



1995 SENATE BILL 182

May 10, 1995 - Introduced by Senators DARLING, HUELSMAN, RUDE, ROSENZWEIG, DRZEWIECKI, PETAK, A. LASEE, COWLES, WEEDEN and FARROW, cosponsored by Representatives SCHNEIDERS, LADWIG, GOETSCH, PORTER, GARD, DUFF, OTT, BRANDEMUEHL, URBAN, UNDERHEIM, HANSON, KRUSICK, WARD, MUSSER, SKINDRUD, COLEMAN, HANDRICK, RYBA, JENSEN, PLACHE, RILEY, KREIBICH, KLUSMAN, LAZICH, SERATTI, ROBSON, MEYER, ALBERS, HASENOHRL, LA FAVE, DOBYNS, GUNDERSON, OWENS, BLACK, KAUFERT, OLSEN, GROBSCHMIDT, COGGS, CARPENTER, GREEN, BALDUS, AINSWORTH, OTTE, HUTCHISON, OURADA, GROTHMAN and FREESE. Referred to Committee on Judiciary.

1 **AN ACT to renumber** 175.45 (title), 175.45 (1) (intro.), 175.45 (3) (title), 175.45
2 (3) (a) (intro.), 175.45 (6), 980.11 (2) (a), 980.11 (2) (b) and 980.11 (2) (c); **to**
3 **renumber and amend** 175.45 (1) (a), 175.45 (1) (b), 175.45 (1) (c), 175.45 (1)
4 (d), 175.45 (1) (e), 175.45 (2) (title), 175.45 (2), 175.45 (3) (a) 1., 175.45 (3) (a) 2.,
5 175.45 (3) (a) 3., 175.45 (3) (a) 4., 175.45 (3) (b), 175.45 (4), 175.45 (5), 175.45
6 (7), 175.45 (8), 175.45 (9), 971.17 (1m), 971.17 (4m) (b) and 971.17 (6m) (b); **to**
7 **amend** 48.185 (3), 48.34 (intro.), 48.34 (15) (title), 48.34 (15) (a) 1., 48.34 (15)
8 (a) 2., 51.20 (13) (cr), 165.76 (3), 165.77 (2) (b), 165.77 (3), 950.045, 971.17 (4m)
9 (title), 971.17 (4m) (c), 971.17 (4m) (d), 971.17 (6m) (title), 971.17 (6m) (c),
10 971.17 (6m) (d), 971.19 (9), 973.047 (title), 973.047 (1) (a), 973.047 (1) (b), 980.11
11 (title), 980.11 (2) (intro.), 980.11 (3) and 980.11 (4); and **to create** 48.34 (16),
12 48.396 (2) (f), 48.78 (2) (f), 51.20 (13) (ct), 51.30 (3) (d), 51.30 (4) (b) 24., 165.8285,
13 301.45 (1) (bm), 301.45 (1) (dd), 301.45 (1) (dh), 301.45 (1) (dp), 301.45 (1) (dt),
14 301.45 (2) (a), 301.45 (2) (b), 301.45 (2) (d), 301.45 (2) (e), 301.45 (3) (a) 1m.,
15 301.45 (3) (a) 2m., 301.45 (3) (a) 3g., 301.45 (3) (a) 3r., 301.45 (3) (b) 3., 301.45
16 (5) (a) 1m., 301.45 (5) (a) 3m., 301.45 (5) (b), 301.45 (6) (c), 301.46, 939.646,
17 971.17 (1m) (b), 971.17 (4m) (b) 2., 971.17 (6m) (b) 2., 973.048 and 980.11 (2)

1 (bm) of the statutes; **relating to:** sex offender registration requirements, the
2 release to certain persons of information concerning sex offenders required to
3 register, requiring persons who are found to be sexually violent persons to
4 provide biological specimens for deoxyribonucleic acid analysis, granting
5 rule-making authority, making an appropriation and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes changes in current law relating to the registration of sex offenders, creates provisions allowing for the release to certain persons of information concerning sex offenders who are required to register and requires persons who are found to be sexually violent persons to submit a biological sample for deoxyribonucleic acid (DNA) analysis. Specifically, the provisions of current law and the changes made by this bill are as follows:

Sex offender registration

Under current law, a person must comply with sex offender registration requirements if, on or after December 25, 1993, he or she is: 1) convicted, adjudicated delinquent or found in need of protection or services for first or 2nd degree sexual assault of an adult or a child or repeated sexual assaults of the same child; 2) in prison or a secured correctional facility or on probation, parole, supervision or aftercare supervision for first or 2nd degree sexual assault of an adult or a child or repeated sexual assaults of the same child; 3) committed for treatment after being found not guilty or not responsible by reason of mental disease or defect of first or 2nd degree sexual assault of an adult or a child or repeated sexual assaults of the same child; 4) in institutional care or on conditional transfer or conditional release for first or 2nd degree sexual assault of an adult or a child or repeated sexual assaults of the same child; or 5) convicted or adjudicated delinquent for a violation of certain property crimes or of a crime against a child, sexual morality or life and bodily security, if the court determines that the underlying conduct was seriously sexually assaultive in nature and that it would be in the interest of public protection to have the person comply with the sex offender registration requirements.

A person required to register must begin complying with the registration requirement after being: 1) discharged from probation, parole or other supervision; 2) discharged or terminated from a commitment for treatment; or 3) sentenced or receiving a disposition, if he or she is not on probation, parole or other supervision or is not under a commitment for treatment. The person must register once each calendar year with the department of justice (DOJ) and provide DOJ with information about his or her home address, place of school enrollment, place of employment and employment duties. If any of this information changes, the person must inform DOJ and provide updated information within 14 days after the change

occurs. DOJ is required to keep this registry information confidential except as needed for law enforcement purposes.

A person required under current law to register must register for a period of 15 years following his or her: 1) discharge from probation, parole, or other supervised release; 2) discharge or termination from a commitment for treatment; or 3) being sentenced or receiving a disposition, if he or she is not on probation, parole or other supervision or is not under a commitment for treatment. If a person who is required to register does not do so, he or she may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

This bill makes the following changes to the current sex offender registration requirements:

1. The bill transfers responsibility for administering the sex offender registration requirements to the department of corrections (DOC) from DOJ.

2. The bill expands the list of crimes covered by the registration requirements to include, in addition to the crimes covered under current law, all of the following: 3rd degree sexual assault of an adult; sexual exploitation by a therapist; forced viewing of sexual activity; incest with a child; sexual exploitation of a child; child enticement; and soliciting a child for prostitution. The bill also includes in the list of crimes covered by the registration requirements crimes that have been repealed but that are comparable to the crimes added by the bill and the crimes specified under current law. Finally, the bill includes in the list of crimes covered by the registration requirements the solicitation, conspiracy or attempt to commit the crimes added by the bill and the crimes specified under current law.

3. The bill adds the following persons to the list of persons who are subject to the registration requirements: a) a person committed for specialized treatment under the sex crimes law; b) a person committed for treatment as a sexually violent person; and c) a person who is on probation or parole in this state after being convicted in another state of a crime that is comparable to a crime covered by the registration requirements.

4. This bill requires an agency that has supervision over a person who is required to register to provide the required registration information to DOC. The person required to register must assist the agency supervising him or her. If a person who is required to register is not being supervised by an agency, he or she must provide the required information to DOC. If DOC is the agency supervising the person, DOC must enter the required registration information into the registry.

5. The bill expands the information required to be provided on registration. In addition to the information a person must provide under current law, a person required to register, or the agency supervising him or her, must provide information about all of the following: a) any motor vehicle the person owns or that is registered in his or her name; b) identifying information, such as height, weight and hair and eye color; c) the statute the person violated and the date and place of his or her conviction, adjudication or commitment; d) the date the person was released from confinement or placed on supervision; and e) the name of the agency supervising the person.

6. The bill provides that a person must comply with the registration requirements until his or her death if the person: a) has, on 2 or more separate occasions, been convicted or found not guilty by reason of mental disease or defect of a crime covered by the registration requirements; or b) has been committed for treatment as a sexually violent predator.

7. The bill provides that a person required to register must begin complying with the registration requirement upon being placed on probation, parole or other supervised release, instead of upon being discharged from probation, parole or other supervised release. Under the bill, the person must continue to register for a period of 15 years following his or her discharge from probation, parole or other supervised release.

8. The bill specifies that a person required to register must do so within 10 days after being placed on probation, parole or other supervised release, within 10 days after being sentenced or, if he or she is being released from confinement, at least 10 days before he or she is released.

