

# Sex Offender Registration Non-Compliance Overview of Process

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## Registration and Verification Procedures:

1. **Registration** forms (DOC-1759) are completed by field agents and/or institution personnel on all cases that require registration (see attachment **A**). This form is completed:

- upon entry into field supervision (probation, parole, supervised release or conditional release);
- prior to release from an institution for Special Bulletin Notification (SBN) cases; cases discharging directly from an institution; and on cases released directly from an institution to detainer, INS or interstate correctional compact;
- prior to discharge from field supervision.

Completion of the registration form represents either an **initial** registration of the offender - or registration at **discharge** from field supervision (refer to *pages 6- 1 I, Part 1 of the Sex Offender Registration Policy Manual*).

2. **Annual/90 Registration** is statutorily required of all registrants and involves a letter generated by SORP to the registrant - either every day days, or just prior to the registrants birth date. Persons committed under chapter 980 are required to **register** every 90 days. All other registrants are required to register annually, at a minimum (*refer to pages 1 I-76, Part 1 of the Sex Offender Registration Policy Manual*).

9 Process involves automated letter and form generated by SORP to the registrant (see Attachment B). Copy of the letter is sent to the assigned field agent if the registrant is on field supervision,

3. **Verification** involves several automated procedures designed to verify accuracy of information provided to the registry by the registrant and/or employ periodic verification of information to ensure compliance with updating information in the registry. Basic process includes the following:

- **Automated Verification Letters:** Whenever initial or new residence information is reported to SORP a Verification letter is forwarded to the reported address. New or change of information can be received in various forms/means to SORP, including, receiving a completed

<sup>1</sup> A “Non-Compliance” with the registry requirements indicates that the registrant has been determined to not be in compliance with the law. Providing false information or not being in compliance with the registry requirements will result in further prosecution (WI. ss. 301.45[6]).

Registration form (DOG-1759); copy of the Offender Report Form (DOC-8); completed Registration Change or Verification of Information Form (DOC-1796); or information provided to SORP through the 1-888# (off supervision cases only). Process involves. . . .

- 9 Automated generated the next day after there is a reported change of residence entered into the system (see Attachment C);
- 9 Letter is mailed to the reported address - copy of letter sent to assigned agent, if on active field supervision;
- 9 Letter returned by registrant = compliant
- 9 Letter returned by U.S. Postal Service - no forwarding address = non-compliant; forwarding address provided, automated letter sent to address and copy to assigned agent, if on active field supervision.

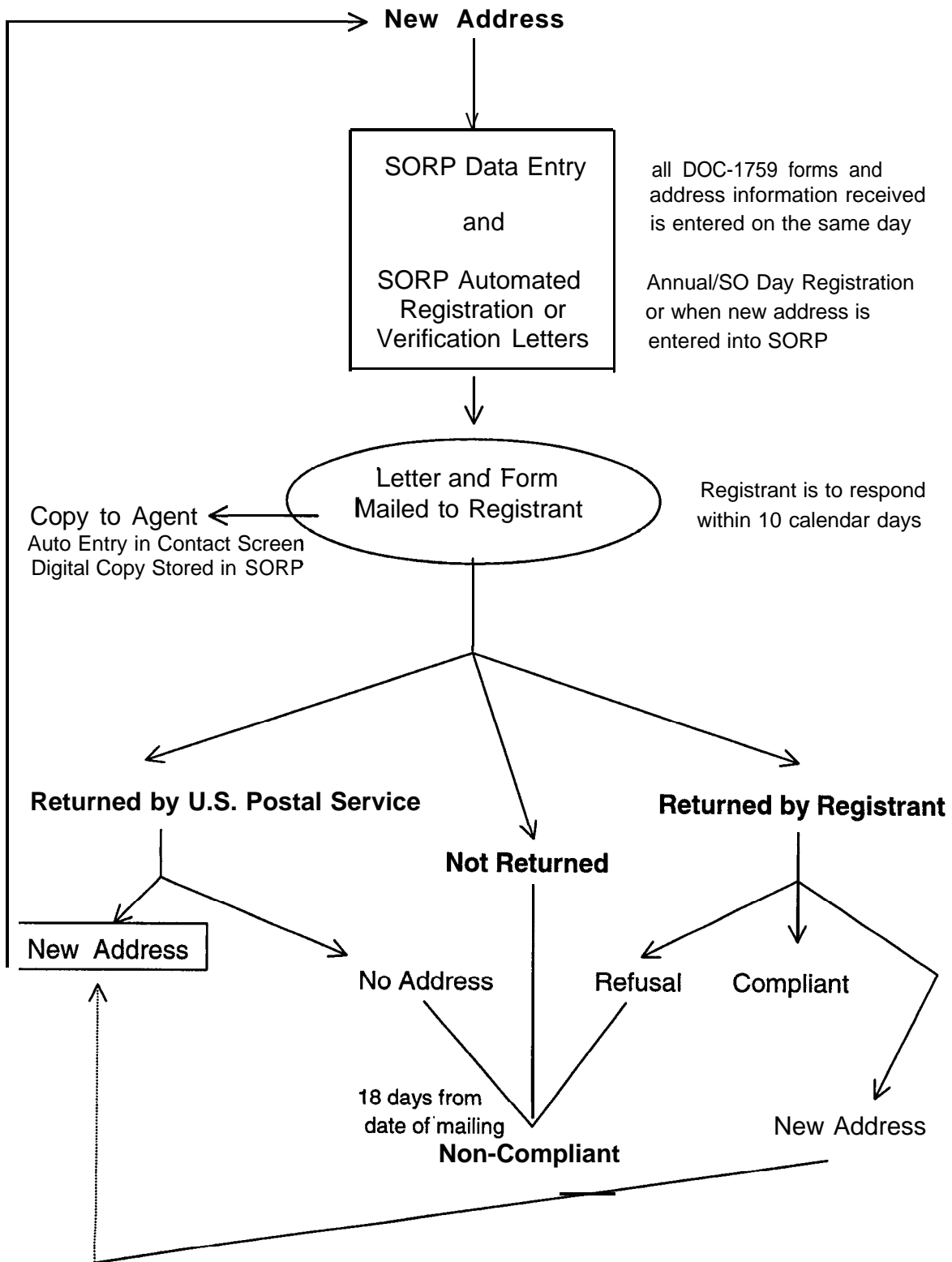
- **Random Verification Letters:** The SORP database system allows for automated verification letters to be sent out to registrants whenever approved personnel have reason to initiate more frequent residence verifications, including every 30/60/90/ 60/365 days. This system is driven by compliance and time calculations, in that after a registrant is compliant (e.g. returns the verification letter) twice at 30 days, the system move to 60 days, then 90 days, etc... .

At this point in the implementation of the program, only the Registration Specialists and SORP administrator can initiate this process. General guidelines for initiating this process on a case-by-cases basis may include:

- √ Cases discharging from sentence directly from an institution setting;
- √ Special Bulletin Notification Cases;
- √ Case where the registrant has previous episode(s) of non-compliance with the registry.

**NOTE:** In order to obtain compliance with either the Annual/SO-Day Registration letters or the Verification letters, the **REGISTRANT** must respond to the letter. If SORP does not receive a response by the registrant within 18 days of mailing the letter, the registrant will automatically become non-compliant with the registry: Non-compliance is included in the daily download of information to **CIB/TIME** and is made available to victims and the general public through the VINE system. Additionally, any request for information by law enforcement or a neighborhood watch group will contain non-compliance status information.

# Initial/Annual/90-day and Registration and Verification Process for Compliance and Non-Compliance Determination



Date:

## IMPORTANT

Re: DOC Number #000000  
REGISTRATION LETTER

### EXAMPLE REGISTRATION LETTER (triggered on birthdate or every 90 days)

Dear Registrant:

This letter is written in accordance with Wisconsin State Statute 301.45 and Administrative Rule DOC 332, where persons required to register with the DOC Sex Offender Registry Program (SORP) shall be subject to annual or 90 day registration. This letter is a formal notice to provide registration information under this section of the law.

**Please Note: You may receive several letters** from the DOC SORP requesting information and a prompt response from you. These letters are one method used by the SORP to verify the accuracy of registry information. **It is important that you reply to all letters sent to you by the DOC SORP.** Failure to respond to any correspondence may result in a determination of non-compliance and an arrest warrant issued.

**Complete all information items and sign the form on the back of this letter.** The form must be signed and mailed to the DOC Sex Offender Registry Program within 10 calendar days of the date indicated at the top of this letter. All information must be completed on this form. For identifying purposes, you must include your date of birth, social security number and driver's license number. Post Office Box addresses are not acceptable.

