection upon entering this state.

20 **SECTION 39.** 301.45 (3) (a) 1r. of the statutes is created to read:

21 301.45 (3) (a) 1r. If the person is registered as a sex offender in another state
22 or is registered as a sex offender with the federal bureau of investigation under 42
23 USC 14072, within 10 days after the person enters this state to take up residence or
24 begin school, employment or his or her vocation.

25 **SECTION 40.** 301.45 (3) (a) 1t. of the statutes is created to read:

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1 301.45 (3) (a) 1t. If the person has been found to have committed a sex offense
2 by another jurisdiction and subd. 1r. does not apply, within 10 days after the person
3 enters this state to take up residence or begin school, employment or his or her
4 vocation.

5 **SECTION 41.** 301.45 (3) (a) 4. of the statutes is amended to read:

6 301.45 (3) (a) 4. If subd. 1., 1m., 1r., 1t., 2., 2m., 3., 3g. or 3r. does not apply, the
7 person is subject to this subsection after he or she is sentenced or receives a
8 disposition.

9 **SECTION 42.** 301.45 (3) (b) 1. of the statutes is amended to read:

10 301.45 (3) (b) 1. Except as provided in subd. 1m., a person who is subject to par.
11 (a) shall notify the department once each calendar year, as directed by the
12 department, of his or her current information specified in sub. (2) (a). The
13 department shall annually notify registrants of their need to comply with this
14 requirement. If the registrant is a person under the age of 18, the department may
15 also annually notify the registrant's parent, guardian or legal custodian of the
16 registrant's need to comply with this requirement.

17 **SECTION 43.** 301.45 (3) (b) 1m. of the statutes is amended to read:

18 301.45 (3) (b) 1m. A person who is subject to par. ~~(a) because he or she is covered~~
19 ~~under sub. (1) (dt) lifetime registration under sub. (5) (b) 2. or (5m) (b) 4.~~ shall notify
20 the department once each 90 days, as directed by the department, of his or her
21 current information specified in sub. (2) (a). Every 90 days, the department shall
22 notify registrants subject to this subdivision of their need to comply with this
23 requirement. If the registrant subject to this subdivision is a person under the age
24 of 18, the department may also notify the registrant's parent, guardian or legal
25 custodian every 90 days of the registrant's need to comply with this requirement.

ASSEMBLY BILL 613**SECTION 44**

1 **SECTION 44.** 301.45 (3) (b) 2. of the statutes is amended to read:

2 301.45 (3) (b) 2. The department shall notify a person who is being released
3 from prison in this state because he or she has reached the expiration date of his or
4 her sentence and who is covered under sub. (1) (1g) of the need to comply with the
5 requirements of this section. Also, probation, extended supervision and parole
6 agents, aftercare agents and agencies providing supervision shall notify any client
7 who is covered under sub. (1) (1g) of the need to comply with the requirements of this
8 section at the time the client is placed on probation, extended supervision, parole,
9 supervision or aftercare supervision or, if the client is on probation, extended
10 supervision ~~or~~, parole or other supervision from another state under s. 304.13 ~~or~~,
11 304.135 or 938.988, when the client enters this state.

12 **SECTION 45.** 301.45 (3) (b) 3. of the statutes is amended to read:

13 301.45 (3) (b) 3. The department of health and family services shall notify a
14 person who is being placed on conditional release, conditional transfer or parole, or
15 is being terminated or discharged from a commitment, under s. 51.20, 51.35 or
16 971.17 or ch. 975 or 980 and who is covered under sub. (1) (1g) of the need to comply
17 with the requirements of this section.

18 **SECTION 46.** 301.45 (3) (b) 3m. of the statutes is amended to read:

19 301.45 (3) (b) 3m. After notifying a person under subd. 2. or 3. of the need to
20 comply with this section, the person who is providing the notification shall require
21 the person who is covered under sub. (1) (1g) to read and sign a form stating that he
22 or she has been informed of the requirements of this section.

23 **SECTION 47.** 301.45 (3) (b) 4. of the statutes is amended to read:

24 301.45 (3) (b) 4. ~~Failure to~~ It is not a defense to liability under sub. (6) (a) that
25 the person subject to sub. (1g) was not required to read and sign a form under subd.

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1 3m., was not provided with a form to read and sign under subd. 3m. or failed or
2 refused to read or sign a form under subd. 3m. It is not a defense to liability under
3 sub. (6) (a) that the person subject to sub. (1g) did not receive notice under this
4 paragraph from the department of health and family services, the department of
5 corrections, a probation, extended supervision and parole agent, an aftercare agent
6 or an agency providing supervision ~~is not a defense to liability under sub. (6).~~

7 **SECTION 47d.** 301.45 (3) (b) 4. of the statutes, as affected by 1999 Wisconsin Act
8 (this act), is repealed and recreated to read:

9 301.45 **(3)** (b) 4. It is not a defense to liability under sub. (6) (a) or (ag) that the
10 person subject to sub. (1g) was not required to read and sign a form under subd. 3m.,
11 was not provided with a form to read and sign under subd. 3m. or failed or refused
12 to read or sign a form under subd. 3m. It is not a defense to liability under sub. (6)
13 (a) or (ag) that the person subject to sub. (1g) did not receive notice under this
14 paragraph from the department of health and family services, the department of
15 corrections, a probation, extended supervision and parole agent, an aftercare agent
16 or an agency providing supervision.

17 **SECTION 48.** 301.45 (4m) of the statutes is renumbered 301.45 (4m) (intro.) and
18 amended to read:

19 301.45 **(4m)** INFORMATION CONCERNING A MOVE TO OR SCHOOLING OR EMPLOYMENT
20 IN ANOTHER STATE. (intro.) In addition to the requirements under subs. (3) and (4),
21 a person who is covered under sub. (1) (1g) and who is changing his or her residence
22 from this state to another state, is becoming a student in another state or is to be
23 employed or carrying on a vocation in another state shall, no later than 10 days
24 before he or she moves out of this state, begins school or begins employment or his
25 or her vocation, notify the department that he or she is changing his or her residence

ASSEMBLY BILL 613**SECTION 48**

1 from this state ~~and, is beginning school in another state or is beginning employment~~
2 ~~or the carrying on of a vocation in another state.~~ The person shall also inform the
3 department of the state to which he or she is moving his or her residence, the state
4 in which he or she will be in school or the state in which he or she will be employed
5 or carrying on a vocation. Upon receiving notification from a person under this
6 subsection, the department shall ~~inform~~ do all of the following:

7 (a) Inform the person whether the state to which the person is moving, the state
8 in which the person will be in school or the state in which the person will be employed
9 or carrying on a vocation has sex offender registration requirements to which the
10 person may be subject and, if so, the name of the agency to contact in that state for
11 information concerning those requirements.

