

1999 DRAFTING REQUEST

Bill

Received: 11/30/98

Received By: olsenje

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing: James

This file may be shown to any legislator: NO

Drafter: olsenje

May Contact:

Alt. Drafters:

Subject: Correctional System - misc

Extra Copies:

Topic:

Sex offender registration requirements relating to persons on probation, parole or extended supervision

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u>      | <u>Reviewed</u>     | <u>Typed</u>      | <u>Proofed</u> | <u>Submitted</u>        | <u>Jacketed</u>          | <u>Required</u> |
|--------------|---------------------|---------------------|-------------------|----------------|-------------------------|--------------------------|-----------------|
| /?           | olsenje<br>11/30/98 | wjackson<br>12/3/98 |                   | _____          |                         |                          | State           |
| /1           |                     |                     | ismith<br>12/4/98 | _____          | lrb_docadmin<br>12/4/98 | lrb_docadmin<br>01/20/99 |                 |

FE Sent For:

<END>

01-27-99  
1/1

**1999 DRAFTING REQUEST**

**Bill**

Received: 11/30/98

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

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| /?           | olsenje<br>11/30/98 | wjackson<br>12/3/98 |                   | _____          |                         |                 | State           |
| /1           |                     |                     | ismith<br>12/4/98 | _____          | lrb_docadmin<br>12/4/98 |                 |                 |

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Sex offender registration requirements relating to persons on probation, parole or extended supervision

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See Attached

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|--------------|----------------|--------------------------|--------------|----------------|------------------|-----------------|-----------------|
| 1?           | olsenje        | 1 12/3 WLJ<br>1 12/3 jlg | IS<br>12/3   | IS/KM<br>12/3  |                  |                 |                 |

FE Sent For:

<END>

1074



# Wisconsin State Assembly

P.O. BOX 8952 • MADISON, WI 53708

November 24, 1998



**Steve Wieckert**  
57<sup>th</sup> Assembly District  
608/266-3070

To whom it may concern that will be drafting these bills:

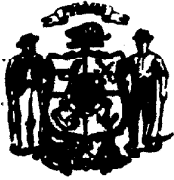
Representative Steve Wieckert would like to have three bills drafted. The bills w followed:

- (1) Redraft Senate Bill 23 under Representative Wieckert's name as author. This bill deals with Green Bay Packer License Plates. There will be a change from the past bill stating that the proceeds will go to the United Way rather than the D.A.R.E. program. (The previous sessions bill will be attached to this memo).
- (2) Draft bill that would allow any surplus dollars the state receives that one half should go back to the taxpayers through tax cuts. A copy of the preliminary draft will accompany this memo.
- (3) Redraft bill dealing with sex offenders. A copy will follow of the verbiage for the bill.

If you have any questions, please feel free to call my office. 266-3070.

James Bonneville

P.S. If you have a fax machine and would like to receive on a regular basis the press releases which I send to the media, please give me a call.



## 1997 BILL

917

1     **AN ACT to renumber 301.45 (6) (b); to renumber and amend 301.45 (4) and**  
2     **301.45 (6) (a); to amend 301.45 (2) (e) 1., 301.45 (2) (e) 2., 301.45 (2) (e) 5. and**  
3     **301.45 (6) (c); and to create 301.45 (2) (e) 1m., 301.45 (4) (b), 301.45 (4r) and**  
4     **301.45 (6) (a) 1. and 2. of the statutes; relating to: sex offender registration of**  
5     **certain persons who are on probation or parole and providing a penalty.**

---

### ***Analysis by the Legislative Reference Bureau***

Under current law, a person must register as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect or adjudicated delinquent on the basis of certain sex offenses. The sex offender registry is maintained by the department of corrections (DOC). A person who is required to register as a sex offender or an agency that has supervision over the person (either DOC or the department of health and family services) must provide specific information for the registry within a certain period of time, depending on the person's status. The information that must be provided includes information concerning the person's offense, the person's address and place of employment and the make, model and license number of the person's motor vehicle. The person must also provide updated information if the information changes.

This bill makes the following changes in current law relating to providing information for the sex offender registry:

1. If a person who is required to register is being released from a prison sentence and is being placed on parole, the person or the agency supervising the person shall provide information for the registry before the person is released. Currently, information concerning a person being placed on parole must be provided within 10 days after the person is released.

2. If a person who is required to register is on probation or parole from another state, the person or the agency supervising the person shall provide information for

the registry before the person enters this state. Currently, information concerning a person who is on probation or parole from another state must be provided within 10 days after the person enters this state.

