

1999 Assembly Bill 613

Date of enactment: **April 25, 2000**

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1999 WISCONSIN ACT 89

AN ACT to repeal 301.45 (2) (a) 7., 301.46 (2) (b) 7., 301.46 (4) (b) 3. and 301.46 (5) (b) 2.; to renumber and amend 301.45 (1), 301.45 (4m), 301.45 (5) (a) 1m., 301.45 (6) (a), 301.46 (1), 938.185 (3) and 971.19 (9); to amend 20.410 (1) (gc), 48.396 (2) (f), 51.20 (13) (ct) 2m., 51.375 (1) (d), 71.78 (5), 301.132 (1) (c), 301.132 (2), 301.132 (3), 301.45 (1m) (a) 1., 301.45 (1m) (a) 2., 301.45 (1m) (b), 301.45 (2) (a) (intro.), 301.45 (2) (b), 301.45 (2) (c), 301.45 (2) (d), 301.45 (2) (e) (intro.), 301.45 (2) (e) 2., 301.45 (2) (e) 5., 301.45 (3) (a) (intro.), 301.45 (3) (a) 1m., 301.45 (3) (a) 4., 301.45 (3) (b) 1., 301.45 (3) (b) 1m., 301.45 (3) (b) 2., 301.45 (3) (b) 3., 301.45 (3) (b) 3m., 301.45 (3) (b) 4., 301.45 (5) (title), 301.45 (5) (a) (intro.), 301.45 (5) (a) 1., 301.45 (5) (a) 2., 301.45 (5) (a) 2m., 301.45 (5) (a) 3., 301.45 (5) (a) 4., 301.45 (5) (b) (intro.), 301.45 (5) (b) 1., 301.45 (5) (b) 2., 301.46 (2m) (a), 301.46 (2m) (am), 301.46 (3) (c), 301.46 (6) (a), 938.34 (15m) (bm), 938.396 (2) (em), 942.06 (2m) (a), 942.06 (2q) (a) (intro.), 971.17 (1m) (b) 2m. and 973.048 (2m); to repeal and recreate 301.45 (1g) (b), 301.45 (1g) (bm), 301.45 (2) (e) 2., 301.45 (3) (b) 4., 301.45 (5) (a) 2., 301.45 (6), 938.185 (3) (intro.) and 971.19 (9) (intro.); and to create 51.20 (13) (ct) 4., 51.20 (13) (ct) 5., 71.78 (4) (q), 301.45 (1d), 301.45 (1g) (dj), 301.45 (1g) (dL), 301.45 (1g) (em), 301.45 (1g) (f), 301.45 (1g) (g), 301.45 (1m) (a) 1g., 301.45 (2) (a) 9m., 301.45 (2) (e) 2m., 301.45 (2) (e) 2t., 301.45 (2) (f), 301.45 (2) (g), 301.45 (3) (a) 1r., 301.45 (3) (a) 1t., 301.45 (4m) (b), 301.45 (5) (am), 301.45 (5) (b) 1m., 301.45 (5) (b) 3., 301.45 (5m), 301.45 (6) (a) 2., 301.45 (6) (d), 301.45 (6m), 301.46 (1) (b), 301.46 (2m) (b) 1m., 301.46 (5n), 452.23 (2) (d), 452.24, 704.50, 706.20, 938.185 (3) (b), (c) and (d), 938.34 (15m) (d), 938.34 (15m) (e), 938.345 (3), 939.615 (6) (i), 971.17 (1m) (b) 4., 971.17 (1m) (b) 5., 971.19 (9) (b), (c) and (d), 973.048 (4) and 973.048 (5) of the statutes; relating to: sex offender registration, release of information from the sex offender registry, honesty testing of sex offenders, the duty to disclose information from or about sex offender registry and immunity for providing notice concerning access to the sex offender registry before sales or rentals of real property, making an appropriation and providing a penalty.

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

SECTION 1. 20.410 (1) (gc) of the statutes is amended to read:

20.410 (1) (gc) *Sex offender honesty testing.* All moneys received from ~~probation, extended supervision and parole~~ clients sex offenders who are required to pay for polygraph examinations, as prescribed by rule in

accordance with s. 301.132 (3), for expenditures related to the lie detector test program for ~~probationers, extended supervision and parolees~~ sex offenders under s. 301.132.