12 **SECTION 49.** 301.45 (4m) (b) of the statutes is created to read:

13 301.45 (4m) (b) Inform the agency responsible for sex offender registration in
14 the state to which the person is moving, in which the person will be in school or in
15 which the person will be employed or carrying on a vocation that the person is moving
16 to the state, beginning school in the state or beginning employment or carrying on
17 a vocation in the state, and provide the agency of the other state with all of the
18 information specified in sub. (2) (a).

19 **SECTION 50.** 301.45 (5) (title) of the statutes is amended to read:

20 301.45 (5) (title) RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX
21 OFFENSE IN THIS STATE.

22 **SECTION 51.** 301.45 (5) (a) (intro.) of the statutes is amended to read:

23 301.45 (5) (a) (intro.) Except as provided in ~~par.~~ pars. (am) and (b), a person who
24 is covered under sub. ~~(1)~~ (1g) (a), (b), (bm), (c), (d), (dd), (dp), (e) or (em) no longer has
25 to comply with this section when the following applicable criterion is met:

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1 **SECTION 52.** 301.45 (5) (a) 1. of the statutes is amended to read:

2 301.45 **(5)** (a) 1. If the person has been placed on probation or supervision for
3 a sex offense, 15 years after discharge from the probation or supervision imposed for
4 the sex offense.

5 **SECTION 53.** 301.45 (5) (a) 1m. of the statutes is renumbered 301.45 (5m) (a)
6 1. and amended to read:

7 301.45 **(5m)** (a) 1. If the person is on parole, extended supervision ~~or~~, probation
8 or other supervision from another state under s. 304.13 ~~or~~, 304.135 or 938.988, 15
9 years after discharge from that parole, extended supervision ~~or~~, probation or other
10 supervision or the period of time that the person is in this state, whichever is less.

11 **SECTION 54.** 301.45 (5) (a) 2. of the statutes is amended to read:

12 301.45 **(5)** (a) 2. If the person has been sentenced to prison or placed in a secured
13 correctional facility or a secured child caring institution for a sex offense, 15 years
14 after discharge from parole, extended supervision or aftercare supervision for the sex
15 offense.

16 **SECTION 55.** 301.45 (5) (a) 2. of the statutes, as affected by 1999 Wisconsin Act
17 9 and (this act), is repealed and recreated to read:

18 301.45 **(5)** (a) 2. If the person has been sentenced to prison for a sex offense or
19 placed in a secured correctional facility, a secured child caring institution or a
20 secured group home for a sex offense, 15 years after discharge from parole, extended
21 supervision or aftercare supervision for the sex offense.

22 **SECTION 56.** 301.45 (5) (a) 2m. of the statutes is amended to read:

23 301.45 **(5)** (a) 2m. If the person has been sentenced to prison for a sex offense
24 and is being released from prison because he or she has reached the expiration date

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1 of his ~~or her~~ the sentence for the sex offense, 15 years after being released from
2 prison.

3 **SECTION 57.** 301.45 (5) (a) 3. of the statutes is amended to read:

4 301.45 (5) (a) 3. If the person has been committed to the department of health
5 and family services under s. 51.20 or 971.17 and is in institutional care or on
6 conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 for a sex
7 offense, 15 years after termination of the commitment for the sex offense under s.
8 971.17 (5) or discharge from the commitment for the sex offense under s. 51.35 (4)
9 or 971.17 (6).

10 **SECTION 58.** 301.45 (5) (a) 4. of the statutes is amended to read:

11 301.45 (5) (a) 4. If subd. 1., ~~1m.~~, 2., 2m., 3. or 3m. does not apply, 15 years after
12 the date of conviction for the sex offense or 15 years after the date of disposition of
13 the sex offense, whichever is later.

14 **SECTION 59.** 301.45 (5) (am) of the statutes is created to read:

15 301.45 (5) (am) 1. Except as provided in subd. 2., a person who is covered under
16 sub. (1g) (dL) shall continue to comply with the requirements of this section until his
17 or her death.

18 2. A person who is covered under sub. (1g) (dL) is not required to comply with
19 the requirements of this section if a court orders that the person is no longer required
20 to comply under s. 939.615 (6) (i).

21 **SECTION 60.** 301.45 (5) (b) (intro.) of the statutes is amended to read:

22 301.45 (5) (b) (intro.) A person who is covered under sub. ~~(1) (1g) (a), (b), (bm),~~
23 (c), (d), (dd), (dp) or (e) shall continue to comply with the requirements of this section
24 until his or her death if any of the following apply applies:

25 **SECTION 61.** 301.45 (5) (b) 1. of the statutes is amended to read:

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1 301.45 (5) (b) 1. The person has, on 2 or more separate occasions, been convicted
2 or found not guilty or not responsible by reason of mental disease or defect for any
3 violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.
4 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
5 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was
6 a minor and the person was not the victim's parent a sex offense, or for any a
7 violation, or for the solicitation, conspiracy or attempt to commit any a violation, of
8 a federal law, a military law, a tribal law or a law of this state or any other state that
9 is comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1)
10 or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is
11 comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the
12 person was not the victim's parent sex offense. A conviction or finding of not guilty
13 or not responsible by reason of mental disease or defect that has been reversed, set
14 aside or vacated is not a conviction or finding for purposes of determining under this
15 subdivision whether a person has been convicted on 2 or more separate occasions.

