



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2293/P1

CMH:kjf:pg

*TOMMY
per requester*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

repeal

1 **AN ACT to amend** 51.30 (4) (b) 16., 301.45 (3) (title) and (a) (intro.), 301.45 (3) (b)
2 1., 301.45 (3) (b) 1m., 301.46 (4) (title), 301.46 (5) (bm) 2. and 301.46 (5n) (a); and
3 **to create** 301.45 (2) (a) 6m., 301.46 (1) (ag), 301.46 (1) (am), 301.46 (2r), 301.46
4 (2s), 301.46 (5) (bm) 10. to 12., 301.48 (3) (e), 302.11 (4r), 302.116 (3), 304.06 (2r),
5 971.17 (4f), 973.09 (8) and 975.10 (1m) of the statutes; **relating to:** disclosure
6 of information regarding sexually violent persons, creating a definition of
7 high-risk sex offender, child safety zones, sex offender registry requirements,
8 the sex offender registry Web site, and disclosure of sex offender registry and
9 global positioning system tracking information to postsecondary educational
10 institutions.

Analysis by the Legislative Reference Bureau

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

→ anal: jlc note

For further information see the *state and local* 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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Placement of Sex Offenders. The bill does the following:

Release of Specified Information to Law Enforcement Officer Regarding Certain ch. 980 Sexually Violent Persons (SVPs)

Under a provision in the Mental Health Act (ch. 51, stats.), treatment records of an individual may be released without informed written consent under certain specified circumstances. One of these circumstances, set forth in s. 51.30 (4) (b) 16., stats., permits such a release, if authorized by the secretary of health and family services, to a law enforcement officer, upon request, if the individual was admitted under ch. 971 (not responsible by reason of mental disease or defect) or 975 (the sex crimes law), stats., or transferred under other specified statutory provisions. That subdivision limits the information that is permitted to be released to certain specified information, including information as to the individual's whereabouts during any time period. *Individuals committed under ch. 980 as SVPs are not included in s. 51.30 (4) (b) 16.* Thus, this ch. 51 provision treats the disclosure of information related to ch. 980 patients differently from other high-risk mental health patients (i.e., patients who are committed, in part, because of their commission of a crime).

This bill revises s. 51.30 (4) (b) 16. to make it apply to individuals committed or detained under ch. 971, 975, or 980 thus permitting a law enforcement officer to obtain the information set forth in that subdivision about ch. 980 commitments, including the individual's whereabouts during any time period. The bill also:

1. Modifies the focus of the current provision on inpatient commitments by substituting "committed or detained" for "admitted." This change permits the Department of Health and Family Services (DHFS) to provide this information relating to patients on supervised release in the community.
2. Deletes the language in this provision that allows DHFS to provide this information only "upon request" of a law enforcement officer.

Child Safety Zones

The bill requires the Department of Corrections (DOC) to prohibit a person, as a condition of probation, parole, or extended supervision, or DHFS to prohibit a person on conditional release or parole under ch. 975, for a violation of first- or second-degree sexual assault or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by DOC, during any part of the person's period of probation, parole, extended supervision, or conditional release.

The bill also requires the court to impose such conditions during any period of probation when sentencing a person for first- or second-degree sexual assault or engaging in repeated acts of sexual assault of the same child.

Sex Offender Registration Requirements

Under current law, a person must register with DOC 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.

DOC may require a person registered as a sex offender to provide DOC with his or her fingerprints, a recent photograph, and certain other information including the address at which he or she is or will be residing, the name and address of the place at which he or she is or will be employed, and the name and location of any school in which he or she is or will be enrolled. If any information contained in DOC's registry of sex offenders changes, the registrant must provide DOC with the updated information ~~within~~ ten days after the change occurs, except that, if the registrant is on parole or extended supervision and the registrant knows that the address of his or her residence will be changing, the registrant must provide DOC with the updated information before the change in address occurs, or, if the registrant did not know that his or her address would be changing, the registrant must provide DOC with that updated information within 24 hours after the change in address occurs.

Under the bill, a person who is required to register with DOC as a sex offender must also provide, and update, his or her email account and the Internet address of any Web site he or she maintains.

Under current law, in general, a person who is registered as a sex offender must register *annually* with DOC, as directed by DOC. At that time, the person must provide DOC with information such as his or her current address and the name and location of any employer or school the person attends.

A person who is subject to lifetime sex offender registration and has been found to be an SVP must register every 90 days, as directed by DOC.

The bill requires a person registered as a sex offender to register *every six months* and to provide DOC with the registry information *in person*. At the time of the registration, DOC must photograph the person and then update the registry with the person's most current photograph.

The bill maintains the requirement that certain persons subject to lifetime sex offender registration register every 90 days but requires that registration be in person at least once every six months. At the time of in-person registration, DOC must photograph the person and then update the registry with the person's most current photograph.

Information Provided to Director of Security of Postsecondary School

Under current law, when a person is registered as a sex offender with DOC, DOC must make specified information immediately available to the police chief of any community and the sheriff of any county in which the person is residing, is employed, or is attending school. DOC must make the information available through a direct electronic data transfer system. Also under current law, DOC is required to provide the police chief of any community and the sheriff of any county in which the person is residing, is employed, or is attending school with special bulletin notices relating to certain sex offenders and may provide a special bulletin notice concerning any sex offender.

The bill requires DOC to make this information available to the director of security for any postsecondary educational institution in the community in which the person is residing, is employed, or is attending school. Postsecondary educational institution is defined as a public or private college or university, or a vocational or technical institution or school.

*in compliance with
time
limits set
forth
under
current
law*

However, under the bill, DOC may not provide information to the director of security for a postsecondary educational institution that relates to a child who is registered as a sex offender or that relates to a juvenile delinquency adjudication for a sex offense.

The bill also requires DOC to provide a director of security for a postsecondary educational institution with information obtained through the global positioning tracking system for certain sex offenders, upon request of the director of security. DOC determines the information provided and the manner in which it is provided.

Information on DOC Internet Site

Under current law, DOC is required to provide access to information concerning registered sex offenders by creating and maintaining an Internet site and by any other means that DOC determines is appropriate. DOC must provide the following information on a registered sex offender on the site:

1. If the person is an SVP under ch. 980, stats., a notice, written in red letters, of that status.
2. A current color photograph of the person, if available, and a physical description including sex, race, height, weight, eye color, and hair color.
3. The person's name and home address.
4. Whether the person has responded to the last contact letter from DOC.
5. The crime committed for which the person must register.
6. Any conditions of the person's supervised release, except for any condition that may reveal the identity of the victim of the crime that the person committed for which he or she must register.
7. The date, time, and place of any scheduled hearings for supervised release or discharge under ch. 980, stats.
8. The name of the judge who authorized supervised release or discharge for the person.
9. The most recent date on which the information was updated.

