

1999 ASSEMBLY BILL 597

November 24, 1999 – Introduced by Representatives WALKER, HUBER, SYKORA, BALOW, KAUFERT, HUEBSCH, GRONEMUS, GOETSCH, PLOUFF, SUDER, WASSERMAN, OWENS, PLALE, GUNDRUM, RYBA, HAHN, ALBERS, GUNDERSON, HUNDERTMARK, KELSO, KESTELL, LADWIG, MUSSER, OLSEN, PETROWSKI, PETTIS, PORTER, STONE, URBAN, VRAKAS, COGGS, MONTGOMERY, MEYERHOFER and F. LASEE, cosponsored by Senators BRESKE, HUELSMAN, GROBSCHMIDT, DARLING, JAUCH, ROSENZWEIG, FARROW, FITZGERALD, A. LASEE and ROBSON. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to repeal* 301.45 (2) (a) 7., 301.46 (2) (b) 7., 301.46 (4) (b) 3. and 301.46
2 (5) (b) 2.; *to renumber and amend* 301.45 (1), 301.45 (4m), 301.45 (5) (a) 1m.,
3 301.45 (6) (a), 301.46 (1), 938.185 (3) and 971.19 (9); *to amend* 20.410 (1) (gc),
4 48.396 (2) (f), 51.20 (13) (ct) 2m., 51.375 (1) (d), 71.78 (5), 301.132 (1) (c), 301.132
5 (2), 301.132 (3), 301.45 (1m) (a) 1., 301.45 (1m) (a) 2., 301.45 (1m) (b), 301.45 (2)
6 (a) (intro.), 301.45 (2) (b), 301.45 (2) (c), 301.45 (2) (d), 301.45 (2) (e) (intro.),
7 301.45 (2) (e) 2., 301.45 (2) (e) 5., 301.45 (3) (a) (intro.), 301.45 (3) (a) 1m., 301.45
8 (3) (a) 4., 301.45 (3) (b) 1., 301.45 (3) (b) 1m., 301.45 (3) (b) 2., 301.45 (3) (b) 3.,
9 301.45 (3) (b) 3m., 301.45 (3) (b) 4., 301.45 (5) (title), 301.45 (5) (a) (intro.),
10 301.45 (5) (a) 1., 301.45 (5) (a) 2., 301.45 (5) (a) 2m., 301.45 (5) (a) 3., 301.45 (5)
11 (a) 4., 301.45 (5) (b) (intro.), 301.45 (5) (b) 1., 301.45 (5) (b) 2., 301.45 (6) (a) 2.,
12 301.46 (2m) (a), 301.46 (2m) (am), 301.46 (3) (c), 301.46 (6) (a), 938.34 (15m)
13 (bm), 938.396 (2) (em), 942.06 (2m) (a), 942.06 (2q) (a) (intro.), 971.17 (1m) (b)
14 2m. and 973.048 (2m); and *to create* 51.20 (13) (ct) 4., 51.20 (13) (ct) 5., 71.78

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1 (4) (q), 301.45 (1d), 301.45 (1g) (dj), 301.45 (1g) (dL), 301.45 (1g) (f), 301.45 (1g)
2 (g), 301.45 (1m) (a) 1g., 301.45 (2) (a) 9m., 301.45 (2) (e) 2m., 301.45 (2) (e) 2t.,
3 301.45 (2) (f), 301.45 (2) (g), 301.45 (3) (a) 1r., 301.45 (3) (a) 1t., 301.45 (4m) (b),
4 301.45 (5) (am), 301.45 (5) (b) 1m., 301.45 (5) (b) 3., 301.45 (5m), 301.45 (6) (a)
5 2., 301.45 (6) (d), 301.45 (6m), 301.46 (1) (b), 301.46 (2m) (b) 1m., 301.46 (5n),
6 938.185 (3) (b), (c) and (d), 938.34 (15m) (d), 938.34 (15m) (e), 938.345 (3),
7 939.615 (6) (i), 971.17 (1m) (b) 4., 971.17 (1m) (b) 5., 971.19 (9) (b), (c) and (d),
8 973.048 (4) and 973.048 (5) of the statutes; **relating to:** sex offender
9 registration, release of information from the sex offender registry, honesty
10 testing of sex offenders, making an appropriation and providing a penalty.

Analysis by the Legislative Reference Bureau

Sex offender registration requirements

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 offenses covered under current law include sexual assault, sexual assault of a child, incest, sexual exploitation of a child, child enticement, soliciting a child for prostitution, exposing a child to harmful material, and certain cases of false imprisonment or kidnapping of a child. Current law also requires a person to register as a sex offender if he or she has been found to be a sexually violent person or was committed under the sex crimes law before that law was repealed in 1980. Further, current law allows a court to order a person to register as a sex offender if he or she has committed certain serious felony offenses that are not sex offenses if the court finds that the offense was sexually motivated.

The sex offender registry is maintained by the department of corrections (DOC) and contains specific information about persons required to register, such as information concerning the person's offense, the person's address and the person's place of employment. A person registered as a sex offender must also periodically provide updated information to DOC if the information originally provided to the registry changes.

This bill makes various changes in the sex offender registration law, in part to comply with federal law relating to sex offender registration. The changes made by this bill include the following:

1. *Offenses covered.* The bill adds the following crimes to the current list of sex offenses covered by the registration requirement: possession of child pornography;

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child sex offender working or volunteering with children; and sexual assault of a student by a school instructional staff person.

2. *Persons covered.* The bill expands the coverage of the sex offender registry by requiring the following persons to register:

a. A person who has been placed on lifetime supervision by a court of this state after being convicted of a serious sex offense.

b. A juvenile who has been adjudicated delinquent in another state based on a sex offense and who is under supervision in this state under the interstate compact on the placement of juveniles.

c. A person who is registered as a sex offender in another state or with the federal bureau of investigation (FBI) and who is living in this state or is temporarily in this state while working or going to school.

d. A person who has been convicted of a sex offense or found not guilty by reason of mental disease or defect of a sex offense in another state, in federal court, in a military court or in a tribal court and who is living in this state or is temporarily in this state while working or going to school, unless the person was released from confinement or placed on supervision for the offense more than ten years before he or she enters this state.

3. *Registration of certain juveniles.* Under current law, if a juvenile is found to be in need of protection or services for acts that would constitute a sex offense if committed by an adult, the juvenile must register as a sex offender. This bill eliminates the mandatory registration requirement for juveniles found in need of protection or services for a sex offense and instead provides that a court may order the juvenile to register if registration would be in the interest of public protection. The bill also establishes a procedure for DOC to purge information from the sex offender registry concerning juveniles currently registered solely because they have been found to be in need of protection or services based on a sex offense.

4. *Duration of registration requirements.* Under current law, a person generally must continue to register as a sex offender for 15 years after the date on which he or she is discharged from his or sentence, commitment or other type of supervision. However, a person who has been convicted of a sex offense on two or more separate occasions and any person found to be a sexually violent predator must register for life.

Under this bill, when a court orders a person to register as a sex offender for a sexually motivated serious felony offense, the court may provide that the person must register for the rest of his or her life. The bill also requires a person to register for the rest of his or her life if he or she has been convicted in this state of first or second degree sexual assault, first or second degree sexual assault of a child or repeated sexual assault of a child or if the person has been convicted by another jurisdiction of any crime that is comparable to first or second degree sexual assault, first or second degree sexual assault of a child or repeated sexual assault of a child.

In addition, the bill specifies the length of the registration period for persons who are newly subject to the registration requirements (see item 2., above):

a. A person who must register as a sex offender because he or she has been placed on lifetime supervision generally must register for the rest of his or her life.

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However, if a court decides to terminate the lifetime supervision of the person, the court may also order that the person no longer has to register as a sex offender.

b. A juvenile who has been adjudicated delinquent in another state based on a sex offense and who is under supervision in this state under the interstate compact on the placement of juveniles must register until 15 years after being discharged from the supervision or for as long as he or she is in this state, whichever is less.

c. A person who is registered as a sex offender in another state or with the FBI and who is living in this state or is temporarily in this state while working or going to school generally must register for as long as he or she is in this state or for as long as he or she is required to register with the other state or the FBI, whichever is less. If the person is required to register with the other state or the FBI for less than ten years from the date he or she was released from confinement or placed on supervision for the sex offense, then the person must register for as long as he or she is in this state or for ten years from the date of being released or placed on supervision, whichever is less.

d. A person who has been convicted of a sex offense or found not guilty by reason of mental disease or defect of a sex offense in another state, in federal court, in a military court or in a tribal court and who is living in this state or is temporarily in this state while working or going to school must register for as long as he or she is in this state or for ten years from the date of being released or placed on supervision, whichever is less.