16 **SECTION 62.** 301.45 (5) (b) 1m. of the statutes is created to read:

17 301.45 (5) (b) 1m. The person has been convicted or found not guilty or not
18 responsible by reason of mental disease or defect for a violation, or for the solicitation,
19 conspiracy or attempt to commit a violation, of s. 940.225 (1) or (2), 948.02 (1) or (2)
20 or 948.025. A conviction or finding of not guilty or not responsible by reason of mental
21 disease or defect that has been reversed, set aside or vacated is not a conviction or
22 finding for purposes of this subdivision.

23 **SECTION 63.** 301.45 (5) (b) 2. of the statutes is amended to read:

24 301.45 (5) (b) 2. The person has been found to be a sexually violent person under
25 ch. 980, regardless of whether the person is discharged under s. 980.09 or 980.10

ASSEMBLY BILL 613**SECTION 63**

1 from the sexually violent person commitment, except that the person no longer has
2 to comply with this section if the finding that the person is a sexually violent person
3 has been reversed, set aside or vacated.

4 **SECTION 64.** 301.45 (5) (b) 3. of the statutes is created to read:

5 301.45 (5) (b) 3. The court that ordered the person to comply with the reporting
6 requirements of this section under s. 51.20 (13) (ct), 938.34 (15m), 938.345 (3), 971.17
7 (1m) (b) or 973.048 also ordered the person to comply with the requirements until his
8 or her death.

9 **SECTION 65.** 301.45 (5m) of the statutes is created to read:

10 **301.45 (5m) RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX**
11 **OFFENSE IN ANOTHER JURISDICTION.** (a) Except as provided in pars. (b) and (c), a person
12 who is covered under sub. (1g) (dh), (dj), (f) or (g) no longer has to comply with this
13 section when the following applicable criterion is met:

14 2. If the person is registered as a sex offender in another state or is registered
15 as a sex offender with the federal bureau of investigation under 42 USC 14072,
16 whichever of the following is less:

17 a. The period of time that the person is a resident of this state, a student in this
18 state or employed or carrying on a vocation in this state.

19 b. The period of time that the person is registered as a sex offender in another
20 state or with the federal bureau of investigation, or 10 years from the date on which
21 the person was released from prison or placed on parole, probation, extended
22 supervision or other supervised release for the sex offense which subjects the person
23 to the requirements of this section, whichever is greater.

24 3. If the person has been found to have committed a sex offense by another
25 jurisdiction and subd. 2. does not apply, whichever of the following is less:

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1 a. The period of time that the person is a resident of this state, a student in this
2 state or employed or carrying on a vocation in this state.

3 b. Ten years from the date on which the person was released from prison or
4 placed on parole, probation, extended supervision or other supervised release for the
5 sex offense which subjects the person to the requirements of this section.

6 (b) A person who is covered under sub. (1g) (dh), (dj), (f) or (g) shall continue
7 to comply with the requirements of this section for as long as the person is a resident
8 of this state, a student in this state or employed or carrying on a vocation in this state
9 if one or more of the following apply:

10 1. The person is registered as a sex offender in another state or is registered
11 as a sex offender with the federal bureau of investigation under 42 USC 14072 and
12 the person is required to register with that other state or with the federal bureau of
13 investigation until his or her death.

14 2. The person has been convicted or found not guilty or not responsible by
15 reason of mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or
16 (2) or 948.025, or for the solicitation, conspiracy or attempt to commit a violation, of
17 a federal law, a military law, a tribal law or a law of any state that is comparable to
18 a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025. A conviction or finding
19 of not guilty or not responsible by reason of mental disease or defect that has been
20 reversed, set aside or vacated is not a conviction or finding for purposes of this
21 subdivision.

22 3. The person has, on 2 or more separate occasions, been convicted or found not
23 guilty or not responsible by reason of mental disease or defect for a sex offense or for
24 a violation, or the solicitation, conspiracy or attempt to commit a violation, of a
25 federal law, military law, tribal law or law of any state that is comparable to a sex

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1 offense. A conviction or finding of not guilty or not responsible by reason of mental
2 disease or defect that has been reversed, set aside or vacated is not a conviction or
3 finding for purposes of determining under this subdivision whether a person has
4 been convicted on 2 or more separate occasions.

5 4. A determination has been made as provided under 42 USC 14071 (a) (2) (A)
6 or (B) that the person is a sexually violent predator, or lifetime registration by the
7 person is required under measures approved by the attorney general of the United
8 States under 42 USC 14071 (a) (2) (C).

9 (c) This subsection does not apply to a person who is required to register as a
10 sex offender under one or more of the criteria specified in sub. (1g) (a), (b), (bm), (c),
11 (d), (dd), (dp), (e) or (em).

12 **SECTION 66.** 301.45 (6) (a) of the statutes is renumbered 301.45 (6) (a) (intro.)
13 and amended to read:

14 301.45 (6) (a) (intro.) Whoever ~~intentionally~~ knowingly fails to comply with any
15 requirement to provide information under subs. (2) to (4) is subject to the following
16 penalties:

17 1. For a first offense, the person may be fined not more than \$10,000 or
18 imprisoned for not more than 9 months or both.

19 (am) Subject to s. 971.19 (9), a district attorney or, upon the request of a district
20 attorney, the department of justice may prosecute a ~~violation of this subsection~~
21 ~~knowing failure to comply with any requirement to provide information under subs.~~
22 ~~(2) to (4).~~ If the department of corrections determines that there is probable cause
23 to believe that a person has ~~intentionally~~ knowingly failed to comply with any
24 requirement to provide information under subs. (2) to (4), the department shall

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1 forward a certified copy of all pertinent departmental information to the applicable
2 district attorney. The department shall certify the copy in accordance with s. 889.08.

3 **SECTION 67.** 301.45 (6) (a) 2. of the statutes is created to read:

4 301.45 (6) (a) 2. For a 2nd or subsequent offense, the person may be fined not
5 more than \$10,000 or imprisoned for not more than 5 years or both. For purposes
6 of this subdivision, an offense is a 2nd or subsequent offense if, prior to committing
7 the offense, the person has at any time been convicted of knowingly failing to comply
8 with any requirement to provide information under subs. (2) to (4).