9. The bill requires DOC to provide access to information in the sex offender registry or notify certain agencies and individuals that a person has registered with DOC as a sex offender and, in some cases, that a person has updated registration information. Specifically, the bill provides for notification of the following persons in the manner described:

a) DOC must make information in the sex offender registry available to the police chief of a community and the sheriff of a county in which a registered person is residing, working or going to school. DOC must make the information available at the time the person registers and whenever the person provides updated information to DOC. In addition, a police chief and sheriff may at any time request from DOC information about a person required to register. The information that DOC must make available or provide to a police chief or sheriff includes the person's name and aliases, the person's address and place of employment, the crime the person committed and, if the person is on probation, parole or other supervision, the unit or agency that is supervising the person.

b) DOC must notify the victim of the registered person's offense or, in some cases, the family of the victim. A victim is entitled to receive notification from DOC at the time the person registers and whenever the person provides updated information to DOC. In addition to the required notices, a victim may at any time request from DOC information about the person required to register. The information that DOC must provide to a victim in a notice includes the registered person's address and a description of his or her motor vehicle. Upon request, a victim is entitled to the same information that is provided to a police chief and sheriff.

c) Upon request, DOC must provide information concerning registered persons to certain specified entities, including the departments of public instruction and health and social services, schools, county social service agencies, child welfare agencies, day care providers and other community-based organizations, such as the Boy Scouts and Girl Scouts. The entity may request information concerning a specific person or concerning all persons who are required to register and who are living, working or going to school in the entity's or organization's community, district,

jurisdiction or other applicable geographical area of activity. The information that DOC must provide to an entity or community-based organization is limited to the person's name and aliases; the date and place of the person's conviction, adjudication or commitment; the make, model and license number of the person's car; and the most recent date on which the information was updated.

d) A police chief or sheriff may provide information about a specific person required to be registered to a member of the general public not otherwise entitled to notice or access if the member of the public requests the information about a specific person, if the member of the general public states his or her purpose for requesting the information and if the police chief believes that providing the information is necessary to protect the public. The information provided to the general public is limited to the person's name and aliases; the date and place of the person's conviction, adjudication or commitment; the make, model and license number of the person's car; and the most recent date on which the information was updated.

The bill provides immunity from civil liability for any act or omission relating to the release of information under the notification provisions of the bill unless the person's act or omission constitutes gross negligence or involves reckless, wanton or intentional misconduct. Finally, the bill also provides that if a person commits a felony using information obtained under the notification provisions of the bill the maximum term of imprisonment for the felony that he or she committed may be increased up to 5 years. If a person commits a misdemeanor using information obtained under the notification provisions of the bill, the maximum fine for the misdemeanor that he or she committed may be increased by \$1,000.

Notification concerning placement or release of certain persons by an agency placing or releasing the person

Current law requires that, before releasing certain offenders or placing certain offenders in a community setting, the agency releasing or placing the offender (either DOC or the department of health and social services (DHSS)) must notify local law enforcement officials of the community in which the offender will be residing or placed and, in some cases, the victim of the offender or the victim's family. Current law requires such notification concerning certain offenders in the following cases: 1) release on parole of an offender who is in prison; 2) release of an offender who is in prison and who has reached the expiration date of his or her sentence; 3) placement of certain offenders in the community residential confinement program or the intensive sanctions program; 4) release of an offender who has been found not guilty of a crime by reason of mental disease or defect when the offender is placed on conditional release or discharged from the commitment; and 5) release of an offender who has been involuntarily committed for treatment as a sexually violent person when the offender is placed on supervised release or discharged from his or her commitment. Under this bill, DHSS must notify DOC that it is releasing an offender or placing an offender in a community setting.

The bill also requires DOC or DHSS to send a bulletin to local law enforcement officials if the agency is going to place or release into a community a person who is subject to the sex offender registration requirements and who has committed crimes covered by the bill on 2 or more occasions. The bill also authorizes, but does not

require, DOC or DHSS to send a bulletin concerning a person who is subject to the sex offender registration requirements for having committed a crime covered by the bill on only one occasion, if the agency determines that sending the bulletin is necessary for public protection. The bill requires DOC or DHSS to send the bulletin to the police chief of any community and the sheriff of any county in which the person will be living, working or going to school. The bulletin must include the person's name and aliases, the person's address and place of employment, the crime the person committed and, if the person is on probation, parole or other supervision, the unit or agency that is supervising the person. In addition, the bulletin may include any other information that DOC or DHSS determines is necessary to help law enforcement officials protect the public. A police chief or sheriff who receives a bulletin from DOC or DHSS may provide any of the information in the bulletin to persons entitled to receive notices or access to information under the sex offender registration requirements if, in the opinion of the police chief or sheriff, the information in the bulletin is necessary for public protection.

Submission of biological sample by a person found to be a sexually violent person

Current law provides for a procedure for the involuntary commitment for treatment of a person who is found to be a sexually violent person. This bill requires a person who has been found to be a sexually violent person to provide a biological sample to the state crime laboratories for DNA analysis. Current law requires biological specimens for DNA analysis only from persons who are convicted, adjudicated delinquent or found not guilty or not responsible by reason of mental disease or defect for certain sex offenses.

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:

1 **SECTION 1.** 48.185 (3) of the statutes is amended to read:

2 48.185 (3) Venue for a proceeding under s. 48.12 or 48.13 (12) based on an
3 alleged violation of s. ~~175.45~~ 301.45 (6) may be in the child's county of residence at
4 the time that the petition is filed or, if the child does not have a county of residence
5 in this state at the time that the petition is filed, any county in which the child has
6 resided while subject to s. ~~175.45~~ 301.45.

7 **SECTION 2.** 48.34 (intro.) of the statutes, as affected by 1993 Wisconsin Acts 385
8 and 491, is amended to read:

1 **48.34 Disposition of child adjudged delinquent.** (intro.) If the judge
2 adjudges a child delinquent, he or she shall enter an order deciding one or more of
3 the dispositions of the case as provided in this section under a care and treatment
4 plan. Subsections (4m) and (8) are exclusive dispositions, except that either
5 disposition may be combined with the disposition under sub. (4p), (5), (7m) ~~or~~, (15)
6 or (16) and a disposition under sub. (4m) must be combined with a disposition under
7 sub. (4n). The dispositions under this section are:

8 **SECTION 3.** 48.34 (15) (title) of the statutes is amended to read:

9 48.34 **(15)** (title) DEOXYRIBONUCLEIC ACID ANALYSIS AND—REPORTING
10 REQUIREMENTS.

11 **SECTION 4.** 48.34 (15) (a) 1. of the statutes is amended to read:

12 48.34 **(15)** (a) 1. If the child is adjudicated delinquent on the basis of a violation
13 of s. 940.225, 948.02 (1) or (2) or 948.025, the court shall require the child to provide
14 a biological specimen to the state crime laboratories for deoxyribonucleic acid
15 analysis. ~~If the violation is of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the~~
16 ~~court shall require the child to comply with the reporting requirements under s.~~
17 ~~175.45. If the violation is of s. 940.225 (3) or (3m), the court may require the child~~
18 ~~to comply with the reporting requirements under s. 175.45 if the court determines~~
19 ~~that the underlying conduct was seriously sexually assaultive in nature and that it~~
20 ~~would be in the interest of public protection to have the child report under s. 175.45.~~

21 **SECTION 5.** 48.34 (15) (a) 2. of the statutes is amended to read:

22 48.34 **(15)** (a) 2. Except as provided in subd. 1., if the child is adjudicated
23 delinquent on the basis of any violation under ch. 940, 944 or 948 or ss. 943.01 to
24 943.15, the court may require the child to provide a biological specimen to the state
25 crime laboratories for deoxyribonucleic acid analysis. ~~The court may require the~~

1 ~~child to comply with the reporting requirements under s. 175.45 if the court~~
2 ~~determines that the underlying conduct was seriously sexually assaultive in nature~~
3 ~~and that it would be in the interest of public protection to have the child report under~~
4 ~~s. 175.45.~~

5 **SECTION 6.** 48.34 (16) of the statutes is created to read:

6 48.34 **(16)** SEX OFFENDER REPORTING REQUIREMENTS. (a) If the child is
7 adjudicated delinquent on the basis of a violation, or the solicitation, conspiracy or
8 attempt to commit a violation, of s. 940.225 (1), (2) or (3), 948.02 (1) or (2), 948.025,
9 948.05, 948.055, 948.06, 948.07 or 948.08, the court shall require the person to
10 comply with the reporting requirements under s. 301.45.