5. *Changes in the exemption to registration.* Currently, a person may ask a court to exempt him or her from the sex offender registration requirements if the following apply: a) the person is required to register based on a sexual assault of a child that he or she committed before reaching the age of 19; b) the victim was within four years of age of the offender; and c) the court determines that it is not necessary, in the interest of public protection, to require the person to register as a sex offender. This bill restricts the coverage of the exemption from the sex offender registration requirements by providing that a person is not eligible for an exemption if the sexual assault of the child involved sexual intercourse with a child under the age of 12 or sexual intercourse by the use or threat of force or violence.

6. *Collection and verification of information for the registry.* The bill allows DOC to require a person registered as a sex offender to verify, in a manner determined by DOC, the accuracy of any information that the person has provided to DOC for inclusion in the registry. In addition, the bill allows DOC to require the person to provide a photograph, fingerprints and other information for inclusion in the registry. The person may be ordered to appear at any place necessary to collect the photograph, fingerprints or other information, including a police station.

7. *Penalty and prosecution for failing to comply with the registration requirements.* Under current law, a person who intentionally fails to comply with the sex offender registration requirement may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This bill provides that a person who knowingly fails to comply with the requirements is subject to the current penalty for a first offense, while for a second or subsequent offense the person may be fined not more than \$10,000 or imprisoned for not more than five years or both. If the

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criminal penalties study committee's recommendations concerning felony penalties are enacted, the penalty for a second or subsequent offense will be a fine of not more than \$10,000 or imprisonment for not more than six years or both.

Also, current law requires that a prosecution against a person for failing to comply with the registration requirements must be brought in either the person's county of residence or any county in which the person resided while subject to the registration requirements. This bill provides that a person may also be prosecuted in any county in which the person went to school or worked while subject to the requirements, in the county in which the person committed a sex offense that is the basis for the registration requirement, or, if applicable, in the county in which the person was found to be a sexually violent predator.

Release of information from the sex offender registry

Under current law, the information in the sex offender registry is generally 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 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 establish an Internet site containing information from the sex offender registry. The Internet site must be organized in a manner that allows a person to get the information that DOC is currently authorized or required to provide to the person. In addition, the site may provide access to any other information that DOC determines is necessary to release for protection of the public. DOC is also required to keep the site secure against unauthorized alteration.

Lie detector tests of sex offenders

Under current law, if a person who is registered as a sex offender is on probation, parole or extended supervision, DOC may require, as a condition of the person's probation, parole or extended supervision, that the person submit to a lie detector test when directed to do so by DOC. This bill allows DOC to require a person to submit to a lie detector test while the person is in a correctional institution as a part of the person's correctional programming or the person's care or treatment, if the person will be required to register as a sex offender upon his or her release from the institution.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 597**SECTION 1**

1 **SECTION 1.** 20.410 (1) (gc) of the statutes is amended to read:

2 20.410 **(1)** (gc) *Sex offender honesty testing.* All moneys received from
3 ~~probation, extended supervision and parole clients~~ sex offenders who are required
4 to pay for polygraph examinations, as prescribed by rule in accordance with s.
5 301.132 (3), for expenditures related to the lie detector test program for ~~probationers,~~
6 ~~extended supervision and parolees~~ sex offenders under s. 301.132.

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

8 48.396 **(2)** (f) Upon request of the department of corrections to review court
9 records for the purpose of obtaining information concerning a child required to
10 register under s. 301.45, the court shall open for inspection by authorized
11 representatives of the department of corrections the records of the court relating to
12 any child who has been found in need of protection or services for an offense specified
13 in s. 301.45 ~~(1)~~ (1g) (a). The department of corrections may disclose information that
14 it obtains under this paragraph as provided under s. 301.46.

15 **SECTION 3.** 51.20 (13) (ct) 2m. of the statutes is amended to read:

16 51.20 **(13)** (ct) 2m. If the subject individual is before the court on a petition filed
17 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
18 violation, or to have solicited, conspired or attempted to commit a violation, of s.
19 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
20 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or
21 of s. 940.30 or 940.31 if the victim was a minor and the subject individual was not
22 the victim's parent, the court shall require the individual to comply with the
23 reporting requirements under s. 301.45 unless the court determines, after a hearing
24 on a motion made by the individual, that the individual is not required to comply
25 under s. 301.45 (1m).

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1 **SECTION 4.** 51.20 (13) (ct) 4. of the statutes is created to read:

2 51.20 **(13)** (ct) 4. If the court orders a subject individual to comply with the
3 reporting requirements under s. 301.45, the court may order the subject individual
4 to continue to comply with the reporting requirements until his or her death.

5 **SECTION 5.** 51.20 (13) (ct) 5. of the statutes is created to read:

6 51.20 **(13)** (ct) 5. If the court orders a subject individual to comply with the
7 reporting requirements under s. 301.45, the clerk of the court in which the order is
8 entered shall promptly forward a copy of the order to the department of corrections.
9 If the finding under s. 938.30 (5) (c) (intro.) on which the order is based is reversed,
10 set aside or vacated, the clerk of the court shall promptly forward to the department
11 of corrections a certificate stating that the finding has been reversed, set aside or
12 vacated.

13 **SECTION 6.** 51.375 (1) (d) of the statutes is amended to read:

14 51.375 **(1)** (d) “Sex offender” means a person committed to the department who
15 meets any of the criteria specified in s. 301.45 ~~(1)~~ (1g).

16 **SECTION 7.** 71.78 (4) (q) of the statutes is created to read:

17 71.78 **(4)** (q) Employees of the department of corrections involved in the
18 administration of the sex offender registry under s. 301.45, for the purpose of
19 verifying information provided by a person required to register as a sex offender.

20 **SECTION 8.** 71.78 (5) of the statutes is amended to read:

21 71.78 **(5)** AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified
22 in sub. (1) and related schedules, exhibits, writings or audit reports shall not be
23 furnished to the persons listed under sub. (4), except persons under sub. (4) (e), (k),
24 (n) ~~and~~, (o) ~~and~~ (q) or under an agreement between the department of revenue and
25 another agency of government.

ASSEMBLY BILL 597**SECTION 9**

1 **SECTION 9.** 301.132 (1) (c) of the statutes is amended to read:

2 301.132 (1) (c) “Sex offender” means a person in the custody of the department
3 who meets any of the criteria specified in s. 301.45 (1) (1g).

4 **SECTION 10.** 301.132 (2) of the statutes is amended to read:

5 301.132 (2) The department may require, ~~as a condition of probation, parole~~
6 ~~or extended supervision, that a probationer, parolee or person on extended~~
7 ~~supervision who is a sex offender~~ to submit to a lie detector test when directed to do
8 so by the department. The department may require submission to a lie detector test
9 under this subsection as part of a sex offender’s correctional programming or care
10 and treatment, as a condition of a sex offender’s probation, parole or extended
11 supervision, or both as part of a sex offender’s correctional programming or care and
12 treatment and as a condition of the sex offender’s probation, parole or extended
13 supervision.

14 **SECTION 11.** 301.132 (3) of the statutes is amended to read:

15 301.132 (3) The department shall promulgate rules establishing a lie detector
16 test program for ~~probationers, parolees and persons on extended supervision who are~~
17 sex offenders. The rules shall provide for assessment of fees upon ~~probationers,~~
18 ~~parolees and persons on extended supervision~~ sex offenders to partially offset the
19 costs of the program.

20 **SECTION 12.** 301.45 (1) of the statutes is renumbered 301.45 (1g), and 301.45
21 (1g) (intro.), (a), (b), (bm), (c), (d), (dd), (dh) and (e), as renumbered, are amended to
22 read:

23 301.45 (1g) (intro.) Except as provided in sub. (1m), a person shall comply with
24 the reporting requirements under this section if he or she meets any one or more of
25 the following criteria:

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1 (a) Is convicted, ~~or adjudicated delinquent or found in need of protection or~~
2 services on or after December 25, 1993, for ~~any violation, or for the solicitation,~~
3 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
4 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or~~
5 ~~948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the~~
6 victim's parent a sex offense.

7 (b) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m), or
8 a secured child caring institution, as defined in s. 938.02 (15g), or on probation,
9 extended supervision, parole, supervision or aftercare supervision on or after
10 December 25, 1993, for ~~any violation, or for the solicitation, conspiracy or attempt~~
11 ~~to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or~~
12 ~~(2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30~~
13 ~~or 940.31 if the victim was a minor and the person was not the victim's parent~~ a sex
14 offense.