9 **SECTION 69.** 301.45 (6) (d) of the statutes is created to read:

10 301.45 (6) (d) Notwithstanding par. (a), a person who first became subject to
11 subs. (2) to (4) under 1999 Wisconsin Act (this act) and who was in prison or a
12 secured correctional facility or a secured child caring institution, in institutional
13 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
14 supervision, conditional transfer or conditional release during the period beginning
15 on December 25, 1993, and ending on May 31, 2000, shall be allowed until
16 January 1, 2001, to comply with the requirements under subs. (2) to (4).

17 **SECTION 69d.** 301.45 (6) of the statutes, as affected by 1999 Wisconsin Acts
18 (Assembly Bill 99) and (this act), is repealed and recreated to read:

19 301.45 (6) (a) Whoever knowingly fails to comply with any requirement to
20 provide information under subs. (2) to (4) is subject to the following penalties:

21 1. For a first offense, the person may be fined not more than \$10,000 or
22 imprisoned for not more than 9 months or both.

23 2. For a 2nd or subsequent offense, the person may be fined not more than
24 \$10,000 or imprisoned for not more than 5 years or both. For purposes of this
25 subdivision, an offense is a 2nd or subsequent offense if, prior to committing the

ASSEMBLY BILL 613**SECTION 69d**

1 offense, the person has at any time been convicted of knowingly failing to comply
2 with any requirement to provide information under subs. (2) to (4).

3 (ag) Whoever intentionally violates sub. (4r) may be fined not more than
4 \$10,000 or imprisoned for not more than 9 months or both.

5 (am) Whoever knowingly fails to keep information confidential as required
6 under sub. (7) may be fined not more than \$500 or imprisoned for not more than 30
7 days or both.

8 (bm) Subject to s. 971.19 (9), a district attorney or, upon the request of a district
9 attorney, the department of justice may prosecute a knowing failure to comply with
10 any requirement to provide information under subs. (2) to (4). If the department of
11 corrections determines that there is probable cause to believe that a person has
12 knowingly failed to comply with any requirement to provide information under subs.
13 (2) to (4) or has intentionally violated sub. (4r), the department shall forward a
14 certified copy of all pertinent departmental information to the applicable district
15 attorney. The department shall certify the copy in accordance with s. 889.08.

16 (c) Notwithstanding par. (a), a person who first became subject to subs. (2) to
17 (4) under 1995 Wisconsin Act 440 and who was in prison or a secured correctional
18 facility or a secured child caring institution, in institutional care, or on probation,
19 parole, supervision, aftercare supervision, corrective sanctions supervision,
20 conditional transfer or conditional release during the period beginning on
21 December 25, 1993, and ending on May 31, 1997, shall be allowed until
22 January 1, 1998, to comply with the requirements under subs. (2) to (4).

23 (d) Notwithstanding par. (a), a person who first became subject to subs. (2) to
24 (4) under 1999 Wisconsin Act (this act) and who was in prison or a secured
25 correctional facility or a secured child caring institution, in institutional care, or on

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1 probation, parole, supervision, aftercare supervision, corrective sanctions
2 supervision, conditional transfer or conditional release during the period beginning
3 on December 25, 1993, and ending on May 31, 2000, shall be allowed until
4 January 1, 2001, to comply with the requirements under subs. (2) to (4).

5 **SECTION 70.** 301.45 (6m) of the statutes is created to read:

6 301.45 (6m) NOTICE TO OTHER JURISDICTIONS CONCERNING NONCOMPLIANCE. If the
7 department has reasonable grounds to believe that a person who is covered under
8 sub. (1g) (f) or (g) is residing in this state, is a student in this state or is employed or
9 carrying on a vocation in this state and that the person is not complying with the
10 requirements of this section, the department shall notify the state agency
11 responsible for the registration of sex offenders in any state in which the person is
12 registered that it believes the person is not complying with the requirements of this
13 section. If the person is registered with the federal bureau of investigation under 42
14 USC 14072, the department shall notify the federal bureau of investigation that it
15 believes the person is not complying with the requirements of this section.

16 **SECTION 71.** 301.46 (1) of the statutes is renumbered 301.46 (1) (intro.) and
17 amended to read:

18 301.46 (1) DEFINITIONS. (intro.) In this section “agency:

19 (a) “Agency with jurisdiction” means the state agency with the authority or
20 duty to confine or supervise a person or release or discharge a person from
21 confinement.

22 **SECTION 72.** 301.46 (1) (b) of the statutes is created to read:

23 301.46 (1) (b) “Sex offense” has the meaning given in s. 301.45 (1d) (b).

24 **SECTION 73.** 301.46 (2) (b) 7. of the statutes is repealed.

25 **SECTION 74.** 301.46 (2m) (a) of the statutes is amended to read:

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1 301.46 **(2m)** (a) If an agency with jurisdiction confines a person under s.
2 301.046, provides a person entering the intensive sanctions program under s.
3 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
4 a person from confinement in a state correctional institution or institutional care,
5 and the person has, on one occasion only, been convicted or found not guilty or not
6 responsible by reason of mental disease or defect for ~~any violation, or for the~~
7 ~~solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225~~
8 ~~(1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07,~~
9 ~~948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the~~
10 ~~person was not the victim's parent, a sex offense or for a violation of~~ a law of this state
11 that is comparable to s. ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),~~
12 ~~948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or that is~~
13 ~~comparable to s. 940.30 or 940.31 if the victim was a minor and the person was not~~
14 ~~the victim's parent~~ a sex offense, the agency with jurisdiction may notify the police
15 chief of any community and the sheriff of any county in which the person will be
16 residing, employed or attending school if the agency with jurisdiction determines
17 that such notification is necessary to protect the public. Notification under this
18 paragraph may be in addition to providing access to information under sub. (2) or to
19 any other notification that an agency with jurisdiction is authorized to provide.