3. If the address of a parolee who is registered as a sex offender will be changing, the parolee must provide DOC with his or her new address before the change in address occurs. Currently, if there is a change in any of the information provided to DOC for the sex offender registry, the person must provide DOC with the updated information within 10 days after the change occurs.

In addition, the bill prohibits a parolee who is required to register as a sex offender from establishing a residence or changing his or her residence unless he or she has registered, as required, with DOC and, if the person is changing residence, has provided DOC with updated information concerning his or her new residence. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

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

1 283 SECTION 1. 301.45 (2) (e) 1. of the statutes, as created by 1995 Wisconsin Act  
2 440, is amended to read:

3 301.45 (2) (e) 1. Within 10 days after the person being is placed on parole,  
4 probation, supervision, aftercare supervision, conditional release or supervised  
5 release.

6 SECTION 2. 301.45 (2) (e) 1m. of the statutes is created to read:

7 301.45 (2) (e) 1m. If the person is being released from a prison sentence and  
8 placed on parole, before he or she is released.

9 283 SECTION 3. 301.45 (2) (e) 2. of the statutes, as created by 1995 Wisconsin Act  
10 440, is amended to read:

11 301.45 (2) (e) 2. If the person is on parole or probation from another state under  
12 s. 304.13 or 304.135, ~~within 10 days after~~ before the person enters this state.

1           **SECTION 4.** 301.45 (2) (e) 5. of the statutes, as created by 1995 Wisconsin Act  
2 440, is amended to read:

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

5           **SECTION 5.** 301.45 (4) of the statutes, as affected by 1995 Wisconsin Act 440,  
6 is renumbered 301.45 (4) (intro.) and amended to read:

7           301.45 (4) **UPDATED INFORMATION.** (intro.) In addition to the requirements  
8 under sub. (3), ~~whenever a person who is covered under sub. (1) shall update~~  
9 ~~information under sub. (2) (a) as follows:~~

10           (a) Except as provided in par. (b), whenever any of the information under sub.  
11 (2) (a) changes, the person shall provide the department with the updated  
12 information within 10 days after the change occurs.

13           **SECTION 6.** 301.45 (4) (b) of the statutes is created to read:

14           301.45 (4) (b) If the person is on parole and any of the information under sub.  
15 (2) (a) 5. will be changing, the person shall provide the department with the updated  
16 information before the change in his or her address occurs.

17           **SECTION 7.** 301.45 (4r) of the statutes is created to read:

18           301.45 (4r) **RESTRICTION ON PAROLEES ESTABLISHING OR CHANGING RESIDENCE.** No  
19 person covered under sub. (1) who is on parole may establish a residence or change  
20 his or her residence unless he or she has complied with all of the applicable  
21 requirements of subs. (2) (e), (3) (b) and (4) (b).

22           **SECTION 8.** 301.45 (6) (a) of the statutes, as affected by 1995 Wisconsin Act 440,  
23 is renumbered 301.45 (6) (a) (intro.) and amended to read:

24           301.45 (6) (a) (intro.) ~~Whoever intentionally fails to comply with any~~  
25 ~~requirement to provide information under subs. (2) to (4) does any of the following~~

1 may be fined not more than \$10,000 or imprisoned for not more than 9 months or  
2 both;

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

11 **SECTION 9.** 301.45 (6) (a) 1. and 2. of the statutes are created to read:

12 301.45 (6) (a) 1. Intentionally fails to comply with any requirement to provide  
13 information under subs. (2) to (4).

14 2. Intentionally violates sub. (4r).

15 **SECTION 10.** 301.45 (6) (b) of the statutes, as affected by 1995 Wisconsin Act  
16 440, is renumbered 301.45 (6) (am).

17 **SECTION 11.** 301.45 (6) (c) of the statutes, as affected by 1997 Wisconsin Act 35,  
18 is amended to read:

19 301.45 (6) (c) Notwithstanding pars. (a) and (b) (am), a person who first became  
20 subject to subs. (2) to (4) under 1995 Wisconsin Act 440 and who was in prison or a  
21 secured correctional facility or a secured child caring institution, in institutional  
22 care, or on 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, 1997, shall be allowed until January  
25 1, 1998, to comply with the requirements under subs. (2) to (4).





1999

Date (time) needed \_\_\_\_\_

LRB - 1074 / 1

BILL

D-Note

JEO : WLJ :  
+  
Jlg

Use the appropriate components and routines developed for bills.