11 (b) Except as provided in par. (a), if the child is adjudicated delinquent on the
12 basis of any violation, or the solicitation, conspiracy or attempt to commit any
13 violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the
14 child to comply with the reporting requirements under s. 301.45 if the court
15 determines that the underlying conduct was sexually motivated, as defined in s.
16 980.01 (5), and that it would be in the interest of public protection to have the child
17 report under s. 301.45.

18 **SECTION 7.** 48.396 (2) (f) of the statutes is created to read:

19 48.396 **(2)** (f) Upon request of the department of corrections to review court
20 records for the purpose of obtaining information concerning a child required to
21 register under s. 301.45, the court shall open for inspection by authorized
22 representatives of the department of corrections the records of the court relating to
23 any child who has been adjudicated delinquent or found not responsible by reason
24 of mental disease or defect for an offense specified in s. 301.45 (1) (a). The department

1 of corrections may disclose information that it obtains under this paragraph as
2 provided under s. 301.46.

3 **SECTION 8.** 48.78 (2) (f) of the statutes is created to read:

4 48.78 (2) (f) Paragraph (a) does not prohibit the department of health and social
5 services from disclosing to the department of corrections information about an
6 individual who has been adjudged delinquent or found not responsible by reason of
7 mental disease or defect and who is required to register under s. 301.45. The
8 department of corrections may disclose information that it receives under this
9 paragraph as provided under s. 301.46.

10 **SECTION 9.** 51.20 (13) (cr) of the statutes is amended to read:

11 51.20 (13) (cr) If the subject individual is before the court on a petition filed
12 under a court order under s. 48.30 (5) (c) 1. and is found to have committed a violation
13 of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require the
14 individual to provide a biological specimen to the state crime laboratories for
15 deoxyribonucleic acid analysis ~~and to comply with the reporting and testing~~
16 ~~requirements of s. 175.45.~~

17 **SECTION 10.** 51.20 (13) (ct) of the statutes is created to read:

18 51.20 (13) (ct) 1. If the subject individual is before the court on a petition filed
19 under a court order under s. 48.30 (5) (c) 1. and is found to have committed a violation,
20 or to have solicited, conspired or attempted to commit a violation, of s. 940.225 (1),
21 (2) or (3), 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08, the
22 court shall require the individual to comply with the reporting requirements under
23 s. 301.45.

24 2. Except as provided in subd. 1., if the subject individual is before the court
25 on a petition filed under a court order under s. 48.30 (5) (c) 1. and is found to have

1 committed any violation, or to have solicited, conspired or attempted to commit any
2 violation, of ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the
3 subject individual to comply with the reporting requirements under s. 301.45 if the
4 court determines that the underlying conduct was sexually motivated, as defined in
5 s. 980.01 (5), and that it would be in the interest of public protection to have the
6 subject individual report under s. 301.45.

7 **SECTION 11.** 51.30 (3) (d) of the statutes is created to read:

8 51.30 (3) (d) The department of corrections shall have access to the files and
9 records of court proceedings under this chapter concerning an individual required to
10 register under s. 301.45. The department of corrections may disclose information
11 that it obtains under this paragraph as provided under s. 301.46.

12 **SECTION 12.** 51.30 (4) (b) 24. of the statutes is created to read:

13 51.30 (4) (b) 24. To the department of corrections for the purpose of obtaining
14 information concerning a person required to register under s. 301.45. The
15 department of corrections may disclose information that it receives under this
16 subdivision as provided under s. 301.46.

17 **SECTION 13.** 165.76 (1) (d) of the statutes is created to read:

18 165.76 (1) (d) Is found to be a sexually violent person under ch. 980 on or after
19 June 2, 1994.

20 **SECTION 14.** 165.76 (2) (b) 3. of the statutes is amended to read:

21 165.76 (2) (b) 3. If the person has been committed to the department of health
22 and social services under s. 51.20 or 971.17 or found to be a sexually violent person
23 under ch. 980, he or she shall provide the specimen under par. (a) as directed by the
24 department of health and social services.

25 **SECTION 15.** 165.76 (3) of the statutes is amended to read:

1 165.76 (3) If a person is required to submit a biological specimen under s. 48.34
2 (15), 51.20 (13) (cr), 971.17 (1m) ~~or (a)~~, 973.047 or 980.063, he or she shall comply with
3 that requirement and is not required to comply with this section.

4 **SECTION 16.** 165.765 (1) of the statutes is amended to read:

5 165.765 (1) Whoever intentionally fails to comply with a requirement to submit
6 a biological specimen under s. 48.34 (15), 165.76 ~~or~~, 973.047 or 980.063 may be fined
7 not more than \$10,000 or imprisoned for not more than 9 months or both.

8 **SECTION 17.** 165.765 (2) (a) of the statutes is amended to read:

9 165.765 (2) (a) Any physician, registered nurse, medical technologist,
10 physician assistant or person acting under the direction of a physician who obtains
11 a biological specimen under s. 48.34 (15), 165.76 ~~or~~, 973.047 or 980.063 is immune
12 from any civil or criminal liability for the act, except for civil liability for negligence
13 in the performance of the act.

14 **SECTION 18.** 165.77 (2) (b) of the statutes is amended to read:

15 165.77 (2) (b) Paragraph (a) does not apply to specimens received under s. 48.34
16 (15), 51.20 (13) (cr), 165.76, 971.17 (1m) ~~or (a)~~, 973.047 or 980.063.

17 **SECTION 19.** 165.77 (3) of the statutes is amended to read:

18 165.77 (3) If the laboratories receive a human biological specimen under s.
19 48.34 (15), 51.20 (13) (cr), 165.76, 971.17 (1m) ~~or (a)~~, 973.047 or 980.063, the
20 laboratories shall analyze the deoxyribonucleic acid in the specimen. The
21 laboratories shall maintain a data bank based on data obtained from
22 deoxyribonucleic acid analysis of those specimens. The laboratories may compare
23 the data obtained from one specimen with the data obtained from other specimens.
24 The laboratories may make data obtained from any analysis and comparison
25 available to law enforcement agencies in connection with criminal or delinquency

1 investigations and, upon request, to any prosecutor, defense attorney or subject of
2 the data. The data may be used in criminal and delinquency actions and proceedings.
3 In this state, the use is subject to s. 972.11 (5). The laboratories shall destroy
4 specimens obtained under this subsection after analysis has been completed and the
5 applicable court proceedings have concluded.

6 **SECTION 20.** 165.8285 of the statutes is created to read:

7 **165.8285 Transaction information for management of enforcement**
8 **system; department of corrections records.** (1) The department of justice shall,
9 through the transaction information for management of enforcement system,
10 provide local law enforcement agencies with access to the registry of sex offenders
11 maintained by the department of corrections under s. 301.45.

12 (2) The department of justice shall provide the department of corrections with
13 access to the transaction information for management of enforcement system
14 administrative message process.

15 (3) The department of justice and the department of corrections shall cooperate
16 in using the transaction information for management of enforcement system, and in
17 developing or using any other computerized or direct electronic data transfer system,
18 for the purpose of providing access to or disseminating information from the sex
19 offender registry under s. 301.45.

20 **SECTION 21.** 175.45 (title) of the statutes is renumbered 301.45 (title).

21 **SECTION 22.** 175.45 (1) (intro.) of the statutes is renumbered 301.45 (1) (intro.).

22 **SECTION 23.** 175.45 (1) (a) of the statutes is renumbered 301.45 (1) (a) and
23 amended to read:

24 301.45 (1) (a) Is convicted, adjudicated delinquent or found in need of
25 protection or services on or after December 25, 1993, for any violation, or for the

1 solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225
2 (1) or (3), 948.02 (1) or (2) or 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08.

3 **SECTION 24.** 175.45 (1) (b) of the statutes is renumbered 301.45 (1) (b) and
4 amended to read:

5 301.45 (1) (b) Is in prison or a secured correctional facility or on probation,
6 parole, supervision or aftercare supervision on or after December 25, 1993, for any
7 violation, for the solicitation, conspiracy or attempt to commit any violation, of s.
8 940.22 (2), 940.225 (1) or (3), 948.02 (1) or (2) or 948.025, 948.05, 948.055,
9 948.06, 948.07 or 948.08.