Forms not returned within 10 calendar days, or letters returned as undeliverable through the US Postal Service, will result in a designation of **"Non-Compliance"** with the registry law. Information provided by the registrant is subject to further verification. Mail the completed form to:

**Wisconsin DOC-SORP  
Post Office Box 7925  
149 East Wilson Street  
Madison, Wisconsin 53707-7925**

cc: DCC Agent or SORP Specialist

BACK PAGE FOLLOWS →

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# SEX OFFENDER REGISTRATION

## Annual / 90 Day Registration Update

DATE: \_\_\_\_\_

**Mail Completed Form To:**  
Wisconsin DOC - SORP  
P. O. Box 7925  
149 E Wilson Street  
Madison, WI 53707-7925

*Please Print or Type the Information*

REGISTRANT NAME Last			First	Middle
DOC #	DATE OF BIRTH	SOCIAL SECURITY NUMBER (Used to Verify Identify)		

### RESIDENCE

STREET ADDRESS (PO box addresses are not acceptable)			APT #	CITY
COUNTY	STATE	ZIP CODE	RESIDENCE TELEPHONE NUMBER (Include Area Code)	
TYPE OF RESIDENCE <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary	IF TEMPORARY, ANTICIPATED PERMANENT STREET ADDRESS   CITY/COUNTY   STATE   ZIP CODE			
EMERGENCY CONTACT NAME	CONTACT ADDRESS	RELATIONSHIP	TELEPHONE NUMBER	

### EMPLOYMENT

EMPLOYMENT STATUS <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Unemployed	DATE OF EMPLOYMENT	DATE OF ADDITIONAL EMPLOYMENT (If Applicable)		
EMPLOYER NAME	EMPLOYER STREET ADDRESS			
CIN	COUNTY	STATE	ZIP CODE	EMPLOYER TELEPHONE NUMBER (Include Area Code)
DUTIES				
ADDITIONAL EMPLOYER (If more than one source of employment)		EMPLOYER STREET ADDRESS		
CITY	COUNTY	STATE	ZIP CODE	EMPLOYER TELEPHONE NUMBER (Include Area Code)

### SCHOOL ENROLLMENT

TYPE OF ENROLLMENT <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> No Enrollment	DATE OF ENROLLMENT	ANTICIPATED DATE OF COMPLETION		
SCHOOL NAME	SCHOOL STREET ADDRESS			
CIN	COUNTY	STATE	ZIP CODE	SCHOOL TELEPHONE NUMBER (Include Area Code)

### REGISTERED VEHICLE USE

<input checked="" type="checkbox"/> All that Apply <input type="checkbox"/> Owns Vehicle <input type="checkbox"/> Does Not Drive	DRIVER'S LICENSE NUMBER			ISSUING STATE	
LICENSE PLATE #	ISSUING STATE	VEHICLE YEAR	MAKE	MODEL	COLOR

In accordance with Wisconsin Statute 301.45, I am registering the above information as true and accurate. I understand that I am legally required to supply this information annually or every 90 days, as prescribed by law. I also understand that I must provide any changes of information within 10 calendar days of any change in residence, employment, school enrollment or vehicle registration. I understand that failure to comply, or providing false information, may be cause for revocation and/or further criminal prosecution. I also understand that this information will be used for law enforcement purposes, and other purposes established by law.

REGISTRANT SIGNATURE

DATE SIGNED

Date:

**IMPORTANT**

Re: DOC Number 000000  
Confirmation Letter

**EXAMPLE CONFIRMATION LETTER**  
**(triggered when a new residence is provided by registrant)**

NAME  
ADDRESS

Dear Registrant:

This letter is written in accordance with Wisconsin State Statute 301.45 and Administrative Rule DOC 332, where persons required to register with the DOC Sex Offender Registry Program (SORP) shall be subject to requests for periodic verification of information maintained or recently reported to the Registry. This letter is a formal notice to provide verification of information recently received by the SORP or to verify current registration information under this section of the law.

**Please Note: You may receive several letters from the DOC SORP** requesting information and a prompt response from you. These letters are one method used by the SORP to verify the accuracy of registry information. **It is important that you reply to all letters sent to you by the DOC SORP.** Failure to respond to any correspondence may result in a determination of non-compliance and an arrest warrant issued.

**On the back of this letter is the Verification form.** The left hand column contains the most recent registry information pertaining to your case. Please review this information carefully. Check "Yes" and initial next to each information item that is true and accurate. Print information in the right hand column for any information items that are missing or inaccurate.

The form must be signed, dated and mailed to the DOC Sex Offender Registry Program within 10 calendar days of the date indicated at the top of this letter. The form must be signed by the registrant. Forms not returned within 10 calendar days, or letters returned as undeliverable through the US Postal Service, will result in a designation of "**Non-Compliance**" with the registry law. Information provided by the registrant is subject to further verification. Mail the completed and signed form to:

**Wisconsin DOGSORP**  
**Post Office Box 7925**  
**149 East Wilson Street**  
**Madison, Wisconsin 53707-7925**

cc: DCC Agent or SORP Registration Specialist

BACK PAGE FOLLOWS →

<sup>1</sup> A "Non-Compliance" with the registry requirements indicates that the registrant has been determined to not be in compliance with the law. Providing false information or not being in compliance with the registry requirements will result in further prosecution (WI. ss. 301.45[6]).

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# SEX OFFENDER REGISTRATION

## Change or Verification of Information

### IDENTIFYING INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Registrant Name (Last, First Middle) \_\_\_\_\_

DOC # / Assigned Registry # \_\_\_\_\_

Date of Birth \_\_\_\_\_

Social Security # \_\_\_\_\_

### RESIDENCE INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Address \_\_\_\_\_

city \_\_\_\_\_

County \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Residence Telephone Number \_\_\_\_\_

Emergency Contact Name \_\_\_\_\_

Contact Address \_\_\_\_\_

Relationship \_\_\_\_\_

Phone Number \_\_\_\_\_

### EMPLOYMENT INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Unemployed

Employer Name \_\_\_\_\_

Employment Date \_\_\_\_\_

Employer Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

County \_\_\_\_\_

ADDITIONAL Employer Name \_\_\_\_\_

Employment Date \_\_\_\_\_

Employer Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

County \_\_\_\_\_

### SCHOOL INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Not In School

School Name \_\_\_\_\_

Enrollment Date \_\_\_\_\_

School Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

County \_\_\_\_\_

### VEHICLE INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Does Not Drive

Driver's License # \_\_\_\_\_

Issuing State \_\_\_\_\_

License Plate # \_\_\_\_\_

Issuing State \_\_\_\_\_

Vehicle Year \_\_\_\_\_

Make \_\_\_\_\_

Model \_\_\_\_\_

Color \_\_\_\_\_

In accordance with Wisconsin Statute 301.45 and Administrative rule DOC 332.05, I am registering the above change(s) of information or verifying that existing information in the registry is true and accurate. I understand that I am required to supply this information within 10 calendar days of receipt of this Verification form, and within 10 calendar days of any change in residence, employment, school enrollment or vehicle registration. I understand that failure to comply, or providing false information, may be cause for revocation (if on active supervision) and/or further criminal prosecution. I also understand that this information will be used for law enforcement purposes, and other purposes established by law.

I, the undersigned, attest that the above information is true and accurate.

REGISTRANT SIGNATURE \_\_\_\_\_

DATE SIGNED \_\_\_\_\_

# Sex Offender Registration On Supervision and Non-Compliance

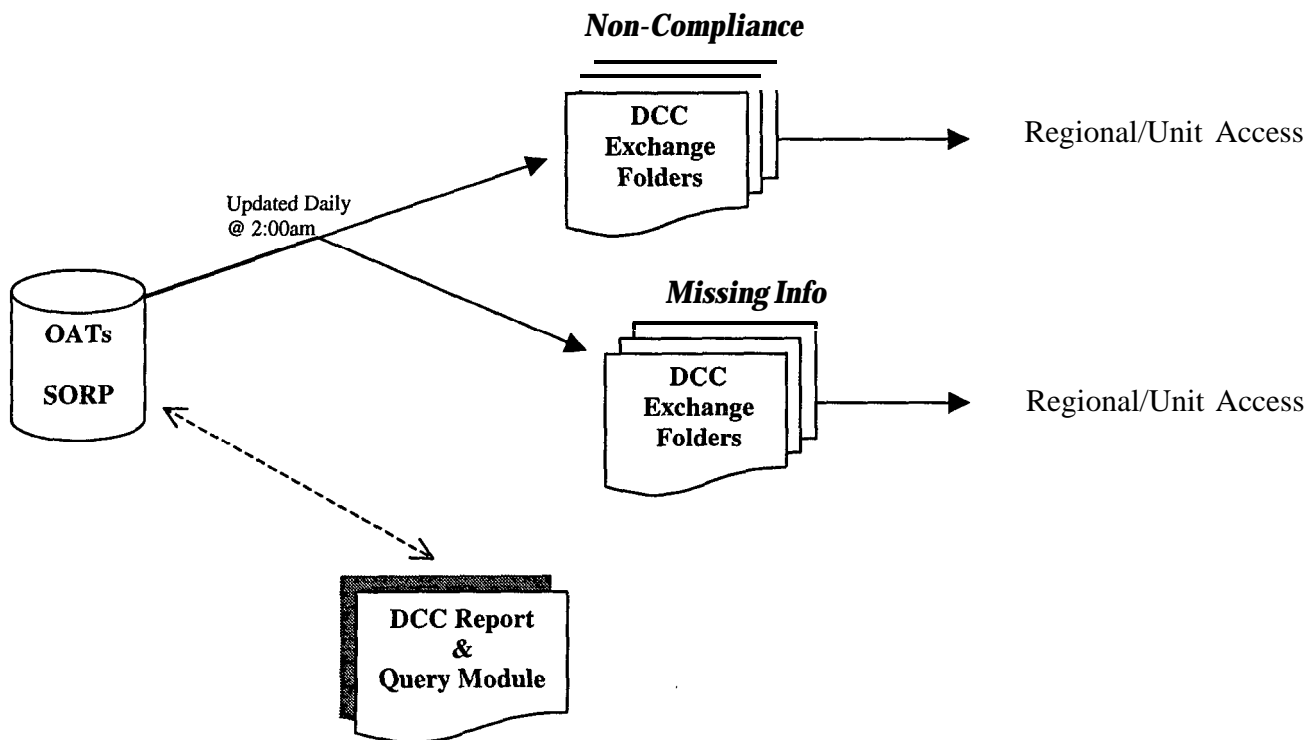
DCC ELMs Meeting

7/14/99

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- √ Pattern of Non-Compliance Over Time
  - √ Access to Information - Law enforcement, VINE, FBI, Requests, Internet
  - √ Registration Verification and Non-Compliance Process
  - √ Inaccurate CACU/OATs Information
    - √ Agent Area Number
    - √ Conviction Statute
    - √ In Institution
    - √ At WRC.....
  - √ Other Issues
    - √ Compliant Absconders
    - √ County Jail Address
    - √ Entering "Absconder" in Residence Field
  - √ Automated Reporting to Exchange Folder
    - √ Non-Compliance
    - √ Missing Information
  - √ Non-Compliance and Revocation
  - √ Staff Training
- 

## DCC Auto-Access to Registry Non-Compliance & Missing Information





1) Convicted in WI, register for period under sub. (5), regardless of place of residence.