15 (bm) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m),
16 or a secured child caring institution, as defined in s. 938.02 (15g), or on probation,
17 extended supervision, parole, supervision or aftercare supervision on or after
18 December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to
19 commit a violation, of a law of this state that is comparable to ~~s. 940.22 (2), 940.225~~
20 ~~(1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07,~~
21 ~~948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if~~
22 ~~the victim was a minor and the person was not the victim's parent~~ a sex offense.

23 (c) Is found not guilty or not responsible by reason of mental disease or defect
24 on or after December 25, 1993, and committed under s. 51.20 or 971.17 for any
25 violation, ~~or for the solicitation, conspiracy or attempt to commit any violation, of s.~~

ASSEMBLY BILL 597**SECTION 12**

1 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
2 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
3 ~~a minor and the person was not the victim's parent~~ a sex offense.

4 (d) Is in institutional care or on conditional transfer under s. 51.35 (1) or
5 conditional release under s. 971.17 on or after December 25, 1993, for ~~any violation,~~
6 ~~or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2),~~
7 ~~940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
8 ~~948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor~~
9 ~~and the person was not the victim's parent~~ a sex offense.

10 (dd) Is in institutional care or on conditional transfer under s. 51.35 (1) or
11 conditional release under s. 971.17 on or after December 25, 1993, for a violation, or
12 for the solicitation, conspiracy or attempt to commit a violation, of a law of this state
13 that is comparable to ~~s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),~~
14 ~~948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30~~ or that is
15 comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the
16 ~~person was not the victim's parent~~ a sex offense.

17 (dh) Is on parole, extended supervision or probation in this state from another
18 state under s. 304.13 or 304.135 on or after December 25, 1993, for a violation, or for
19 the solicitation, conspiracy or attempt to commit a violation, of the law of another
20 state that is comparable to a ~~violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06,~~
21 ~~948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30~~
22 ~~or that is comparable to a violation of s. 940.30 or 940.31 if the victim was a minor~~
23 ~~and the person was not the victim's parent~~ sex offense.

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1 (e) Is ordered by a court under s. 51.20 (13) (ct) 1m., 938.34 (15m) (am), 938.345
2 (3), 971.17 (1m) (b) 1m. or 973.048 (1m) to comply with the reporting requirements
3 under this section.

4 **SECTION 13.** 301.45 (1d) of the statutes is created to read:

5 301.45 **(1d)** DEFINITIONS. In this section:

6 (a) “Employed or carrying on a vocation” means employment or vocational
7 activity that is full-time or part-time for a continuous period of time exceeding 14
8 days or for an aggregate period of time exceeding 30 days during any calendar year,
9 whether financially compensated, volunteered or for the purpose of government or
10 educational benefit.

11 (am) “Found to have committed a sex offense by another jurisdiction” means
12 any of the following:

13 1. Convicted or found not guilty or not responsible by reason of mental disease
14 or defect for a violation of a law of another state that is comparable to a sex offense.

15 2. Convicted or found not guilty by reason of mental disease or defect for a
16 violation of a federal law that is comparable to a sex offense.

17 3. Convicted or found not guilty or not responsible by reason of mental disease
18 or defect in the tribal court of a federally recognized American Indian tribe or band
19 for a violation that is comparable to a sex offense.

20 4. Sentenced or found not guilty by reason of mental disease or defect by a court
21 martial for a violation that is comparable to a sex offense.

22 (b) “Sex offense” means a violation, or the solicitation, conspiracy or attempt
23 to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),
24 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am),

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1 948.12, 948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the
2 person who committed the violation was not the victim's parent.

3 (c) "Student" means a person who is enrolled on a full-time or part-time basis
4 in any public or private educational institution, including a secondary school, a
5 business, trade, technical or vocational school or an institution of higher education.

6 **SECTION 14.** 301.45 (1g) (dj) of the statutes is created to read:

7 301.45 (1g) (dj) Is a juvenile in this state on or after the effective date of this
8 paragraph [revisor inserts date], and is on supervision in this state from another
9 state pursuant to the interstate compact on the placement of juveniles under s.
10 938.988 for a violation of a law of another state that is comparable to a sex offense.

11 **SECTION 15.** 301.45 (1g) (dL) of the statutes is created to read:

12 301.45 (1g) (dL) Is placed on lifetime supervision under s. 939.615 on or after
13 June 26, 1998.

14 **SECTION 16.** 301.45 (1g) (f) of the statutes is created to read:

15 301.45 (1g) (f) On or after the first day of the 7th month beginning after the
16 effective date of this paragraph [revisor inserts date], is registered as a sex
17 offender in another state or is registered as a sex offender with the federal bureau
18 of investigation under 42 USC 14072 and is a resident of this state, a student in this
19 state or employed or carrying on a vocation in this state.

20 **SECTION 17.** 301.45 (1g) (g) of the statutes is created to read:

21 301.45 (1g) (g) Has been found to have committed a sex offense by another
22 jurisdiction and, on or after the first day of the 7th month beginning after the
23 effective date of this paragraph [revisor inserts date], is a resident of this state,
24 a student in this state or employed or carrying on a vocation in this state. This
25 paragraph does not apply if 10 years have passed since the date on which the person

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1 was released from prison or placed on parole, probation, extended supervision or
2 other supervised release for the sex offense.

3 **SECTION 18.** 301.45 (1m) (a) 1. of the statutes is amended to read:

4 301.45 **(1m)** (a) 1. The person meets the criteria under sub. ~~(1)~~ (1g) (a) to ~~(dh)~~
5 (dd) based on any violation, or on the solicitation, conspiracy or attempt to commit
6 any violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of another state that is~~
7 ~~comparable to s. 948.02 (1) or (2) or 948.025.~~

8 **SECTION 19.** 301.45 (1m) (a) 1g. of the statutes is created to read:

9 301.45 **(1m)** (a) 1g. The violation, or the solicitation, conspiracy or attempt to
10 commit the violation, of s. 948.02 (1) or (2) or 948.025 did not involve sexual
11 intercourse, as defined in s. 948.01 (6), either by the use or threat of force or violence
12 or with a victim under the age of 12 years.

13 **SECTION 20.** 301.45 (1m) (a) 2. of the statutes is amended to read:

14 301.45 **(1m)** (a) 2. At the time of the violation, or of the solicitation, conspiracy
15 or attempt to commit the violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of~~
16 ~~another state that is comparable to s. 948.02 (1) or (2) or 948.025,~~ the person had not
17 attained the age of 19 years and was not more than 4 years older or not more than
18 4 years younger than the child.

19 **SECTION 21.** 301.45 (1m) (b) of the statutes is amended to read:

20 301.45 **(1m)** (b) If a person believes that he or she is not required under par.
21 (a) to comply with the reporting requirements under this section and the person is
22 not before the court under s. 51.20 (13) (ct), 938.34 (15m), 971.17 (1m) (b) or 973.048,
23 the person may move a court to make a determination of whether the person satisfies
24 the criteria specified in par. (a). A motion made under this paragraph shall be filed
25 with the circuit court for the county in which the person was convicted, adjudicated

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1 delinquent, ~~found in need of protection or services~~ or found not guilty or not
2 responsible by reason of mental disease or defect, ~~except that if the person meets the~~
3 ~~criteria of sub. (1) (dh) the person shall file the motion in the circuit court for the~~
4 ~~county in which he or she resides.~~

5 **SECTION 22.** 301.45 (2) (a) (intro.) of the statutes is amended to read:

6 301.45 (2) (a) (intro.) The department shall maintain a registry of all persons
7 subject to sub. (1) (1g). The registry shall contain all of the following with respect to
8 each person:

9 **SECTION 23.** 301.45 (2) (a) 7. of the statutes is repealed.

10 **SECTION 24.** 301.45 (2) (a) 9m. of the statutes is created to read:

11 301.45 (2) (a) 9m. For a person covered under sub. (1g) (dt), a notation
12 concerning the treatment that the person has received for his or her mental disorder,
13 as defined in s. 980.01 (2).

14 **SECTION 25.** 301.45 (2) (b) of the statutes is amended to read:

15 301.45 (2) (b) If the department has supervision over a person subject to sub.
16 (1) (1g), the department shall enter into the registry under this section the
17 information specified in par. (a) concerning the person.

18 **SECTION 26.** 301.45 (2) (c) of the statutes is amended to read:

19 301.45 (2) (c) If the department of health and family services has supervision
20 over a person subject to sub. (1) (1g), that department, with the assistance of the
21 person, shall provide the information specified in par. (a) to the department of
22 corrections in accordance with the rules under sub. (8).