10 **SECTION 25.** 175.45 (1) (c) of the statutes is renumbered 301.45 (1) (c) and
11 amended to read:

12 301.45 (1) (c) Is found not guilty or not responsible by reason of mental disease
13 or defect on or after December 25, 1993, and committed under s. 51.20 or 971.17 for
14 any violation, or for the solicitation, conspiracy or attempt to commit any violation,
15 of s. 940.22 (2), 940.225 (1) or (3), 948.02 (1) or (2) or 948.025, 948.05, 948.055,
16 948.06, 948.07 or 948.08.

17 **SECTION 26.** 175.45 (1) (d) of the statutes is renumbered 301.45 (1) (d) and
18 amended to read:

19 301.45 (1) (d) Is in institutional care or on conditional transfer under s. 51.35
20 (1) or conditional release under s. 971.17 on or after December 25, 1993, for any
21 violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.
22 940.22 (2), 940.225 (1) or (3), 948.02 (1) or (2) or 948.025, 948.05, 948.055,
23 948.06, 948.07 or 948.08.

24 **SECTION 27.** 175.45 (1) (e) of the statutes is renumbered 301.45 (1) (e) and
25 amended to read:

1 301.45 (1) (e) Is ordered by a court under s. 48.34 ~~(15)~~ (16), 51.20 (13) ~~(er)~~ (ct),
2 971.17 (1m) (b) 2. or ~~973.047~~ 973.048 to comply with the reporting requirements
3 under this section.

4 **SECTION 28.** 175.45 (2) (title) of the statutes is renumbered 301.45 (2) (title) and
5 amended to read:

6 301.45 (2) (title) WHAT INFORMATION MUST BE PROVIDED, BY WHOM AND WHEN.

7 **SECTION 29.** 175.45 (2) of the statutes is renumbered 301.45 (2) (c) and
8 amended to read:

9 301.45 (2) (c) A. If the department of health and social services has supervision
10 over a person subject to sub. (1), that department, with the assistance of the person,
11 shall provide the information about ~~his or her home address, place of school~~
12 enrollment, place of employment and employment duties specified in par. (a) to the
13 department of justice corrections in accordance with the rules under sub. (8).

14 **SECTION 30.** 175.45 (3) (title) of the statutes is renumbered 301.45 (3) (title).

15 **SECTION 31.** 175.45 (3) (a) (intro.) of the statutes is renumbered 301.45 (3) (a)
16 (intro.).

17 **SECTION 32.** 175.45 (3) (a) 1. of the statutes is renumbered 301.45 (3) (a) 1. and
18 amended to read:

19 301.45 (3) (a) 1. If the person has been placed on probation or supervision, he
20 or she is subject to this subsection ~~after he or she is discharged from~~ upon being
21 placed on probation or supervision.

22 **SECTION 33.** 175.45 (3) (a) 2. of the statutes is renumbered 301.45 (3) (a) 2. and
23 amended to read:

1 301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured
2 correctional facility, he or she is subject to this subsection ~~after he or she is discharged~~
3 ~~from~~ upon being released on parole or aftercare supervision.

4 **SECTION 34.** 175.45 (3) (a) 3. of the statutes is renumbered 301.45 (3) (a) 3. and
5 amended to read:

6 301.45 (3) (a) 3. If the person has been committed under s. 51.20 or 971.17, he
7 or she is subject to this subsection ~~after~~ upon being placed on conditional release
8 under s. 971.17 or on a conditional transfer under s. 51.35 (1) or, if he or she was not
9 placed on conditional release or on a conditional transfer, before he or she is
10 terminated under s. 971.17 (5) or discharged under s. 51.35 (4) or 971.17 (6).

11 **SECTION 35.** 175.45 (3) (a) 4. of the statutes is renumbered 301.45 (3) (a) 4. and
12 amended to read:

13 301.45 (3) (a) 4. If subd. 1., 1m., 2. ~~or~~, 2m., 3., 3g. or 3r. does not apply, the person
14 is subject to this subsection after he or she is sentenced or receives a disposition.

15 **SECTION 36.** 175.45 (3) (b) of the statutes is renumbered 301.45 (3) (b) 1. and
16 amended to read:

17 301.45 (3) (b) 1. A person who is subject to par. (a) shall notify the department
18 of justice once each calendar year, as directed by the department, of his or her current
19 information specified in sub. (2) (a). The department shall annually notify
20 registrants of their need to comply with this requirement.

21 2. The department shall notify a person who is being released from prison
22 because he or she has reached the expiration date of his or her sentence and who is
23 covered under sub. (1) of the need to comply with this section. Also, probation and
24 parole agents, aftercare agents and agencies providing supervision shall notify any
25 client who is covered under sub. (1) of ~~this requirement prior to the client's expected~~

1 ~~date of discharge from the need to comply with this section at the time the client is~~
2 ~~placed on probation, parole, supervision or aftercare supervision or, if the client is on~~
3 ~~probation or parole from another state under s. 304.13 or 304.135, when the client~~
4 ~~enters this state.~~

5 4. Failure to receive this notice from the department of health and social
6 services, the department of corrections, a probation and parole agent, an aftercare
7 agent or an agency providing supervision is not a defense to liability under sub. (6).

8 **SECTION 37.** 175.45 (4) of the statutes is renumbered 301.45 (4) and amended
9 to read:

10 301.45 (4) UPDATED INFORMATION. In addition to the requirements under sub.
11 (3), whenever any of the information under sub. (2) (a) changes, the person shall
12 provide the department of justice with the updated information within 14 10 days
13 after the change occurs.

14 **SECTION 38.** 175.45 (5) of the statutes is renumbered 301.45 (5) (a), and 301.45
15 (5) (a) (intro.), 2. and 4., as renumbered, are amended to read:

16 301.45 (5) (a) (intro.) ~~A~~ Except as provided in par. (b), a person who is covered
17 under sub. (1) no longer has to comply with this section when the following applicable
18 criterion is met:

19 2. If the person has been sentenced to prison or placed in a secured correctional
20 facility, 15 years after discharge from prison, parole or aftercare supervision.

21 4. If ~~par. (a), (b) or (c)~~ subd. 1., 1m., 2., 3. or 3m. does not apply, 15 years after
22 the date of conviction or disposition.

23 **SECTION 39.** 175.45 (6) of the statutes is renumbered 301.45 (6).

24 **SECTION 40.** 175.45 (7) of the statutes is renumbered 301.45 (7), and 301.45 (7)
25 (title), (a) and (c) (intro.), as renumbered, are amended to read:

1 301.45 (7) (title) ~~DEPARTMENT OF JUSTICE; INFORMATION~~ INFORMATION
2 MAINTENANCE AND EXPUNGEMENT. (a) The department of justice shall maintain
3 information provided under sub. (2). The department shall keep the information
4 confidential except as provided in s. 301.46 and except as needed for law enforcement
5 purposes.

6 (c) (intro.) A person ~~who has provided~~ about whom information is maintained
7 in the registry under sub. (2) may request expungement of all pertinent
8 ~~departmental~~ information in the registry on the grounds that his or her conviction,
9 delinquency adjudication, finding of need of protection or services or commitment
10 has been reversed, set aside or vacated. The department shall purge all of that
11 information if the department receives all of the following:

12 **SECTION 41.** 175.45 (8) of the statutes is renumbered 301.45 (8) and amended
13 to read:

14 301.45 (8) RULES. The department of justice shall promulgate rules necessary
15 to carry out its duties under this section.

16 **SECTION 42.** 175.45 (9) of the statutes is renumbered 301.45 (9) and amended
17 to read:

18 301.45 (9) COOPERATION. ~~The departments of corrections and~~ department of
19 health and social services and a circuit court shall cooperate with the department of
20 ~~justice~~ corrections in obtaining information under this section.

21 **SECTION 43.** 301.45 (1) (bm) of the statutes is created to read:

22 301.45 (1) (bm) Is in prison or a secured correctional facility or on probation,
23 parole, supervision or aftercare supervision on or after December 25, 1993, for a
24 violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law

1 of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 948.02 (1) or
2 (2), 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08.

3 **SECTION 44.** 301.45 (1) (dd) of the statutes is created to read:

4 301.45 (1) (dd) Is in institutional care or on conditional transfer under s. 51.35
5 (1) or conditional release under s. 971.17 on or after December 25, 1993, for a
6 violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law
7 of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 948.02 (1) or
8 (2), 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08.

9 **SECTION 45.** 301.45 (1) (dh) of the statutes is created to read:

10 301.45 (1) (dh) Is on parole or probation in this state from another state under
11 s. 304.13 or 304.135 on or after December 25, 1993, for a violation, or for the
12 solicitation, conspiracy or attempt to commit a violation, of the law of another state
13 that is comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 948.02 (1) or
14 (2), 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08.

