

**ASSEMBLY AMENDMENT 3,
TO 1999 ASSEMBLY BILL 613**

March 21, 2000 – Offered by Representative WALKER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 17, line 16: after that line insert:

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4 Acts (Assembly Bill 99) and (this act), is repealed and recreated to read:

5 301.45 **(2)** (e) 2. If the person is on parole, extended supervision, probation or
6 other supervision from another state under s. 304.13, 304.135 or 938.988, before the
7 person enters this state.”.

8 **2.** Page 21, line 16: after that line insert:

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10 Act (this act), is repealed and recreated to read:

11 301.45 **(3)** (b) 4. It is not a defense to liability under sub. (6) (a) or (ag) that the
12 person subject to sub. (1g) was not required to read and sign a form under subd. 3m.,
13 was not provided with a form to read and sign under subd. 3m. or failed or refused

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

6 **3.** Page 29, line 9: delete lines 9 to 16.

7 **4.** Page 29, line 23: delete lines 23 and 24 and substitute “on December 25,
8 1993, and ending on May 31, 2000, shall be allowed until January 1, 2001, to comply
9 with the requirements under subs. (2) to (4).”.

10 **5.** Page 30, line 1: delete lines 1 and 2.

11 **6.** Page 30, line 3: before that line insert:

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13 (Assembly Bill 99) and (this act), is repealed and recreated to read:

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

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

18 2. For a 2nd or subsequent offense, the person may be fined not more than
19 \$10,000 or imprisoned for not more than 5 years or both. For purposes of this
20 subdivision, an offense is a 2nd or subsequent offense if, prior to committing the
21 offense, the person has at any time been convicted of knowingly failing to comply
22 with any requirement to provide information under subs. (2) to (4).

23 (ag) Whoever intentionally violates sub. (4r) may be fined not more than
24 \$10,000 or imprisoned for not more than 9 months or both.

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

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

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

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

1 **7.** Page 38, line 21: after that line insert:

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

4 938.185 **(3)** (intro.) Venue for a proceeding under s. 938.12 or 938.13 (12) based
5 on an alleged violation of s. 301.45 (6) (a) or (ag) may be in the juvenile’s county of
6 residence at the time that the petition is filed. If the juvenile does not have a county
7 of residence in this state at the time that the petition is filed, or if the juvenile’s county
8 of residence is unknown at the time that the petition is filed, venue for the proceeding
9 may be in any of the following counties:”.

10 **8.** Page 43, line 14: after that line insert:

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

13 971.19 **(9)** In an action under s. 301.45 (6) (a) or (ag), the defendant may be tried
14 in the defendant’s county of residence at the time that the complaint is filed. If the
15 defendant does not have a county of residence in this state at the time that the
16 complaint is filed, or if the defendant’s county of residence is unknown at the time
17 that the complaint is filed, the defendant may be tried in any of the following
18 counties:”.

19 **9.** Page 47, line 5: delete lines 5 to 10 and substitute:

20 “(2d) RECONCILIATION PROVISION. The repeal and recreation of sections 301.45
21 (2) (e) 2., (3) (b) 4. and (6), 938.185 (3) (intro.) and 971.19 (9) (intro.) of the statutes
22 and SECTIONS 109 (2d) and 110 (2d) and (3d) of this act are void unless 1999 Assembly
23 Bill 99 is enacted into law before July 1, 2000, and unless 1999 Assembly Bill 99

1 affects sections 301.45 (2) (e) 2. and (6) (a) of the statutes in exactly the same form
2 as shown in 1999 Assembly Bill 99, as passed by the senate.”.

3 **10.** Page 47, line 21: delete “REQUIREMENTS; INITIAL” and substitute
4 “REQUIREMENTS.”.

5 **11.** Page 47, line 22: delete “PROVISION.”.

6 **12.** Page 48, line 3: delete lines 3 to 8 and substitute:

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

11 **13.** Page 48, line 22: delete the material beginning with that line and ending
12 with page 49, line 9, and substitute:

13 “(2d) If 1999 Assembly Bill 99 has been enacted on or before the day after
14 publication of this act, the repeal and recreation of sections 301.45 (2) (e) 2., (3) (b)
15 4. and (6), 938.185 (3) (intro.) and 971.19 (9) (intro.) of the statutes and SECTION 109
16 (2d) take effect on on the day after publication of this act.

17 (3d) If 1999 Assembly Bill 99 is enacted after the day after publication of this
18 act but before July 1, 2000, the repeal and recreation of section 301.45 (2) (e) 2., (3)
19 (b) 4. and (6), 938.185 (3) (intro.) and 971.19 (9) (intro.) of the statutes and SECTION
20 109 (2d) of this act take effect on on the date that the treatment of section 301.45 (2)
21 (e) 2. and (6) (a) of the statutes by 1999 Assembly Act 99 takes effect.”.

22 (END)