AN ACT ... [generate catalog] *to repeal* ... ; *to renumber* ... ; *to consolidate and renumber* ... ; *to renumber and amend* ... ; *to consolidate, renumber and amend* ... ; *to amend* ... ; *to repeal and recreate* ... ; and *to create* ... of the statutes; relating to: .....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

For the 3 titles used in an analysis, in the component bar:

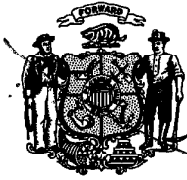
For the main heading [old =M], execute: ..... create → anal: → title: → head

For the subheading [old =S], execute: ..... create → anal: → title: → sub

For the sub-subheading [old =P], execute: ..... create → anal: → title: → sub-sub

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

SECTION #.



# 1997 ASSEMBLY BILL 917

March 17, 1998 - Introduced by Representatives WIECKERT and GREEN. Referred to Committee on Judiciary.

1 AN ACT to renumber 301.45 (6) (b); to renumber and amend 301.45 (4) and  
2 301.45 (6) (a); to amend 301.45 (2) (e) 1., 301.45 (2) (e) 2., 301.45 (2) (e) 5. and  
3 301.45 (6) (c); and to create 301.45 (2) (e) 1m., 301.45 (4) (b), 301.45 (4r) and  
4 301.45 (6) (a) 1. and 2. of the statutes; relating to sex offender registration of

5

certains persons who are on probation ~~or~~ parole and providing a penalty.  
requirements for for extended supervision

### Analysis by the Legislative Reference Bureau

with certain exceptions

Under current law, a person must register as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect or adjudicated delinquent on the basis of certain sex offenses. The sex offender registry is maintained by the department of corrections (DOC). A person who is required to register as a sex offender or an agency that has supervision over the person (either DOC or the department of health and family services) must provide specific information for the registry within a certain period of time, depending on the person's status. The information that must be provided includes information concerning the person's offense, the person's address and place of employment and the make, model and license number of the person's motor vehicle. The person must also provide updated information if the information changes.

This bill makes the following changes in current law relating to providing information for the sex offender registry:

or extended supervision

1. If a person who is required to register is being released from a prison sentence and is being placed on parole, the person or the agency supervising the person shall provide information for the registry before the person is released. Currently, information concerning a person being placed on parole must be provided within ten days after the person is released.

2. If a person who is required to register is on probation, or parole from another state, the person or the agency supervising the person shall provide information for

*person on parole or extended supervision*

the registry before the person enters this state. Currently, information concerning a person who is on probation or parole from another state must be provided within ~~ten~~ <sup>10</sup> days after the person enters this state.

*person*

3. If the address of a ~~parolee~~ <sup>person</sup> who is registered as a sex offender will be changing, the ~~parolee~~ <sup>person</sup> must provide DOC with his or her new address before the change in address occurs. Currently, if there is a change in any of the information provided to DOC for the sex offender registry, the person must provide DOC with the updated information within ~~ten~~ <sup>10</sup> days after the change occurs.

In addition, the bill prohibits a ~~parolee~~ <sup>person</sup> who is required to register as a sex offender from establishing a residence or changing his or her residence unless he or she has registered, as required, with DOC and, if the person is changing residence, has provided DOC with updated information concerning his or her new residence. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than ~~a~~ <sup>nine</sup> months or both.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

*INS 2-1*

1 SECTION 1. 301.45 (2) (e) 1. of the statutes, as created by 1995 Wisconsin Act  
2 440, is amended to read:  
3 301.45 (2) (e) 1. Within ~~10 days after the person being is placed on parole,~~  
4 ~~probation, supervision, aftercare supervision, conditional release or supervised~~  
5 ~~release.~~

6 SECTION 2. 301.45 (2) (e) 1m. of the statutes is created to read:  
7 301.45 (2) (e) 1m. If the person is being released from a prison sentence and  
8 placed on parole, *or extended supervision* before he or she is released.

*INS 2-9*

9 SECTION 3. 301.45 (2) (e) 2. of the statutes, as created by 1995 Wisconsin Act  
10 440, is amended to read:  
11 301.45 (2) (e) 2. If the person is on parole or probation from another state under  
12 ~~s. 304.13 or 304.135, within 10 days after before the person enters this state.~~

PROOF W/STATS.

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SECTION 4. 301.45 (2) (e) 5. of the statutes, as created by 1995 Wisconsin Act

~~404~~ is amended to read:

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

SECTION 5. 301.45 (4) of the statutes, as affected by 1995 Wisconsin Act ~~404~~

is renumbered 301.45 (4) (intro.) and amended to read:

301.45 (4) UPDATED INFORMATION. (intro.) In addition to the requirements under sub. (3), whenever a person who is covered under sub. (1) shall update information under sub. (2) (a) as follows:

(a) Except as provided in par. (b), whenever any of the information under sub. (2) (a) changes, the person shall provide the department with the updated information within 10 days after the change occurs.