20 **SECTION 75.** 301.46 (2m) (am) of the statutes is amended to read:

21 301.46 **(2m)** (am) If an agency with jurisdiction confines a person under s.
22 301.046, provides a person entering the intensive sanctions program under s.
23 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
24 a person from confinement in a state correctional institution or institutional care,
25 and the person has been found to be a sexually violent person under ch. 980 or has,

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1 on 2 or more separate occasions, been convicted or found not guilty or not responsible
2 by reason of mental disease or defect for ~~any violation, or for the solicitation,~~
3 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
4 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11~~
5 ~~or a sex offense or for a violation of a law of this state that is comparable to s. 940.22~~
6 ~~(2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
7 ~~948.07, 948.08 or 948.11~~ a sex offense, the agency with jurisdiction shall notify the
8 police chief of any community and the sheriff of any county in which the person will
9 be residing, employed or attending school. Notification under this paragraph shall
10 be in addition to providing access to information under sub. (2) and to any other
11 notification that an agency with jurisdiction is authorized to provide.

12 **SECTION 76.** 301.46 (2m) (b) 1m. of the statutes is created to read:

13 301.46 **(2m)** (b) 1m. Notice that, beginning on the first day of the 13th month
14 beginning after publication [revisor inserts date], information concerning
15 persons registered under s. 301.45 will be available on the Internet site established
16 by the department under sub. (5n).

17 **SECTION 77.** 301.46 (3) (c) of the statutes is amended to read:

18 301.46 **(3)** (c) The notice under par. (b) shall be a written notice to the victim
19 or member of the victim's family that the person required to register under s. 301.45
20 and specified in the information provided under par. (d) has been registered or, if
21 applicable, has provided the department with updated information under s. 301.45
22 (4). The notice shall contain the information specified in sub. (2) (b) 1., 5., 6., ~~7.~~ and
23 10. or, if applicable, the updated information.

24 **SECTION 78.** 301.46 (4) (b) 3. of the statutes is repealed.

25 **SECTION 79.** 301.46 (5) (b) 2. of the statutes is repealed.

ASSEMBLY BILL 613**SECTION 80**

1 **SECTION 80.** 301.46 (5n) of the statutes is created to read:

2 301.46 **(5n)** INTERNET ACCESS. No later than the first day of the 13th month
3 beginning after the effective date of this subsection ... [revisor inserts date], the
4 department shall provide access to information concerning persons registered under
5 s. 301.45 by creating and maintaining an Internet site and by any other means that
6 the department determines is appropriate. The information provided through the
7 Internet site shall be organized in a manner that allows a person using the Internet
8 site to obtain the information that the department is required to provide the person
9 under sub. (2), (2m), (3), (4) or (5) and other information that the department
10 determines is necessary to protect the public. The department shall keep the
11 information provided on the Internet site and in other means used to allow access to
12 the information secure against unauthorized alteration.

13 **SECTION 81.** 301.46 (6) (a) of the statutes is amended to read:

14 301.46 **(6)** (a) Except as provided in par. (b), the department or an agency with
15 jurisdiction may provide notice of or access to information under subs. (2) to (5)
16 concerning a person registered under s. 301.45 only during the period under s. 301.45
17 (5) or (5m) for which the person is required to comply with s. 301.45.

18 **SECTION 82.** 452.23 (2) (d) of the statutes is created to read:

19 452.23 **(2)** (d) Except as provided in s. 452.24, any information related to the
20 fact that a particular person is required to register as a sex offender under s. 301.45
21 or any information about the sex offender registry under s. 301.45.

22 **SECTION 82m.** 452.24 of the statutes is created to read:

23 **452.24 Disclosure duty; immunity for providing notice about the sex**
24 **offender registry. (1)** If, in connection with the sale, exchange, purchase or rental
25 of real property, a licensee receives a request from a person to whom the licensee is

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1 providing brokerage services in connection with the sale, exchange, purchase or
2 rental for information related to whether a particular person is required to register
3 as a sex offender under s. 301.45 or any other information about the sex offender
4 registry under s. 301.45, the licensee has a duty to disclose such information, if the
5 licensee has actual knowledge of the information.

6 (2) Notwithstanding sub. (1), the broker or salesperson is immune from
7 liability for any act or omission related to the disclosure of information under sub.
8 (1) if the broker or salesperson in a timely manner provides to the person requesting
9 the information written notice that the person may obtain information about the sex
10 offender registry and persons registered with the registry by contacting the
11 department of corrections. The notice shall include the appropriate telephone
12 number and Internet site of the department of corrections.

13 **SECTION 84m.** 704.50 of the statutes is created to read:

14 **704.50 Disclosure duty; immunity for providing notice about the sex**
15 **offender registry. (1)** Except as provided in sub. (2), a landlord or his or her agent
16 has no duty to disclose to any person in connection with the rental of real property
17 any information related to the fact that a particular person is required to register as
18 a sex offender under s. 301.45 or any information about the sex offender registry
19 under s. 301.45.

20 (2) If, in connection with the rental of real property, a person requests of a
21 landlord or his or her agent information related to whether a particular person is
22 required to register as a sex offender under s. 301.45 or any other information about
23 the sex offender registry under s. 301.45, the landlord or agent has a duty to disclose
24 such information, if the landlord or agent has actual knowledge of the information.

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1 **(3)** Notwithstanding sub. (2), the landlord or agent is immune from liability for
2 any act or omission related to the disclosure of information under sub. (2) if the
3 landlord or agent in a timely manner provides to the person requesting the
4 information written notice that the person may obtain information about the sex
5 offender registry and persons registered with the registry by contacting the
6 department of corrections. The notice shall include the appropriate telephone
7 number and Internet site of the department of corrections.

8 **SECTION 86m.** 706.20 of the statutes is created to read:

9 **706.20 Disclosure duty; immunity for providing notice about the sex**
10 **offender registry. (1)** Except as provided in sub. (2), an owner of an interest in real
11 property has no duty to disclose to any person in connection with the sale, exchange,
12 purchase or rental of the real property any information related to the fact that a
13 particular person is required to register as a sex offender under s. 301.45 or any
14 information about the sex offender registry under s. 301.45.

15 **(2)** If, in connection with the sale, exchange, purchase or rental of real property,
16 a person requests of an owner of an interest in the real property information related
17 to whether a particular person is required to register as a sex offender under s. 301.45
18 or any other information about the sex offender registry under s. 301.45, the owner
19 has a duty to disclose such information, if the owner has actual knowledge of the
20 information.

