

2005 DRAFTING REQUEST

Bill

Received: 01/07/2005

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Jeff Fitzgerald (608) 266-2540

By/Representing: Jim

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Criminal Law - crimes agnst kids
Criminal Law - sex offenses

Extra Copies:

Submit via email: YES

Requester's email: Rep.Fitzgerald@legis.state.wi.us

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Sex offenders filming or photographing children

Instructions:

Prohibit registered sex offender from capturing image of child under 16 w/o parent's written consent

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>
/?				_____			S&L Crime
/1	chanaman 02/10/2005	jdyer 02/12/2005	rschluet 02/14/2005	_____	sbasford 02/14/2005	sbasford 03/14/2005	

FE Sent For:

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MTO.

<END>

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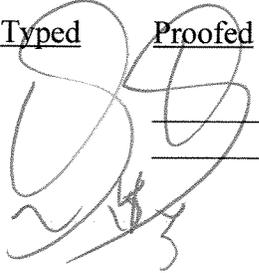
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/?	chanaman	1 2/12 jld					
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Sexual Offender Registration parameter – Acquisition of still or motion images of minors in public places without custodial permission.

LRB Interpretation:

As far as your specific question about taking pictures of children at a public beach, there is nothing in the statutes that deals specifically with photographing children in public. As explained in the attached LRB publication, there are laws dealing with photographing people in places that they have a reasonable expectation of privacy (such as a public bathroom) and laws dealing with sexually explicit photography of children. Either of these laws could conceivably be interpreted by a court to cover photographing children at the beach depending on the circumstances, but based strictly on the statutes, there does not appear to be such a prohibition based solely on child sexual assault felon status.

Proposal:

Convicted sexual offenders that are required to register under Section 301.45, Wisconsin Statutes, would be prohibited from acquiring still or moving images in any way of children (minors) in a public (or private) setting without prior written approval of the parent or guardian. The notification/permission form used to obtain authorization must contain verbiage that clearly states that the person requesting approval is a registered sex offender.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1537/1

CMH:.....

Jid

2005 BILL

Amended

1 AN ACT ^{*Amended*}; relating to: registered sex offenders and photographing persons
2 under the age of 17. ✓

Analysis by the Legislative Reference Bureau

Under current law, persons convicted of certain felony sex offenses are required to register as sex offenders with the Department of Corrections (DOC). In addition, courts may order persons who commit certain other felonies or misdemeanors to register as sex offenders if their conduct was sexually motivated and it is in the interest of public protection to have them register.

This bill prohibits persons who are required to register as sex offenders from intentionally photographing, filming, or videotaping any person under the age of 17 unless the parent, custodian, or guardian of the person under the age of 17 provides written consent. A person who violates the prohibition is guilty of a felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three years and six months (which, if the sentence is for more than one year, includes a term of extended supervision) or both.

* Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted. ✓

Basford, Sarah

From: Bender, Jim
Sent: Friday, March 11, 2005 4:56 PM
To: LRB.Legal
Subject: Draft review: LRB 05-1537/1 Topic: Sex offenders filming or photographing children

It has been requested by <Bender, Jim> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1537/1 Topic: Sex offenders filming or photographing children