2) 15 yrs. from discharge or while in-state (living, going to school, employed)

a) → registrants from other states (no comparable required) UNLESS Lifetime: in which case

lifetime con-  
~~fronted~~ prob

Term for which in state... if remains here till death

Exit. off. here?   
 ~~being & now registered~~

b) Interstate compact - juvenile/adult  
Treat like: Register: if registered in other state...

c) fed / tribal / military  
→ if convicted here, treated as a WI conviction

15 yrs. from discharge or while here

→ life ~~controlled~~ controls if here for life

~~1~~ (m)

Remove (2h) (compact cases)

Limit circs. to Lychner criteria

~~2~~ (3) Notices

→ Add: need to register in other states in which living, employed, or going to school

~~3~~ (2) (a) add treatment rec'd by 980 people

"notation" of new subd.

~~4~~ Add 938 ref whenever ref to 304.13/135

~~5~~ 980's are forever even if discharged from commitment. Only if commit reversed

## Olsen, Jefren

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**From:** Olsen, Jefren  
**Sent:** Wednesday, September 29, 1999 8:13 PM  
**To:** Streveler, Anthony J. DOC  
**Subject:** Sex offender registry stuff

**Tony,**

Thanks for returning my phone call. I called with a few **questions, actually**; with answers to them I can finish the redrafting by Friday (without an LRB analysis, which I have started but, because of the complexity, will not put into editing till the substantive provisions are in final form).

My questions deal mostly with the registration periods. It appears to me that the interactions between the various predicates for having to register create a confusing swirl of possible registration periods. 301.45 (5) is involved enough as it stands now, and I am trying to come up with a way to vastly simplify things that will both effect your intent and comply with federal law--something like "15 years from discharge etc. or for as long as the person resides, works or goes to school in the state, whichever is less." But I doubt such a simple formula captures everyone not subject to life registration. What I'd like to do is go over some possible scenarios with you to make sure the draft does what needs to be done. For instance, what happens with a 2-strike offender or a Pam Lychner Act one-strike offender who comes to Wisconsin for a semester of school? Does he register only for the semester he is here, or for life? (The latter seems absurd, but unless 301.45 (5) is worded correctly that could be the result.

Also, it is not clear to me that the federal guidelines require a state to register a person convicted in the state if the person has moved and is living in another state. Am I missing something on that score? If they don't require that, do you want nonetheless to require a person convicted here to register for the applicable time period regardless of where he or she lives (which is what 301.45 seems to require now)? Also, if they don't require a state to register offenders living in another state, and other states don't keep track of them once they've left, does that mean we need to change anything in our statutes? (Likewise, no state is required to register sex offenders; if a state has no registration provisions, does that matter?)

Finally, should the exemption under 301.45 (1 m) remain anymore? Between the Pam Lychner Act lifetime registration requirements, the 2-strikes requirements and the people you have said you want to exclude (e.g. persons registered in another state who come here temporarily), will anyone be able to use the exemption? I guess defendants with no prior sex offense convictions who are required to register for a case involving a juvenile victim over age 13 could use the exemption (because the Lychner Act cut-off is 12); but then the exemption language will have to be amended to say that. Would it be easier to repeal it altogether? (It would be from a drafting standpoint; but politically you may not be able to....).

Sorry to maunder on so long; give me a call when you get a chance and we'll see what we can do to finish these issues off. Thanks, Tony!

Jefren

Attorney Jefren E. Olsen  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Tel: (608) 266-8906  
Fax: (608) 264-8522  
Email: [jefren.olsen@legis.state.wi.us](mailto:jefren.olsen@legis.state.wi.us)

Interstate compact cases (adult & juve)

→ 15 yrs from discharge

OR

time in EW under compact,  
whichever is less....

working, going to school, etc.

Registration periods

2 strike fed offender / one strike bychner offender

→ takes a temp job.

Pam  
by chaff  
stuck too

How long does he/she register here?  
- life?

Exemptions = who is eligible & anymore? ...

## Olsen, Jefren

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**From:** Olsen, Jefren  
**Sent:** Thursday, September 30, 1999 1:47 PM  
**To:** Streveler, Anthony J. DOC  
**Subject:** Requiring a registrant to read and sign information form

Tony,  
We talked this morning about repealing 301.45 (3) (b) 3m. However, that might run into compliance problems. See 42 USC 14071 (b)(l)(v). Maybe we shouldn't repeal 301.45 (3) (b) 3m. but instead amend it to say something like "failure to receive a notice or *failure or refusal to sign a form...etc.* is not a defense". Also, the "reasonable effort to notify" language we talked about this morning may not comply with 42 USC 14071 (b)(l) generally; what do you think?

Thanks.

Attorney Jefren E. Olsen  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Tel: (608) 266-8906  
Fax: (608) 264-8522  
Email: [jefren.olsen@legis.state.wi.us](mailto:jefren.olsen@legis.state.wi.us)

301.45(1)(dh)

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

~~301.45(2)(c)2.~~

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

~~301.45(3)(a)1m.~~

1m. If the person is on parole, extended supervision or probation from another state under s. 304.13 or 304.135, he or she is subject to this subsection upon entering this state.

~~301.45(3)(b)2.~~

2. The department shall notify a person who is being released from prison because he or she has reached the expiration date of his or her sentence and who is covered under sub. (1) of the need to comply with this section. Also, probation, extended supervision and parole agents, aftercare agents and agencies providing supervision shall notify any client who is covered under sub. (1) of the need to comply with this section at the time the client is placed on probation, extended supervision, parole, supervision or aftercare supervision or, if the client is on probation, extended supervision or parole from another state under s. 304.13 or 304.135, when the client enters this state.

~~301.45(5)(a)1m.~~

1m. If the person is on parole, extended supervision or probation from another state under s. 304.13 or 304.135, 15 years after discharge from that parole, extended supervision or probation.

# NON-BUDGET STATUTORY LANGUAGE PROPOSAL

Division of Program Planning and Movement  
Bureau of Offender Programs

1404  
add  
to  
1407

**TOPIC:** Sex Offender Community Notification (effects ss. 301.46 (2m)).

**CURRENT LANGUAGE:** Current law requires the Department to disseminate a Special Bulletin Notification (SBN) to law enforcement in the area of the person's planned residence, employment and school enrollment. An SBN is mandatory for all 2-strike and Chapter 980 commitment cases. Current law also requires the Department to provide the make, model and license number of the vehicle(s) the registrant owns or that is registered to the person to law enforcement, victim, neighborhood watch and general public.

## PROPOSED CHANGE and EXPLANATION:

- **Need** clarifying language regarding "release from confinement" (301.46(2m)(a) and (am)). This language suggests that the department may/shall disseminate a SBN when a person is being released from a jail setting. Current practice/interpretation does not include disseminating Bulletins on persons being released from jail. It is assumed that it was not the legislature's intent to target this population for mandatory Bulletins.
- Need department authority to disseminate a discretionary Bulletin on cases that fall within the Departments policy, but are not required to register. An example would be an offender convicted of Kidnapping where the victim was an adult, but the offense was sexually motivated - and, the End of Confinement Review Board (ECRB) referred the case for a Special Purpose Evaluation under Chapter 980. Under the current registration law, this offender would not be required to register, but under current DOC policy we would disseminate a Bulletin. This issue needs to be clarified.

ok  
or  
is?

**CONTACT PERSON:** Anthony Streveler, Director, BOP      266-3831

**DATE:** December 15, 1998

## Olsen. Jefren

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**From:** Streveler, Anthony J. DOC  
**Sent:** Friday, August 13, 1999 2:09 PM  
**To:** Olsen, Jefren  
**cc:** Margolies, Robert S. DOC

Jefren... first.. sorry for the delay in getting something back to you on the first draft changes related to the registration and notification law.. have had an interesting time with the technology here.. had the document "eaten" by a virus.. and had to re-do.. don't worry it is OK now...

I have attached an uncompleted response.. you will see that I have notes to myself and have made a couple notes where I need to finish (areas where it was eaten).. wanted to get this to you so you can begin the revision process.. there are several things that need to be addressed.. and, as always, little time available... wanted to at least get something to you.. plan on having the response completed and to you, in full, by end of next week... please feel free to call if you have any questions.. you will see that I got a little verbose here.. and, in some cases, tried to provide real life examples to illustrate what needs to be done...

may have a new angle to the registration Specialists and law enforcement.. will include in next draft

Bob.. also want to re-visit the penalty thing prior tom sending the final out to Jefren...

thanks



1999 Changes  
response to Jefre...



**Jef ren:**

Finally have had an opportunity to review the draft legislation for changes regarding the sex offender registration, notification and polygraph testing.

