



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2009 Assembly Bill 432	Assembly Amendment 1
<i>Memo published: April 19, 2010</i>	<i>Contact: Melissa Schmidt, Staff Attorney (266-2298)</i>

2009 Assembly Bill 432

2009 Assembly Bill 432 (the bill) generally prohibits a registered sex offender from being on any school premises unless the **school district clerk**, or governing body of the school, in the case of a private or charter school, has been notified of the specific date, time, and place of the visit and of the person's status as a registered sex offender. This prohibition does not apply to:

- A person who is on the school premises to vote in an election being held that day and the person's polling place is on the school premises.
- A person who is on the school premises to attend an event or activity that is not sponsored by the school.
- A person whose child is enrolled at the school if the person has notified the **school district clerk**, or the governing body in the case of a private school, that he or she is a registered sex offender and that he or she has a child enrolled at the school. The notification must be at the beginning of the academic school year, or when the child is first enrolled.

The penalty for knowingly violating this prohibition is a Class A misdemeanor. The penalty for knowingly violating this prohibition a second or subsequent time is a Class H felony. The bill requires the Department of Corrections to make a reasonable attempt to notify registered sex offenders of the bill's prohibition.

Under the bill, it is an affirmative defense to prosecution that the defendant was traveling directly to the office of the **school district clerk**, or the governing body in the case of a private school, to comply with the notice.

Lastly, the bill provides that the *school district clerk*, or the governing body in the case of a private school, is immune from any civil or criminal liability for any good faith act or omission in connection with any notice given under the bill.

Assembly Amendment 1

Under *Assembly Amendment 1* (AA1), any reference to a *school district clerk* is replaced with the term *school district administrator*. Under current law, the term *school district clerk* generally refers to a member of the school board. [See s. 115.001 (10), Stats.] Also under current law, the term *school district administrator* means “the school district superintendent, supervising principal, or other person who acts as the administrative head of a school district.” [s. 115.001 (8), Stats.]

Legislative History

Representative Friske introduced AA1 on April 14, 2010. On April 15, 2010, the Assembly adopted AA1 and passed the bill, as amended, by a voice vote. The bill, as amended, was messaged to the Senate.

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