The bill expands the list of required information on the DOC Internet site to include the following about these registered persons:

1. If the person is an SVP or a registered "*high-risk sex offender*," the *geographic area* of any current employer of the person or any business the person is operating and the geographic area of any school the person is attending. The bill creates a definition of "*high-risk sex offender*."
2. A *full body* photograph of the person. This is in addition to the other photograph requirements in the bill and in current law.
3. *Two or more current color photographs* of the person. The photographs must be updated at least every six months. If one or more current color photographs of the person are impossible to obtain, one or more other photographs of the person may be used.
4. A specific description of any *distinguishing marks* on the person's body.

This bill also requires DOC to include links to other state agency Web sites that provide information on the prevention and identification of sexual abuse and other sex crimes and information on how to report suspected sexual abuse or other sex crimes.

1 **SECTION 1.** 51.30 (4) (b) 16. of the statutes is amended to read:

2 51.30 (4) (b) 16. If authorized by the secretary or his or her designee, to a law
3 enforcement agency ~~upon request~~ if the individual was ~~admitted~~ committed or
4 detained under ch. 971 ~~or~~, 975, or 980 or transferred under s. 51.35 (3) or 51.37.
5 Information released under this subdivision is limited to the individual's name and
6 other identifying information, including photographs and fingerprints, the branch
7 of the court that committed the individual, the crime that the individual is charged
8 with, found not guilty of by reason of mental disease or defect, or convicted of,
9 whether or not the individual is or has been authorized to leave the grounds of the
10 institution and information as to the individual's whereabouts during any time
11 period. In this subdivision "law enforcement agency" has the meaning provided in
12 s. 165.83 (1) (b).

NOTE: Permits disclosure of specified information to law enforcement relating to
an SVP committed under ch. 980, stats., if authorized by the secretary of health and
family services, under ch. 51, stats., the mental health act.

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

14 301.45 (2) (a) 6m. The name or number of any electronic mail account used by
15 the person and the Internet address of any Web site maintained by the person.

NOTE: Requires a registered sex offender to provide to DOC his or her email account
and the Internet address of any Web site maintained by the offender.

16 **SECTION 3.** 301.45 (3) (title) and (a) (intro.) of the statutes are amended to read:

17 301.45 (3) (title) ANNUAL BIENNIAL REGISTRATION AND PHOTOGRAPH
18 REQUIREMENTS.

19 (a) (intro.) A person covered under sub. (1g) is subject to the annual biennial
20 registration and photograph requirements under par. (b) as follows:

21 **SECTION 4.** 301.45 (3) (b) 1. of the statutes is amended to read:

1 301.45 (3) (b) 1. Except as provided in subd. 1m., every 6 months a person who
2 is subject to par. (a) shall ~~notify, in person, provide~~ the department ~~once each~~
3 ~~calendar year, as directed by the department,~~ of his or her current information
4 specified in sub. (2) (a). ~~The~~ At that time, the department shall photograph the
5 person and update the registry with the person's most current photograph. Every
6 6 months the department shall ~~annually~~ notify registrants of their need to comply
7 with this requirement. If the registrant is a person under the age of 18, every 6
8 months the department may also ~~annually~~ notify the registrant's parent, guardian,
9 or legal custodian of the registrant's need to comply with this requirement.

NOTE: Requires a person registered as a sex offender to register *every six months*
and to provide DOC with the registry information *in person*. At the time of the
registration, DOC must photograph the person and then update the registry with the
person's most current photograph.

10 **SECTION 5.** 301.45 (3) (b) 1m. of the statutes is amended to read:

11 301.45 (3) (b) 1m. A person who is subject to lifetime registration under sub.
12 (5) (b) 2. or (5m) (b) 4. shall notify the department once each 90 days, as directed by
13 the department, of his or her current information specified in sub. (2) (a). At least
14 once every 6 months, the person shall, in person, provide the department with his
15 or her information, as directed by the department. At that time, the department
16 shall photograph the person and update the registry with the person's most current
17 photograph. Every 90 days, the department shall notify registrants subject to this
18 subdivision of their need to comply with ~~this requirement~~ the requirements of this
19 subdivision. If the registrant subject to this subdivision is a person under the age
20 of 18, the department may also notify the registrant's parent, guardian or legal
21 custodian every 90 days of the registrant's need to comply with ~~this requirement~~ the
22 requirements of this subdivision.

NOTE: Maintains the requirement in current law that certain persons subject to lifetime sex offender registration register every 90 days but requires that registration be in person at least once every six months. At the time of in-person registration, DOC must photograph the person and then update the registry with the person's most current photograph.

1 **SECTION 6.** 301.46 (1) (ag) of the statutes is created to read:

2 301.46 (1) (ag) "High-risk sex offender" means a person who has been found
3 to have committed a sex offense, as defined in s. 301.45 (1d) (b), or a violation of a
4 federal law or the law of another state that is comparable to such a sex offense if the
5 department determines that the person meets one of the following criteria:

6 1. He or she has been found to have committed offenses involving 2 separate
7 victims and at least one offense is a serious sex offense, as defined in s. 304.06 (2m)
8 (a), and at least one offense is a serious sex offense, as defined in s. 304.06 (2m) (a),
9 or a serious felony, as defined in s. 939.62 (2m) (a) 2m.

10 2. He or she has been found to have committed a serious child sex offense, as
11 defined in s. 939.62 (2m) (a) 1m., involving a victim less than 12 years of age, and the
12 victim is a person with whom a relationship had been established or exploited for the
13 purpose of victimization, a person of casual acquaintance with whom no substantial
14 relationship existed, or a stranger.

15 3. He or she has been found to have committed a serious sex offense, as defined
16 in s. 304.06 (2m) (a), or a serious child sex offense, as defined in s. 939.62 (2m) (a) 1m.,
17 involving a victim 12 years of age or older, and the victim is a person with whom a
18 relationship had been established or exploited for the purpose of victimization, a
19 person of casual acquaintance with whom no substantial relationship existed, or a
20 stranger.

21 4. Any criteria established by the department by rule.

NOTE: Creates definition of "high-risk sex offender".

1 **SECTION 7.** 301.46 (1) (am) of the statutes is created to read:

2 301.46 (1) (am) "Postsecondary educational institution" means a public or
3 private college or university, or a vocational or technical institution or school.