### **Analysis Text**

The following is a line review and response to your comments to LRB-1407/P1:

- 1. Line 19, Page 1:** Probably Not.. . since the 940.20(2) relates to Sexual Exploitation by a Therapist - it is highly unlikely that a juvenile would be considered a therapist. If there is a possibility, then, I guess, we should include it. Otherwise, it could look silly.
  
- 2. Line 3, Page 6:** This issue comes up for all registrants who are not under the direct supervision of the DOC, or who were never under DOC custody or supervision or convicted in this state. As a possible general rule for interstate compact cases, we should require them to register with this state (as well as their original conviction state) while they are under interstate compact supervision with this state, and as long as they reside, go to school or are employed within Wisconsin - up to 15 years following conviction or disposition. Registrants under interstate compact who meet the definition of **2-strike** offenders would then be required to register with the WI SORP for any length of time the reside, work or are going to school within Wisconsin.

Some additional thoughts on this. . . .

- √ Anyone received in this state under interstate compact would be subject to the 15 year registration term.
  
- √ Anyone convicted in this state, whether they reside here or not, would be subject to the 15 years registration term (or life, if they meet the criteria).

Anyone who is required to register in this state because they have moved here from another state (not interstate or convicted here), whether because of residence, employment, school attendance, convicted in a military court, tribal court or Federal court, are required to register with this state for the term in which they actually reside, go to school or are employed in this state or for 15 years from the date of their conviction requiring registration. Perhaps there is a better way of wording this, but the issue is that there will be, and are, cases where a person, for example, lives on the Illinois border and decides to go to school for a semester in Wisconsin. In this case they are required to register in Ill and Wisconsin, however it does not make sense that they, by virtue of going to school for 6 months, are required to register with Wisconsin for 15 years. Each state has a registration law. The state

of conviction should be the entity that registers the person for the minimum federal standard of 10 years - not necessarily the state where the registrant gets temporary work for three month.

Another example illustrating this potential problem -just received a call from Texas. They have a registrant who will be coming to Wisconsin for a 6 week training course for his job and he will be returning to TX after the course - glad they called - but, problem is, under the proposed changes in the law this person would then have to register with us for 15 years from their date of conviction. This does not seem right.

- √ Recommend that the applicability date for this section -that is for federal, tribal or military court convictions - to include persons on active field supervision, incarcerated or convicted on or after the effective date of this legislation. We will then “pick up” those cases who are living in WI and who are on active custody or supervision, but will not have to retrospectively go back and register a person convicted of an eligible sex crime, who has discharged off from any form of supervision, and who now lives in Sheboygan (cases that are almost impossible to register and enforce - know this from experience).

**3. Line 15, Page 6:** Some of the above comments may address your question here. In addition.. . .

- √ One of the principles I think we need to work under is that the Feds have made some requirements related to who should/must be required to register. Then, each state has set up their own definition as to who they require to register. With the implementation of the National Sex Offender Registry Program, I believe we need to be consistent with those persons who are required to register, and who will be in the NSOR - in other words..
- √ For persons who are under any form of supervision in our state from another state or jurisdiction, e.g., interstate compact, federal probation, etc..., we should have flexibility in determining a “comparable” crime and then requiring them to register with WI SORP (term determined by length of time on supervision, residing, employed or attending school in this state or 15 years/life from conviction or disposition - which ever is lesser. We register them as long as they are in our state.
- √ For persons who are required to register in another state, and who are not on any form of supervision or custody, and who come to WI to live, work or attend school, the WI SORP should not be in a position to determine if their conviction is comparable to our state.

It should be keyed to the fact that they are required to register in another state. If you think about this... since there is no formal supervision for these cases, how are we going to know who that are and when they move to Wisconsin? --unless they are required to register in another state. The key here is that we will have access to the NSOR data and will be able to query this information to search for persons who have reported a residence, employment or attendance at school - plus, if the other state follows the guidelines, we will receive notice from the other state SORP. When the person leaves this state, we then provide notice to the receiving state (and the originating state, if different) and close out our interest in the case. Otherwise, we are going to have a significant number of cases that will be determined to be non-compliant - when, in fact, they really are not "our" registrant. So...

- . Regarding your first comment, I would keep the language you have that indicates, "...is registered as a sex offender in another state..." - this, then, keys it to a person who has been required to register, and keeps WI SORP clear from having to make a determination as to whether the case is comparable.
- √ Regarding your question about credit for time required to register.. comment #2 above may address this, in terms of what should be the term of registration for out-state cases. If a person is registered in CO, and they have registered there for 5 years of their mandatory 10 years. They are now off field supervision and move to WI for one year and then return to CO. They would be required to register with the WI SORP for the year they lived/worked in this state. If, during this time, we determine the person is in non-compliance, our responsibility - I believe - would involve notifying the CO SORP that this registrant is determined to be in non-compliance. It is then up to the CO SORP to pursue whatever they need to related to the person's non-compliance status - not necessarily WI SORP. It is up to the CO SORP and their laws/rules to determine if the time residing/working/attending school in WI counts towards the 10 years registration imposed by CO. So.. basically, the registration term, and any calculations related to the term is keyed to the originating state of registration.
- √ For cases that are originating WI registrants -the term of registration is driven by our state law (15 years post discharge or life). Time residing in other states or countries should be counted toward the 15 year period. If they reside in another state, they are responsible for continuing to register with WI SORP for their entire term. We will continue to send annual or 90 registration letters and periodic verification letters. If we determine the person to be in non-compliance, will will notify the current state SORP, as well as pursue

certification in the state (although highly unlikely anyone will extradite for this) - but the issue here is that WI will have this information in NSOR, will notify the other state SORP and will take the necessary steps to have a warrant issued, if indicated. This should not be the case for other state registrants who happen to be living, working or attending school in WI.

- Since I am on the topic of “credit” and “term” of registration. There needs to be some clarification in the law regarding the 15 year registration period, following discharge.. . . .

Need to re-do here...

4.

Additionally, with cases where the person is required to register by another state, and he/she resides, is employed or attends school in Wisconsin, there needs to be clarification regarding the Department’s role in certifying materials to the district attorney, if the department determines there is probable cause that the person is in non-compliance with the law [301.45(6)(a)]. Problem here is that we have no jurisdiction over this person - apart from the fact that our law says they are required to register with the SORP while they are in this State. I believe we still have a responsibility to provide information to the DA’s office and to pursue issuing a warrant for arrest (venue issue I will address later in this document). However, I also believe that the State of registration origin is the primary entity of responsibility related to the persons’ compliance - or enforcing compliance. For these cases, we need to include something that directs the Department to inform the other state that we have determined the person is in non-compliance so that they can pursue possible prosecution under their law. One assumption here is that when one of these cases become non-compliant, we believe they continue to reside within Wisconsin. When, in fact, they may have moved to another state without notifying WI SORP. As described in one of the sections above,(while in Wisconsin = register, when they move = other state.. case pivits on the State where the registration originates), WI SORP should no longer have jurisdiction over registering the person, nor attempting to track them down and get them registered - the jurisdiction transfers back to the State of origin. By certifying materials to a County DA, and with them possibly issuing a warrant for arrest, the warrant will become active in the law enforcement system. If the person is picked up in Wisconsin, we can prosecute under our law. However, if the person has moved out-state, Wisconsin should no longer have interest or responsibility over the case. Somehow, this needs to be articulated/clarified in this section.

The above should also apply to all interstate compact cases (adult and juvenile) that are convicted in another State,- but are supervised here for a period of time. They register as long as they reside, are

employed or attend school in WI - or 15 years from date of conviction or disposition for a crime requiring registration -which ever is least. Non-compliance with these cases are the primary responsibility of the registration State of origin - however, the Department will communicate this to the other state and will certify materials to issue a warrant for arrest, in the event that the person continues to be in Wisconsin.

also, I believe there are specific crimes articulated in the Federal law that requires registration of persons convicted in a Federal, tribal or Military Court. This section addresses the "comparable to a sex offense" as defined under our law. Should this section state something to the effect.. "...has been convicted of a violation of a federal law that *requires registration* or is comparable to a sex offense,...).

also, the beginning of line 8 keys this whole section to "Is a resident of this state.. ." - I believe in order to be consistent, we need to include "Is a resident of this state, *a student in this state or employed or carrying on a vocation in this state.*" This would make it consistent with the other State registrants residing, employed or attending school in' this state.

