

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB284)

Received: 05/14/99

Received By: **olsenje**

Wanted: **Today**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - crimes agnst kids**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Initial applicability in text

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 05/14/99	jgeller 05/14/99	jfrantze 05/14/99	_____	lrb_docadmin 05/14/99	lrb_docadmin 05/14/99	

FE Sent For:

<END>

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a

Amend to AB284

Rep Jundorn

- Conviction on (after : applies right away
(to some priors)

- Prior conviction

- applies only if:

written

a) actual notice from law enforcement officer

b) 90 day period

c) person eligible for waiver under (2m)

All those not eligible: applies right away

Petition process for exemption

30 days to hold hearing

45 days from hearing to issue ruling



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0408/1

JEO:.....

JLg

Today D-Note

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 284

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 4: after that line insert:

3 "SECTION 1L. 948.13 (2) of the statutes is renumbered 948.13 (2) (a) and
4 amended to read:

5 948.13 (2) (a) ~~Whoever~~ Except as provided in pars. (b) and (c), whoever has been
6 convicted of a serious child sex offense and subsequently engages in an occupation
7 or participates in a volunteer position that requires him or her to work or interact
8 primarily and directly with children under 16 years of age is guilty of a Class C
9 felony. This subsection

10 (c) The prohibition under par. (a) does not apply to a person who is exempt
11 under a court order issued under sub. (2m).

History: 1995 a. 265; 1997 a. 130, 220.

12 SECTION 1m. 948.13 (2) (b) of the statutes is created to read:

1 948.13 (2) (b) If all of the following apply, the prohibition under par. (a) does
2 not apply to a person who has been convicted of a serious child sex offense until 90
3 days after the date on which the person receives actual written notice from a law
4 enforcement agency, as defined in s. 165.77 (1) (b), of the prohibition under par. (a):

5 1. The only serious child sex offense for which the person has been convicted
6 is a crime under s. 948.02 (2).

7 2. The person was convicted of the serious child sex offense before the effective
8 date of this subdivision [revisor inserts date].

9 3. The person is eligible to petition for an exemption from the prohibition under
10 sub. (2m) because he or she meets the criteria specified in sub. (2m) (a) 1. and 1m.”.

11 **2.** Page 2, line 8: after “(2)” insert “(a)”.

12 **3.** Page 2, line 17: after that line insert:

13 “SECTION 3d. 948.13 (2m) (a) 2. of the statutes is amended to read:

14 948.13 (2m) (a) 2. It is not necessary, in the interest of public protection, to
15 require the person to comply with sub. (2) (a).

16 History: 1995 a. 265; 1997 a. 130, 220.

16 **SECTION 3h.** 948.13 (2m) (c) of the statutes is amended to read:

17 948.13 (2m) (c) A court may hold a hearing on a petition filed under par. (a) and
18 the district attorney who prosecuted the person may appear at the hearing. Any
19 hearing that a court decides to hold under this paragraph shall be held no later than
20 30 days after the petition is filed if the petition specifies that the person filing the
21 petition is covered under sub. (2) (b), that he or she has received actual written notice
22 from a law enforcement agency of the prohibition under sub. (2) (a) and that he or

score
hyphen

1 she is seeking an exemption under this subsection before the expiration of the 90 day
2 period under sub. (2) (b).

History: 1995 a. 265; 1997 a. 130, 220.

3 **SECTION 3p.** 948.13 (2m) (e) 2. of the statutes is amended to read:

4 948.13 (2m) (e) 2. If a person is examined by a physician, psychologist or other
5 expert under subd. 1., the physician, psychologist or other expert shall file a report
6 of his or her examination with the court, and the court shall provide copies of the
7 report to the person and, if he or she requests a copy, to the district attorney. The
8 contents of the report shall be confidential until the physician, psychologist or other
9 expert has testified at ~~the~~ a hearing held under par. (c). The report shall contain an
10 opinion regarding whether it would be in the interest of public protection to require
11 the person to comply with sub. (2) (a) and the basis for that opinion.

History: 1995 a. 265; 1997 a. 130, 220.

12 **SECTION 3t.** 948.13 (2m) (em) of the statutes is created to read:

13 948.13 (2m) (em) A court shall decide a petition no later than 45 days after the
14 petition is filed if the petition specifies that the person filing the petition is covered
15 under sub. (2) (b), that he or she has received actual written notice from a law
16 enforcement agency of the prohibition under sub. (2) (a) and that he or she is seeking
17 an exemption under this subsection before the expiration of the 90 day period under
18 sub. (2) (b).".

19 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0408/1dn

JEO:.....

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JLO

As a practical matter, the provisions of this amendment ^{would be} difficult to implement.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

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LRBa0408/1dn
JEO:jlj:jf

May 14, 1999

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