21 **(3)** Notwithstanding sub. (2), the owner is immune from liability for any act or
22 omission related to the disclosure of information under sub. (2) if the owner in a
23 timely manner provides to the person requesting the information written notice that
24 the person may obtain information about the sex offender registry and persons
25 registered with the registry by contacting the department of corrections. The notice

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1 shall include the appropriate telephone number and Internet site of the department
2 of corrections.

3 **SECTION 89.** 938.185 (3) of the statutes is renumbered 938.185 (3) (intro.) and
4 amended to read:

5 938.185 (3) (intro.) Venue for a proceeding under s. 938.12 or 938.13 (12) based
6 on an alleged violation of s. 301.45 (6) (a) may be in the juvenile's county of residence
7 at the time that the petition is filed ~~or, if,~~ If the juvenile does not have a county of
8 residence in this state at the time that the petition is filed, any or if the juvenile's
9 county of residence is unknown at the time that the petition is filed, venue for the
10 proceeding may be in any of the following counties:

11 (a) Any county in which the juvenile has resided while subject to s. 301.45.

12 **SECTION 89d.** 938.185 (3) (intro.) of the statutes, as affected by 1999 Wisconsin
13 Act (this act), is repealed and recreated to read:

14 938.185 (3) (intro.) Venue for a proceeding under s. 938.12 or 938.13 (12) based
15 on an alleged violation of s. 301.45 (6) (a) or (ag) may be in the juvenile's county of
16 residence at the time that the petition is filed. If the juvenile does not have a county
17 of residence in this state at the time that the petition is filed, or if the juvenile's county
18 of residence is unknown at the time that the petition is filed, venue for the proceeding
19 may be in any of the following counties:

20 **SECTION 90.** 938.185 (3) (b), (c) and (d) of the statutes are created to read:

21 938.185 (3) (b) The county in which the juvenile was adjudicated delinquent
22 or found not responsible by reason of mental disease or defect for the sex offense that
23 requires the juvenile to register under s. 301.45.

24 (c) If the juvenile is required to register under s. 301.45 (1g) (dt), the county in
25 which the juvenile was found to be a sexually violent person under ch. 980.

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1 (d) If the juvenile is required to register only under s. 301.45 (1g) (f) or (g), any
2 county in which the juvenile has been a student in this state or has been employed
3 or carrying on a vocation in this state.

4 **SECTION 91.** 938.34 (15m) (bm) of the statutes is amended to read:

5 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a
6 violation, or the solicitation, conspiracy or attempt to commit a violation, of s. 940.22
7 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
8 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or of s. 940.30
9 or 940.31 if the victim was a minor and the juvenile was not the victim's parent, the
10 court shall require the juvenile to comply with the reporting requirements under s.
11 301.45 unless the court determines, after a hearing on a motion made by the juvenile,
12 that the juvenile is not required to comply under s. 301.45 (1m).

13 **SECTION 92.** 938.34 (15m) (d) of the statutes is created to read:

14 938.34 (15m) (d) If the court orders a juvenile to comply with the reporting
15 requirements under s. 301.45, the court may order the juvenile to continue to comply
16 with the reporting requirements until his or her death.

17 **SECTION 93.** 938.34 (15m) (e) of the statutes is created to read:

18 938.34 (15m) (e) If the court orders a juvenile to comply with the reporting
19 requirements under s. 301.45, the clerk of the court in which the order is entered
20 shall promptly forward a copy of the order to the department of corrections. If the
21 finding of delinquency on which the order is based is reversed, set aside or vacated,
22 the clerk of the court shall promptly forward to the department of corrections a
23 certificate stating that the finding of delinquency has been reversed, set aside or
24 vacated.

25 **SECTION 94.** 938.345 (3) of the statutes is created to read:

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1 938.345 (3) (a) If the court finds that a juvenile is in need of protection or
2 services on the basis of a violation, or the solicitation, conspiracy or attempt to
3 commit a violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may
4 require the juvenile to comply with the reporting requirements under s. 301.45 if the
5 court determines that the underlying conduct was sexually motivated, as defined in
6 s. 980.01 (5), and that it would be in the interest of public protection to have the
7 juvenile report under s. 301.45. In determining whether it would be in the interest
8 of public protection to have the juvenile report under s. 301.45, the court may
9 consider any of the following:

10 1. The ages, at the time of the violation, of the juvenile and the victim of the
11 violation.

12 2. The relationship between the juvenile and the victim of the violation.

13 3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to
14 the victim.

15 4. Whether the victim suffered from a mental illness or mental deficiency that
16 rendered him or her temporarily or permanently incapable of understanding or
17 evaluating the consequences of his or her actions.

18 5. The probability that the juvenile will commit other violations in the future.

19 6. Any other factor that the court determines may be relevant to the particular
20 case.

21 (b) If the court orders a juvenile to comply with the reporting requirements
22 under s. 301.45, the court may order the juvenile to continue to comply with the
23 reporting requirements until his or her death.

24 (c) If the court orders a juvenile to comply with the reporting requirements
25 under s. 301.45, the clerk of the court in which the order is entered shall promptly

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1 forward a copy of the order to the department of corrections. If the finding of need
2 of protection or services on which the order is based is reversed, set aside or vacated,
3 the clerk of the court shall promptly forward to the department of corrections a
4 certificate stating that the finding has been reversed, set aside or vacated.

5 **SECTION 95.** 938.396 (2) (em) of the statutes is amended to read:

6 938.396 **(2)** (em) Upon request of the department to review court records for the
7 purpose of obtaining information concerning a child required to register under s.
8 301.45, the court shall open for inspection by authorized representatives of the
9 department the records of the court relating to any child who has been adjudicated
10 delinquent or found not responsible by reason of mental disease or defect for an
11 offense specified in s. 301.45 ~~(1)~~ (1g) (a). The department may disclose information
12 that it obtains under this paragraph as provided under s. 301.46.

13 **SECTION 96.** 939.615 (6) (i) of the statutes is created to read:

14 939.615 **(6)** (i) If the court grants a petition requesting termination of lifetime
15 supervision and the person is registered with the department under s. 301.45, the
16 court may also order that the person is no longer required to comply with the
17 reporting requirements under s. 301.45. This paragraph does not apply to a person
18 who must continue to comply with the reporting requirements for life under s. 301.45
19 (5) (b) or for as long as he or she is in this state under s. 301.45 (5m) (b).