.....Also, since this section refers to residence, it may be necessary for us to include a specific definition of residence to p[rovide some guidelines as to what this actually means., such as

Page 7, Line 4: Perhaps recapping the above may help answer your question here:

persons convicted, adjudicated, etc.. in Wisconsin we register for the term and enforce compliance - no matter where they may reside. The exemption to registration applies to these cases.

persons convicted in another state, who are in or state under interstate compact, we register them under our law (allowing for comparable), whether or not they are required to register in the sending state. We register for the time in which they are under supervision in this State, or for as long as they reside, are employed or attend school, or for 15 years from the date of their conviction requiring registration - which ever is the lesser. Wisconsin enforces compliance as long as they are in this State - if they become non-compliant, we provide certified information to the County **DAs'** office to issue a warrant and inform the State of registration origin of the persons' non-compliance. If the person is required to register in another State, the exemption to registration should not apply. If WI SORP determines they are required to register, based on a comparable crime, and he/she is not required to register in the sending State, the exemption to registration should be made available.

persons convicted in a Federal, Tribal or Military Court will be handled like interstate compact cases - unless the case was disposed in a Wisconsin jurisdiction court -then the WI SORP will be responsible for registration for the complete term. Problem here is that I do not know what jurisdiction the County DA's office would have over a case like this; for example, convicted out of a Military Court where the offender is no longer on any form of custody or supervision and they are determined to be in non-compliance. Not even sure they are able to issue a warrant. However, non-compliance while on any form of federal, military or tribal custody or supervision would require the WI SORP to notify the supervising entity of the person's non-compliance (like notifying the original State of registration). If the person is required to register by Federal law, the exemption to registration should not apply. If WI SORP determines they are required to register, based on a comparable crime, the exemption to registration should be made available.

Persons required to register in another state, who reside, are employed or attend school in this state (no comparable - registration in other state = registration in WI), would be handled like interstate compact cases, and the exemption to registration would not apply. A person who is required to register in another State should not have the option of being exempt in this State.

Page 9, Lines 1-5: As I read this section, I believe it provides the Department the authority to obtain photos and fingerprints of persons' who are off any form of custody or supervision. Couple things - does this also apply to those convicted in a Military, Federal or tribal Court? Would add at the end... "...for the purpose of obtaining the person's fingerprints, photograph, *or other information required for registration.*" This provides some flexibility to obtain other missing information required for the registry (like driver' license #) when requiring them to report.

Page 9, line 14 and 23: This section requires the department to notify the juvenile's parent or guardian, in addition to the juvenile, for annual registration. Would like the "shall" changed to "may" so that we do not add another level of notice that may or may not be necessary.

Page 1 0/11, Section 26: This may be the section to make some clarification regarding move to another state - differentiating those cases convicted in WI vs. those not. Your note asks whether we should notify the other state -Yes. In all cases that register with the WI DOC and there is notice to us that the registrant is reporting a move to another state, WI SORP should provide notice to the receiving State agency responsible for the registry - and, if different, to the originating or last registration state (in a case where the offender has been convicted in more than one state).

Senario - person convicted of a crime in CO and required to register there. Sent to WI under interstate compact supervision. Person then registers with both CO and WI. Person discharges off supervision and then reports a move to MN. WI SORP should notify both the MN SORP

and CO SORP of this change - AND, the WI SORP interest in the case should be closed. Problem could easily arise where the registrant can provide a bogus address in MN and actually move to CA. The key to the tracking responsibility is the CO SORP.

WI SORP tracks and maintains responsibility for all cases that originate in our State. Many states are providing notice to us regarding our registrants, and we continue to send annual registration and letters and periodic verification letters. However, with cases that are required to register in another state, and who happen to reside in Wisconsin for a period of time - registering with WI SORP during that period - and who report a change of address to another state, the WI SORP interest in the case should end at notice to the receiving state - and, if different, the originating state of registration.

I would like to define this notice in a matter that includes written or through the transmission of information the National Sex Offender registry database. This allows some flexibility to the notice, as well as reinforces the primary intent of the NSOR -that is transmission and access to registry information nation-wide.

Page 11, line 18: For consistency reasons, if a court takes a person off lifetime supervision, and overtly decides to waive registration at the same time, I think the court should have this authority - by definition, the person has been registering for at least 15 years when this takes place. However, when a person is placed on lifetime supervision, they should also be automatically placed on lifetime registration - otherwise this is inconsistent. I did not see your question as an either-or.. but to make the parallel process consistent.

Page 12, Section 30: I see the changes in this section added to the definition of 2-strike to include felony out-state convictions. Good. However, I think we should now also include in the definition: anyone convicted in a military, tribal or federal court, as stated in Section IO (with proposed revisions). If we are going to require them to register, their convictions in these different venues should also count as a "strike."

**Not done and notes to myself at this point . . . . .**

The following is a comparison of the original request for legislative changes to the first draft. My notes are indicated in **bold** starting with **Note**:

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**TOPIC:** Changes to Sex Offender Registry Law (effects ss. 301.45)

**EXPLANATORY NOTE:** Following formal implementation of the law, a number of issues/needs have been identified that either relate to federal compliance issues and/or program enhancement or language clarification needs. The following is a list of the proposed changes, followed by a brief reasoning for the proposed change.

**CURRENT LANGUAGE:** Addressed below.

**PROPOSED CHANGE(s):**

3. **Requiring any sex offender convicted in a military, tribal or federal court, and those who work or reside within the Wisconsin borders, to register with the Wisconsin Sex Offender Registration Program (SORP):**

√ This is a requirement of the Federal law and guidelines. Current law does not allow the Department to register these offenders.

**Note: this appears to be addressed in the draft. I have provided some additional comments related to this in the Analysis Text document. Added who works, resides or attends school within this state. Application should be to those persons on active supervision or custody or convicted on or after the effective date of this legislation.**

4. **Requiring any sex offender, who is required to register in another state, and who is not under any form of interstate compact supervision within Wisconsin - and who resides, is employed or attends school within the Wisconsin borders, to register with the Wisconsin SORP.**

√ This is a requirement of the Federal law and guidelines. Current law does not allow the department to register a sex offender who is off any form of field supervision, and who moves into, or works within our state. Additionally, the Federal guidelines require a state registry program to register all offenders who may not live, but who work or attend school within the state (for example, a Minnesota registrant who works in Hudson, but lives in Stillwater, MN.)

**Note: this appears to be addressed in the draft. I have provided several additional comments in the Analysis Text document related to this specific registrant population.**

5. **Requiring registration for Juvenile Interstate compact cases.**

√ Current law does not allow the department to register juvenile sex offenders who are under interstate compact supervision within this state.

**Note: this appears to be addressed in the draft. I have provided some additional comments in the Analysis Text document related to this registrant population.**

6. **Expanding the included list of crimes to include the following:**



948.12	Possession of child pornography
948.13	Child sex offender working with children
948.095	Sexual assault of a student by a school instructional staff person

Federal guidelines require registration for “any conduct that by its nature is a sexual offense against a minor”.. although not all chapter 948 crimes are included in the mandatory registration requirements, these need to be included to reflect all felony

convictions within this chapter - leaving the other convictions under the discretion of the court. There needs to be a clear distinction between felony and misdemeanor convictions - in that all felony convictions of sexual assault should be required to register, while misdemeanor convictions remain at the discretion of the court. An example is 948.11 - Exposing a child to harmful materials. Sub (2)(a) is a felony, while sub (2)(b) is a misdemeanor. Current law, as written, requires registration under both subs. This is not the case with other misdemeanor convictions. There needs to be some clarification to ensure consistent application. Recommend that all felony convictions are required, all misdemeanor convictions are at the discretion of the court.

**Note: this appears to be addressed in the draft. Not sure if all Chapter 948 convictions are eligible for court order registration -may have missed this. Also, given the lifetime registration law, not sure if this needs to be included in the required to register list of statutes.**

**Clarify definition of “comparable crime” to address out-of-state convictions - felony vs. misdemeanor.**

Current law allows the department to register a person, who was convicted in another state but resides in Wisconsin and is under interstate compact supervision, if that person is convicted of a sex crime that is comparable to the list of crimes requiring registration in Wisconsin. This definition of comparable crimes also affects 2-strike determinations, mandatory notification and lifetime registration. As with the above recommendation, comparable crimes should be defined by felony or misdemeanor convictions - in that a person convicted of a felony conviction would count as a strike and would be required to register with the department. Conversely, a person convicted of a misdemeanor crime in another state would not count as a strike and would not be required to register, unless.. 1) the person is under interstate compact supervision with the state of Wisconsin, or 2) the person is required to register in their state of conviction, and that state appropriately notifies the department of this requirement. By new federal regulations, a sending state is to provide notification to a receiving state that a registered sex offender has moved to, works or attends school within the state.

**Note: this appears to be addressed in the draft**

**Lifetime Registration.**

In cases where lifetime registration is not mandatory under current law, include a provision to allow a court to order lifetime registration as part of sentencing. This does not preclude the minimum of 15 years following discharge from supervision, as in current law. Include a provision whereby when an offender is sentenced to lifetime monitoring (new statute) this also requires lifetime registration.

.....**Note: The latter part of this is included in the draft - made some additional comments in the analysis text. However, not sure if the first part is included -thus, allowing the court the**

**Expanding authority for DOC to manage registrants off field supervision.**

The following are a couple of proposed changes to allow the department more direct authority to deal with registrants off active field supervision. Many of these changes are being

proposed to maintain compliance with Federal mandates for connection with the Permanent FBI database.

Adding authority for DOC to obtain fingerprints and photos from persons off field supervision (adults and juveniles). Having the authority to have the registrants report to law enforcement or a designated corrections office.

Adding DOC authority to issue a warrant for arrest on a case that is determined to be in non-compliance with the law, and the person is not on active field supervision.

**Annual registration and verification of address for juvenile offenders - parent/guardian notification.**

Current law requires a minimum annual update of registration, and administrative rules allow the department to conduct activities related to verification of the reported information from the registrant. Over the course of implementation, an issue has arose where there may need to be more direction from the law regarding annual registration and periodic verification activities, as it relates to juveniles who remain under the age of 18, and the need to share some of the onus of registration with the legal parent/guardian. Issue here is to require that registration and verification communications be directed to the registrant, and the legal parent/guardian.