NOTE: Creates a definition of "postsecondary educational institution" for purposes of providing sex offender registry information to the director of security for any postsecondary institution.

4 **SECTION 8.** 301.46 (2r) of the statutes is created to read:

5 301.46 (2r) ACCESS FOR POSTSECONDARY EDUCATIONAL INSTITUTIONS. (a) When a
6 person is registered under s. 301.45 (2) or when the person informs the department
7 of a change in information under s. 301.45 (4), the department shall immediately
8 make the information specified in par. (b) available to the director of security for any
9 postsecondary education institution in the community in which the person is
10 residing, is employed, or is attending school. The department shall make
11 information or updated information available under this paragraph through a direct
12 electronic data transfer system.

13 (b) Subject to par. (c), the department shall make all of the following
14 information available under par. (a):

15 1. The person's name, including any aliases used by the person.

16 2. Information sufficient to identify the person, including date of birth, sex,
17 race, height, weight, and hair and eye color.

18 3. The statute the person violated, the date of conviction, adjudication or
19 commitment, and the county or, if the state is not this state, the state in which the
20 person was convicted, adjudicated, or committed.

21 4. Whichever of the following is applicable:

22 a. The date the person was placed on probation, supervision, conditional
23 release, conditional transfer, or supervised release.

1 b. The date the person was released from confinement, whether on parole,
2 extended supervision, or otherwise, or discharged or terminated from a sentence or
3 commitment.

4 c. The date the person entered the state.

5 d. The date the person was ordered to comply with s. 301.45.

6 5. The address at which the person is residing.

7 6. The name of the agency supervising the person, if applicable, and the office
8 or unit and telephone number of the office or unit that is responsible for the
9 supervision of the person.

10 7. The name and address of any place at which the person is employed.

11 8. The name and location of any school in which the person is enrolled.

12 9. The most recent date on which the information under s. 301.45 was updated.

13 (c) In addition to having access to information under par. (a) and subject to par.
14 (d), a director of security for a postsecondary educational institution may request
15 that the department provide him or her with information concerning any person
16 registered under s. 301.45.

17 (d) The department may not provide any of the following to a director of security
18 for a postsecondary educational institution:

19 1. Any information concerning a child who is required to register under s.
20 301.45.

21 2. If the person required to register under s. 301.45 is an adult, any information
22 concerning a juvenile proceeding in which the person was involved.

NOTE: Provides that when a person is registered as a sex offender, DOC must immediately make information, currently available to law enforcement, concerning the sex offender available to the director of security for any postsecondary educational institution in the community in which the person is residing, is employed, or is attending school, except that DOC may not provide any information concerning a registered sex

The bill
offender who is a child or any information concerning a juvenile proceeding in which the registered sex offender was involved. *The bill* Requires DOC to provide the director of security for any postsecondary educational institution with updated sex offender registry information. Permits a director of security for a postsecondary educational institution to request information concerning any person registered as a sex offender and permits DOC to provide that information, except that DOC may not provide any information concerning a registered sex offender who is a child or any information concerning a juvenile proceeding in which the registered sex offender was involved.

1 **SECTION 9.** 301.46 (2s) of the statutes is created to read:

2 301.46 (2s) BULLETINS TO THE DIRECTORS OF SECURITY FOR POSTSECONDARY
3 EDUCATIONAL INSTITUTIONS. (a) If an agency with jurisdiction confines a person under
4 s. 301.046, provides a person entering the intensive sanctions program under s.
5 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
6 a person from confinement in a state correctional institution or institutional care,
7 and the person has, on one occasion only, been convicted or found not guilty or not
8 responsible by reason of mental disease or defect for a sex offense or for a violation
9 of a law of this state that is comparable to a sex offense, the agency with jurisdiction
10 may notify any director of security for a postsecondary educational institution in the
11 community in which the person will be residing, employed, or attending school if the
12 agency with jurisdiction determines that such notification is necessary to protect the
13 public. Notification under this paragraph may be in addition to providing access to
14 information under sub. (2r) or to any other notification that an agency with
15 jurisdiction is authorized to provide.

16 (am) If an agency with jurisdiction confines a person under s. 301.046, provides
17 a person entering the intensive sanctions program under s. 301.048 with a sanction
18 other than a placement in a Type 1 prison or a jail, or releases a person from
19 confinement in a state correctional institution or institutional care, and the person
20 has been found to be a sexually violent person under ch. 980 or has, on 2 or more
21 separate occasions, been convicted or found not guilty or not responsible by reason

1 of mental disease or defect for a sex offense or for a violation of a law of this state that
2 is comparable to a sex offense, the agency with jurisdiction shall notify any director
3 of security for a postsecondary educational institution in the community in which the
4 person will be residing, employed, or attending school. Notification under this
5 paragraph shall be in addition to providing access to information under sub. (2r) and
6 to any other notification that an agency with jurisdiction is authorized to provide.

7 (at) Paragraphs (a) and (am) do not apply to a person if a court has determined
8 under s. 301.45 (1m) that the person is not required to comply with the reporting
9 requirements under s. 301.45.

10 (b) The notification under par. (a) or (am) shall be in the form of a written
11 bulletin to the director of security for any postsecondary educational institution that
12 contains all of the following:

13 1. The information specified in sub. (2r) (b).

14 1m. Notice that information concerning persons registered under s. 301.45 is
15 be available on the Internet site established by the department under sub. (5n).

16 2. Any other information that the agency with jurisdiction determines is
17 necessary to aid the security of a postsecondary educational institution. Information
18 under this subdivision may include a photograph of the person, other identifying
19 information, and a description of the person's patterns of violation.

20 (c) Notification under this subsection may not include any of the following
21 information:

22 1. Any information concerning a child who is required to register under s.
23 301.45.

24 2. If the person required to register under s. 301.45 is an adult, any information
25 concerning a juvenile proceeding in which the person was involved.

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NOTE: Requires DOC to provide special bulletin notices under s. 301.46 (2m), stats., to directors of security for postsecondary educational institutions, except that DOC may not provide any information concerning a registered sex offender who is a child or any information concerning a juvenile proceeding in which the registered sex offender was involved. Permits DOC to provide information in addition to the special bulletin notice if DOC determines it is necessary to aid the security of a postsecondary educational institution.

1 **SECTION 10.** 301.46 (4) (title) of the statutes is amended to read:
2 301.46 (4) (title) ACCESS TO INFORMATION FOR AGENCIES AND ORGANIZATIONS OTHER
3 THAN LAW ENFORCEMENT AGENCIES OR POSTSECONDARY EDUCATIONAL INSTITUTIONS.