23 **SECTION 27.** 301.45 (2) (d) of the statutes is amended to read:

24 301.45 (2) (d) A person subject to sub. (1) (1g) who is not under the supervision
25 of the department of corrections or the department of health and family services shall

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1 provide the information specified in par. (a) to the department of corrections in
2 accordance with the rules under sub. (8). If the person is unable to provide an item
3 of information specified in par. (a), the department of corrections may request
4 assistance from a circuit court or the department of health and family services in
5 obtaining that item of information. A circuit court and the department of health and
6 family services shall assist the department of corrections when requested to do so
7 under this paragraph.

8 **SECTION 28.** 301.45 (2) (e) (intro.) of the statutes is amended to read:

9 301.45 (2) (e) (intro.) The department of health and family services shall
10 provide the information required under par. (c) or the person subject to sub. (1) (1g)
11 shall provide the information required under par. (d) in accordance with whichever
12 of the following is applicable:

13 **SECTION 29.** 301.45 (2) (e) 2. of the statutes is amended to read:

14 301.45 (2) (e) 2. If the person is on parole, extended supervision ~~or~~ probation
15 or other supervision from another state under s. 304.13 ~~or~~ 304.135 or 938.988, within
16 10 days after the person enters this state.

17 **SECTION 30.** 301.45 (2) (e) 2m. of the statutes is created to read:

18 301.45 (2) (e) 2m. If the person is registered as a sex offender in another state
19 or is registered as a sex offender with the federal bureau of investigation under 42
20 USC 14072, within 10 days after the person enters this state to take up residence or
21 begin school, employment or his or her vocation.

22 **SECTION 31.** 301.45 (2) (e) 2t. of the statutes is created to read:

23 301.45 (2) (e) 2t. If the person has been found to have committed a sex offense
24 by another jurisdiction and subd. 2m. does not apply, within 10 days after the person

ASSEMBLY BILL 597**SECTION 31**

1 enters this state to take up residence or begin school, employment or his or her
2 vocation.

3 **SECTION 32.** 301.45 (2) (e) 5. of the statutes is amended to read:

4 301.45 (2) (e) 5. If subd. 1., 2., 2m., 2t., 3. or 4. does not apply, within 10 days
5 after the person is sentenced or receives a disposition.

6 **SECTION 33.** 301.45 (2) (f) of the statutes is created to read:

7 301.45 (2) (f) The department may require a person covered under sub. (1g) to
8 provide the department with his or her fingerprints, a recent photograph of the
9 person and any other information required under par. (a) that the person has not
10 previously provided. The department may require the person to report to a place
11 designated by the department, including an office or station of a law enforcement
12 agency, for the purpose of obtaining the person's fingerprints, the photograph or
13 other information.

14 **SECTION 34.** 301.45 (2) (g) of the statutes is created to read:

15 301.45 (2) (g) The department may send a person subject to sub. (1g) a notice
16 or other communication requesting the person to verify the accuracy of any
17 information contained in the registry. A person subject to sub. (1g) who receives a
18 notice or communication sent by the department under this paragraph shall, no later
19 than 10 days after receiving the notice or other communication, provide verification
20 of the accuracy of the information to the department in the form and manner
21 specified by the department.

22 **SECTION 35.** 301.45 (3) (a) (intro.) of the statutes is amended to read:

23 301.45 (3) (a) (intro.) A person covered under sub. (1) (1g) is subject to the
24 annual registration requirements under par. (b) as follows:

25 **SECTION 36.** 301.45 (3) (a) 1m. of the statutes is amended to read:

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1 301.45 (3) (a) 1m. If the person is on parole, extended supervision or probation
2 or other supervision from another state under s. 304.13 or 304.135 or 938.988, he or
3 she is subject to this subsection upon entering this state.

4 **SECTION 37.** 301.45 (3) (a) 1r. of the statutes is created to read:

5 301.45 (3) (a) 1r. If the person is registered as a sex offender in another state
6 or is registered as a sex offender with the federal bureau of investigation under 42
7 USC 14072, within 10 days after the person enters this state to take up residence or
8 begin school, employment or his or her vocation.

9 **SECTION 38.** 301.45 (3) (a) 1t. of the statutes is created to read:

10 301.45 (3) (a) 1t. If the person has been found to have committed a sex offense
11 by another jurisdiction and subd. 1r. does not apply, within 10 days after the person
12 enters this state to take up residence or begin school, employment or his or her
13 vocation.

14 **SECTION 39.** 301.45 (3) (a) 4. of the statutes is amended to read:

15 301.45 (3) (a) 4. If subd. 1., 1m., 1r., 1t., 2., 2m., 3., 3g. or 3r. does not apply, the
16 person is subject to this subsection after he or she is sentenced or receives a
17 disposition.

18 **SECTION 40.** 301.45 (3) (b) 1. of the statutes is amended to read:

19 301.45 (3) (b) 1. Except as provided in subd. 1m., a person who is subject to par.
20 (a) shall notify the department once each calendar year, as directed by the
21 department, of his or her current information specified in sub. (2) (a). The
22 department shall annually notify registrants of their need to comply with this
23 requirement. If the registrant is a person under the age of 18, the department may
24 also annually notify the registrant's parent, guardian or legal custodian of the
25 registrant's need to comply with this requirement.

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1 **SECTION 41.** 301.45 (3) (b) 1m. of the statutes is amended to read:

2 301.45 **(3)** (b) 1m. A person who is subject to ~~par. (a)~~ because he or she is covered
3 ~~under sub. (1) (dt)~~ lifetime registration under sub. (5) (b) 2. or (5m) (b) 4. shall notify
4 the department once each 90 days, as directed by the department, of his or her
5 current information specified in sub. (2) (a). Every 90 days, the department shall
6 notify registrants subject to this subdivision of their need to comply with this
7 requirement. If the registrant subject to this subdivision is a person under the age
8 of 18, the department may also notify the registrant's parent, guardian or legal
9 custodian every 90 days of the registrant's need to comply with this requirement.

10 **SECTION 42.** 301.45 (3) (b) 2. of the statutes is amended to read:

11 301.45 **(3)** (b) 2. The department shall notify a person who is being released
12 from prison in this state because he or she has reached the expiration date of his or
13 her sentence and who is covered under sub. (1) (1g) of the need to comply with the
14 requirements of this section. Also, probation, extended supervision and parole
15 agents, aftercare agents and agencies providing supervision shall notify any client
16 who is covered under sub. (1) (1g) of the need to comply with the requirements of this
17 section at the time the client is placed on probation, extended supervision, parole,
18 supervision or aftercare supervision or, if the client is on probation, extended
19 supervision ~~or~~, parole or other supervision from another state under s. 304.13 ~~or~~,
20 304.135 or 938.988, when the client enters this state.

21 **SECTION 43.** 301.45 (3) (b) 3. of the statutes is amended to read:

22 301.45 **(3)** (b) 3. The department of health and family services shall notify a
23 person who is being placed on conditional release, conditional transfer or parole, or
24 is being terminated or discharged from a commitment, under s. 51.20, 51.35 or

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1 971.17 or ch. 975 or 980 and who is covered under sub. (1) (1g) of the need to comply
2 with the requirements of this section.

3 **SECTION 44.** 301.45 (3) (b) 3m. of the statutes is amended to read:

4 301.45 (3) (b) 3m. After notifying a person under subd. 2. or 3. of the need to
5 comply with this section, the person who is providing the notification shall require
6 the person who is covered under sub. (1) (1g) to read and sign a form stating that he
7 or she has been informed of the requirements of this section.