**Add definition of “employed, carries on a vocation” and “student” consistent with the Federal law.**

Current law does not include a definition of employment or student as part of the registration requirements. In order to make this clear, particularly given the requirements to register persons residing in another state who work or attend school in this state, it is recommended that the current law include the following definitions:

“**employed, carries on a vocation**” includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during a calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

“**student**” means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.

**TOPIC:** Sex Offender Community Notification (effects ss. 301.46 (2m)).

**CURRENT LANGUAGE:** Current law requires the Department to disseminate a Special Bulletin Notification (SBN) to law enforcement in the area of the person’s planned residence, employment and school enrollment. An SBN is mandatory for all 2-strike and Chapter 980 commitment cases. Current law also requires the Department to provide the make, model and license number of the vehicle(s) the registrant owns or is that is registered to the person to law enforcement, victim, neighborhood watch and general public.

**PROPOSED CHANGE and EXPLANATION:**

Need clarifying language regarding “release from confinement” (301.46(2m)(a) and (am)). This language suggests that the department may/shall disseminate a SBN when a person is being released from a jail setting. Current practice/interpretation does not include disseminating Bulletins on persons being released from jail. It is assumed that it was not the legislators intent to target this population for mandatory Bulletins.

Need department authority to disseminate a discretionary Bulletin on cases that fall within the Department’s policy, but are not required to register. An example would be an offender convicted of Kidnapping where the victim was an adult, but the offense was

sexually motivated - and, the ECRB referred the case for a Special Purpose Evaluation. Under current registration law, this offender would not be required to register, but under current DOC policy we would disseminate a Bulletin. This issue needs to be clarified.

Recommend striking or changing language related to vehicle information and required access to law enforcement, victims, neighborhood watch groups and the general public. At this point in the implementation of the program, this information has not been made available to these entities. Law enforcement has direct access to this information through DOT. The department does not have the capability to accurately collect and/or verify this information in the registry. Without proper verification, it would be quite easy to have a registrant provide false vehicle information, potentially identifying another person's car. Either this language should be struck from the law - or, explicit language be included that directs the DOT to provide this information to the DOC for the registry.

CONTACT PERSON: Anthony Streveler, Director, BOP 266-3831

DATE: December 15, 1998

### **RECOMMENDED STATUTE CHANGE**

#### **971.19(9) Be changed to read:**

In an action under s. 301.45(6) the defendant may be tried in the defendant's county of residence at the time that the complaint is filed. If the defendant does not have a county of residence in this state or the defendant's county of residence is unknown at the time that the complaint is filed, the defendant may be tried in the county in which the conviction requiring registration under s. 301.45 was obtained.

**Reasoning:** In very few cases will the county of residence be known for persons who are non-compliant with the registry. Exceptions would be in cases where the person required to register has a known residence but refuses to adhere to the registration requirements under 301.45. Most prosecutions for failure to comply with the registry under 301.45(6) are situations where the address or residence of the person required to register is unknown. The county where the conviction was obtained subjecting the person to the requirements of s. 301.45 is a known jurisdiction and can be proven with a copy of the judgment of conviction.

ON THE SECTION ABOUT EXPANDING AUTHORITY FOR DOC TO MANAGE REGISTRANTS OFF SUPERVISION . . . . . I still think a change must be made to 165.83(i)(b) & 175.46(a)(f) to include the Specialists as "Law Enforcement"

There is a provision, as in the authority for DOJ Special Agents (DCI), and District Attorney's Investigators, to have limited law enforcement authority - pertaining to crimes they are specifically charged to enforce. I think the same thing needs to be done for the Specialists (and I would assume the Specialist's supervisor) for the following reasons:

1. Allows us to view documents under chapter 19, 48, 948, 938 and others as most of these statutes of confidentiality give exceptions to "law enforcement:".

**14**

2. Makes the exchange of information between Law Enforcement Agencies and US a lot smoother....There is tons of case law pertaining to information obtained/exchanged between law enforcement agencies as to probable cause, believability, etc.

3. Juveniles . . . .exchange/obtaining information AND no juvenile can be "certified" or prosecuted in this state without a referral to the county juvenile intake office which can only be done by a 'Law Enforcement" agency. . . . . address this issue

ANOTHER CONCERN: The DA's that I have worked with around here all say that a violation of the registry should be a felony, no misdemeanors! Their reasoning is with a felony they can/will extradite, but not with a misdemeanor. Their other reasoning is that if it is a felony they can then use it to get the defendant to plea to a misdemeanor saving trial/court time in plea negotiations, but if the max is a class A misdemeanor plea agreements are more difficult.

Strike "intentionally" in 301.45(6)(a) Penalty

Issue about out state case residing, employed or attending school.. problem with providing notice of their requirement to register.. if they never acknowledge receipt of notice, we can never prosecute.. need to beef up failure to notice does not preclude accountability to the law.. punishable.. need to give Das something to work with here.. persons refuse to sign.. problematic with cases off supervision.. no authority to make them be "noticed"

Certification of juvenile registrants

Eliminate the CHIPs or found in need of protective services cases requirement to register.. unenforceable.. registration of parent or guardian, not child.. no utility.. can make it by court order only

Courts should have the discretion to require lifetime registration

Release from a federal or military prison and SBN?

## Olsen, Jefren

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**From:** Streveler, Anthony J. DOC  
**Sent:** Friday, August 20, 1999 10:12 AM  
**To:** Olsen, Jefren  
**cc:** Margolies, Robert S. DOC; Pultz, Robert G. DOC; Grace Roberts; Laurie Swenson; Ronald Springer; Sandy Nemecek; Pamela Brandon; William Ridgely  
**Subject:** Final response to Draft #1 - Registration/Notice

Jefren...

A couple of days ago I e-mailed you a partial response to the draft changes to the sex offender registration and notification law. Attached is the complete and final response to this draft. In order to let you know what I sent a few days ago vs. what I have included, all the new information is in blue text.

I have also sent over a hardcopy of this document, along with some other reference materials, as indicated in the body of the response.

Bob Margolies let me know that, as always, time is running short. We need to get this introduced very soon so that we may have a chance at getting something passed this session. This is of particular importance since many of the changes are an attempt for our state law to get into compliance with the Federal law and guidelines. If there are provisions/suggestions that I have included that are going to be time-consuming and possibly delay getting this ready for introduction.. and are not critical items for federal compliance (like having limited law enforcement authority for registration specialists).. I would then recommend not addressing these items at this time...

please feel free to call (266-3831) if you have any questions or need clarification of my verbose (and at time tangential) response.

Thanks for your help with this....



1999 Changes  
response to Jefre...



Non-Compliance  
Process.doc

document referenced in my response, for your information

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1999 Changes  
response to Jefren 2.doc



Non-Compliance  
Process.doc

document referenced in my response, for your information



**Jefren:**

Finally have had an opportunity to review the draft legislation for changes regarding the sex offender registration, notification and polygraph testing.

### **Draft 1 Analysis**

The following is a line review and response to your comments to LRB-1407/P1:

- 1. Line 19, Page 1:** Probably Not.. . since the 940.20(2) relates to Sexual Exploitation by a Therapist - it is highly unlikely that a juvenile would be considered a therapist. If there is a possibility, then, I guess, we should include it. Otherwise, it could look silly.
- 2. Line 3, Page 6:** This issue comes up for all registrants who are not under the direct supervision of the DOC, or who were never under DOC custody or supervision or convicted in this state. As a possible general rule for interstate compact cases, ~~we should~~ require them to register with this state (as well as their original conviction state) while they are under interstate compact supervision with this state, and as long as they reside, go to school or are employed within Wisconsin - up to 15 years following conviction or disposition. Registrants under interstate compact who meet the definition of 2-strike offenders would then be required to register with the WI SORP for any length of time the ~~reside, work or are going~~ to school within Wisconsin.

Some additional thoughts. ~~on this.~~

- √ Anyone received in ~~this state~~ under interstate compact would be subject to ~~the~~ 15 year, registration term.

Anyone convicted in this state, whether they reside here or not, would be subject to the 15 years registration term (or life, if they meet the criteria).

Anyone who is required to register in this state because they have moved here from another state, (not interstate or convicted here), whether because of residence, employment, school attendance, convicted in a military court, tribal court or Federal court, are required to register with this ~~state for the~~ term in which they actually reside, go to school or are ~~employed in~~ this state or for 15 years from the date of their conviction requiring registration. Perhaps there is a better way of wording this, but the issue is that there will be, and are, cases where a person, for example, lives on the Illinois border and decides to go to school for a semester in Wisconsin. In this case they are required to register in Ill and Wisconsin, however it does not make sense that they, by virtue of going to school for 6 months, are required to register with

Wisconsin for 15 years. Each state has a registration law. The state of conviction should be the entity that registers the person for the minimum federal standard of 10 years- not necessarily the state where the registrant gets temporary work for three month.

Another example illustrating this potential problem -just received a call from Texas. They have a <registrant who will be coming to Wisconsin for a 6 week training course for his job and he will be returning to Tx after the course - glad they called - but, problem is, under the proposed changes in the law this person would then have to register with us for 15 years from their date of conviction. This does not seem right.

- √ Recommend that the, applicability date for this section - that is for federal, tribal or military court convictions - to include persons on active field supervision, incarcerated or convicted on or after the effective date of this legislation. We will then "pick up" those cases who are living in WI and who are on active custody or supervision, but will not have to retrospectively go back and register a person convicted of an eligible sex crime, who has discharged off from any form of supervision, and who now lives in Sheboygan (cases that are almost impossible to register and enforce - know this from experience).