4 **SECTION 11.** 301.46 (5) (bm) 2. of the statutes, as created by 2005 Wisconsin Act
5 431, is amended to read:

6 301.46 (5) (bm) 2. ~~A~~ Two or more current color photograph photographs of the
7 person, if available, and a physical description including sex, race, height, weight,
8 eye color, and hair color. The photographs shall be updated at least every 6 months.
9 If one or more current color photographs of the person are impossible to obtain, one
10 or more other photographs of the person may be used.

11 **SECTION 12.** 301.46 (5) (bm) 10. to 12. of the statutes are created to read:

12 301.46 (5) (bm) 10. If the person is a sexually violent person, as defined in s.
13 980.01 (7), or a high-risk sex offender, the geographic area of any current employer
14 of the person or any business the person is operating and the geographic area of any
15 school the person is attending.

16 11. A full body photograph of the person.

17 12. A specific description of any distinguishing marks on the body of the person.

NOTE: Expands the list of required information on the DOC sex offender registry Web site to include the following:

a. *Two or more current color photographs of the person.* The photographs must be updated at least every six months. If one or more current color photographs of the person are impossible to obtain, one or more other photographs of the person may be used.

b. If the person is an SVP or a registered "high-risk sex offender," as defined in s. 301.46 (1) (ag), the geographic area of any current employer of the person or any business

the person is operating and the geographic area of any school the person is attending. The bill draft creates a definition of "high-risk sex offender" in SECTION 6.

c. A *full body* photograph of the person. This is in addition to the other photograph requirements in the bill and in current law.

d. A specific description of any *distinguishing marks* on the person's body.

1 **SECTION 13.** 301.46 (5n) (a) of the statutes is amended to read:

2 301.46 (5n) (a) ~~No later than June 1, 2001, the~~ The department shall provide
3 access to information concerning persons registered under s. 301.45 by creating and
4 maintaining an Internet site and by any other means that the department
5 determines is appropriate. The information provided through the Internet site shall
6 be organized in a manner that allows a person using the Internet site to obtain the
7 information that the department is required to provide the person under sub. (2),
8 (2m), (2r), (3), (4) or (5) and other information that the department determines is
9 necessary to protect the public and links to state agency Web sites that provide
10 information on the prevention and identification of sexual abuse and other sex
11 crimes and information on how to report suspected sexual abuse or other sex crimes.
12 The department shall keep the information provided on the Internet site and in other
13 means used to allow access to the information secure against unauthorized
14 alteration.

NOTE: Requires DOC to include on its sex offender Web site links to other state agency Web sites that provide information on the prevention and identification of sexual abuse and other sex crimes and information on how to report suspected sexual abuse or other sex crimes.

15 **SECTION 14.** 301.48 (3) (e) of the statutes is created to read:

16 301.48 (3) (e) The department shall provide a director of security for a
17 postsecondary educational institution, as defined in s. 301.46 (1) (am), with
18 information obtained through the global positioning tracking system, upon request.

1 The department shall determine the information provided and the manner in which
2 it is provided.

NOTE: Requires DOC to provide a director of security for a postsecondary educational institution with information obtained through the global positioning tracking system for certain sex offenders, upon request of the director of security.

3 *Create article*
4 **SECTION 15.** 302.11 (4r) of the statutes is created to read:

5 302.11 (4r) An inmate paroled under this section who is serving a sentence for
6 the violation of, or the solicitation, conspiracy, or attempt to engage in conduct in
7 violation of, s. 948.02 (1) or (2) or 948.025 is subject to the parole condition under s.
8 304.06 (2r).

9 **SECTION 16.** 302.116 (3) of the statutes is created to read:

10 302.116 (3) A person serving a sentence for the violation of, or the solicitation,
11 conspiracy, or attempt to engage in conduct in violation of, s. 948.02 (1) or (2) or
12 948.025 is prohibited as a condition of extended supervision from going to places or
13 entering zones containing places where children congregate, as determined by the
14 department, and where it would be in the interest of public protection, as determined
15 by the department, to prohibit the person from going.

Sections 15 and 16
AM (a)
ARB (b)
for parole or
NOTE: Requires DOC to prohibit a person, as a condition of extended supervision for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by DOC, as a condition of the person's extended supervision.

16 **SECTION 17.** 304.06 (2r) of the statutes is created to read:

17 304.06 (2r) A person who is serving a sentence for a violation of, or the
18 solicitation, conspiracy, or attempt to engage in conduct in violation of, s. 948.02 (1)
19 or (2) or 948.025 is prohibited as a condition of parole from going to places or entering
zones containing places where children congregate, as determined by the

1 department, and where it would be in the interest of public protection, as determined
2 by the department, to prohibit the person from going.

NOTE: Requires DOC to prohibit a person, as a condition of parole for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by DOC, as a condition of the person's parole.

3 **SECTION 18.** 971.17 (4f) of the statutes is created to read:

4 971.17 (4f) CONDITIONS FOR CONDITIONAL RELEASE OF SEX OFFENDERS. A person
5 who has been found not guilty by reason of mental disease or defect of an offense
6 under s. 948.02 (1) or (2) or 948.025 and who is conditionally released under sub. (3)
7 or (4) (e) is prohibited as a condition of conditional release from going to places or
8 entering zones containing places where children congregate, as determined by the
9 department, ^{of health and family services} and where it would be in the interest of public protection, as determined
10 by the department, to prohibit the person from going.

NOTE: Requires DHFS to prohibit a person, as a condition of conditional release for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by ^{DHFS} DOC, as a condition of the person's conditional release.

11 **SECTION 19.** 973.09 (8) of the statutes is created to read:

12 973.09 (8) If the court places a person on probation for an offense under s.
13 948.02 (1) or (2) or 948.025, the court shall prohibit the probationer, as a condition
14 of probation, from going to places or entering zones containing places where children
15 congregate, as determined by the department, and where it would be in the interest
16 of public protection, as determined by the department, to prohibit the person from
17 going.