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

48.396 (2) (f) Upon request of the department of corrections to review court records for the purpose of obtaining information concerning a child required to register under s. 301.45, the court shall open for inspection by authorized representatives of the department of

* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

corrections the records of the court relating to any child who has been found in need of protection or services for an offense specified in s. 301.45 (4) (1g) (a). The department of corrections may disclose information that it obtains under this paragraph as provided under s. 301.46.

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

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

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

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

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

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

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

51.375 (1) (d) "Sex offender" means a person committed to the department who meets any of the criteria specified in s. 301.45 (4) (1g).

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

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

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

71.78 (5) AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified in sub. (1) and related schedules, exhibits, writings or audit reports shall not be fur-

nished to the persons listed under sub. (4), except persons under sub. (4) (e), (k), (n) ~~and~~ (o) and (q) or under an agreement between the department of revenue and another agency of government.

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

301.132 (1) (c) "Sex offender" means a person in the custody of the department who meets any of the criteria specified in s. 301.45 (4) (1g).

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

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

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

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

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

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

(a) ~~Is convicted, or adjudicated delinquent or found in need of protection or services on or after December 25, 1993, for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent~~ a sex offense.

(b) ~~Is in prison, a secured correctional facility, as defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or on probation, extended supervision, parole, supervision or aftercare supervision on or after December 25, 1993, for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2)~~

~~or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent a sex offense.~~

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

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

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

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

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

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

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

301.45 (1d) DEFINITIONS. In this section:

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

(am) "Found to have committed a sex offense by another jurisdiction" means any of the following:

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

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

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

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

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

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

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

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

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

301.45 (1g) (bm) Is in prison, a secured correctional facility, a secured child caring institution or a secured

group home or is on probation, extended supervision, parole, supervision or aftercare supervision on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law of this state that is comparable to a sex offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

301.45 (2) (c) If the department of health and family services has supervision over a person subject to sub. (1) (1g), that department, with the assistance of the person,

shall provide the information specified in par. (a) to the department of corrections in accordance with the rules under sub. (8).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

301.45 (2) (f) The department may require a person covered under sub. (1g) to provide the department with his or her fingerprints, a recent photograph of the person and any other information required under par. (a) that the person has not previously provided. The department may require the person to report to a place designated by the department, including an office or station of a law enforcement agency, for the purpose of obtaining the person's fingerprints, the photograph or other information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

301.45 (3) (b) 3. The department of health and family services shall notify a person who is being placed on conditional release, conditional transfer or parole, or is being terminated or discharged from a commitment, under s. 51.20, 51.35 or 971.17 or ch. 975 or 980 and who is covered under sub. (4) (1g) of the need to comply with the requirements of this section.

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

301.45 (3) (b) 3m. After notifying a person under subd. 2. or 3. of the need to comply with this section, the person who is providing the notification shall require the person who is covered under sub. (4) (1g) to read and sign a form stating that he or she has been informed of the requirements of this section.

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

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

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

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

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

301.45 (4m) INFORMATION CONCERNING A MOVE TO OR SCHOOLING OR EMPLOYMENT IN ANOTHER STATE. (intro.) In addition to the requirements under subs. (3) and (4), a person who is covered under sub. (4) (1g) and who is changing his or her residence from this state to another state, is becoming a student in another state or is to be employed or carrying on a vocation in another state shall, no later than 10 days before he or she moves out of this state, begins school or begins employment or his or her vocation, notify the department that he or she is changing his or her residence from this state ~~and~~ is beginning school in another state or is beginning employment or the carrying on of a vocation in another state. The person shall also inform the department of the state to which he or she is moving his or her residence, the state in which he or she will be in school or the state in which he or she will be employed or carrying on a vocation. Upon receipt-

ing notification from a person under this subsection, the department shall ~~inform~~ do all of the following:

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

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

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

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

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

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

301.45 (5) (a) (intro.) Except as provided in ~~par.~~ pars. (am) and (b), a person who is covered under sub. (4) (1g) (a), (b), (bm), (c), (d), (dd), (dp), (e) or (em) no longer has to comply with this section when the following applicable criterion is met:

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

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

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

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

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

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

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

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

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

301.45 (5) (a) 2m. If the person has been sentenced to prison for a sex offense and is being released from prison because he or she has reached the expiration date of ~~his or her~~ the sentence for the sex offense, 15 years after being released from prison.

