



## 2005 ASSEMBLY BILL 557

July 12, 2005 - Introduced by Representatives KLEEFISCH, JESKEWITZ, NASS, GUNDERSON, MUSSER, SUDER, HINES, HAHN, GUNDRUM, DAVIS, F. LASEE, LAMB, OWENS, LEMAHIEU, PETROWSKI and SHERIDAN, cosponsored by Senators S. FITZGERALD, LEIBHAM, A. LASEE and ROESSLER. Referred to Committee on Judiciary.

- 1     **AN ACT to create** 301.48 of the statutes; **relating to:** where registered sex  
2           offenders may live and providing penalties.

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### *Analysis by the Legislative Reference Bureau*

Under current law, persons who commit certain sex offenses or kidnap a child (“triggering offenses”) must register with the Department of Corrections (DOC) as sex offenders, provide DOC certain information (such as the person’s home, school, and work addresses and a physical description of the person), and update the information if it changes. Depending on the circumstances (and with some exceptions), if a person’s offense triggers the registration requirements, the requirements apply either: 1) for the rest of the person’s life; or 2) until the end of the person’s sentence or commitment and for another 15 years after that.

In addition, current law restricts where persons who have been convicted of first- or second-degree sexual assault, first- or second-degree sexual assault of a child, repeated sexual assault of a child, incest with a child, or child enticement (a “serious sex offense”) may reside if they are on extended supervision or parole. First, a person who is released to extended supervision after being imprisoned for a serious sex offense must agree, as a condition of extended supervision, to live in a residence that DOC has approved. Second, no person who has been convicted of a serious sex offense may be paroled to any county where there is a correctional institution that has a specialized sex offender treatment program unless that county was the person’s county of residence at the time of the serious sex offense.

Under this bill, a person who is required to register as a sex offender may not reside within 1,000 feet of a private or public school, including a kindergarten, or

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within 1,000 feet of a child care facility. A person who knowingly violates this prohibition for the first time is guilty of a misdemeanor if the triggering offense was itself a misdemeanor, and the person may be fined up to \$10,000 or sentenced to a term of imprisonment of up to nine months or both. Otherwise, a person who knowingly violates the prohibition created by the bill is guilty of a Class H felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to six years (which, if the sentence is for more than one year, consists of a term of confinement followed by 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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 301.48 of the statutes is created to read:

2           **301.48 Where registered sex offenders may reside.** (1) In this section:

3           (a) “Child care facility” means a child care facility that is operated by a person  
4 licensed under s. 48.65 or 48.69 or certified under s. 48.651 or that is established or  
5 contracted for under s. 120.13 (14).

6           (b) “Juvenile correctional facility” means a secured correctional facility, a  
7 secured detention facility, a secured child caring institution, or a secured group  
8 home.

9           (c) “School” means any school which provides an educational program for one  
10 or more grades between kindergarten and grade 12 and which is commonly known  
11 as a kindergarten, elementary school, middle school, junior high school, senior high  
12 school, or high school.

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1 (d) "Sex offender" means a person who is subject to s. 301.45 (1g) but does not  
2 include a person who, as a result of a proceeding under s. 301.45 (1m), is not required  
3 to comply with the reporting requirements of s. 301.45.

4 (2) A sex offender may not reside within 1,000 feet of the premises of any school  
5 or within 1,000 feet of a child care facility. This subsection does not apply to a sex  
6 offender while he or she is confined in an adult or juvenile correctional facility, a jail,  
7 or a house of correction.

8 (3) Whoever intentionally violates sub. (2) is subject to the following penalties:

9 (a) Except as provided in par. (b), the person is guilty of a Class H felony.

10 (b) The person may be fined not more than \$10,000 or imprisoned for not more  
11 than 9 months or both if all of the following apply:

12 1. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34 (15m) (am),  
13 938.345 (3), 971.17 (1m) (b) 1m., or 973.048 (1m) to comply with the reporting  
14 requirements under s. 301.45 based on a finding that he or she committed or  
15 solicited, conspired, or attempted to commit a misdemeanor.

16 2. The person was not convicted of another offense under this section before  
17 committing the present violation.

18 **SECTION 2. Nonstatutory provisions.**

19 (1) Notwithstanding section 301.48 (2) of the statutes, as created by this act,  
20 a sex offender who resides within 1,000 feet of the premises of a public or private  
21 school or within 1,000 feet of a child care facility on the effective date of this  
22 subsection may reside there through the 60th day beginning after the effective date  
23 of this subsection. No later than the 45th day beginning after the effective date of  
24 this subsection, the department of corrections shall notify each person to whom this  
25 subsection applies of the restriction established under section 301.48 (2) of the

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1 statutes, as created by this act. In this subsection, “child care facility,” “school,” and  
2 “sex offender” have the meanings given in section 301.48 (1) of the statutes, as  
3 created by this act.

4 (END)