15 **SECTION 46.** 301.45 (1) (dp) of the statutes is created to read:

16 301.45 (1) (dp) Is in institutional care under, or on parole from, a commitment
17 for specialized treatment under ch. 975 on or after December 25, 1993.

18 **SECTION 47.** 301.45 (1) (dt) of the statutes is created to read:

19 301.45 (1) (dt) Is in institutional care or on conditional release under ch. 980
20 on or after June 2, 1994.

21 **SECTION 48.** 301.45 (2) (a) of the statutes is created to read:

22 301.45 (2) (a) The department shall maintain a registry of all persons subject
23 to sub. (1). The registry shall contain all of the following with respect to each person:

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

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

3 3. The statute the person violated that subjects the person to the requirements
4 of this section, the date of conviction, adjudication or commitment, and the county
5 or, if the state is not this state, the state in which the person was convicted,
6 adjudicated or committed.

7 4. Whichever of the following is applicable:

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

10 b. The date the person was or is to be released from confinement, whether on
11 parole or otherwise, or discharged or terminated from a sentence or commitment.

12 c. The date the person entered the state.

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

14 5. The address at which the person is or will be residing.

15 6. The name of the agency supervising the person, if applicable, and the office
16 or unit and telephone number of the office or unit that is responsible for the
17 supervision of the person.

18 7. A description of any motor vehicle that the person owns or that is registered
19 in the person's name. The information provided under this paragraph shall include
20 a description of the vehicle, including make, model, license number and any other
21 information which the department may reasonably require for proper identification
22 of the vehicle.

23 8. The name and address of the place at which the person is or will be employed.

24 9. The name and location of any school in which the person is or will be enrolled.

25 10. The most recent date on which the information in the registry was updated.

1 **SECTION 49.** 301.45 (2) (b) of the statutes is created to read:

2 301.45 (2) (b) If the department has supervision over a person subject to sub.
3 (1), the department shall enter into the registry under this section the information
4 specified in par. (a) concerning the person.

5 **SECTION 50.** 301.45 (2) (d) of the statutes is created to read:

6 301.45 (2) (d) A person subject to sub. (1) who is not under the supervision of
7 the department of corrections or the department of health and social services shall
8 provide the information specified in par. (a) to the department of corrections in
9 accordance with the rules under sub. (8). If the person is unable to provide an item
10 of information specified in par. (a), the department of corrections may request
11 assistance from a circuit court or the department of health and social services in
12 obtaining that item of information. A circuit court and the department of health and
13 social services shall assist the department of corrections when requested to do so
14 under this paragraph.

15 **SECTION 51.** 301.45 (2) (e) of the statutes is created to read:

16 301.45 (2) (e) The department of health and social services shall provide the
17 information required under par. (c) or the person subject to sub. (1) shall provide the
18 information required under par. (d) in accordance with whichever of the following is
19 applicable:

20 1. Within 10 days after the person being placed on parole, probation,
21 supervision, aftercare supervision, conditional release or supervised release.

22 2. If the person is on parole or probation from another state under s. 304.13 or
23 304.135, within 10 days after the person enters this state.

24 3. No later than 10 days before the person is terminated or discharged from a
25 commitment.

1 4. If the person is being released from prison because he or she has reached the
2 expiration date of his or her sentence, no later than 10 days before being released
3 from prison.

4 5. If subd. 1., 2., 3. or 4. does not apply, within 10 days after the person is
5 sentenced or receives a disposition.

6 **SECTION 52.** 301.45 (3) (a) 1m. of the statutes is created to read:

7 301.45 (3) (a) 1m. If the person is on parole or probation from another state
8 under s. 304.13 or 304.135, he or she is subject to this subsection upon entering this
9 state.

10 **SECTION 53.** 301.45 (3) (a) 2m. of the statutes is created to read:

11 301.45 (3) (a) 2m. If the person has been sentenced to prison and is being
12 released from prison because he or she has reached the expiration date of his or her
13 sentence, before being released from prison.

14 **SECTION 54.** 301.45 (3) (a) 3g. of the statutes is created to read:

15 301.45 (3) (a) 3g. If the person has been committed for specialized treatment
16 under ch. 975, he or she is subject to this subsection upon being released on parole
17 under s. 975.10 or, if he or she was not released on parole, before being discharged
18 from the commitment under s. 975.09 or 975.12.

19 **SECTION 55.** 301.45 (3) (a) 3r. of the statutes is created to read:

20 301.45 (3) (a) 3r. If the person has been committed under ch. 980, he or she is
21 subject to this subsection upon being placed on supervised release under s. 980.06
22 (2) or 980.08 or, if he or she was not placed on supervised release, before being
23 discharged under s. 980.09 or 980.10.

24 **SECTION 56.** 301.45 (3) (b) 3. of the statutes is created to read:

1 301.45 (3) (b) 3. The department of health and social services shall notify a
2 person who is being placed on conditional release, conditional transfer or parole, or
3 is being terminated or discharged from a commitment, under s. 51.20, 51.35 or
4 971.17 or ch. 975 or 980 and who is covered under sub. (1) of the need to comply with
5 this section.

6 **SECTION 57.** 301.45 (5) (a) 1m. of the statutes is created to read:

7 301.45 (5) (a) 1m. If the person is on parole or probation from another state
8 under s. 304.13 or 304.135, 15 years after discharge from that parole or probation.

9 **SECTION 58.** 301.45 (5) (a) 3m. of the statutes is created to read:

10 301.45 (5) (a) 3m. If the person has been committed for specialized treatment
11 under ch. 975, 15 years after discharge from the commitment under s. 975.09 or
12 975.12.

13 **SECTION 59.** 301.45 (5) (b) of the statutes is created to read:

14 301.45 (5) (b) A person who is covered under sub. (1) shall continue to comply
15 with the requirements of this section until his or her death if any of the following
16 apply:

17 1. The person has, on 2 or more separate occasions, been convicted or found not
18 guilty or not responsible by reason of mental disease or defect for any violation, or
19 for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2),
20 940.225 (1), (2) or (3), 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07 or
21 948.08 or for any violation, or for the solicitation, conspiracy or attempt to commit
22 any violation, of a law of this state or any other state that is comparable to a violation
23 of s. 940.22 (2), 940.225 (1), (2) or (3), 948.02 (1) or (2), 948.025, 948.05, 948.055,
24 948.06, 948.07 or 948.08. A conviction that has been reversed, set aside or vacated

1 is not a conviction for purposes of determining under this subdivision whether a
2 person has been convicted on 2 or more separate occasions.

3 2. The person has been found to be a sexually violent person under ch. 980.

4 **SECTION 60.** 301.45 (6) (c) of the statutes is created to read:

5 301.45 **(6)** (c) Notwithstanding pars. (a) and (b), a person who first became
6 subject to subs. (2) to (4) under 1995 Wisconsin Act (this act) and who was in prison
7 or a secured correctional facility, in institutional care, or on probation, parole,
8 supervision, aftercare supervision, corrective sanctions supervision, conditional
9 transfer or conditional release during the period beginning on December 25, 1993,
10 and ending on the day before the effective date of this paragraph [revisor inserts
11 date], shall be allowed until the first day of the 7th month beginning after the
12 effective date of this paragraph [revisor inserts date], to comply with the
13 requirements under subs. (2) to (4).

14 **SECTION 61.** 301.46 of the statutes is created to read:

15 **301.46 Access to information concerning sex offenders. (1) DEFINITIONS.**

16 In this section "agency with jurisdiction" means the state agency with the authority
17 or duty to confine or supervise a person or release or discharge a person from
18 confinement.

19 **(2) ACCESS FOR LAW ENFORCEMENT AGENCIES.** (a) When a person is registered
20 with the department under s. 301.45 (2), the department shall immediately make the
21 information specified in par. (b) available to the police chief of any community and
22 the sheriff of any county in which the person is residing, is employed or is attending
23 school. The department shall make information available under this paragraph
24 through a direct electronic data transfer system.

1 (b) The department shall make all of the following information available under
2 par. (a):

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

4 2. Information sufficient to identify the person, including date of birth, gender,
5 race, height, weight and hair and eye color.

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

9 4. Whichever of the following is applicable:

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

12 b. The date the person was released from confinement, whether on parole or
13 otherwise, or discharged or terminated from a sentence or commitment.

