



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 88**  
[2013 Assembly Bill 11]

**Sex Offenders on School Premises**

### **BACKGROUND**

A person must register as a sex offender with the Department of Corrections (DOC) 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 DOC and contains information about a person who is required to register (hereinafter, “registrant”), including the registrant’s name, appearance, offense, address, name and address of his or her employment, and any school in which the registrant is enrolled. If any information originally provided changes, the registrant must provide the updated information to DOC.

### **2013 WISCONSIN ACT 88**

Under *2013 Wisconsin Act 88* (hereinafter, “the Act”), a registrant may not be on any school premises (school building, grounds, recreation area or athletic field, or any other property owned, used, or operated for school administration) unless the school district administrator, or his or her designee, for a public school, or the governing body of a private school or charter school, has been notified of the specific date, time, and place of the visit and of the registrant’s status as a registered sex offender. This prohibition does not apply if the registrant is doing any of the following:

- On the school premises to vote if an election is being held that day and the registrant’s polling place is on the school premises.
- On the school premises to attend an event or activity that is not sponsored by the school.
- Has a child enrolled at the school if he or she notifies the school district administrator, or his or her designee, for a public school, or the governing body of a private school or charter school, that he or she is a registered sex offender and that he or she has a child enrolled at the school. The registrant must provide the notification as follows:
  - At the beginning of each academic school year.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

- If the child is not enrolled at the beginning of the academic year, when the child is first enrolled.
- If the registrant was not subject to the reporting requirements at the beginning of the academic school year or when the child is first enrolled, when the registrant first becomes subject to the sex offender reporting requirements.
- If none of the above apply, when the registrant becomes subject to the prohibition of being on school premises.
- Is a student enrolled at the school if the agency or person who is supervising the registrant (i.e., DOC or a county agency, licensed child welfare agency, or other person supervising the student under a juvenile delinquency dispositional order) works with the school district administrator, or his or her designee, for a public school, or the governing body of a private school or charter school, to ensure the safety of the students attending the school with the student.

The penalty for knowingly violating this requirement is an unclassified misdemeanor with a fine of not more than \$10,000 or imprisonment not to exceed nine months, or both. This is equivalent to a Class A misdemeanor. The penalty for knowingly violating this requirement as a second or subsequent offense is a Class H felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

The Act also provides the following:

- If DOC is supervising the registrant, it must work with a school district administrator or his or her designee, for a public school, or a governing body of a private school or charter school, to ensure that a registrant who is a student is not prohibited from being on the school premises at which he or she is enrolled and to ensure the safety of the other students attending the school.
- DOC must make a reasonable attempt to notify each registrant of the prohibition created by the Act.
- DOC's failure to make a reasonable attempt to notify each registrant is not a defense to prosecution for being on school premises without providing notification as required by the Act.
- It is an affirmative defense to a prosecution for being on school premises without providing notification as required by the Act if the defendant was traveling directly to the office of the school district administrator or his or her designee, for a public school, or to the governing body of a private school or charter school, to comply with the notification requirement. The defendant has the burden of proving this defense by a preponderance of the evidence.
- A school district administrator or his or her designee, for a public school, or the governing body of a private school or charter school, is immune from civil or criminal liability for any good faith act or omission in connection with any notice given by a registrant.

***Effective date:*** December 15, 2013

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