20 **SECTION 97.** 942.06 (2m) (a) of the statutes is amended to read:

21 942.06 **(2m)** (a) An employe or agent of the department of corrections who
22 conducts a lie detector test of a ~~probationer, parolee or person on extended~~
23 ~~supervision under the rules promulgated~~ sex offender under s. 301.132.

24 **SECTION 98.** 942.06 (2q) (a) (intro.) of the statutes is amended to read:

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1 942.06 **(2q)** (a) (intro.) An employe or agent of the department of corrections
2 who discloses, to any of the following, the fact that a ~~probationer, parolee or person~~
3 ~~on extended supervision~~ sex offender has had a lie detector test ~~under the rules~~
4 ~~promulgated~~ under s. 301.132 or the results of such a lie detector test:

5 **SECTION 99.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

6 971.17 **(1m)** (b) 2m. If the defendant under sub. (1) is found not guilty by reason
7 of mental disease or defect for a violation, or for the solicitation, conspiracy or
8 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
9 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or
10 (am), 948.12, 948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and
11 the defendant was not the victim's parent, the court shall require the defendant to
12 comply with the reporting requirements under s. 301.45 unless the court determines,
13 after a hearing on a motion made by the defendant, that the defendant is not required
14 to comply under s. 301.45 (1m).

15 **SECTION 100.** 971.17 (1m) (b) 4. of the statutes is created to read:

16 971.17 **(1m)** (b) 4. If the court orders a defendant to comply with the reporting
17 requirements under s. 301.45, the court may order the defendant to continue to
18 comply with the reporting requirements until his or her death.

19 **SECTION 101.** 971.17 (1m) (b) 5. of the statutes is created to read:

20 971.17 **(1m)** (b) 5. If the court orders a defendant to comply with the reporting
21 requirements under s. 301.45, the clerk of the court in which the order is entered
22 shall promptly forward a copy of the order to the department of corrections. If the
23 finding of not guilty by reason of mental disease or defect on which the order is based
24 is reversed, set aside or vacated, the clerk of the court shall promptly forward to the

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1 department of corrections a certificate stating that the finding has been reversed, set
2 aside or vacated.

3 **SECTION 102.** 971.19 (9) of the statutes is renumbered 971.19 (9) (intro.) and
4 amended to read:

5 971.19 (9) (intro.) In an action under s. 301.45 (6) (a), the defendant may be
6 tried in the defendant's county of residence at the time that the complaint is filed ~~or~~
7 ~~if.~~ If the defendant does not have a county of residence in this state at the time that
8 the complaint is filed, any or if the defendant's county of residence is unknown at the
9 time that the complaint is filed, the defendant may be tried in any of the following
10 counties:

11 (a) Any county in which he or she has resided while subject to s. 301.45.

12 **SECTION 102d.** 971.19 (9) (intro.) of the statutes, as affected by 1999 Wisconsin
13 Act (this act), is repealed and recreated to read:

14 971.19 (9) In an action under s. 301.45 (6) (a) or (ag), the defendant may be tried
15 in the defendant's county of residence at the time that the complaint is filed. If the
16 defendant does not have a county of residence in this state at the time that the
17 complaint is filed, or if the defendant's county of residence is unknown at the time
18 that the complaint is filed, the defendant may be tried in any of the following
19 counties:

20 **SECTION 103.** 971.19 (9) (b), (c) and (d) of the statutes are created to read:

21 971.19 (9) (b) The county in which he or she was convicted, found not guilty or
22 not responsible by reason of mental disease or defect or adjudicated delinquent for
23 the sex offense that requires the person to register under s. 301.45.

24 (c) If the defendant is required to register under s. 301.45 (1g) (dt), the county
25 in which the person was found to be a sexually violent person under ch. 980.

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1 (d) If the person is required to register only under s. 301.45 (1g) (f) or (g), any
2 county in which the person has been a student in this state or has been employed or
3 carrying on a vocation in this state.

4 **SECTION 104.** 973.048 (2m) of the statutes is amended to read:

5 973.048 (2m) If a court imposes a sentence or places a person on probation for
6 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
7 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
8 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or
9 of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's
10 parent, the court shall require the person to comply with the reporting requirements
11 under s. 301.45 unless the court determines, after a hearing on a motion made by the
12 person, that the person is not required to comply under s. 301.45 (1m).

13 **SECTION 105.** 973.048 (4) of the statutes is created to read:

14 973.048 (4) If the court orders a person to comply with the reporting
15 requirements under s. 301.45, the court may order the person to continue to comply
16 with the reporting requirements until his or her death.

17 **SECTION 106.** 973.048 (5) of the statutes is created to read:

18 973.048 (5) If the court orders a person to comply with the reporting
19 requirements under s. 301.45, the clerk of the court in which the order is entered
20 shall promptly forward a copy of the order to the department of corrections. If the
21 conviction on which the order is based is reversed, set aside or vacated, the clerk of
22 the court shall promptly forward to the department of corrections a certificate stating
23 that the conviction has been reversed, set aside or vacated.

24 **SECTION 107. Nonstatutory provisions.**

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1 (1) PERSONS REGISTERED AS SEX OFFENDERS BASED ON BEING FOUND IN NEED OF
2 PROTECTION OR SERVICES.

3 (a) Notwithstanding section 301.45 (1) (a), 1997 stats., no later than the first
4 day of the 7th month beginning after the effective date of this paragraph, the
5 department of corrections shall, except as provided in paragraphs (d) and (e), purge
6 all of the information maintained in the sex offender registry under section 301.45
7 of the statutes, as affected by this act, concerning a person who is registered as a sex
8 offender on the effective date of this paragraph solely because the person had been
9 found in need of protection or services on or after December 25, 1993, for an offense
10 specified in section 301.45 (1) (a), 1997 stats.

11 (b) No later the first day of the 3rd month beginning after the effective date of
12 this paragraph, the department of corrections shall, with respect to each person
13 registered as a sex offender who is covered by the purgation requirement under
14 paragraph (a), notify the county department of social services or the county
15 department of human services, whichever is applicable, of the county of the court
16 that found the person in need of protection or services that the information in the sex
17 offender registry is subject to being purged under paragraph (a).