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

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

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

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

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

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

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

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

301.45 (5) (b) (intro.) A person who is covered under sub. (4) (1g) (a), (b), (bm), (c), (d), (dd), (dp) or (e) shall continue to comply with the requirements of this section until his or her death if any of the following apply ~~applies~~:

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

301.45 (5) (b) 1. The person has, on 2 or more separate occasions, been convicted or found not guilty or not responsible by reason of mental disease or defect for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the per-

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

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

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

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

301.45 (5) (b) 2. The person has been found to be a sexually violent person under ch. 980, regardless of whether the person is discharged under s. 980.09 or 980.10 from the sexually violent person commitment, except that the person no longer has to comply with this section if the finding that the person is a sexually violent person has been reversed, set aside or vacated.

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The person has, on 2 or more separate occasions, been convicted or found not guilty or not responsible by reason of mental disease or defect for a sex offense or for a violation, or the solicitation, conspiracy or attempt to commit a violation, of a federal law, military law, tribal law or law of any state that is comparable to a sex offense. A conviction or finding of not guilty or not responsible by reason of mental disease or defect that has been reversed, set aside or vacated is not a conviction or finding for purposes of determining under this subdivision

whether a person has been convicted on 2 or more separate occasions.

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

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

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

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

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

(am) Subject to s. 971.19 (9), a district attorney or, upon the request of a district attorney, the department of justice may prosecute a ~~violation of this subsection knowing failure to comply with any requirement to provide information under subs. (2) to (4).~~ If the department of corrections determines that there is probable cause to believe that a person has ~~intentionally~~ knowingly failed to comply with any requirement to provide information under subs. (2) to (4), the department shall forward a certified copy of all pertinent departmental information to the applicable district attorney. The department shall certify the copy in accordance with s. 889.08.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

301.46 (2m) (a) If an agency with jurisdiction confines a person under s. 301.046, provides a person entering the intensive sanctions program under s. 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases a person from confinement in a state correctional institution or institutional care, and the person has, on one occasion only, been convicted or found not guilty or not responsible by reason of mental disease or defect for ~~any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim’s parent, a sex offense or for a violation of a law of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or that is comparable to s. 940.30 or 940.31 if the victim was a minor and the person was not the victim’s parent~~ a sex offense, the agency with jurisdiction may notify the police chief of any community and the sheriff of any county in which the person will be residing, employed or attending school if the agency with

jurisdiction determines that such notification is necessary to protect the public. Notification under this paragraph may be in addition to providing access to information under sub. (2) or to any other notification that an agency with jurisdiction is authorized to provide.

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

301.46 (2m) (am) If an agency with jurisdiction confines a person under s. 301.046, provides a person entering the intensive sanctions program under s. 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases a person from confinement in a state correctional institution or institutional care, and the person has been found to be a sexually violent person under ch. 980 or has, on 2 or more separate occasions, been convicted or found not guilty or not responsible by reason of mental disease or defect for ~~any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11 or a sex offense or for a violation of a law of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11 a sex offense~~, the agency with jurisdiction shall notify the police chief of any community and the sheriff of any county in which the person will be residing, employed or attending school. Notification under this paragraph shall be in addition to providing access to information under sub. (2) and to any other notification that an agency with jurisdiction is authorized to provide.

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

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

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

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

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

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

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

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

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

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

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

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

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

452.24 Disclosure duty; immunity for providing notice about the sex offender registry. (1) If, in connection with the sale, exchange, purchase or rental of real property, a licensee receives a request from a person to whom the licensee is providing brokerage services in connection with the sale, exchange, purchase or rental for information related to whether a particular person is required to register as a sex offender under s. 301.45 or any other information about the sex offender registry under s. 301.45, the licensee has a duty to disclose such information, if the licensee has actual knowledge of the information.