8 **SECTION 45.** 301.45 (3) (b) 4. of the statutes is amended to read:

9 301.45 (3) (b) 4. ~~Failure to~~ It is not a defense to liability under sub. (6) (a) that
10 the person subject to sub. (1g) was not required to read and sign a form under subd.
11 3m., was not provided with a form to read and sign under subd. 3m. or failed or
12 refused to read or sign a form under subd. 3m. It is not a defense to liability under
13 sub. (6) (a) that the person subject to sub. (1g) did not receive notice under this
14 paragraph from the department of health and family services, the department of
15 corrections, a probation, extended supervision and parole agent, an aftercare agent
16 or an agency providing supervision ~~is not a defense to liability under sub. (6).~~

17 **SECTION 46.** 301.45 (4m) of the statutes is renumbered 301.45 (4m) (intro.) and
18 amended to read:

19 301.45 (4m) INFORMATION CONCERNING A MOVE TO OR SCHOOLING OR EMPLOYMENT
20 IN ANOTHER STATE. (intro.) In addition to the requirements under subs. (3) and (4),
21 a person who is covered under sub. (1) (1g) and who is changing his or her residence
22 from this state to another state, is becoming a student in another state or is to be
23 employed or carrying on a vocation in another state shall, no later than 10 days
24 before he or she moves out of this state, begins school or begins employment or his
25 or her vocation, notify the department that he or she is changing his or her residence

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1 from this state ~~and, is beginning school in another state or is beginning employment~~
2 ~~or the carrying on of a vocation in another state. The person shall also inform the~~
3 department of the state to which he or she is moving his or her residence, ~~the state~~
4 ~~in which he or she will be in school or the state in which he or she will be employed~~
5 ~~or carrying on a vocation. Upon receiving notification from a person under this~~
6 subsection, the department shall ~~inform~~ do all of the following:

7 (a) ~~Inform~~ the person whether the state to which the person is moving, ~~the state~~
8 ~~in which the person will be in school or the state in which the person will be employed~~
9 ~~or carrying on a vocation~~ has sex offender registration requirements to which the
10 person may be subject and, if so, the name of the agency to contact in that state for
11 information concerning those requirements.

12 **SECTION 47.** 301.45 (4m) (b) of the statutes is created to read:

13 301.45 (4m) (b) Inform the agency responsible for sex offender registration in
14 the state to which the person is moving, in which the person will be in school or in
15 which the person will be employed or carrying on a vocation that the person is moving
16 to the state, beginning school in the state or beginning employment or carrying on
17 a vocation in the state, and provide the agency of the other state with all of the
18 information specified in sub. (2) (a).

19 **SECTION 48.** 301.45 (5) (title) of the statutes is amended to read:

20 301.45 (5) (title) ~~RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX~~
21 ~~OFFENSE IN THIS STATE.~~

22 **SECTION 49.** 301.45 (5) (a) (intro.) of the statutes is amended to read:

23 301.45 (5) (a) (intro.) Except as provided in ~~par.~~ pars. (am) and (b), a person who
24 is covered under sub. (4) (1g) (a), (b), (bm), (c), (d), (dd), (dp) or (e) no longer has to
25 comply with this section when the following applicable criterion is met:

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1 **SECTION 50.** 301.45 (5) (a) 1. of the statutes is amended to read:

2 301.45 (5) (a) 1. If the person has been placed on probation or supervision for
3 a sex offense, 15 years after discharge from the probation or supervision imposed for
4 the sex offense.

5 **SECTION 51.** 301.45 (5) (a) 1m. of the statutes is renumbered 301.45 (5m) (a)
6 1. and amended to read:

7 301.45 (5m) (a) 1. If the person is on parole, extended supervision ~~or~~, probation
8 or other supervision from another state under s. 304.13 ~~or~~, 304.135 or 938.988, 15
9 years after discharge from that parole, extended supervision ~~or~~, probation or other
10 supervision or the period of time that the person is in this state, whichever is less.

11 **SECTION 52.** 301.45 (5) (a) 2. of the statutes is amended to read:

12 301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured
13 correctional facility or a secured child caring institution for a sex offense, 15 years
14 after discharge from parole, extended supervision or aftercare supervision for the sex
15 offense.

16 **SECTION 53.** 301.45 (5) (a) 2m. of the statutes is amended to read:

17 301.45 (5) (a) 2m. If the person has been sentenced to prison for a sex offense
18 and is being released from prison because he or she has reached the expiration date
19 of ~~his or her~~ the sentence for the sex offense, 15 years after being released from
20 prison.

21 **SECTION 54.** 301.45 (5) (a) 3. of the statutes is amended to read:

22 301.45 (5) (a) 3. If the person has been committed to the department of health
23 and family services under s. 51.20 or 971.17 and is in institutional care or on
24 conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 for a sex
25 offense, 15 years after termination of the commitment for the sex offense under s.

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1 971.17 (5) or discharge from the commitment for the sex offense under s. 51.35 (4)
2 or 971.17 (6).

3 **SECTION 55.** 301.45 (5) (a) 4. of the statutes is amended to read:

4 301.45 (5) (a) 4. If subd. 1., ~~1m.,~~ 2., 2m., 3. or 3m. does not apply, 15 years after
5 the date of conviction for the sex offense or 15 years after the date of disposition of
6 the sex offense, whichever is later.

7 **SECTION 56.** 301.45 (5) (am) of the statutes is created to read:

8 301.45 (5) (am) 1. Except as provided in subd. 2., a person who is covered under
9 sub. (1g) (dL) shall continue to comply with the requirements of this section until his
10 or her death.

11 2. A person who is covered under sub. (1g) (dL) is not required to comply with
12 the requirements of this section if a court orders that the person is no longer required
13 to comply under s. 939.615 (6) (i).

14 **SECTION 57.** 301.45 (5) (b) (intro.) of the statutes is amended to read:

15 301.45 (5) (b) (intro.) A person who is covered under sub. ~~(1) (1g) (a), (b), (bm),~~
16 ~~(c), (d), (dd), (dp) or (e)~~ shall continue to comply with the requirements of this section
17 until his or her death if any of the following apply applies:

18 **SECTION 58.** 301.45 (5) (b) 1. of the statutes is amended to read:

19 301.45 (5) (b) 1. The person has, on 2 or more separate occasions, been convicted
20 or found not guilty or not responsible by reason of mental disease or defect for any
21 violation, ~~or for the solicitation, conspiracy or attempt to commit any violation, of s.~~
22 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
23 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
24 ~~a minor and the person was not the victim's parent~~ a sex offense, or for any a
25 violation, or ~~for~~ the solicitation, conspiracy or attempt to commit a violation, of

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1 a federal law, a military law, a tribal law or a law of this state or any other state that
2 is comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1)
3 or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is
4 comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the
5 person was not the victim's parent sex offense. A conviction or finding of not guilty
6 or not responsible by reason of mental disease or defect that has been reversed, set
7 aside or vacated is not a conviction or finding for purposes of determining under this
8 subdivision whether a person has been convicted on 2 or more separate occasions.

9 **SECTION 59.** 301.45 (5) (b) 1m. of the statutes is created to read:

10 301.45 (5) (b) 1m. The person has been convicted or found not guilty or not
11 responsible by reason of mental disease or defect for a violation, or for the solicitation,
12 conspiracy or attempt to commit a violation, of s. 940.225 (1) or (2), 948.02 (1) or (2)
13 or 948.025. A conviction or finding of not guilty or not responsible by reason of mental
14 disease or defect that has been reversed, set aside or vacated is not a conviction or
15 finding for purposes of this subdivision.

16 **SECTION 60.** 301.45 (5) (b) 2. of the statutes is amended to read:

17 301.45 (5) (b) 2. The person has been found to be a sexually violent person under
18 ch. 980, regardless of whether the person is discharged under s. 980.09 or 980.10
19 from the sexually violent person commitment, except that the person no longer has
20 to comply with this section if the finding that the person is a sexually violent person
21 has been reversed, set aside or vacated.

22 **SECTION 61.** 301.45 (5) (b) 3. of the statutes is created to read:

23 301.45 (5) (b) 3. The court that ordered the person to comply with the reporting
24 requirements of this section under s. 51.20 (13) (ct), 938.34 (15m), 938.345 (3), 971.17

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1 (1m) (b) or 973.048 also ordered the person to comply with the requirements until his
2 or her death.

3 **SECTION 62.** 301.45 (5m) of the statutes is created to read:

4 **301.45 (5m) RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX**
5 **OFFENSE IN ANOTHER JURISDICTION.** (a) Except as provided in pars. (b) and (c), a person
6 who is covered under sub. (1g) (dh), (dj), (f) or (g) no longer has to comply with this
7 section when the following applicable criterion is met:

8 2. If the person is registered as a sex offender in another state or is registered
9 as a sex offender with the federal bureau of investigation under 42 USC 14072,
10 whichever of the following is less:

11 a. The period of time that the person is a resident of this state, a student in this
12 state or employed or carrying on a vocation in this state.

13 b. The period of time that the person is registered as a sex offender in another
14 state or with the federal bureau of investigation, or 10 years from the date on which
15 the person was released from prison or placed on parole, probation, extended
16 supervision or other supervised release for the sex offense which subjects the person
17 to the requirements of this section, whichever is greater.

18 3. If the person has been found to have committed a sex offense by another
19 jurisdiction and subd. 2. does not apply, whichever of the following is less:

20 a. The period of time that the person is a resident of this state, a student in this
21 state or employed or carrying on a vocation in this state.