14 c. The date the person entered the state.

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

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

17 6. The name of the agency supervising the person, if applicable, and the office
18 or unit and telephone number of the office or unit that is responsible for the
19 supervision of the person.

20 7. A description of any motor vehicle that the person owns or that is registered
21 in the person's name, including the information provided by the person under s.
22 301.45 (2) (a) 7.

23 8. The name and address of the place at which the person is employed.

24 9. The name and location of any school in which the person is enrolled.

1 10. The most recent date on which the information under s. 301.45 was
2 updated.

3 (c) When a person who is registered under s. 301.45 (2) updates information
4 under s. 301.45 (4), the department shall immediately make the updated information
5 available to the police chief of any community and the sheriff of any county in which
6 the person is residing, is employed or is attending school. The department shall
7 make the updated information available under this paragraph through a direct
8 electronic data transfer system.

9 (d) In addition to having access to information under pars. (a) and (c), a police
10 chief or sheriff may request that the department provide the police chief or sheriff
11 with information concerning any person registered under s. 301.45.

12 **(2m)** BULLETINS TO LAW ENFORCEMENT AGENCIES. (a) If an agency with
13 jurisdiction confines a person under s. 301.046, provides a person entering the
14 intensive sanctions program under s. 301.048 with a sanction other than a placement
15 in a Type 1 prison or a jail, or releases a person from confinement or institutional
16 care, and the person has, on one occasion only, been convicted or found not guilty or
17 not responsible by reason of mental disease or defect for any violation, or for the
18 solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225
19 (1), (2) or (3), 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08 or
20 a law of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 948.02
21 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08, the agency with
22 jurisdiction may notify the police chief of any community and the sheriff of any
23 county in which the person will be residing, employed or attending school if the
24 agency with jurisdiction determines that such notification is necessary to protect the
25 public. Notification under this paragraph may be in addition to providing access to

1 information under sub. (2) or to any other notification that an agency with
2 jurisdiction is authorized to provide.

3 (am) If an agency with jurisdiction confines a person under s. 301.046, provides
4 a person entering the intensive sanctions program under s. 301.048 with a sanction
5 other than a placement in a Type 1 prison or a jail, or releases a person from
6 confinement or institutional care, and the person has, on 2 or more separate
7 occasions, been convicted or found not guilty or not responsible by reason of mental
8 disease or defect for any violation, or for the solicitation, conspiracy or attempt to
9 commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 948.02 (1) or (2), 948.025,
10 948.05, 948.055, 948.06, 948.07 or 948.08 or a law of this state that is comparable to
11 s. 940.22 (2), 940.225 (1), (2) or (3), 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
12 948.07 or 948.08, the agency with jurisdiction shall notify the police chief of any
13 community and the sheriff of any county in which the person will be residing,
14 employed or attending school. Notification under this paragraph shall be in addition
15 to providing access to information under sub. (2) and to any other notification that
16 an agency with jurisdiction is authorized to provide.

17 (b) The notification under par. (a) or (am) shall be in the form of a written
18 bulletin to the police chief or sheriff that contains all of the following:

19 1. The information specified in sub. (2) (b).

20 2. Any other information that the agency with jurisdiction determines is
21 necessary to assist law enforcement officers or to protect the public. Information
22 under this subdivision may include a photograph of the person, other identifying
23 information and a description of the person's patterns of violation.

24 (c) A police chief or sheriff who receives a bulletin under this subsection may
25 provide any of the information in the bulletin to an entity in the police chief's

1 community or the sheriff's county that is entitled to request information under sub.
2 (4) or to any person requesting information under sub. (5) if, in the opinion of the
3 police chief or sheriff, providing that information is necessary to protect the public.

4 **(3) NOTIFICATION OF VICTIMS.** (a) In this subsection:

5 1. "Member of the family" means spouse, child, parent, sibling or legal
6 guardian.

7 2. "Victim" means a person against whom a crime has been committed.

8 (b) When a person is registered under s. 301.45 (2) or when the person informs
9 the department of a change in information under s. 301.45 (4), the department shall
10 notify the victim or a member of the victim's family who has, according to the
11 information provided under par. (d), requested to be notified about a person required
12 to register under s. 301.45.

13 (c) The notice under par. (b) shall be a written notice to the victim or member
14 of the victim's family that the person required to register under s. 301.45 and
15 specified in the information provided under par. (d) has been registered or, if
16 applicable, has provided the department with updated information under s. 301.45
17 (4). The notice shall contain the information specified in sub. (2) (b) 1., 5., 7. and 10.
18 or, if applicable, the updated information.

19 (d) The department of health and social services shall provide the department
20 with access to the names of victims or the family members of victims who have
21 completed cards requesting notification under s. 971.17 (6m) or 980.11.

22 (e) In addition to receiving the notice provided under par. (c), a person who
23 receives notice under par. (b) may request that the department provide him or her
24 with any of the information specified in sub. (2) (b) concerning the person required
25 to register under s. 301.45.

1 **(4) ACCESS TO INFORMATION FOR AGENCIES AND ORGANIZATIONS OTHER THAN LAW**
2 ENFORCEMENT AGENCIES. (a) Any of the following entities may request information
3 from the department concerning persons registered under s. 301.45:

4 1. A public or private elementary or secondary school.

5 2. A day care provider that holds a license under s. 48.65, that is certified under
6 s. 48.651, that holds a probationary license under s. 48.69 or that is established or
7 contracted for under s. 120.13 (14).

8 3. A child welfare agency licensed under s. 48.60.

9 4. A group home licensed under s. 48.625.

10 5. A shelter care facility licensed under s. 48.48.

11 6. A foster home or treatment foster home licensed under s. 48.62.

12 7. A county department under s. 46.21, 46.215, 46.22, 46.23, 51.42 or 51.437.

13 8. An agency providing child welfare services under s. 48.57 (2).

14 8m. The department of justice.

15 9. The department of public instruction.

16 10. The department of health and social services.

17 11. Any of the following entities that requests, in a form and manner specified
18 by the department, receiving notification under this subsection:

19 a. A neighborhood watch program authorized under s. 60.23 (17m) or by the law
20 enforcement agency of a city or village.

21 b. An organized unit of the Boy Scouts of America, the Boys' Clubs of America,
22 the Girl Scouts of America or Camp Fire Girls.

23 c. The personnel office of a sheltered workshop, as defined in s. 104.01 (6).

1 d. Any other community-based public or private, nonprofit organization that
2 the department determines should have access to information under this subsection
3 in the interest of protecting the public.

4 (am) An entity may make a request under par. (a) for any of the following:

5 1. Information concerning a specific person registered under s. 301.45.

6 2. The names of and information concerning all persons registered under s.
7 301.45 who reside, are employed or attend school in the entity's community, district,
8 jurisdiction or other applicable geographical area of activity.

9 (b) In response to a request under par. (a), the department shall provide all of
10 the following information:

11 1. The name of the person who has registered under s. 301.45, including any
12 aliases the person has used.

13 2. The date of the person's conviction, adjudication or commitment, and the
14 county or, if the state is not this state, the state in which the person was convicted,
15 adjudicated or committed.

16 3. The make, model and license number of any motor vehicle that the person
17 owns or that is registered in the person's name.

18 4. The most recent date on which the information under s. 301.45 was updated.

19 (c) On the request of a police chief or a sheriff, the department shall provide the
20 police chief or sheriff with a list of entities in the police chief's community or the
21 sheriff's county that have requested information under par. (a) for use by the police
22 chief or sheriff under sub. (2m) (c).

23 **(5) ACCESS TO INFORMATION FOR GENERAL PUBLIC.** (a) A police chief or sheriff may
24 provide the information specified in par. (b) concerning a specific person required to
25 register under s. 301.45 to a person who is not provided notice or access under subs.

1 (2) to (4) if, in the opinion of the police chief or sheriff, providing the information is
2 necessary to protect the public and if the person requesting the information does all
3 of the following:

4 1. Submits a written request for information in a form and manner prescribed
5 by the police chief or sheriff.

6 2. Specifies by name the person about whom he or she is requesting the
7 information.

8 3. States his or her purpose for requesting the information.

9 4. Provides any other information the police chief or sheriff considers necessary
10 to determine accurately whether the person specified in subd. 2. is registered under
11 s. 301.45.

12 (b) If a police chief or sheriff provides information under par. (a), he or she shall
13 provide all of the following concerning the person specified in the request under par.
14 (a) 2.:

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

18 2. The make, model and license number of any motor vehicle that the person
19 owns or that is registered in the person's name.