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

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

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

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

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

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

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

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

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

tions. The notice shall include the appropriate telephone number and Internet site of the department of corrections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The ages, at the time of the violation, of the juvenile and the victim of the violation.
2. The relationship between the juvenile and the victim of the violation.
3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to the victim.
4. Whether the victim suffered from a mental illness or mental deficiency that rendered him or her temporarily or permanently incapable of understanding or evaluating the consequences of his or her actions.
5. The probability that the juvenile will commit other violations in the future.
6. Any other factor that the court determines may be relevant to the particular case.

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

(c) If the court orders a juvenile to comply with the reporting requirements under s. 301.45, the clerk of the court in which the order is entered shall promptly forward a copy of the order to the department of corrections. If the finding of need of protection or services on which the

order is based is reversed, set aside or vacated, the clerk of the court shall promptly forward to the department of corrections a certificate stating that the finding has been reversed, set aside or vacated.

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

938.396 (2) (em) Upon request of the department to review court records for the purpose of obtaining information concerning a child required to register under s. 301.45, the court shall open for inspection by authorized representatives of the department the records of the court relating to any child who has been adjudicated delinquent or found not responsible by reason of mental disease or defect for an offense specified in s. 301.45 ~~(4)~~ (1g) (a). The department may disclose information that it obtains under this paragraph as provided under s. 301.46.

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

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

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

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

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

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

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

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

motion made by the defendant, that the defendant is not required to comply under s. 301.45 (1m).

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

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

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

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

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

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

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

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

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

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

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

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

(d) If the person is required to register only under s. 301.45 (1g) (f) or (g), any county in which the person has

been a student in this state or has been employed or carrying on a vocation in this state.

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

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

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

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

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

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

SECTION 107. Nonstatutory provisions.

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

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

(b) No later than the first day of the 3rd month beginning after the effective date of this paragraph, the department of corrections shall, with respect to each person registered as a sex offender who is covered by the purgation requirement under paragraph (a), notify the county department of social services or the county department of human services, whichever is applicable, of the county of the court that found the person in need of protection or

services that the information in the sex offender registry is subject to being purged under paragraph (a).

(c) A county department of social services or county department of human services that receives a notice from the department of corrections under paragraph (b) concerning a person registered as a sex offender shall decide whether to petition the court that found the person in need of protection or services for an order requiring the person to continue complying with the reporting requirements under section 301.45 of the statutes, as affected by this act. The county department shall make the decision no later than the first day of the 5th month beginning after the effective date of this paragraph and shall immediately inform the department of corrections of its decision. If the county department decides that it does not want to petition the court for an order requiring a person to continue to comply with section 301.45 of the statutes, as affected by this act, the department of corrections shall purge the information concerning the person in the sex offender registry as provided under paragraph (a). If a county department decides that it wants to petition the court, it shall request the district attorney or corporation counsel to file the petition, and the district attorney or corporation counsel shall proceed as provided under paragraph (d).

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

(e) The court in which a petition is filed under paragraph (d) shall hold a hearing on the petition, at which it may allow the county department that requested the petition to be filed and the person to present evidence on whether it is in the interest of public protection to have the person continue to register as a sex offender. The court shall decide whether to grant or to deny the petition and shall provide written notification of its decision to the department of corrections no later than the first day of the 10th month beginning after the effective date of this paragraph. In deciding whether to grant or to deny the petition, the court may consider any of the factors specified under section 938.345 (3) (a) of the statutes, as created by this act. If the court grants the petition, the department of corrections shall continue to maintain the information in the sex offender registry about the person as provided

under section 301.45 of the statutes, as affected by this act, and may not purge the information under paragraph (a). If the court denies the petition, the department of corrections shall purge the information in the sex offender registry about the person as provided under paragraph (a) no later than 30 days after it receives notice from the court that the petition has been denied.

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

SECTION 108. Appropriation changes.

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

SECTION 109. Initial applicability.

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

under section 301.45 (6) (a) 2. of the statutes, as created by this act.

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

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

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

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

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

(3d) If 1999 Assembly Bill 99 is enacted after the day after publication of this act but before July 1, 2000, the repeal and recreation of section 301.45 (2) (e) 2., (3) (b) 4. and (6), 938.185 (3) (intro.) and 971.19 (9) (intro.) of the statutes and SECTION 109 (2d) of this act take effect on the date that the treatment of section 301.45 (2) (e) 2. and (6) (a) of the statutes by 1999 Assembly Act 99 takes effect.