

1999 DRAFTING REQUEST

Bill

Received: **08/30/1999**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Adam**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Correctional System - misc**

Extra Copies: **MGD**

Pre Topic:

No specific pre topic given

Topic:

Sex offender registration notification to schools

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 09/02/1999	ygeller 09/02/1999	haugca 09/02/1999	_____	gretskl 09/02/1999	lrb_docadminS&L 09/10/1999	

FE Sent For: **09/03/1999.**

"/1"

<END>

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FE Sent For:

<END>

Olsen, Jefren

3529

From: Raschka, Adam
Sent: Friday, August 27, 1999 9:48 AM
To: Olsen, Jefren
Subject: Drafting request

Jefren,

I have a drafting request regarding notification of sex offenders.

Under current law, DOC is required to notify police chiefs and sheriffs when a sex offender moves into a particular neighborhood. I am requesting a draft which extends the mandatory notification to public and private elementary and secondary schools as well for the purpose of review by the parents upon their request.

If this could be drafted ASAP I would appreciate it. Sorry for the short notice.

Adam

Adam Raschka
Assembly Republican Caucus
adam.raschka@legis.state.wi.us
Direct Line: 608-267-0892
Toll-Free: 888-394-1452
Fax: 608-264-6999

- boundaries ✓
 - info. ✓
 - juve. info. - include
 - school district ✓
- school bd & school admin?
- ↑
- only



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3529/1

JEO:.....

By Tues. 9/7
end of day

JLg

1999 BILL

gen cat

1 AN ACT ...; relating to: releasing information from the sex offender registry to
2 certain 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 other state agencies may release certain information to specified community organizations, including public and private elementary and secondary schools, and

BILL

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
- 8 elementary or secondary school located in any school district in which the person is
- 9 residing, is employed or is attending school.

BILL

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

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 ^{that} 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. The address at which the person is residing.

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

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

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

15 8. The most recent date on which the information under s. 301.45 [✓]was updated.

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

22 (e) In addition to being provided with information under pars. [✓](b) and (d), a
23 public or private elementary or secondary school may make a request under [✓]sub. (4)
24 for information concerning persons registered under s. 301.45.

BILL**SECTION 1**

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

11 **SECTION 2.** 301.46 (5) (a) (intro.) [✓]of the statutes is amended to read:

12 301.46 (5) (a) (intro.) The department or a police chief or sheriff may provide
13 the information specified in par. (b) concerning a specific person required to register
14 under s. 301.45 to a person who is not provided notice or access under ~~sub.~~ sub. (2)
15 ~~to, (2m), (3) or~~ [✓](4) if, in the opinion of the department or the police chief or sheriff,
16 providing the information is necessary to protect the public and if the person
17 requesting the information does all of the following:

18 History: 1995 a. 440; 1997 a. 6, 27, 130, 181, 237, 283.

18 **SECTION 3. Initial applicability.**

19 (1) This act first applies to information concerning a person who registers
20 under section [✓]301.45 (2) of the statutes on the effective date of this subsection or who
21 updates information under section 301.45 (4) [✓]of the statutes on the effective date of
22 this subsection.

23 (END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 09/02/1999

To: Assembly Republican Caucus

Relating to LRB drafting number: LRB-3529

Topic

Sex offender registration notification to schools

Subject(s)

Correctional System - misc

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction  9/3/99

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906

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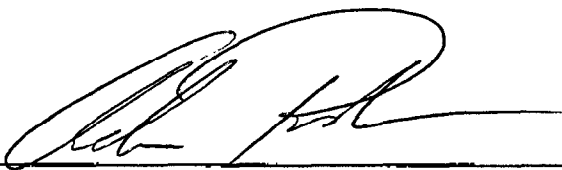
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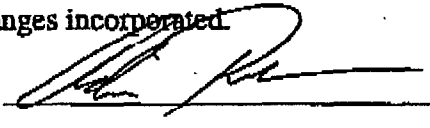
 9/10/99

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