22 b. Ten years from the date on which the person was released from prison or
23 placed on parole, probation, extended supervision or other supervised release for the
24 sex offense which subjects the person to the requirements of this section.

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1 (b) A person who is covered under sub. (1g) (dh), (dj), (f) or (g) shall continue
2 to comply with the requirements of this section for as long as the person is a resident
3 of this state, a student in this state or employed or carrying on a vocation in this state
4 if one or more of the following apply:

5 1. The person is registered as a sex offender in another state or is registered
6 as a sex offender with the federal bureau of investigation under 42 USC 14072 and
7 the person is required to register with that other state or with the federal bureau of
8 investigation until his or her death.

9 2. The person has been convicted or found not guilty or not responsible by
10 reason of mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or
11 (2) or 948.025, or for the solicitation, conspiracy or attempt to commit a violation, of
12 a federal law, a military law, a tribal law or a law of any state that is comparable to
13 a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025. A conviction or finding
14 of not guilty or not responsible by reason of mental disease or defect that has been
15 reversed, set aside or vacated is not a conviction or finding for purposes of this
16 subdivision.

17 3. 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 a sex offense or for
19 a violation, or the solicitation, conspiracy or attempt to commit a violation, of a
20 federal law, military law, tribal law or law of any state that is comparable to a sex
21 offense. A conviction or finding of not guilty or not responsible by reason of mental
22 disease or defect that has been reversed, set aside or vacated is not a conviction or
23 finding for purposes of determining under this subdivision whether a person has
24 been convicted on 2 or more separate occasions.

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1 4. A determination has been made as provided under 42 USC 14071 (a) (2) (A)
2 or (B) that the person is a sexually violent predator, or lifetime registration by the
3 person is required under measures approved by the attorney general of the United
4 States under 42 USC 14071 (a) (2) (C).

5 (c) This subsection does not apply to a person who is required to register as a
6 sex offender under one or more of the criteria specified in sub. (1g) (a), (b), (bm), (c),
7 (d), (dd), (dp) or (e).

8 **SECTION 63.** 301.45 (6) (a) of the statutes is renumbered 301.45 (6) (a) (intro.)
9 and amended to read:

10 301.45 **(6)** (a) (intro.) Whoever ~~intentionally~~ knowingly fails to comply with any
11 requirement to provide information under subs. (2) to (4) is subject to the following
12 penalties:

13 1. For a first offense, the person may be fined not more than \$10,000 or
14 imprisoned for not more than 9 months or both.

15 ~~(am)~~ Subject to s. 971.19 (9), a district attorney or, upon the request of a district
16 attorney, the department of justice may prosecute a ~~violation of this subsection~~
17 knowing failure to comply with any requirement to provide information under subs.
18 (2) to (4). If the department of corrections determines that there is probable cause
19 to believe that a person has ~~intentionally~~ knowingly failed to comply with any
20 requirement to provide information under subs. (2) to (4), the department shall
21 forward a certified copy of all pertinent departmental information to the applicable
22 district attorney. The department shall certify the copy in accordance with s. 889.08.

23 **SECTION 64.** 301.45 (6) (a) 2. of the statutes is created to read:

24 301.45 **(6)** (a) 2. For a 2nd or subsequent offense, the person may be fined not
25 more than \$10,000 or imprisoned for not more than 5 years or both. For purposes

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1 of this subdivision, an offense is a 2nd or subsequent offense if, prior to committing
2 the offense, the person has at any time been convicted of knowingly failing to comply
3 with any requirement to provide information under subs. (2) to (4).

4 **SECTION 65.** 301.45 (6) (a) 2. of the statutes, as created by 1999 Wisconsin Act
5 (this act), is amended to read:

6 301.45 **(6)** (a) 2. For a 2nd or subsequent offense, the person ~~may be fined not~~
7 ~~more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class
8 H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense
9 if, prior to committing the offense, the person has at any time been convicted of
10 knowingly failing to comply with any requirement to provide information under
11 subs. (2) to (4).

12 **SECTION 66.** 301.45 (6) (d) of the statutes is created to read:

13 301.45 **(6)** (d) Notwithstanding par. (a), a person who first became subject to
14 subs. (2) to (4) under 1999 Wisconsin Act (this act) and who was in prison or a
15 secured correctional facility or a secured child caring institution, in institutional
16 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
17 supervision, conditional transfer or conditional release during the period beginning
18 on December 25, 1993, and ending on the effective date of this paragraph [revisor
19 inserts date], shall be allowed until the first day of the 7th month beginning after the
20 effective date of this paragraph [revisor inserts date], to comply with the
21 requirements under subs. (2) to (4).

22 **SECTION 67.** 301.45 (6m) of the statutes is created to read:

23 301.45 **(6m)** NOTICE TO OTHER JURISDICTIONS CONCERNING NONCOMPLIANCE. If the
24 department has reasonable grounds to believe that a person who is covered under
25 sub. (1g) (f) or (g) is residing in this state, is a student in this state or is employed or

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1 carrying on a vocation in this state and that the person is not complying with the
2 requirements of this section, the department shall notify the state agency
3 responsible for the registration of sex offenders in any state in which the person is
4 registered that it believes the person is not complying with the requirements of this
5 section. If the person is registered with the federal bureau of investigation under 42
6 USC 14072, the department shall notify the federal bureau of investigation that it
7 believes the person is not complying with the requirements of this section.

8 **SECTION 68.** 301.46 (1) of the statutes is renumbered 301.46 (1) (intro.) and
9 amended to read:

10 301.46 (1) DEFINITIONS. (intro.) In this section “agency:

11 (a) “Agency with jurisdiction” means the state agency with the authority or
12 duty to confine or supervise a person or release or discharge a person from
13 confinement.

14 **SECTION 69.** 301.46 (1) (b) of the statutes is created to read:

15 301.46 (1) (b) “Sex offense” has the meaning given in s. 301.45 (1d) (b).

16 **SECTION 70.** 301.46 (2) (b) 7. of the statutes is repealed.

17 **SECTION 71.** 301.46 (2m) (a) of the statutes is amended to read:

18 301.46 (2m) (a) If an agency with jurisdiction confines a person under s.
19 301.046, provides a person entering the intensive sanctions program under s.
20 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
21 a person from confinement in a state correctional institution or institutional care,
22 and the person has, on one occasion only, been convicted or found not guilty or not
23 responsible by reason of mental disease or defect for ~~any violation, or for the~~
24 ~~solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225~~
25 ~~(1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07,~~

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1 ~~948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the~~
2 ~~person was not the victim's parent, a sex offense or for a violation of a law of this state~~
3 ~~that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),~~
4 ~~948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or that is~~
5 ~~comparable to s. 940.30 or 940.31 if the victim was a minor and the person was not~~
6 ~~the victim's parent a sex offense, the agency with jurisdiction may notify the police~~
7 ~~chief of any community and the sheriff of any county in which the person will be~~
8 ~~residing, employed or attending school if the agency with jurisdiction determines~~
9 ~~that such notification is necessary to protect the public. Notification under this~~
10 ~~paragraph may be in addition to providing access to information under sub. (2) or to~~
11 ~~any other notification that an agency with jurisdiction is authorized to provide.~~

12 **SECTION 72.** 301.46 (2m) (am) of the statutes is amended to read:

13 301.46 **(2m)** (am) If an agency with jurisdiction confines a person under s.
14 301.046, provides a person entering the intensive sanctions program under s.
15 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
16 a person from confinement in a state correctional institution or institutional care,
17 and the person has been found to be a sexually violent person under ch. 980 or has,
18 on 2 or more separate occasions, been convicted or found not guilty or not responsible
19 by reason of mental disease or defect for ~~any violation, or for the solicitation,~~
20 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
21 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11~~
22 ~~or a sex offense or for a violation of a law of this state that is comparable to s. 940.22~~
23 ~~(2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
24 ~~948.07, 948.08 or 948.11 a sex offense, the agency with jurisdiction shall notify the~~
25 ~~police chief of any community and the sheriff of any county in which the person will~~

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1 be residing, employed or attending school. Notification under this paragraph shall
2 be in addition to providing access to information under sub. (2) and to any other
3 notification that an agency with jurisdiction is authorized to provide.

4 **SECTION 73.** 301.46 (2m) (b) 1m. of the statutes is created to read:

5 301.46 **(2m)** (b) 1m. Notice that, beginning on the first day of the 13th month
6 beginning after publication [revisor inserts date], information concerning persons
7 registered under s. 301.45 will be available on the Internet site established by the
8 department under sub. (5n).