20 3. The most recent date on which the information under s. 301.45 was updated.

21 **(6) PERIOD OF NOTIFICATION OF AND ACCESS TO INFORMATION.** (a) Except as
22 provided in par. (b), the department or an agency with jurisdiction may provide
23 notice of or access to information under subs. (2) to (5) concerning a person registered
24 under s. 301.45 only during the period under s. 301.45 (5) for which the person is
25 required to comply with s. 301.45.

1 (b) The department or an agency with jurisdiction may provide access to any
2 information collected under s. 301.45, regardless of whether the person is still
3 required to be registered, to a law enforcement agency for law enforcement purposes.

4 (7) IMMUNITY. A person acting under this section is immune from civil liability
5 for any good faith act or omission regarding the release of information authorized
6 under this section. The immunity under this subsection does not extend to a person
7 whose act or omission constitutes gross negligence or involves reckless, wanton or
8 intentional misconduct.

9 (8) RULES. The department shall promulgate rules necessary to carry out its
10 duties under this section.

11 **SECTION 62.** 939.646 of the statutes is created to read:

12 **939.646 Penalty; crimes committed using information obtained from**
13 **the sex offender registry.** If a person commits a crime using information that was
14 disclosed to him or her under s. 301.46, the penalties may be increased as follows:

15 (1) In case of a misdemeanor, the maximum fine prescribed by law for the crime
16 may be increased by not more than \$1,000.

17 (2) In case of a felony, the maximum term of imprisonment prescribed by law
18 for the crime may be increased by not more than 5 years.

19 **SECTION 63.** 950.045 of the statutes is amended to read:

20 **950.045 Victims; application for parole or pardon; releases;**
21 **corrections programs.** Victims of crimes have the right to provide written
22 statements concerning parole applications under s. 304.06 (1) (e), to have direct input
23 in the parole decision-making process under s. 304.06 (1) (em) and to provide written
24 statements concerning pardon applications under s. 304.10 (2). Victims of crimes
25 have the right to be notified by district attorneys under s. 971.17 (4m) regarding

1 conditional releases under s. 971.17. Victims of crimes have the right to be notified
2 by the department of health and social services under s. 971.17 (6m) regarding
3 terminations or discharges under s. 971.17. Victims of crimes have the right to be
4 notified by the department of corrections under s. 301.046 (4) regarding community
5 residential confinements, under s. 301.048 (4m) regarding participation in the
6 intensive sanctions program, under s. 302.115 regarding the expiration of sentences
7 and under s. 304.063 regarding parole releases. Victims of acts of sexual violence
8 have the right to be notified by district attorneys or the department of justice under
9 s. 980.11 regarding supervised releases under s. 980.06 and discharges under s.
10 980.09 or 980.10. Victims have the right to be notified of the registration of a person
11 and the update of information regarding that person under s. 301.46.

12 **SECTION 64.** 971.17 (1m) of the statutes is renumbered 971.17 (1m) (a) and
13 amended to read:

14 971.17 **(1m)** (a) If the defendant under sub. (1) is found not guilty by reason of
15 mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or
16 948.025, the court shall require the person to provide a biological specimen to the
17 state crime laboratories for deoxyribonucleic acid analysis ~~and to comply with the~~
18 ~~reporting requirements of s. 175.45.~~

19 **SECTION 65.** 971.17 (1m) (b) of the statutes is created to read:

20 971.17 **(1m)** (b) 1. If the defendant under sub. (1) is found not guilty by reason
21 of mental disease or defect for a violation, or for the solicitation, conspiracy or
22 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 948.02 (1) or (2),
23 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08, the court shall require the
24 defendant to comply with the reporting requirements under s. 301.45.

1 2. Except as provided in subd. 1., if the defendant under sub. (1) is found not
2 guilty by reason of mental disease or defect for any violation, or for the solicitation,
3 conspiracy or attempt to commit any violation, of ch. 940, 944 or 948 or ss. 943.01 to
4 943.15, the court may require the defendant to comply with the reporting
5 requirements under s. 301.45 if the court determines that the underlying conduct
6 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
7 of public protection to have the defendant report under s. 301.45.

8 **SECTION 66.** 971.17 (4m) (title) of the statutes is amended to read:

9 971.17 (4m) (title) NOTICE TO VICTIMS ABOUT CONDITIONAL RELEASE.

10 **SECTION 67.** 971.17 (4m) (b) of the statutes is renumbered 971.17 (4m) (b)
11 (intro.) and amended to read:

12 971.17 (4m) (b) (intro.) If the court conditionally releases a defendant under
13 this section, the district attorney shall notify all of the following person, if he or she
14 can be found, in accordance with par. (c): the

15 1. The victim of the crime committed by the defendant or, if the victim died as
16 a result of the crime, an adult member of the victim's family or, if the victim is younger
17 than 18 years old, the victim's parent or legal guardian.

18 **SECTION 68.** 971.17 (4m) (b) 2. of the statutes is created to read:

19 971.17 (4m) (b) 2. The department of corrections.

20 **SECTION 69.** 971.17 (4m) (c) of the statutes is amended to read:

21 971.17 (4m) (c) The notice under par. (b) shall inform the department of
22 corrections and the person under par. (b) 1. of the defendant's name and conditional
23 release date. The district attorney shall send the notice, postmarked no later than
24 7 days after the court orders the conditional release under this section, to the

1 department of corrections and to the last-known address of the person under par. (b)
2 1.

3 **SECTION 70.** 971.17 (4m) (d) of the statutes is amended to read:

4 971.17 (4m) (d) Upon request, the department of health and social services
5 shall assist district attorneys in obtaining information regarding persons specified
6 in par. (b) 1.

7 **SECTION 71.** 971.17 (6m) (title) of the statutes is amended to read:

8 971.17 (6m) (title) NOTICE TO VICTIMS ABOUT TERMINATION OR DISCHARGE.

9 **SECTION 72.** 971.17 (6m) (b) of the statutes is renumbered 971.17 (6m) (b)
10 (intro.) and amended to read:

11 971.17 (6m) (b) (intro.) If the court orders that the defendant's commitment is
12 terminated under sub. (5) or that the defendant be discharged under sub. (6), the
13 department of health and social services shall notify ~~the~~ all of the following:

14 1. If the person has submitted a card under par. (d) requesting notification, the
15 victim of the crime committed by the defendant, or, if the victim died as a result of
16 the crime, an adult member of the victim's family or, if the victim is younger than 18
17 years old, the victim's parent or legal guardian,~~after the submission of a card under~~
18 par. (d) requesting notification.

19 **SECTION 73.** 971.17 (6m) (b) 2. of the statutes is created to read:

20 971.17 (6m) (b) 2. The department of corrections.

21 **SECTION 74.** 971.17 (6m) (c) of the statutes is amended to read:

22 971.17 (6m) (c) The notice under par. (b) shall inform the department of
23 corrections and the person under par. (b) 1. of the defendant's name and termination
24 or discharge date. The department of health and social services shall send the notice,
25 postmarked at least 7 days before the defendant's termination or discharge date, to

1 the department of corrections and to the last-known address of the person under par.
2 (b) 1.

3 **SECTION 75.** 971.17 (6m) (d) of the statutes is amended to read:

4 971.17 **(6m)** (d) The department of health and social services shall design and
5 prepare cards for persons specified in par. (b) 1 to send to the department. The cards
6 shall have space for these persons to provide their names and addresses, the name
7 of the applicable defendant and any other information the department determines
8 is necessary. The department shall provide the cards, without charge, to district
9 attorneys. District attorneys shall provide the cards, without charge, to persons
10 specified in par. (b) 1. These persons may send completed cards to the department.
11 All departmental records or portions of records that relate to mailing addresses of
12 these persons are not subject to inspection or copying under s. 19.35 (1), except as
13 needed to comply with a request under sub. (4m) (d) or s. 301.46 (3) (d).

14 **SECTION 76.** 971.19 (9) of the statutes is amended to read:

15 971.19 **(9)** In an action under s. ~~175.45~~ 301.45 (6), the defendant may be tried
16 in the defendant's county of residence at the time that the complaint is filed or, if the
17 defendant does not have a county of residence in this state at the time that the
18 complaint is filed, any county in which he or she has resided while subject to s. ~~175.45~~
19 301.45.