3. Line 15, Page 6: Some of the above comments may address your question here. In addition..

- √ One of the principles I think we need to work under is that the Feds have made some requirements related to who should/must be required to register. Then, each state has set up their own definition as to who they require to register..; With the implementation of the National Sex Offender Registry Program, I believe we need to be consistent with those persons who are required to register, and who will be in the NSOR - in other words,

- √ For persons who are under any form of supervision in our state from another state or jurisdiction, e.g., interstate compact, federal probation, etc. , we should have flexibility in determining a "comparable" crime and then requiring them to register with WI SORP (term determined by length of time on supervision, residing, employed or attending school in this state or 15 years/life from conviction or disposition – which ever is lesser. We register them as long as they are in our state.

- √ For persons who, are required to register in another state, and who are not on any form of supervision or custody, and who come to WI

to live, work or attend school, the WI SORP should not be in a position to determine if their conviction is comparable to our state. It should be keyed to the fact that they are required to register in another state. If you think about this... since there is no formal supervision for these cases, how are we going to know who that are and when they move to Wisconsin? -unless they are required to register in another state. The key here is that we will have access to the NSOR data and will be able to query this information to search for persons who have reported a residence, employment or attendance at school – plus, if the other state follows the guidelines, we will receive notice from the other state SORP. When the person leaves this state, we then provide notice to the receiving state (and the originating state, if different) and close out our interest in the case. Otherwise, we are going to have a significant number of cases that will be determined to be non-compliant - when, in fact, they really are not “our” registrant. So...

Regarding your first comment, I would keep the language you have that indicates, “...is registered as a sex offender in another state..” – this, then, keys it to a person who has been required to register, and keeps WI SORP clear from having to make a determination as to whether the case is comparable.

- √ Regarding your question about credit for time required to register.. comment #2 above may address this, in terms of what should be the term of registration for out-state cases. If a person is registered in CO, and they have registered there for 5 years of their mandatory 10 years. They are now off field supervision and move to WI for one year and then return to CO. They would be required to register with the WI SORP for the year they lived/worked in this state. If, during this time, we determine the person is in non-compliance, our responsibility - I believe - would involve notifying the CO SORP that this registrant is determined to be in non-compliance. It is then up to the CO SORP to pursue whatever they need to related to the person’s non-compliance status - not necessarily WI SORP. It is up to the CO SORP and their laws/rules to determine if the time residing/working/attending school in WI counts towards the 10 years registration imposed by CO. So.. basically, the registration term, and any calculations related to the term is keyed to the originating state of registration.
- √ For cases that are originating WI registrants -the term of registration is driven by our state law (15 years post discharge or life). Time residing in other states or countries should be counted toward the 15 year period. If they reside in. another state, they are responsible for continuing to register with WI SORP for their entire term. We will continue to send annual or 90 registration letters and periodic

verification letters. If we determine the person to be in non-compliance, will will notify the current state SORP, as well as pursue certification in the state (although highly unlikely anyone will extradite for this) - but the issue here is that WI will have this information in NSOR, will notify the other state SORP and will take the necessary steps to have a warrant issued, if indicated. This should not be the case for other state registrants who happen to be living, working or attending school in WI.

- . Since I am on the topic of “credit” and “term” of registration. There needs to be some clarification in the law regarding the 15 year registration period, following discharge from their sentence.
- ✓ First there needs to be some clarification related to “discharge from probation or parole” or has reached the expiration date of his/her sentence.” Problem here is that there are cases where the current incarceration or supervision episode is the not one that requires them to register.. .e.g., they have been convicted of an included crime. But some, following discharge, get re-convicted of another crime (theft) and either return to probation supervision or are incarcerated for a period of time. Confusion here is whether the 15 years starts again following discharge from the new crime, or is the perm carry through the new crime and the 15 years is only keyed to the discharge from the episode that originally required them to register?

As I read it now, the person is required to register for 15 years from the date of their originating conviction discharge episode. There is no “time tolled” for re-incarceration or for a period where they are determined to be in “non-compliance” with the registry. Trying to keep track of any “tolled time” or “credit time” for Wisconsin or out-state registrant cases would be an administrative nightmare. So, what I guess I am saying is that the current law needs to be clear that the term of registration is 15 years following discharge from the original offense that required registration. Any subsequent offense that is “registerable” would result in automatic life registration. Registration terms for persons required to register in another state, but live, work or attend school in this state, will be calculated from their out-state conviction discharge date, plus 15 years, or until they no longer reside, work or attend school in this state.

- ✓ Regarding your question of applicability for this section, I would recommend that persons who are required to register in another state, and who either reside, are employed or attend school in this state = on or after the effective date of this legislation.
  
- ✓ Additionally, with cases where the person is required to register by another state, and he/she resides, is employed or attends school in Wisconsin, there needs to be clarification regarding the Department's role in certifying materials to the district attorney, if the department determines there is probable cause that the person is in non-compliance with the law [301.45(6)(a)]. Problem here is that we have no jurisdiction over this person - apart from the fact that our law says they are required to register with the SORP while they are in this State. I believe we still have a responsibility to provide information to the DA's office and to pursue issuing a warrant for arrest (venue issue I will address later in this document). However, I also believe that the State of registration **origin is the** primary entity of responsibility related to, ~~the~~ persons' compliance - or enforcing compliance. For these cases, we need to include something that directs the **Department** to inform the other state that we have determined ~~the person~~ is in non-compliance so that they can pursue possible prosecution under their law. One assumption ~~here~~ is that when one of these cases become non-compliant, we believe they continue to reside within Wisconsin. When, in fact, they may have moved to another state without notifying WI SORP. As described in one of the sections above, (while in Wisconsin = register, when they move = other state.. case pivots on the State where the registration originates), WI SORP should no longer have jurisdiction over registering the person, nor attempting to track them down and get them registered -the jurisdiction transfers back to the State of origin. By certifying materials to a County DA, and with them possibly issuing a warrant for arrest, the warrant will become active in the law enforcement system. If the person is picked up in Wisconsin, we can prosecute under **our law**. However, if the person has moved out-state, Wisconsin should no longer have interest or responsibility over the case. Somehow, this needs to be articulated/clarified in this section.

The above should also apply to all interstate compact cases (adult and juvenile) that are convicted in another State, but

are supervised here for a period of time. They register as long as they reside, are employed or attend school in WI - or 15 years from date of conviction or disposition for a crime requiring registration -which ever is least. Non-compliance with these cases are the primary responsibility of the registration State of origin - however, the Department will communicate this to the other state and will certify materials to issue a warrant for arrest, in the event that the person continues to be in Wisconsin.

- ✓ also, I believe there are specific crimes articulated in the Federal law that requires registration of persons convicted in a Federal, tribal or Military Court. This section addresses the “comparable to a sex offense’ as defined under our law. Should this section state something to the effect.. “..has been convicted of a violation of a federal law that *requires registration or is comparable to a sex offense,*. . .).
- ✓ also, the beginning of line 8 keys this whole section to “Is a resident of this state.. .” - I believe in order to be consistent, we need to include “Is a resident of this state, *a student in this state or employed or carrying on a vocation in this state.*” This would make it consistent with the other State registrants residing, employed or attending school in this state.

**4. Page 7, Line 4:** Perhaps recapping the above may help answer your question here:

- ✓ persons convicted, adjudicated, etc.. in Wisconsin we register for the term and enforce compliance - no matter where they may reside. The exemption to registration applies to these cases.
- ✓ persons convicted in another state, who are in or state under interstate compact, we register them under our law (allowing for comparable), whether or not they are required to register in the sending state. We register for the time in which they are under supervision in this State, or for as long as they reside, are employed or attend school, or for 15 years from the date of their conviction requiring registration -which ever is the lesser. Wisconsin enforces compliance as long as they are in this State - if they become non-compliant, we provide certified information to the County DAs’ office to issue a warrant and inform the State of registration origin of the persons’ non-compliance. If the person is required to register in another State, the exemption to registration should not apply. If WI SORP determines they are required to register, based on a comparable crime, and he/she is not required to register in the sending State, the exemption to registration should be made available.

- ✓ persons convicted in a Federal, Tribal or Military Court will be handled like interstate compact cases - unless the case was disposed in a Wisconsin jurisdiction court -then the WI SORP will be responsible for registration for the complete term. Problem here is that I do not know what jurisdiction the County DA's office would have over a case like this; for example, convicted out of a Military Court where the offender is no longer on any form of custody or supervision and they are determined to be in non-compliance. Not even sure they are able to issue a warrant. However, non-compliance while on any form of federal, military or tribal custody or supervision would require the WI SORP to notify the supervising entity of the person's non-compliance (like notifying the original State of registration). If the person is required to register by Federal law, the exemption to registration should not apply. If WI SORP determines they are required to register, based on a comparable crime, the exemption to registration should be made available.
  - ✓ Persons required to register in another state, who reside, are employed or attend school in this state (no comparable - registration in other state = registration in WI), would be handled like interstate compact cases, and the exemption to registration would not apply. A person who is required to register in another State should not have the option of being exempt in this State.
5. **Page 9, Lines 1-5:** As I read this section, I believe it provides the Department the authority to obtain photos and fingerprints of persons' who are off any form of custody or supervision. Couple things - does this also apply to those convicted in a Military, Federal or tribal Court? Would add at the end.. . " . . .for the purpose of obtaining the person's fingerprints, photograph, or other *information required for registration.*" This provides some flexibility to obtain other missing information required for the registry (like driver' license #) when requiring them to report.
6. **Page 9, line 14 and 23:** This section requires the department to notify the juvenile's parent or guardian, in addition to the juvenile, for annual registration. Would like the "shall" changed to "may" so that we do not add another level of notice that may or may not be necessary.
7. **Page 1 0/1 1, Section 26:** This may be the section to make some clarification regarding move to another state - differentiating those cases convicted in WI vs. those not. Your note asks whether we should notify the other state -Yes. In all cases that register with the WI DOC and there is notice to us that the registrant is reporting a move to another state, WI SORP should provide notice to the receiving State agency responsible for the registry - and, if different, to the originating or last registration state (in a case where the offender has been convicted in more than one state).