9 **SECTION 74.** 301.46 (3) (c) of the statutes is amended to read:

10 301.46 **(3)** (c) The notice under par. (b) shall be a written notice to the victim
11 or member of the victim's family that the person required to register under s. 301.45
12 and specified in the information provided under par. (d) has been registered or, if
13 applicable, has provided the department with updated information under s. 301.45
14 (4). The notice shall contain the information specified in sub. (2) (b) 1., 5., 6., ~~7.~~ and
15 10. or, if applicable, the updated information.

16 **SECTION 75.** 301.46 (4) (b) 3. of the statutes is repealed.

17 **SECTION 76.** 301.46 (5) (b) 2. of the statutes is repealed.

18 **SECTION 77.** 301.46 (5n) of the statutes is created to read:

19 301.46 **(5n)** INTERNET ACCESS. No later than the first day of the 13th month
20 beginning after the effective date of this subsection [revisor inserts date], the
21 department shall provide access to information concerning persons registered under
22 s. 301.45 by creating and maintaining an Internet site and by any other means that
23 the department determines is appropriate. The information provided through the
24 Internet site shall be organized in a manner that allows a person using the Internet
25 site to obtain the information that the department is required to provide the person

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1 under sub. (2), (2m), (3), (4) or (5) and other information that the department
2 determines is necessary to protect the public. The department shall keep the
3 information provided on the Internet site and in other means used to allow access to
4 the information secure against unauthorized alteration.

5 **SECTION 78.** 301.46 (6) (a) of the statutes is amended to read:

6 301.46 (6) (a) Except as provided in par. (b), the department or an agency with
7 jurisdiction may provide notice of or access to information under subs. (2) to (5)
8 concerning a person registered under s. 301.45 only during the period under s. 301.45
9 (5) or (5m) for which the person is required to comply with s. 301.45.

10 **SECTION 79.** 938.185 (3) of the statutes is renumbered 938.185 (3) (intro.) and
11 amended to read:

12 938.185 (3) (intro.) Venue for a proceeding under s. 938.12 or 938.13 (12) based
13 on an alleged violation of s. 301.45 (6) (a) may be in the juvenile's county of residence
14 at the time that the petition is filed ~~or, if,~~ if the juvenile does not have a county of
15 residence in this state at the time that the petition is filed, ~~any or if the juvenile's~~
16 county of residence is unknown at the time that the petition is filed, venue for the
17 proceeding may be in any of the following counties:

18 (a) Any county in which the juvenile has resided while subject to s. 301.45.

19 **SECTION 80.** 938.185 (3) (b), (c) and (d) of the statutes are created to read:

20 938.185 (3) (b) The county in which the juvenile was adjudicated delinquent
21 or found not responsible by reason of mental disease or defect for the sex offense that
22 requires the juvenile to register under s. 301.45.

23 (c) If the juvenile is required to register under s. 301.45 (1g) (dt), the county in
24 which the juvenile was found to be a sexually violent person under ch. 980.

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1 (d) If the juvenile is required to register only under s. 301.45 (1g) (f) or (g), any
2 county in which the juvenile has been a student in this state or has been employed
3 or carrying on a vocation in this state.

4 **SECTION 81.** 938.34 (15m) (bm) of the statutes is amended to read:

5 938.34 **(15m)** (bm) If the juvenile is adjudicated delinquent on the basis of a
6 violation, or the solicitation, conspiracy or attempt to commit a violation, of s. 940.22
7 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
8 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or of s. 940.30
9 or 940.31 if the victim was a minor and the juvenile was not the victim's parent, the
10 court shall require the juvenile to comply with the reporting requirements under s.
11 301.45 unless the court determines, after a hearing on a motion made by the juvenile,
12 that the juvenile is not required to comply under s. 301.45 (1m).

13 **SECTION 82.** 938.34 (15m) (d) of the statutes is created to read:

14 938.34 **(15m)** (d) If the court orders a juvenile to comply with the reporting
15 requirements under s. 301.45, the court may order the juvenile to continue to comply
16 with the reporting requirements until his or her death.

17 **SECTION 83.** 938.34 (15m) (e) of the statutes is created to read:

18 938.34 **(15m)** (e) If the court orders a juvenile to comply with the reporting
19 requirements under s. 301.45, the clerk of the court in which the order is entered
20 shall promptly forward a copy of the order to the department of corrections. If the
21 finding of delinquency on which the order is based is reversed, set aside or vacated,
22 the clerk of the court shall promptly forward to the department of corrections a
23 certificate stating that the finding of delinquency has been reversed, set aside or
24 vacated.

25 **SECTION 84.** 938.345 (3) of the statutes is created to read:

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1 938.345 (3) (a) If the court finds that a juvenile is in need of protection or
2 services on the basis of a violation, or the solicitation, conspiracy or attempt to
3 commit a violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may
4 require the juvenile to comply with the reporting requirements under s. 301.45 if the
5 court determines that the underlying conduct was sexually motivated, as defined in
6 s. 980.01 (5), and that it would be in the interest of public protection to have the
7 juvenile report under s. 301.45. In determining whether it would be in the interest
8 of public protection to have the juvenile report under s. 301.45, the court may
9 consider any of the following:

10 1. The ages, at the time of the violation, of the juvenile and the victim of the
11 violation.

12 2. The relationship between the juvenile and the victim of the violation.

13 3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to
14 the victim.

15 4. Whether the victim suffered from a mental illness or mental deficiency that
16 rendered him or her temporarily or permanently incapable of understanding or
17 evaluating the consequences of his or her actions.

18 5. The probability that the juvenile will commit other violations in the future.

19 6. Any other factor that the court determines may be relevant to the particular
20 case.

21 (b) If the court orders a juvenile to comply with the reporting requirements
22 under s. 301.45, the court may order the juvenile to continue to comply with the
23 reporting requirements until his or her death.

24 (c) If the court orders a juvenile to comply with the reporting requirements
25 under s. 301.45, the clerk of the court in which the order is entered shall promptly

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1 forward a copy of the order to the department of corrections. If the finding of need
2 of protection or services on which the order is based is reversed, set aside or vacated,
3 the clerk of the court shall promptly forward to the department of corrections a
4 certificate stating that the finding has been reversed, set aside or vacated.

5 **SECTION 85.** 938.396 (2) (em) of the statutes is amended to read:

6 938.396 **(2)** (em) Upon request of the department to review court records for the
7 purpose of obtaining information concerning a child required to register under s.
8 301.45, the court shall open for inspection by authorized representatives of the
9 department the records of the court relating to any child who has been adjudicated
10 delinquent or found not responsible by reason of mental disease or defect for an
11 offense specified in s. 301.45 ~~(1)~~ (1g) (a). The department may disclose information
12 that it obtains under this paragraph as provided under s. 301.46.

13 **SECTION 86.** 939.615 (6) (i) of the statutes is created to read:

14 939.615 **(6)** (i) If the court grants a petition requesting termination of lifetime
15 supervision and the person is registered with the department under s. 301.45, the
16 court may also order that the person is no longer required to comply with the
17 reporting requirements under s. 301.45. This paragraph does not apply to a person
18 who must continue to comply with the reporting requirements for life under s. 301.45
19 (5) (b) or for as long as he or she is in this state under s. 301.45 (5m) (b).

20 **SECTION 87.** 942.06 (2m) (a) of the statutes is amended to read:

21 942.06 **(2m)** (a) An employe or agent of the department of corrections who
22 conducts a lie detector test of a ~~probationer, parolee or person on extended~~
23 ~~supervision under the rules promulgated~~ sex offender under s. 301.132.

24 **SECTION 88.** 942.06 (2q) (a) (intro.) of the statutes is amended to read:

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1 942.06 **(2q)** (a) (intro.) An employe or agent of the department of corrections
2 who discloses, to any of the following, the fact that a ~~probationer, parolee or person~~
3 ~~on extended supervision~~ sex offender has had a lie detector test ~~under the rules~~
4 ~~promulgated~~ under s. 301.132 or the results of such a lie detector test:

5 **SECTION 89.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

6 971.17 **(1m)** (b) 2m. If the defendant under sub. (1) is found not guilty by reason
7 of mental disease or defect for a violation, or for the solicitation, conspiracy or
8 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
9 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or
10 (am), 948.12, 948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and
11 the defendant was not the victim's parent, the court shall require the defendant to
12 comply with the reporting requirements under s. 301.45 unless the court determines,
13 after a hearing on a motion made by the defendant, that the defendant is not required
14 to comply under s. 301.45 (1m).

