

1999 ASSEMBLY BILL 466

September 14, 1999 – Introduced by Representatives KESTELL, URBAN, MUSSER, ALBERS, KEDZIE, LEIBHAM, F. LASEE, SPILLNER, UNDERHEIM, SUDER, NASS, KELSO, HUNDERTMARK, HAHN, SYKORA, SCHOOFF and STONE, cosponsored by Senators DARLING and A. LASEE. Referred to Committee on Children and Families.

1 **AN ACT** *to amend* 301.46 (5) (a) (intro.); and *to create* 301.46 (2s) of the statutes;
2 **relating to:** releasing information from the sex offender registry to certain
3 schools.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person must register as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect or adjudicated delinquent on the basis of certain sex offenses. The sex offender registry is maintained by the department of corrections (DOC) and contains specific information about persons required to register, including information concerning the person's offense, the person's address and place of employment and the name and location of any school in which the person is enrolled. A person registered as a sex offender must also provide updated information to DOC if the information originally provided to the registry changes.

Generally, the information in the sex offender registry is confidential. However, when a person first registers as a sex offender or when a registered sex offender updates information in the registry, DOC must make the information available to local law enforcement agencies. A local law enforcement agency may in turn release information from the registry that it has received (other than information concerning children who are required to register and information concerning juvenile adjudications for sex offenses) if the local law enforcement agency believes that release of the information is necessary to protect to the public. In addition, DOC and

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other state agencies may release certain information to specified community organizations, including public and private elementary and secondary schools, and to members of the general public if an organization or a member of the general public requests the information.

This bill requires DOC to provide certain information from the sex offender registry to public and private elementary schools immediately after a person registers as a sex offender and immediately after a person already registered as a sex offender updates information in the registry. DOC must provide the information to the following: 1) the school district administrator of any public elementary or secondary school district in which the sex offender resides, works or goes to school; and 2) the administrator of any private elementary or secondary school that is located in a public school district in which the sex offender resides, works or goes to school.

The information that DOC must provide under the bill includes the name and address of the person who is registered as a sex offender, the offense the person committed, the person's place of employment and the location of any school the person is attending. The information provided will include information about children who are required to register as sex offenders and information concerning juvenile adjudications for sex offenses.

The bill also requires any school district administrator or private school administrator who receives sex offender registry information from DOC to provide the information to any parent, guardian or legal custodian who has a child enrolled in the school district or private school, if the parent, guardian or legal custodian requests the information.

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.** 301.46 (2s) of the statutes is created to read:
- 2 301.46 (2s) PROVIDING INFORMATION TO SCHOOLS. (a) In this subsection, “school
- 3 district administrator” has the meaning given in s. 115.001 (8).
- 4 (b) When a person registers with the department under s. 301.45 (2), the
- 5 department shall immediately provide in writing the information specified in par. (c)
- 6 to the school district administrator of any school district in which the person is
- 7 residing, is employed or is attending school and to the administrator of any private

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1 elementary or secondary school located in any school district in which the person is
2 residing, is employed or is attending school.

3 (c) The department shall provide all of the following information under par. (b)
4 concerning a person who registers under s. 301.45 (2):

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

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

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

11 4. The address at which the person is residing.

12 5. The name and address of the place at which the person is employed.

13 6. The name and location of any school in which the person is enrolled.

14 7. A description of any motor vehicle that the person owns or that is registered
15 in the person's name, including the information provided by the person under s.
16 301.45 (2) (a) 7.

17 8. The most recent date on which the information under s. 301.45 was updated.

18 (d) When a person who is registered under s. 301.45 (2) updates information
19 under s. 301.45 (4), the department shall immediately provide the updated
20 information in writing to the school district administrator of any school district in
21 which the person is residing, is employed or is attending school and to the
22 administrator of any private elementary or secondary school located in any school
23 district in which the person is residing, is employed or is attending school.

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1 (e) In addition to being provided with information under pars. (b) and (d), a
2 public or private elementary or secondary school may make a request under sub. (4)
3 for information concerning persons registered under s. 301.45.

4 (f) A school district administrator that receives information under par. (b) or
5 (d) shall provide the information that it receives to a parent, guardian or legal
6 custodian of a child who is enrolled in the school district if the parent, guardian or
7 legal custodian requests the information. An administrator of a private school that
8 receives information under par. (b) or (d) shall provide the information that it
9 receives to a parent, guardian or legal custodian of a child enrolled in the private
10 school if the parent requests the information. In addition to being provided with
11 information under this paragraph, a parent, guardian or legal custodian of a child
12 may make a request for information under sub. (5) concerning a person required to
13 register under s. 301.45.

14 **SECTION 2.** 301.46 (5) (a) (intro.) of the statutes is amended to read:

15 301.46 (5) (a) (intro.) The department or a police chief or sheriff may provide
16 the information specified in par. (b) concerning a specific person required to register
17 under s. 301.45 to a person who is not provided notice or access under ~~subs.~~ sub. (2)
18 ~~to, (2m), (3) or~~ (4) if, in the opinion of the department or the police chief or sheriff,
19 providing the information is necessary to protect the public and if the person
20 requesting the information does all of the following:

21 **SECTION 3. Initial applicability.**

22 (1) This act first applies to information concerning a person who registers
23 under section 301.45 (2) of the statutes on the effective date of this subsection or who

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SECTION 3

1 updates information under section 301.45 (4) of the statutes on the effective date of
2 this subsection.

3 (END)