NOTE: Requires DOC to prohibit a person, as a condition of probation for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children



State of Wisconsin
2007 - 2008 LEGISLATURE

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1 **AN ACT to amend** 51.30 (4) (b) 16., 301.45 (3) (title) and (a) (intro.), 301.45 (3) (b)
2 1., 301.45 (3) (b) 1m., 301.46 (4) (title), 301.46 (5) (bm) 2. and 301.46 (5n) (a); and
3 **to create** 301.45 (2) (a) 6m., 301.46 (1) (ag), 301.46 (1) (am), 301.46 (2r), 301.46
4 (2s), 301.46 (5) (bm) 10. to 12., 301.48 (3) (e), 302.11 (4r), 302.116 (3), 304.06 (2r),
5 971.17 (4f), 973.09 (8) and 975.10 (1m) of the statutes; **relating to:** disclosure
6 of information regarding sexually violent persons, creating a definition of
7 high-risk sex offender, child safety zones, sex offender registry requirements,
8 the sex offender registry Web site, and disclosure of sex offender registry and
9 global positioning system tracking information to postsecondary educational
10 institutions.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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For further information see the *state and local* 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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Placement of Sex Offenders. The bill does the following:

Release of Specified Information to Law Enforcement Officer Regarding Certain ch. 980 Sexually Violent Persons (SVPs)

Under a provision in the Mental Health Act (ch. 51, stats.), treatment records of an individual may be released without informed written consent under certain specified circumstances. One of these circumstances, set forth in s. 51.30 (4) (b) 16., stats., permits such a release, if authorized by the secretary of health and family services, to a law enforcement officer, upon request, if the individual was admitted under ch. 971 (not responsible by reason of mental disease or defect) or 975 (the sex crimes law), stats., or transferred under other specified statutory provisions. That subdivision limits the information that is permitted to be released to certain specified information, including information as to the individual's whereabouts during any time period. *Individuals committed under ch. 980 as SVPs are not included in s. 51.30 (4) (b) 16.* Thus, this ch. 51 provision treats the disclosure of information related to ch. 980 patients differently from other high-risk mental health patients (i.e., patients who are committed, in part, because of their commission of a crime).

This bill revises s. 51.30 (4) (b) 16. to make it apply to individuals committed or detained under ch. 971, 975, or 980 thus permitting a law enforcement officer to obtain the information set forth in that subdivision about ch. 980 commitments, including the individual's whereabouts during any time period. The bill also:

1. Modifies the focus of the current provision on inpatient commitments by substituting "committed or detained" for "admitted." This change permits the Department of Health and Family Services (DHFS) to provide this information relating to patients on supervised release in the community.
2. Deletes the language in this provision that allows DHFS to provide this information only "upon request" of a law enforcement officer.

Child Safety Zones

The bill requires the Department of Corrections (DOC) to prohibit a person, as a condition of probation, parole, or extended supervision, or DHFS to prohibit a person on conditional release or parole under ch. 975, for a violation of first- or second-degree sexual assault or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by DOC, during any part of the person's period of probation, parole, extended supervision, or conditional release.

The bill also requires the court to impose such conditions during any period of probation when sentencing a person for first- or second-degree sexual assault or engaging in repeated acts of sexual assault of the same child.

Sex Offender Registration Requirements

part of the
person's
sentence
or
during
any

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Under current law, a person must register with DOC 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.

DOC may require a person registered as a sex offender to provide DOC with his or her fingerprints, a recent photograph, and certain other information including the address at which he or she is or will be residing, the name and address of the place at which he or she is or will be employed, and the name and location of any school in which he or she is or will be enrolled. If any information contained in DOC's registry of sex offenders changes, the registrant must provide DOC with the updated information in compliance with time limits set forth under current law.

Under the bill, a person who is required to register with DOC as a sex offender must also provide, and update, his or her email account and the Internet address of any Web site he or she maintains.

Under current law, in general, a person who is registered as a sex offender must register *annually* with DOC, as directed by DOC. At that time, the person must provide DOC with information such as his or her current address and the name and location of any employer or school the person attends.

A person who is subject to lifetime sex offender registration and has been found to be an SVP must register every 90 days, as directed by DOC.

The bill requires a person registered as a sex offender to register *every six months* and to provide DOC with the registry information *in person*. At the time of the registration, DOC must photograph the person and then update the registry with the person's most current photograph.

The bill maintains the requirement that certain persons subject to lifetime sex offender registration register every 90 days but requires that registration be in person at least once every six months. At the time of in-person registration, DOC must photograph the person and then update the registry with the person's most current photograph.

Information Provided to Director of Security of Postsecondary School

Under current law, when a person is registered as a sex offender with DOC, DOC must make specified information immediately available to the police chief of any community and the sheriff of any county in which the person is residing, is employed, or is attending school. DOC must make the information available through a direct electronic data transfer system. Also under current law, DOC is required to provide the police chief of any community and the sheriff of any county in which the person is residing, is employed, or is attending school with special bulletin notices relating to certain sex offenders and may provide a special bulletin notice concerning any sex offender.

The bill requires DOC to make this information available to the director of security for any postsecondary educational institution in the community in which the person is residing, is employed, or is attending school. Postsecondary educational institution is defined as a public or private college or university, or a vocational or technical institution or school.

However, under the bill, DOC may not provide information to the director of security for a postsecondary educational institution that relates to a child who is registered as a sex offender or that relates to a juvenile delinquency adjudication for a sex offense.

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The bill also requires DOC to provide a director of security for a postsecondary educational institution with information obtained through the global positioning tracking system for certain sex offenders, upon request of the director of security. DOC determines the information provided and the manner in which it is provided.

Information on DOC Internet Site

Under current law, DOC is required to provide access to information concerning registered sex offenders by creating and maintaining an Internet site and by any other means that DOC determines is appropriate. DOC must provide the following information on a registered sex offender on the site:

1. If the person is an SVP under ch. 980, stats., a notice, written in red letters, of that status.
2. A current color photograph of the person, if available, and a physical description including sex, race, height, weight, eye color, and hair color.
3. The person's name and home address.
4. Whether the person has responded to the last contact letter from DOC.
5. The crime committed for which the person must register.
6. Any conditions of the person's supervised release, except for any condition that may reveal the identity of the victim of the crime that the person committed for which he or she must register.
7. The date, time, and place of any scheduled hearings for supervised release or discharge under ch. 980, stats.
8. The name of the judge who authorized supervised release or discharge for the person.
9. The most recent date on which the information was updated.

The bill expands the list of required information on the DOC Internet site to include the following about these registered persons:

1. If the person is an SVP or a registered "*high-risk sex offender*," the *geographic area* of any current employer of the person or any business the person is operating and the geographic area of any school the person is attending. The bill creates a definition of "*high-risk sex offender*."
2. A *full body* photograph of the person. This is in addition to the other photograph requirements in the bill and in current law.
3. *Two or more current color photographs* of the person. The photographs must be updated at least every six months. If one or more current color photographs of the person are impossible to obtain, one or more other photographs of the person may be used.
4. A specific description of any *distinguishing marks* on the person's body.