20 **SECTION 77.** 973.047 (title) of the statutes is amended to read:

21 **973.047** (title) **Deoxyribonucleic acid analysis and reporting**
22 **requirements.**

23 **SECTION 78.** 973.047 (1) (a) of the statutes is amended to read:

24 973.047 **(1)** (a) If a court imposes a sentence or places a person on probation for
25 a violation of s. 940.225, 948.02 (1) or (2) or 948.025, the court shall require the person

1 to provide a biological specimen to the state crime laboratories for deoxyribonucleic
2 acid analysis. ~~If the violation is of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025,~~
3 ~~the court shall require the person to comply with the reporting requirements under~~
4 ~~s. 175.45. If the violation is of s. 940.225 (3) or (3m), the court may require the person~~
5 ~~to comply with the reporting requirements under s. 175.45 if the court determines~~
6 ~~that the underlying conduct was seriously sexually assaultive in nature and that it~~
7 ~~would be in the interest of public protection to have the person report under s. 175.45.~~

8 **SECTION 79.** 973.047 (1) (b) of the statutes is amended to read:

9 973.047 (1) (b) Except as provided in par. (a), if a court imposes a sentence or
10 places a person on probation for any violation under ~~chs. ch.~~ 940, 944 or 948 or ss.
11 943.01 to 943.15, the court may require the person to provide a biological specimen
12 to the state crime laboratories for deoxyribonucleic acid analysis. ~~The court may~~
13 ~~require the person to comply with the reporting requirements under s. 175.45 if the~~
14 ~~court determines that the underlying conduct was seriously sexually assaultive in~~
15 ~~nature and that it would be in the interest of public protection to have the person~~
16 ~~report under s. 175.45.~~

17 **SECTION 80.** 973.048 of the statutes is created to read:

18 **973.048 Sex offender reporting requirements.** (1) If a court imposes a
19 sentence or places a person on probation for a violation, or for the solicitation,
20 conspiracy or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3),
21 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07 or 948.08, the court shall
22 require the person to comply with the reporting requirements under s. 301.45.

23 (2) Except as provided in sub. (1), if a court imposes a sentence or places a
24 person on probation for any violation, or for the solicitation, conspiracy or attempt
25 to commit any violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court

1 may require the person to comply with the reporting requirements under s. 301.45
2 if the court determines that the underlying conduct was sexually motivated, as
3 defined in s. 980.01 (5), and that it would be in the interest of public protection to have
4 the person report under s. 301.45.

5 **SECTION 81.** 980.063 of the statutes is created to read:

6 **980.063 Deoxyribonucleic acid analysis requirements. (1)** (a) If a person
7 is found to be a sexually violent person under this chapter, the court shall require the
8 person to provide a biological specimen to the state crime laboratories for
9 deoxyribonucleic acid analysis.

10 (b) The results from deoxyribonucleic acid analysis of a specimen under par. (a)
11 may be used only as authorized under s. 165.77 (3). The state crime laboratories shall
12 destroy any such specimen in accordance with s. 165.77 (3).

13 **(2)** The department of justice shall promulgate rules providing for procedures
14 for defendants to provide specimens under sub. (1) and for the transportation of those
15 specimens to the state crime laboratories for analysis under s. 165.77.

16 **SECTION 82.** 980.11 (title) of the statutes is amended to read:

17 **980.11 (title) Notice to victims concerning supervised release or**
18 **discharge.**

19 **SECTION 83.** 980.11 (2) (intro.) of the statutes is amended to read:

20 980.11 **(2)** (intro.) If the court places a person on supervised release under s.
21 980.06 or discharges a person under s. 980.09 or 980.10, the district attorney or
22 department of justice, whichever is applicable, shall notify whichever all of the
23 following:

24 (am) Whichever of the following persons is appropriate, if he or she can be
25 found, in accordance with sub. (3):

1 **SECTION 84.** 980.11 (2) (a) of the statutes is renumbered 980.11 (2) (am) 1.

2 **SECTION 85.** 980.11 (2) (b) of the statutes is renumbered 980.11 (2) (am) 2.

3 **SECTION 86.** 980.11 (2) (bm) of the statutes is created to read:

4 980.11 (2) (bm) The department of corrections.

5 **SECTION 87.** 980.11 (2) (c) of the statutes is renumbered 980.11 (2) (am) 3.

6 **SECTION 88.** 980.11 (3) of the statutes is amended to read:

7 980.11 (3) The notice under sub. (2) shall inform the department of corrections
8 and the person under sub. (2) (am) of the name of the person committed under this
9 chapter and the date the person is placed on supervised release or discharged. The
10 department shall send the notice, postmarked at least 7 days before the date the
11 person committed under this chapter is placed on supervised release or discharged,
12 to the department of corrections and to the last-known address of the person under
13 sub. (2) (am).

14 **SECTION 89.** 980.11 (4) of the statutes is amended to read:

15 980.11 (4) The department shall design and prepare cards for persons specified
16 in sub. (2) (am) to send to the department. The cards shall have space for these
17 persons to provide their names and addresses, the name of the person committed
18 under this chapter and any other information the department determines is
19 necessary. The department shall provide the cards, without charge, to the
20 department of justice and district attorneys. The department of justice and district
21 attorneys shall provide the cards, without charge, to persons specified in sub. (2)
22 (am). These persons may send completed cards to the department of health and
23 social services. All records or portions of records of the department of health and
24 social services that relate to mailing addresses of these persons are not subject to
25 inspection or copying under s. 19.35 (1), except as needed to comply with a written

1 request by a ~~district attorney or~~ the department of justice for assistance in locating
2 persons to be notified corrections under sub. (2) s. 301.46 (3) (d).

3 **SECTION 90. Nonstatutory provisions.**

4 (1) TRANSFER OF SEX OFFENDER REGISTRATION RESPONSIBILITIES TO THE
5 DEPARTMENT OF CORRECTIONS.

6 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets
7 and liabilities of the department of justice that are primarily related to the
8 administration by the department of sex offender registration under section 175.45,
9 1993 stats., as determined by the secretary of administration, shall become the
10 assets and liabilities of the department of corrections.

11 (b) *Tangible personal property.* On the effective date of this paragraph, the
12 tangible personal property, including records, of the department of justice that is
13 primarily related to the administration by the department of sex offender
14 registration under section 175.45, 1993 stats., as determined by the secretary of
15 administration, is transferred to the department of corrections.

16 (c) *Rules.* All rules promulgated by the department of justice that are
17 primarily related to the administration by the department of sex offender
18 registration under section 175.45, 1993 stats., and that are in effect on the effective
19 date of this paragraph remain in effect until their specified expiration date or until
20 amended or repealed by the department of corrections.

21 (d) *Employes.* The incumbent employes in the department of justice who are
22 transferred to the department of corrections under SECTION 91 (2) of this act have
23 all the rights and the same status under subchapter V of chapter 111 and chapter 230
24 of the statutes in the department of corrections that they enjoyed in the department
25 of justice immediately before transfer. Notwithstanding section 230.28 (4) of the

1 statutes, no employe so transferred who has attained permanent status in class is
2 required to serve a probationary period.

3 **SECTION 91. Appropriation changes.**

4 (1) INCREASE IN DEPARTMENT OF CORRECTIONS APPROPRIATION. In the schedule
5 under section 20.005 (3) of the statutes for the appropriation to the department of
6 corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995,
7 the dollar amount is increased by \$207,400 for fiscal year 1995-96 and the dollar
8 amount is increased by \$320,900 for fiscal year 1996-97 to perform duties relating
9 to sex offender registration and community notification concerning sex offenders.

10 (2) TRANSFER OF SEX OFFENDER REGISTRATION RESPONSIBILITIES FROM DEPARTMENT
11 OF JUSTICE TO DEPARTMENT OF CORRECTIONS. There is transferred from the
12 appropriation to the department of justice under section 20.455 (2) (a) of the statutes,
13 as affected by the acts of 1995, to the appropriation to the department of corrections
14 under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995, \$214,400
15 for fiscal year 1996-97. Under this subsection, on July 1, 1996, 4.0 FTE GPR
16 positions for the performance of duties relating to sex offender registration in the
17 department of justice and the incumbents in those positions are transferred to the
18 department of corrections.

19 **SECTION 92. Initial applicability.**

20 (1) DEOXYRIBONUCLEIC ACID ANALYSIS OF SEXUALLY VIOLENT PERSONS. The
21 treatment of section 980.063 of the statutes first applies to persons who are found to
22 be sexually violent persons on the effective date of this subsection.

23 **SECTION 93. Effective date.**

24 (1) This act takes effect on July 1, 1996.

25 (END)