



2007 ASSEMBLY BILL 226

April 2, 2007 - Introduced by Representatives KLEEFISCH, SUDER, STASKUNAS, PRIDEMORE, ALBERS, DAVIS, GUNDRUM, LEMAHIEU, NEWCOMER and J. OTT, cosponsored by Senators PLALE, S. FITZGERALD, LAZICH and LEIBHAM. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 25.40 (1) (a) 3., 84.59 (2) (b), 341.08 (1m) and 341.16 (4); and
2 **to create** 165.8285 (1m), 301.49, 341.01 (2) (c), 341.14 (6y), 341.145 (1) (g),
3 341.145 (1g) (f) and 341.16 (1) (c) of the statutes; **relating to:** vehicle
4 registration plates for certain sex offenders and providing penalties.

Analysis by the Legislative Reference Bureau

This bill requires certain sex offenders to replace the license plates on all vehicles that they own with special chartreuse-colored license plates. A person who intentionally violates this requirement is guilty of a Class G felony and may be fined up to \$25,000 or sentenced to a term of imprisonment of up to ten years (which, as with other felonies, includes a term of confinement and a term of extended supervision if the sentence is for more than one year) or both. The bill also prohibits those persons from operating a motor vehicle on a highway unless it displays chartreuse-colored license plates. A person who intentionally violates this prohibition 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 or both.

The special license plate provisions apply to sex offenders being tracked, on or after July 1, 2007, by a global positioning system (GPS) tracking device. These sex offenders include persons who, on or after July 1, 2007, are placed on probation, released to extended supervision or parole, released from prison, or placed on conditional release after committing certain sex offenses against a child or are placed on supervised release or discharged after having been committed for treatment as sexually violent persons. If the person is discharged from the GPS tracking

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requirement, he or she is no longer subject to the special license plate provisions established in the bill.

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* 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:

1 **SECTION 1.** 25.40 (1) (a) 3. of the statutes is amended to read:

2 25.40 **(1)** (a) 3. Revenues collected under ss. 341.09 (2) (d), (2m) (a) 1., (4), and
3 (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), (6y), and (8), 341.145 (3), 341.16
4 (1) (a) ~~and (b)~~ to (c), (2), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2)
5 (a), (b), and (c), (4), and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and
6 (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3),
7 341.305 (3), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14
8 (1r), that are pledged to any fund created under s. 84.59 (2).

9 **SECTION 2.** 84.59 (2) (b) of the statutes is amended to read:

10 84.59 **(2)** (b) The department may, under s. 18.562, deposit in a separate and
11 distinct special fund outside the state treasury, in an account maintained by a
12 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),
13 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), (6y), and (8), 341.145 (3), 341.16 (1) (a) ~~and (b)~~
14 to (c), (2), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c),
15 (4), and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1),
16 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3),
17 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r). The
18 revenues deposited are the trustee's revenues in accordance with the agreement

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1 between this state and the trustee or in accordance with the resolution pledging the
2 revenues to the repayment of revenue obligations issued under this section. Revenue
3 obligations issued for the purposes specified in sub. (1) and for the repayment of
4 which revenues are deposited under this paragraph are special fund obligations, as
5 defined in s. 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

6 **SECTION 3.** 165.8285 (1m) of the statutes is created to read:

7 165.8285 (1m) For the purpose of determining if a person is violating s. 301.49
8 (3), the department of justice shall, through the transaction information for
9 management of enforcement system, provide local law enforcement agencies with
10 access to the information provided under s. 301.49 (2) by the department of
11 corrections.

12 **SECTION 4.** 301.49 of the statutes is created to read:

13 **301.49 Vehicle registration plates for certain sex offenders. (1) WHO IS**
14 **COVERED.** A person who is subject to the global positioning system tracking
15 requirement under s. 301.48 (2) or (2m) is subject to the vehicle registration plate
16 requirement and prohibition under sub. (3) until the person is released from the
17 global positioning system tracking requirement under s. 301.48 (2) or (2m).

18 **(2) INFORMATION ACCESS.** The department shall provide to the department of
19 justice information sufficient to identify the persons who are covered under sub. (1)
20 for the purpose of s. 165.8285 (1m).

21 **(3) VEHICLE REGISTRATION PLATE REQUIREMENTS.** (a) A person covered under sub.
22 (1) who applies to the department of transportation for registration of a motor vehicle
23 under ch. 341 shall identify himself or herself in the application as a person to whom
24 special registration plates shall be issued under s. 341.14 (6y).

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1 (b) If a person registered in his or her name any motor vehicle under ch. 341
2 prior to becoming covered under sub. (1), the person shall, immediately after
3 becoming covered under sub. (1), apply to the department of transportation for
4 replacement registration plates under s. 341.16 (1) (c) for each such vehicle,
5 identifying himself or herself in the application for replacement registration plates
6 as a person to whom special registration plates shall be issued under s. 341.14 (6y).