This bill also requires DOC to include links to other state agency Web sites that provide information on the prevention and identification of sexual abuse and other sex crimes and information on how to report suspected sexual abuse or other sex crimes.

- 1 **SECTION 1.** 51.30 (4) (b) 16. of the statutes is amended to read:
- 2 51.30 (4) (b) 16. If authorized by the secretary or his or her designee, to a law
- 3 enforcement agency ~~upon request~~ if the individual was ~~admitted~~ committed or

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1 detained under ch. 971 ~~or~~, 975, or 980 or transferred under s. 51.35 (3) or 51.37.
2 Information released under this subdivision is limited to the individual's name and
3 other identifying information, including photographs and fingerprints, the branch
4 of the court that committed the individual, the crime that the individual is charged
5 with, found not guilty of by reason of mental disease or defect, or convicted of,
6 whether or not the individual is or has been authorized to leave the grounds of the
7 institution and information as to the individual's whereabouts during any time
8 period. In this subdivision "law enforcement agency" has the meaning provided in
9 s. 165.83 (1) (b).

NOTE: Permits disclosure of specified information to law enforcement relating to
an SVP committed under ch. 980, stats., if authorized by the secretary of health and
family services, under ch. 51, stats., the mental health act.

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

11 301.45 (2) (a) 6m. The name or number of any electronic mail account used by
12 the person and the Internet address of any Web site maintained by the person.

NOTE: Requires a registered sex offender to provide to DOC his or her email account
and the Internet address of any Web site maintained by the offender.

13 **SECTION 3.** 301.45 (3) (title) and (a) (intro.) of the statutes are amended to read:

14 301.45 (3) (title) ANNUAL BIENNIAL REGISTRATION AND PHOTOGRAPH
15 REQUIREMENTS.

16 (a) (intro.) A person covered under sub. (1g) is subject to the ~~annual~~ biannual
17 registration and photograph requirements under par. (b) as follows:

18 **SECTION 4.** 301.45 (3) (b) 1. of the statutes is amended to read:

19 301.45 (3) (b) 1. Except as provided in subd. 1m., every 6 months a person who
20 is subject to par. (a) shall ~~notify, in person, provide~~ the department ~~once each~~
21 ~~calendar year, as directed by the department, of~~ his or her current information
22 specified in sub. (2) (a). The At that time, the department shall photograph the

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1 person and update the registry with the person's most current photograph. Every
2 6 months the department shall annually notify registrants of their need to comply
3 with this requirement. If the registrant is a person under the age of 18, every 6
4 months the department may also annually notify the registrant's parent, guardian,
5 or legal custodian of the registrant's need to comply with this requirement.

NOTE: Requires a person registered as a sex offender to register *every six months* and to provide DOC with the registry information *in person*. At the time of the registration, DOC must photograph the person and then update the registry with the person's most current photograph.

6 **SECTION 5.** 301.45 (3) (b) 1m. of the statutes is amended to read:

7 301.45 (3) (b) 1m. A person who is subject to lifetime registration under sub.
8 (5) (b) 2. or (5m) (b) 4. shall notify the department once each 90 days, as directed by
9 the department, of his or her current information specified in sub. (2) (a). At least
10 once every 6 months, the person shall, in person, provide the department with his
11 or her information, as directed by the department. At that time, the department
12 shall photograph the person and update the registry with the person's most current
13 photograph. Every 90 days, the department shall notify registrants subject to this
14 subdivision of their need to comply with ~~this requirement~~ the requirements of this
15 subdivision. If the registrant subject to this subdivision is a person under the age
16 of 18, the department may also notify the registrant's parent, guardian or legal
17 custodian every 90 days of the registrant's need to comply with ~~this requirement~~ the
18 requirements of this subdivision.

NOTE: Maintains the requirement in current law that certain persons subject to lifetime sex offender registration register every 90 days but requires that registration be in person at least once every six months. At the time of in-person registration, DOC must photograph the person and then update the registry with the person's most current photograph.

19 **SECTION 6.** 301.46 (1) (ag) of the statutes is created to read:

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1 301.46 (1) (ag) "High-risk sex offender" means a person who has been found
2 to have committed a sex offense, as defined in s. 301.45 (1d) (b), or a violation of a
3 federal law or the law of another state that is comparable to such a sex offense if the
4 department determines that the person meets one of the following criteria:

5 1. He or she has been found to have committed offenses involving 2 separate
6 victims and at least one offense is a serious sex offense, as defined in s. 304.06 (2m)
7 (a), and at least one offense is a serious sex offense, as defined in s. 304.06 (2m) (a),
8 or a serious felony, as defined in s. 939.62 (2m) (a) 2m.

9 2. He or she has been found to have committed a serious child sex offense, as
10 defined in s. 939.62 (2m) (a) 1m., involving a victim less than 12 years of age, and the
11 victim is a person with whom a relationship had been established or exploited for the
12 purpose of victimization, a person of casual acquaintance with whom no substantial
13 relationship existed, or a stranger.

14 3. He or she has been found to have committed a serious sex offense, as defined
15 in s. 304.06 (2m) (a), or a serious child sex offense, as defined in s. 939.62 (2m) (a) 1m.,
16 involving a victim 12 years of age or older, and the victim is a person with whom a
17 relationship had been established or exploited for the purpose of victimization, a
18 person of casual acquaintance with whom no substantial relationship existed, or a
19 stranger.

20 4. Any criteria established by the department by rule.

NOTE: Creates definition of "high-risk sex offender".

21 **SECTION 7.** 301.46 (1) (am) of the statutes is created to read:

22 301.46 (1) (am) "Postsecondary educational institution" means a public or
23 private college or university, or a vocational or technical institution or school.

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NOTE: Creates a definition of "postsecondary educational institution" for purposes of providing sex offender registry information to the director of security for any postsecondary institution.

1 **SECTION 8.** 301.46 (2r) of the statutes is created to read:

2 **301.46 (2r) ACCESS FOR POSTSECONDARY EDUCATIONAL INSTITUTIONS.** (a) When a
3 person is registered under s. 301.45 (2) or when the person informs the department
4 of a change in information under s. 301.45 (4), the department shall immediately
5 make the information specified in par. (b) available to the director of security for any
6 postsecondary education institution in the community in which the person is
7 residing, is employed, or is attending school. The department shall make
8 information or updated information available under this paragraph through a direct
9 electronic data transfer system.