15 **SECTION 90.** 971.17 (1m) (b) 4. of the statutes is created to read:

16 971.17 **(1m)** (b) 4. If the court orders a defendant to comply with the reporting
17 requirements under s. 301.45, the court may order the defendant to continue to
18 comply with the reporting requirements until his or her death.

19 **SECTION 91.** 971.17 (1m) (b) 5. of the statutes is created to read:

20 971.17 **(1m)** (b) 5. If the court orders a defendant to comply with the reporting
21 requirements under s. 301.45, the clerk of the court in which the order is entered
22 shall promptly forward a copy of the order to the department of corrections. If the
23 finding of not guilty by reason of mental disease or defect on which the order is based
24 is reversed, set aside or vacated, the clerk of the court shall promptly forward to the

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1 department of corrections a certificate stating that the finding has been reversed, set
2 aside or vacated.

3 **SECTION 92.** 971.19 (9) of the statutes is renumbered 971.19 (9) (intro.) and
4 amended to read:

5 971.19 **(9)** (intro.) In an action under s. 301.45 (6) (a), the defendant may be
6 tried in the defendant's county of residence at the time that the complaint is filed ~~or~~
7 ~~if.~~ If the defendant does not have a county of residence in this state at the time that
8 the complaint is filed, any or if the defendant's county of residence is unknown at the
9 time that the complaint is filed, the defendant may be tried in any of the following
10 counties:

11 (a) Any county in which he or she has resided while subject to s. 301.45.

12 **SECTION 93.** 971.19 (9) (b), (c) and (d) of the statutes are created to read:

13 971.19 **(9)** (b) The county in which he or she was convicted, found not guilty or
14 not responsible by reason of mental disease or defect or adjudicated delinquent for
15 the sex offense that requires the person to register under s. 301.45.

16 (c) If the defendant is required to register under s. 301.45 (1g) (dt), the county
17 in which the person was found to be a sexually violent person under ch. 980.

18 (d) If the person is required to register only under s. 301.45 (1g) (f) or (g), any
19 county in which the person has been a student in this state or has been employed or
20 carrying on a vocation in this state.

21 **SECTION 94.** 973.048 (2m) of the statutes is amended to read:

22 973.048 **(2m)** If a court imposes a sentence or places a person on probation for
23 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
24 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
25 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or

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1 of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's
2 parent, the court shall require the person to comply with the reporting requirements
3 under s. 301.45 unless the court determines, after a hearing on a motion made by the
4 person, that the person is not required to comply under s. 301.45 (1m).

5 **SECTION 95.** 973.048 (4) of the statutes is created to read:

6 973.048 (4) If the court orders a person to comply with the reporting
7 requirements under s. 301.45, the court may order the person to continue to comply
8 with the reporting requirements until his or her death.

9 **SECTION 96.** 973.048 (5) of the statutes is created to read:

10 973.048 (5) If the court orders a person to comply with the reporting
11 requirements under s. 301.45, the clerk of the court in which the order is entered
12 shall promptly forward a copy of the order to the department of corrections. If the
13 conviction on which the order is based is reversed, set aside or vacated, the clerk of
14 the court shall promptly forward to the department of corrections a certificate stating
15 that the conviction has been reversed, set aside or vacated.

16 **SECTION 97. Nonstatutory provisions.**

17 (1) PERSONS REGISTERED AS SEX OFFENDERS BASED ON BEING FOUND IN NEED OF
18 PROTECTION OR SERVICES.

19 (a) Notwithstanding section 301.45 (1) (a), 1997 stats., no later than the first
20 day of the 7th month beginning after the effective date of this paragraph, the
21 department of corrections shall, except as provided in paragraphs (d) and (e), purge
22 all of the information maintained in the sex offender registry under section 301.45
23 of the statutes, as affected by this act, concerning a person who is registered as a sex
24 offender on the effective date of this paragraph solely because the person had been

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1 found in need of protection or services on or after December 25, 1993, for an offense
2 specified in section 301.45 (1) (a), 1997 stats.

3 (b) No later the first day of the 3rd month beginning after the effective date of
4 this paragraph, the department of corrections shall, with respect to each person
5 registered as a sex offender who is covered by the purgation requirement under
6 paragraph (a), notify the county department of social services or the county
7 department of human services, whichever is applicable, of the county of the court
8 that found the person in need of protection or services that the information in the sex
9 offender registry is subject to being purged under paragraph (a).

10 (c) A county department of social services or county department of human
11 services that receives a notice from the department of corrections under paragraph
12 (b) concerning a person registered as a sex offender shall decide whether to petition
13 the court that found the person in need of protection or services for an order requiring
14 the person to continue complying with the reporting requirements under section
15 301.45 of the statutes, as affected by this act. The county department shall make the
16 decision no later than the first day of the 5th month beginning after the effective date
17 of this paragraph and shall immediately inform the department of corrections of its
18 decision. If the county department decides that it does not want to petition the court
19 for an order requiring a person to continue to comply with section 301.45 of the
20 statutes, as affected by this act, the department of corrections shall purge the
21 information concerning the person in the sex offender registry as provided under
22 paragraph (a). If a county department decides that it wants to petition the court, it
23 shall request the district attorney or corporation counsel to file the petition, and the
24 district attorney or corporation counsel shall proceed as provided under paragraph
25 (d).

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1 (d) A district attorney or corporation counsel who is requested to file a petition
2 under paragraph (c) shall file the petition in the court that found the person in need
3 of protection or services no later than the first day of the 6th month beginning after
4 the effective date of this paragraph. The district attorney or corporation counsel
5 shall serve a copy of the petition on the person and, if the person has not attained the
6 age of 18 years, on the parents, guardian or legal custodian of the person. The district
7 attorney or corporation counsel shall also inform the department of corrections that
8 he or she has filed the petition. If it receives notice that a petition has been filed
9 under this paragraph, the department of corrections may not purge the information
10 about the person in the sex offender registry except as provided under paragraph (e).

11 (e) The court in which a petition is filed under paragraph (d) shall hold a
12 hearing on the petition, at which it may allow the county department that requested
13 the petition to be filed and the person to present evidence on whether it is in the
14 interest of public protection to have the person continue to register as a sex offender.
15 The court shall decide whether to grant or to deny the petition and shall provide
16 written notification of its decision to the department of corrections no later than the
17 first day of the 10th month beginning after the effective date of this paragraph. In
18 deciding whether to grant or to deny the petition, the court may consider any of the
19 factors specified under section 938.345 (3) (a) of the statutes, as created by this act.
20 If the court grants the petition, the department of corrections shall continue to
21 maintain the information in the sex offender registry about the person as provided
22 under section 301.45 of the statutes, as affected by this act, and may not purge the
23 information under paragraph (a). If the court denies the petition, the department
24 of corrections shall purge the information in the sex offender registry about the

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1 person as provided under paragraph (a) no later than 30 days after it receives notice
2 from the court that the petition has been denied.

3 (2) RECONCILIATION PROVISION. The amendment of section 301.45 (6) (a) 2. of the
4 statutes, as created by this act, SECTION 99 (2) of this act and SECTION 100 (1), (2) and
5 (3) of this act are void unless 1999 Assembly Bill 465 is enacted into law before July
6 1, 2000, and unless 1999 Assembly Bill 465 creates section 939.50 (1) (h) and (3) (h)
7 of the statutes in exactly the same form as shown in 1999 Assembly Bill 465, as
8 passed by the assembly.

SECTION 98. Appropriation changes.

9 (1) APPROPRIATION INCREASE; CORRECTIONS. In the schedule under section 20.005
10 (3) of the statutes for the appropriation to the department of corrections under
11 section 20.410 (1) (a) of the statutes, as affected by the acts of 1999, the dollar amount
12 is increased by \$134,800 for fiscal year 2000–01 to increase the authorized FTE
13 positions for the department by 4.0 GPR positions on January 1, 2001, for performing
14 duties relating to sex offender registration under section 301.45 of the statutes, as
15 affected by this act, and community notification concerning sex offenders under
16 section 301.46 of the statutes, as affected by this act.

SECTION 99. Initial applicability.

17 (1) PENALTY FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS; INITIAL
18 PROVISION. The creation of section 301.45 (6) (a) 2. of the statutes first applies to
19 offenses committed on the effective date of this subsection, but does not preclude the
20 counting of previous offenses for purposes of determining whether the person is
21 subject to the penalties under section 301.45 (6) (a) 2. of the statutes, as created by
22 this act.
23
24