7 (c) A person covered under sub. (1) may not operate on a highway, as defined
8 in s. 340.01 (22), a motor vehicle required to be registered under ch. 341 unless it
9 displays registration plates issued under s. 341.14 (6y).

10 **(4) PENALTIES.** (a) Whoever intentionally violates sub. (3) (a) or (b) is guilty of
11 a Class G felony.

12 (b) Whoever intentionally violates sub. (3) (c) is guilty of a Class H felony.

13 **(5) NOTIFICATION.** (a) The department shall notify a person under sub. (1) of
14 his or her need to comply with the vehicle registration plate requirement and
15 prohibition under sub. (3).

16 (b) After notifying a person under par. (a) of the need to comply with this
17 section, the person who is providing the notification shall require the person who is
18 being notified to read and sign a form stating that he or she has been informed of the
19 requirements of this section.

20 (c) It is not a defense to liability under sub. (4) (a) or (b) that the person subject
21 to sub. (3) was not required to read and sign a form under par. (b), was not provided
22 with a form to read and sign under par. (b), or failed or refused to read or sign a form
23 under par. (b). It is not a defense to liability under sub. (4) (a) or (b) that the person
24 subject to sub. (3) did not receive notice under this subsection from the department.

25 **SECTION 5.** 341.01 (2) (c) of the statutes is created to read:

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1 341.01 (2) (c) “Sex offender” means a person who is covered under s. 301.49 (1).

2 **SECTION 6.** 341.08 (1m) of the statutes is amended to read:

3 341.08 (1m) The forms for application for original registration and for renewal
4 of registration under sub. (1) shall include the information required under s. 85.103
5 (2) and, the applicant’s birth date, and whether the applicant is a sex offender.

6 **SECTION 7.** 341.14 (6y) of the statutes is created to read:

7 341.14 (6y) Upon application by a person who is a sex offender, the department
8 shall issue and deliver to the person plates of a special design, in lieu of the plates
9 that ordinarily would be issued for the vehicle, and shall renew the plates. The plates
10 shall have a chartreuse-colored background. The department shall design the plates
11 so as to readily apprise law enforcement officers of the fact that the vehicle is owned
12 by a sex offender. A fee of \$30, in addition to the prescribed registration fee, shall be
13 charged for the issuance or renewal of such plates. If at any time the owner of the
14 vehicle is no longer a sex offender, the owner may dispose of these special plates in
15 a manner prescribed by the department and shall obtain replacement plates for the
16 vehicle.

17 **SECTION 8.** 341.145 (1) (g) of the statutes is created to read:

18 341.145 (1) (g) A registration plate of the same color and design as provided in
19 s. 341.14 (6y) for a vehicle registered by a sex offender, which displays a registration
20 number composed of letters or numbers, or both, not exceeding 6 positions and not
21 less than one position, requested by the applicant.

22 **SECTION 9.** 341.145 (1g) (f) of the statutes is created to read:

23 341.145 (1g) (f) The department may issue personalized registration plates
24 under sub. (1) (g) to a person who is required to obtain special plates issued under
25 s. 341.14 (6y).

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1 **SECTION 10.** 341.16 (1) (c) of the statutes is created to read:

2 341.16 (1) (c) Upon receipt of an application by a sex offender required under
3 s. 301.49 (3) (b) to be issued special registration plates under s. 341.14 (6y), along
4 with a fee of \$15 for each plate, the department shall issue replacement plates under
5 s. 341.14 (6y). Upon receipt of these replacement registration plates, the applicant
6 shall remove and destroy all registration plates replaced.

7 **SECTION 11.** 341.16 (4) of the statutes is amended to read:

8 341.16 (4) Any person issued replacement plates who fails to destroy the
9 original plates as required by sub. (1) (c), (2), or (3) may be required to forfeit not more
10 than \$200.

11 **SECTION 12. Nonstatutory provisions.**

12 (1) In this section, “sex offender” has the meaning given in section 341.01 (2)
13 (c) of the statutes, as created by this act.

14 (2) Not later than 60 days after the effective date of this subsection, a person
15 who, as of the effective date of this subsection, is a sex offender and who has any
16 motor vehicle registered in his or her name under chapter 341 of the statutes shall
17 apply to the department of transportation for replacement registration plates for
18 each such vehicle, identifying himself or herself in the application as a person to
19 whom special registration plates shall be issued under section 341.14 (6y) of the
20 statutes, as created by this act. Upon receipt of such an application, along with a fee
21 of \$15 for each plate, the department of transportation shall issue to the applicant
22 replacement registration plates under section 341.14 (6y) of the statutes, as created
23 by this act. Upon receipt of these replacement registration plates, the applicant shall
24 remove and destroy all registration plates replaced.