10 (b) Subject to par. (c), the department shall make all of the following
11 information available under par. (a):

12 1. The person's name, including any aliases used by the person.

13 2. Information sufficient to identify the person, including date of birth, sex,
14 race, height, weight, and hair and eye color.

15 3. The statute the person violated, the date of conviction, adjudication or
16 commitment, and the county or, if the state is not this state, the state in which the
17 person was convicted, adjudicated, or committed.

18 4. Whichever of the following is applicable:

19 a. The date the person was placed on probation, supervision, conditional
20 release, conditional transfer, or supervised release.

21 b. The date the person was released from confinement, whether on parole,
22 extended supervision, or otherwise, or discharged or terminated from a sentence or
23 commitment.

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- 1 c. The date the person entered the state.
- 2 d. The date the person was ordered to comply with s. 301.45.
- 3 5. The address at which the person is residing.
- 4 6. The name of the agency supervising the person, if applicable, and the office
- 5 or unit and telephone number of the office or unit that is responsible for the
- 6 supervision of the person.
- 7 7. The name and address of any place at which the person is employed.
- 8 8. The name and location of any school in which the person is enrolled.
- 9 9. The most recent date on which the information under s. 301.45 was updated.
- 10 (c) In addition to having access to information under par. (a) and subject to par.
- 11 (d), a director of security for a postsecondary educational institution may request
- 12 that the department provide him or her with information concerning any person
- 13 registered under s. 301.45.
- 14 (d) The department may not provide any of the following to a director of security
- 15 for a postsecondary educational institution:
- 16 1. Any information concerning a child who is required to register under s.
- 17 301.45.
- 18 2. If the person required to register under s. 301.45 is an adult, any information
- 19 concerning a juvenile proceeding in which the person was involved.

NOTE: Provides that when a person is registered as a sex offender, DOC must immediately make information, currently available to law enforcement, concerning the sex offender available to the director of security for any postsecondary educational institution in the community in which the person is residing, is employed, or is attending school, except that DOC may not provide any information concerning a registered sex offender who is a child or any information concerning a juvenile proceeding in which the registered sex offender was involved. The bill requires DOC to provide the director of security for any postsecondary educational institution with updated sex offender registry information. The bill permits a director of security for a postsecondary educational institution to request information concerning any person registered as a sex offender and permits DOC to provide that information, except that DOC may not provide any

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information concerning a registered sex offender who is a child or any information concerning a juvenile proceeding in which the registered sex offender was involved.

1 **SECTION 9.** 301.46 (2s) of the statutes is created to read:

2 **301.46 (2s)** BULLETINS TO THE DIRECTORS OF SECURITY FOR POSTSECONDARY
3 EDUCATIONAL INSTITUTIONS. (a) If an agency with jurisdiction confines a person under
4 s. 301.046, provides a person entering the intensive sanctions program under s.
5 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
6 a person from confinement in a state correctional institution or institutional care,
7 and the person has, on one occasion only, been convicted or found not guilty or not
8 responsible by reason of mental disease or defect for a sex offense or for a violation
9 of a law of this state that is comparable to a sex offense, the agency with jurisdiction
10 may notify any director of security for a postsecondary educational institution in the
11 community in which the person will be residing, employed, or attending school if the
12 agency with jurisdiction determines that such notification is necessary to protect the
13 public. Notification under this paragraph may be in addition to providing access to
14 information under sub. (2r) or to any other notification that an agency with
15 jurisdiction is authorized to provide.

16 (am) If an agency with jurisdiction confines a person under s. 301.046, provides
17 a person entering the intensive sanctions program under s. 301.048 with a sanction
18 other than a placement in a Type 1 prison or a jail, or releases a person from
19 confinement in a state correctional institution or institutional care, and the person
20 has been found to be a sexually violent person under ch. 980 or has, on 2 or more
21 separate occasions, been convicted or found not guilty or not responsible by reason
22 of mental disease or defect for a sex offense or for a violation of a law of this state that
23 is comparable to a sex offense, the agency with jurisdiction shall notify any director

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1 of security for a postsecondary educational institution in the community in which the
2 person will be residing, employed, or attending school. Notification under this
3 paragraph shall be in addition to providing access to information under sub. (2r) and
4 to any other notification that an agency with jurisdiction is authorized to provide.

5 (at) Paragraphs (a) and (am) do not apply to a person if a court has determined
6 under s. 301.45 (1m) that the person is not required to comply with the reporting
7 requirements under s. 301.45.

8 (b) The notification under par. (a) or (am) shall be in the form of a written
9 bulletin to the director of security for any postsecondary educational institution that
10 contains all of the following:

11 1. The information specified in sub. (2r) (b).

12 1m. Notice that information concerning persons registered under s. 301.45 is
13 be available on the Internet site established by the department under sub. (5n).

14 2. Any other information that the agency with jurisdiction determines is
15 necessary to aid the security of a postsecondary educational institution. Information
16 under this subdivision may include a photograph of the person, other identifying
17 information, and a description of the person's patterns of violation.

18 (c) Notification under this subsection may not include any of the following
19 information:

20 1. Any information concerning a child who is required to register under s.
21 301.45.

22 2. If the person required to register under s. 301.45 is an adult, any information
23 concerning a juvenile proceeding in which the person was involved.

NOTE: Requires DOC to provide special bulletin notices under s. 301.46 (2m), stats.,
to directors of security for postsecondary educational institutions, except that DOC may
not provide any information concerning a registered sex offender who is a child or any

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information concerning a juvenile proceeding in which the registered sex offender was involved. The bill permits DOC to provide information in addition to the special bulletin notice if DOC determines it is necessary to aid the security of a postsecondary educational institution.

1 **SECTION 10.** 301.46 (4) (title) of the statutes is amended to read:

2 301.46 (4) (title) ACCESS TO INFORMATION FOR AGENCIES AND ORGANIZATIONS OTHER
3 THAN LAW ENFORCEMENT AGENCIES OR POSTSECONDARY EDUCATIONAL INSTITUTIONS.

4 **SECTION 11.** 301.46 (5) (bm) 2. of the statutes, as created by 2005 Wisconsin Act
5 431, is amended to read:

6 301.46 (5) (bm) 2. ~~A Two or more current color photograph photographs~~ of the
7 person, if available, and a physical description including sex, race, height, weight,
8 eye color, and hair color. The photographs shall be updated at least every 6 months.
9 If one or more current color photographs of the person are impossible to obtain, one
10 or more other photographs of the person may be used.

