



1999 ASSEMBLY BILL 99

February 9, 1999 - Introduced by Representatives WIECKERT, KAUFERT, VRAKAS, RYBA, PORTER, MUSSER, LADWIG, F. LASEE, STASKUNAS, OTT, STEINBRINK, PLOUFF, OWENS, LASSA, WASSERMAN, UNDERHEIM, GUNDERSON, KESTELL, SUDER, SKINDRUD, KLUSMAN, GUNDRUM and POWERS, cosponsored by Senators ELLIS, DARLING, SCHULTZ, WELCH and ROESSLER. Referred to Committee on Corrections and the Courts.

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
5 requirements for persons who are on probation, parole or extended supervision
6 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, 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:

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1. If a person who is required to register is being released from a prison sentence and is being placed on parole or extended supervision, 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 or extended supervision must be provided within ten days after the person is released.

2. If a person who is required to register is on probation, parole or extended supervision 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 ten days after the person enters this state.

3. If the address of a person on parole or extended supervision who is registered as a sex offender will be changing, the person 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 days after the change occurs.

In addition, the bill prohibits a person on parole or extended supervision 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 nine 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 **SECTION 1.** 301.45 (2) (e) 1. of the statutes is amended to read:

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

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

6 301.45 (2) (e) 1m. If the person is being released from a prison sentence and
7 placed on parole or extended supervision, before he or she is released.

8 **SECTION 3.** 301.45 (2) (e) 2. of the statutes is amended to read:

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

4 **SECTION 4.** 301.45 (2) (e) 5. of the statutes is amended to read:

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

7 **SECTION 5.** 301.45 (4) of the statutes is renumbered 301.45 (4) (intro.) and
8 amended to read:

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

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

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

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

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

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

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1 **SECTION 8.** 301.45 (6) (a) of the statutes is renumbered 301.45 (6) (a) (intro.)
2 and amended to read:

3 301.45 **(6)** (a) (intro.) ~~Whoever intentionally fails to comply with any~~
4 ~~requirement to provide information under subs. (2) to (4) does any of the following~~
5 may be fined not more than \$10,000 or imprisoned for not more than 9 months or
6 both.:

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

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

16 301.45 **(6)** (a) 1. Intentionally fails to comply with any requirement to provide
17 information under subs. (2) to (4).

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

19 **SECTION 10.** 301.45 (6) (b) of the statutes is renumbered 301.45 (6) (am).

20 **SECTION 11.** 301.45 (6) (c) of the statutes is amended to read:

21 301.45 **(6)** (c) Notwithstanding pars. (a) and ~~(b)~~ (am), a person who first became
22 subject to subs. (2) to (4) under 1995 Wisconsin Act 440 and who was in prison or a
23 secured correctional facility or a secured child caring institution, in institutional
24 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
25 supervision, conditional transfer or conditional release during the period beginning

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1 on December 25, 1993, and ending on May 31, 1997, shall be allowed until January
2 1, 1998, to comply with the requirements under subs. (2) to (4).

3 **SECTION 12. Initial applicability.**

4 (1) The treatment of section 301.45 (2) (e) 1., 1m., 2. and 5. of the statutes first
5 applies to persons who are required to provide information under section 301.45 (2)
6 (e) of the statutes on the effective date of this subsection.

7 (2) The treatment of section 301.45 (4) (b) of the statutes and the renumbering
8 and amendment of section 301.45 (4) of the statutes first apply to changes of
9 information that occur on the effective date of this subsection.

10 (3) The treatment of section 301.45 (4r) of the statutes first applies to an
11 establishment or change of residence that occurs on the first day of the 2nd month
12 beginning after the effective date of this subsection.

13 (END)