18 (c) A county department of social services or county department of human
19 services that receives a notice from the department of corrections under paragraph
20 (b) concerning a person registered as a sex offender shall decide whether to petition
21 the court that found the person in need of protection or services for an order requiring
22 the person to continue complying with the reporting requirements under section
23 301.45 of the statutes, as affected by this act. The county department shall make the
24 decision no later than the first day of the 5th month beginning after the effective date
25 of this paragraph and shall immediately inform the department of corrections of its

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1 decision. If the county department decides that it does not want to petition the court
2 for an order requiring a person to continue to comply with section 301.45 of the
3 statutes, as affected by this act, the department of corrections shall purge the
4 information concerning the person in the sex offender registry as provided under
5 paragraph (a). If a county department decides that it wants to petition the court, it
6 shall request the district attorney or corporation counsel to file the petition, and the
7 district attorney or corporation counsel shall proceed as provided under paragraph
8 (d).

9 (d) A district attorney or corporation counsel who is requested to file a petition
10 under paragraph (c) shall file the petition in the court that found the person in need
11 of protection or services no later than the first day of the 6th month beginning after
12 the effective date of this paragraph. The district attorney or corporation counsel
13 shall serve a copy of the petition on the person and, if the person has not attained the
14 age of 18 years, on the parents, guardian or legal custodian of the person. The district
15 attorney or corporation counsel shall also inform the department of corrections that
16 he or she has filed the petition. If it receives notice that a petition has been filed
17 under this paragraph, the department of corrections may not purge the information
18 about the person in the sex offender registry except as provided under paragraph (e).

19 (e) The court in which a petition is filed under paragraph (d) shall hold a
20 hearing on the petition, at which it may allow the county department that requested
21 the petition to be filed and the person to present evidence on whether it is in the
22 interest of public protection to have the person continue to register as a sex offender.
23 The court shall decide whether to grant or to deny the petition and shall provide
24 written notification of its decision to the department of corrections no later than the
25 first day of the 10th month beginning after the effective date of this paragraph. In

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1 deciding whether to grant or to deny the petition, the court may consider any of the
2 factors specified under section 938.345 (3) (a) of the statutes, as created by this act.
3 If the court grants the petition, the department of corrections shall continue to
4 maintain the information in the sex offender registry about the person as provided
5 under section 301.45 of the statutes, as affected by this act, and may not purge the
6 information under paragraph (a). If the court denies the petition, the department
7 of corrections shall purge the information in the sex offender registry about the
8 person as provided under paragraph (a) no later than 30 days after it receives notice
9 from the court that the petition has been denied.

10 (2d) RECONCILIATION PROVISION. The repeal and recreation of sections 301.45 (2)
11 (e) 2., (3) (b) 4. and (6), 938.185 (3) (intro.) and 971.19 (9) (intro.) of the statutes and
12 SECTIONS 109 (2d) and 110 (2d) and (3d) of this act are void unless 1999 Assembly Bill
13 99 is enacted into law before July 1, 2000, and unless 1999 Assembly Bill 99 affects
14 sections 301.45 (2) (e) 2. and (6) (a) of the statutes in exactly the same form as shown
15 in 1999 Assembly Bill 99, as passed by the senate.

SECTION 108. Appropriation changes.

16 (1) APPROPRIATION INCREASE; CORRECTIONS. In the schedule under section 20.005
17 (3) of the statutes for the appropriation to the department of corrections under
18 section 20.410 (1) (a) of the statutes, as affected by the acts of 1999, the dollar amount
19 is increased by \$134,800 for fiscal year 2000–01 to increase the authorized FTE
20 positions for the department by 4.0 GPR positions on January 1, 2001, for
21 performing duties relating to sex offender registration under section 301.45 of the
22 statutes, as affected by this act, and community notification concerning sex offenders
23 under section 301.46 of the statutes, as affected by this act.
24

SECTION 109. Initial applicability.

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1 (1) PENALTY FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS. The
2 creation of section 301.45 (6) (a) 2. of the statutes first applies to offenses committed
3 on the effective date of this subsection, but does not preclude the counting of previous
4 offenses for purposes of determining whether the person is subject to the penalties
5 under section 301.45 (6) (a) 2. of the statutes, as created by this act.

6 (2d) PROVISION OF INFORMATION BY CERTAIN PERSONS. The repeal and recreation
7 of section 301.45 (2) (e) 2. of the statutes first applies to persons who are required to
8 provide information under section 301.45 (2) (e) of the statutes, as affected by this
9 act, on the effective date of this subsection.

10 (3c) REAL PROPERTY TRANSACTIONS. The treatment of sections 452.24, 704.50 (2)
11 and (3) and 706.20 (2) and (3) of the statutes first applies to transactions related to
12 the sale, exchange, purchase or rental of real property that are commenced on the
13 first day of the 13th month beginning after publication.

14 **SECTION 110. Effective dates.** This act takes effect on the day after
15 publication, except as follows:

16 (1) The treatment of section 301.45 (1g) (b) and (bm) of the statutes and the
17 repeal and recreation of section 301.45 (5) (a) 2. of the statutes take effect on
18 January 1, 2000, or on the day after publication, whichever is later.

19 (2d) If 1999 Assembly Bill 99 has been enacted on or before the day after
20 publication of this act, the repeal and recreation of sections 301.45 (2) (e) 2., (3) (b)
21 4. and (6), 938.185 (3) (intro.) and 971.19 (9) (intro.) of the statutes and SECTION 109
22 (2d) take effect on on the day after publication of this act.

23 (3d) If 1999 Assembly Bill 99 is enacted after the day after publication of this
24 act but before July 1, 2000, the repeal and recreation of section 301.45 (2) (e) 2., (3)
25 (b) 4. and (6), 938.185 (3) (intro.) and 971.19 (9) (intro.) of the statutes and SECTION

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SECTION 110

1 109 (2d) of this act take effect on on the date that the treatment of section 301.45 (2)

2 (e) 2. and (6) (a) of the statutes by 1999 Assembly Act 99 takes effect.

3 (END)