11 **SECTION 12.** 301.46 (5) (bm) 10. to 12. of the statutes are created to read:

12 301.46 (5) (bm) 10. If the person is a sexually violent person, as defined in s.
13 980.01 (7), or a high-risk sex offender, the geographic area of any current employer
14 of the person or any business the person is operating and the geographic area of any
15 school the person is attending.

16 11. A full body photograph of the person.

17 12. A specific description of any distinguishing marks on the body of the person.

NOTE: Expands the list of required information on the DOC sex offender registry Web site to include the following:

a. *Two or more current color photographs* of the person. The photographs must be updated at least every six months. If one or more current color photographs of the person are impossible to obtain, one or more other photographs of the person may be used.

b. If the person is an SVP or a registered "*high-risk sex offender*," as defined in s. 301.46 (1) (ag), the geographic area of any current employer of the person or any business the person is operating and the geographic area of any school the person is attending. The bill draft creates a definition of "*high-risk sex offender*" in SECTION 6.

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c. A *full body* photograph of the person. This is in addition to the other photograph requirements in the bill and in current law.

d. A specific description of any *distinguishing marks* on the person's body.

1 **SECTION 13.** 301.46 (5n) (a) of the statutes is amended to read:

2 301.46 **(5n)** (a) ~~No later than June 1, 2001, the~~ The department shall provide
3 access to information concerning persons registered under s. 301.45 by creating and
4 maintaining an Internet site and by any other means that the department
5 determines is appropriate. The information provided through the Internet site shall
6 be organized in a manner that allows a person using the Internet site to obtain the
7 information that the department is required to provide the person under sub. (2),
8 (2m), (2r), (3), (4) or (5) and other information that the department determines is
9 necessary to protect the public and links to state agency Web sites that provide
10 information on the prevention and identification of sexual abuse and other sex
11 crimes and information on how to report suspected sexual abuse or other sex crimes.
12 The department shall keep the information provided on the Internet site and in other
13 means used to allow access to the information secure against unauthorized
14 alteration.

NOTE: Requires DOC to include on its sex offender Web site links to other state agency Web sites that provide information on the prevention and identification of sexual abuse and other sex crimes and information on how to report suspected sexual abuse or other sex crimes.

15 **SECTION 14.** 301.48 (3) (e) of the statutes is created to read:

16 301.48 **(3)** (e) The department shall provide a director of security for a
17 postsecondary educational institution, as defined in s. 301.46 (1) (am), with
18 information obtained through the global positioning tracking system, upon request.
19 The department shall determine the information provided and the manner in which
20 it is provided.

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NOTE: Requires DOC to provide a director of security for a postsecondary educational institution with information obtained through the global positioning tracking system for certain sex offenders, upon request of the director of security.

1 **SECTION 15.** 302.11 (4r) of the statutes is created to read:

2 302.11 (4r) An inmate paroled under this section who is serving a sentence for
3 the violation of, or the solicitation, conspiracy, or attempt to engage in conduct in
4 violation of, s. 948.02 (1) or (2) or 948.025 is subject to the parole condition under s.
5 304.06 (2r).

6 **SECTION 16.** 302.116 (3) of the statutes is created to read:

7 302.116 (3) A person serving a sentence for the violation of, or the solicitation,
8 conspiracy, or attempt to engage in conduct in violation of, s. 948.02 (1) or (2) or
9 948.025 is prohibited as a condition of extended supervision from going to places or
10 entering zones containing places where children congregate, as determined by the
11 department, and where it would be in the interest of public protection, as determined
12 by the department, to prohibit the person from going.

NOTE: SECTIONS 15 and 16 require DOC to prohibit a person, as a condition of parole or extended supervision for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by DOC, as a condition of the person's extended supervision.

13 **SECTION 17.** 304.06 (2r) of the statutes is created to read:

14 304.06 (2r) A person who is serving a sentence for a violation of, or the
15 solicitation, conspiracy, or attempt to engage in conduct in violation of, s. 948.02 (1)
16 or (2) or 948.025 is prohibited as a condition of parole from going to places or entering
17 zones containing places where children congregate, as determined by the
18 department, and where it would be in the interest of public protection, as determined
19 by the department, to prohibit the person from going.

NOTE: Requires DOC to prohibit a person, as a condition of parole for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of

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the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by DOC, as a condition of the person's parole.

1 **SECTION 18.** 971.17 (4f) of the statutes is created to read:

2 **971.17 (4f) CONDITIONS FOR CONDITIONAL RELEASE OF SEX OFFENDERS.** A person
3 who has been found not guilty by reason of mental disease or defect of an offense
4 under s. 948.02 (1) or (2) or 948.025 and who is conditionally released under sub. (3)
5 or (4) (e) is prohibited as a condition of conditional release from going to places or
6 entering zones containing places where children congregate, as determined by the
7 department of health and family services, and where it would be in the interest of
8 public protection, as determined by the department of health and family services, to
9 prohibit the person from going.

NOTE: Requires DHFS to prohibit a person, as a condition of conditional release for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by DHFS, as a condition of the person's conditional release.

10 **SECTION 19.** 973.09 (8) of the statutes is created to read:

11 **973.09 (8)** If the court places a person on probation for an offense under s.
12 948.02 (1) or (2) or 948.025, the court shall prohibit the probationer, as a condition
13 of probation, from going to places or entering zones containing places where children
14 congregate, as determined by the court ~~or the department~~, and where it would be in
15 the interest of public protection, as determined by the court ~~or the department~~, to
16 prohibit the person from going.

NOTE: Requires ~~DOC~~ ^{a court} to prohibit a person, as a condition of probation for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by ~~DOC~~ ^{the court}, as a condition of the person's probation.

17 **SECTION 20.** 975.10 (1m) of the statutes is created to read:

INS 15-17

MS 5-17

CR; ✓
Section 973.127

(B)

973.127 Sentencing; child safety ^{zones} for child sex offenders. When a court imposes a sentence on a person for an offense under s. 948.02 (1) or (2) or 948.025, the court shall prohibit the person from going to places or entering zones containing places where children congregate, as determined by the court, and where it would be in the interest of public protection, as determined by the court, to prohibit the person from going during any part of the person's sentence.

NOTE: Requires a court to prohibit a person from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by the court, during any ^{part} of the person's sentence ^{when} the court imposes a sentence on a person for first-^{or} second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child.

Parisi, Lori

From: Sappenfield, Anne
Sent: Thursday, May 10, 2007 11:41 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2293/2 Topic: Placement of sex offenders

Please Jacket LRB 07-2293/2 for the ASSEMBLY.