SECTION 6. 301.45 (4) (b) of the statutes is created to read:

or extended supervision

301.45 (4) (b) If the person is on parole and any of the information under sub. (2) (a) 5. will be changing, the person shall provide the department with the updated information before the change in his or her address occurs.

SECTION 7. 301.45 (4r) of the statutes is created to read:

CERTAIN REGISTRANTS (C)

301.45 (4r) RESTRICTION ON ~~PAROLEES~~ ESTABLISHING OR CHANGING RESIDENCE. No person covered under sub. (1) who is on parole may establish a residence or change his or her residence unless he or she has complied with all of the applicable requirements of subs. (2) (e), (3) (b) and (4) (b).

SECTION 8. 301.45 (6) (a) of the statutes, as affected by 1995 Wisconsin Act ~~404~~

is renumbered 301.45 (6) (a) (intro.) and amended to read:

301.45 (6) (a) (intro.) Whoever intentionally fails to comply with any requirement to provide information under subs. (2) to (4) does any of the following

PROOF W/STATS.

PROOF W/STATS.

1 may be fined not more than \$10,000 or imprisoned for not more than 9 months or  
2 both;

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

11 SECTION 9. 301.45 (6) (a) 1. and 2. of the statutes are created to read:

12 301.45 (6) (a) 1. Intentionally fails to comply with any requirement to provide  
13 information under subs. (2) to (4).

14 2. Intentionally violates sub. (4r).

15 SECTION 10. 301.45 (6) (b) of the statutes, as affected by 1995 Wisconsin Act

16 ~~440~~ is renumbered 301.45 (6) (am).

17 SECTION 11. 301.45 (6) (c) of the statutes, as affected by 1997 Wisconsin Act 35,

18 is amended to read:

19 301.45 (6) (c) Notwithstanding pars. (a) and (b) (am), a person who first became  
20 subject to subs. (2) to (4) under 1995 Wisconsin Act 440 and who was in prison or a  
21 secured correctional facility or a secured child caring institution, in institutional  
22 care, or on 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, 1997, shall be allowed until January  
25 1, 1998, to comply with the requirements under subs. (2) to (4).

PROOF W/STATS



1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1074/lins  
JEO:.....

1 **INSERT 2-1:**

2 SECTION 1. 301.45 (2) (e) 1. of the statutes is amended to read:

3 301.45 (2) (e) 1. Within 10 days after the person <sup>✓</sup>being is placed on parole,  
4 ~~extended supervision,~~ probation, supervision, aftercare supervision, conditional  
5 release or supervised release.

6 History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283.

6 **INSERT 2-9:**

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

8 301.45 (2) (e) 2. If the person is on parole, extended supervision or probation  
9 from another state under s. 304.13 or 304.135, ~~within 10 days after~~ <sup>✓</sup>before the person  
10 enters this state.

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283.



LRB - 1074/1 dn  
JEO : WLj :  
+  
jg

to-Note

This is a redraft of 1997  
Assembly Bill 9170<sup>✓</sup>

JEO

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1074/1dn  
JEO:wlj&jlg:ijs

December 3, 1998

This is a redraft of 1997 Assembly Bill 917.

Jefren E. Olsen  
Legislative Attorney  
266-8906

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/4/98

To: Representative Wieckert

266-3070

Relating to LRB drafting number: LRB-1074

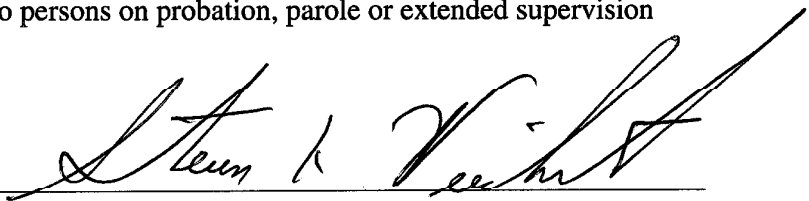
**Topic**

Sex offender registration requirements relating to persons on probation, parole or extended supervision

**Subject(s)**

Correctional System - misc

1. **JACKET** the draft for introduction \_\_\_\_\_



in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney  
Telephone: (608) 266-8906

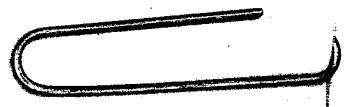
**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Wednesday, January 27, 1999 10:38 AM  
**To:** Uecker, Deborah  
**Subject:** Request For F.E. (99-1074/1)



→ 1074 - ✓  
1061 - ✓  
1297 - ✓



F E

Re: Weichert

send out  
for FE Paul