**Senario** - person convicted of a crime in CO and required to register there. Sent to WI under interstate compact supervision. Person then registers with both CO and WI. Person discharges off supervision and then reports a move to MN. WI SORP should notify both the MN SORP and CO SORP of this change -AND, the WI SORP interest in the case should be closed. Problem could easily arise where the registrant can provide a bogus address in MN and actually move to CA. The key to the tracking responsibility is the CO SORP.

- ✓ WI SORP tracks and maintains responsibility for all cases that originate in our State. Many states are providing notice to us regarding our registrants, and we continue to send annual registration and letters and periodic verification letters. However, with cases that are required to register in another state, and who happen to reside in Wisconsin for a period of time - registering with WI SORP during that period - and who report a change of address to another state, the WI SORP interest in the case should end at notice to the receiving state - and, if different, the originating state of registration.
- ✓ I would like to define this notice in a matter that includes written or through the transmission of information the National Sex Offender registry database. This allows some flexibility to the notice, as well as reinforces the primary intent of the NSOR -that is transmission and access to registry information nation-wide.

**8. Page 11, line 18:** For consistency reasons, if a court takes a person off lifetime supervision, and overtly decides to waive registration at the same time, I think the court should have this authority - by definition, the person has been registering for at least 15 years when this takes place. However, when a person is placed on lifetime supervision, they should also be automatically placed on lifetime registration - otherwise this is inconsistent. I did not see your question as an either-or.. but to make the parallel process consistent.

**9. Page 12, Section 30:** I see the changes in this section added to the definition of 2-strike to include felony out-state convictions. Good. However, I think we should now also include in the definition: anyone convicted in a military, tribal or federal court, as stated in Section 10 (with proposed revisions). If we are going to require them to register, their convictions in these different venues should also count as a "strike."

**IO. Page 13, lines 4-6:** In changing this to.. "agency" with jurisdiction, does this effect a change in having to do a Special Bulletin on cases that are, for example, . . 2-strike offenders, mandatory **SBNS**; detained in a county jail and subsequently released following investigation? There are cases where the



offender has received his/her second strike and received jail time and a probation term. Our goal to not require Special Bulletin Notifications from the DOC on jail releases. Not sure this language change accomplishes this completely.

- 1 1. Page 14, line 20:** Yes to your question. The intent here is that the list of crime that equal registration should be the same list of crimes that can be counted for two-strike mandatory bulletins. As stated previously, convictions in military, tribal and federal courts of crimes requiring registration should also be counted as a strike.

**Jefren**

**This is a basic checklist of items the original request. I have went through this to ensure your draft addresses all areas. I have included any comments following a →**

**PROPOSED CHANGE(s):**

- **Requiring any sex offender convicted in a military, tribal or federal court, and those who work or reside within the Wisconsin borders, to register with the Wisconsin Sex Offender Registration Program (SORP):**

This is a requirement of the Federal law and guidelines. Current law does not allow the Department to register these offenders.

**→ addressed in draft. Have identified several other changes/issues in the analysis.**

- **Requiring any sex offender, who is required to register in another state, and who is not under any form of interstate compact supervision within Wisconsin - and who resides, is employed or attends school within the Wisconsin borders, to register with the Wisconsin SORP.**

This is a requirement of the Federal law and guidelines. Current law does not allow the department to register a sex offender who is off any form of field supervision, and who moves into, or works within our state. Additionally, the Federal guidelines require a state registry program to register all offenders who may not live, but who work or attend school within the state (for example, a Minnesota registrant who works in Hudson, but lives in Stillwater, MN.)

**→ addressed in draft. Have identified some other changes/issues in the analysis.**

- **Requiring registration for Juvenile Interstate compact cases.**

Current law does not allow the department to register juvenile sex offenders who are under interstate compact supervision within this state.

**→ addressed in draft.**

- **Expanding the included list of crimes to include the following:**

948.12	Possession of child pornography
948.13	Child sex offender working with children

948.95 Sexual assault of a student by a school instructional staff person

Federal guidelines require registration for “any conduct that by its nature is a sexual offense against a minor”.. although not all chapter 948 crimes are included in the mandatory registration requirements, these need to be included to reflect all felony convictions within this chapter - leaving the other convictions under the discretion of the court. There needs to be a clear distinction between felony and misdemeanor convictions - in that all felony convictions of sexual assault should be required to register, while misdemeanor convictions remain at the discretion of the court. An example is 948.11 - Exposing a child to harmful materials. Sub (2)(a) is a felony, while sub (2)(b) is a misdemeanor. Current law, as written, requires registration under both subs. This is not the case with other misdemeanor convictions. There needs to be some clarification to ensure consistent application. Recommend that all felony convictions are required, all misdemeanor convictions are at the discretion of the court.

→ addressed in draft.

- **Clarify definition of “comparable crime” to address out-of-state convictions - felony vs. misdemeanor.**

Current law allows the department to register a person, who was convicted in another state but resides in Wisconsin and is under interstate compact supervision, if that person is convicted of a sex crime that is comparable to the list of crimes requiring registration in Wisconsin. This definition of comparable crimes also affects 2-strike determinations, mandatory notification and lifetime registration. As with the above recommendation, comparable crimes should be defined by felony or misdemeanor convictions - in that a person convicted of a felony conviction would count as a strike and would be required to register with the department. Conversely, a person convicted of a misdemeanor crime in another state would not count as a strike and would not be required to register, unless.. 1) the person is under interstate compact supervision with the state of Wisconsin, or 2) the person is required to register in their state of conviction, and that state appropriately notifies the department of this requirement. By new federal regulations, a sending state is to provide notification to a receiving state that a registered sex offender has moved to, works or attends school within the state.

→ addressed in draft with some additional comments in the analysis.

- **Lifetime Registration.**

- . In cases where lifetime registration is not mandatory under current law, include a provision to allow a court to order lifetime registration as part of sentencing. This does not preclude the minimum of 15 years following discharge from supervision, as in current law. Include a provision whereby when an offender is sentenced to lifetime monitoring (new statute) this also requires lifetime registration.

→ **addressed in draft. Issue here that may need to be addressed includes... if we are going to allow the court discretion to impose lifetime registration on any registrant convicted of a sex offense, we should also provide that authority for those the court finds to require to register as a sexually motivated offense (ss. 973.048[2]).**

- **Expanding authority for DOC to manage registrants off field supervision.**

The following are a couple of proposed changes to allow the department more direct authority to deal with registrants off active field supervision. Many of these changes are being proposed to maintain compliance with Federal mandates for connection with the Permanent FBI database.

Adding authority for DOC to obtain fingerprints and photos from persons off field supervision (adults and juveniles). Having the authority to have the registrants report to law enforcement or a designated corrections office.

→ **Addressed in draft.. ?? does this authority apply to those convicted in a military, tribal or federal court?? If not, need to include.**

Adding DOC authority to issue a warrant for arrest on a case that is determined to be in non-compliance with the law, and the person is not on active field supervision.

→ **Not addressed in draft - notes indicate that this might not be possible - however drafter doing further research on this.**

- **Annual registration and verification of address for juvenile offenders - parent/guardian notification.**

Current law requires a minimum annual update of registration, and **administrative rules allow the department to conduct activities related to**

verification of the reported information from the registrant. Over the course of implementation, an issue has arose where there may need to be more direction from the law regarding annual registration and periodic verification activities, as it relates to juveniles who remain under the age of 18, and the need to share some of the onus of registration with the legal parent/guardian. Issue here is to require that registration and verification communications be directed to the registrant, and the legal parent/guardian.

→ **Addressed in draft with some comments in analysis.**

- **Add definition of “employed, carries on a vocation” and “student” consistent with the Federal law.**

Current law does not include a definition of employment or student as part of the registration requirements. In order to make this clear, particularly given the requirements to register persons residing in another state who work or attend school in this state, it is recommended that the current law include the following definitions:

**“employed, carries on a vocation”** includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during a calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

→ **Addressed in draft - ? does this applies to person convicted in a military, tribal or federal court? If not, needs to.**

**“student”** means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.

→ **Addressed in draft - ? whether this applies to person convicted in a military, tribal or federal court? If not, needs to.**

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**TOPIC:** Sex Offender Community Notification (effects ss. 301.46 (2m)).

**CURRENT LANGUAGE:** Current law requires the Department to disseminate a Special Bulletin Notification (SBN) to law enforcement in the area of the person’s planned residence, employment and school enrollment. An SBN is mandatory

for all 2-strike and Chapter 980 commitment cases. Current law also requires the Department to provide the make, model and license number of the vehicle(s) the registrant owns or is that is registered to the person to law enforcement, victim, neighborhood watch and general public.

**PROPOSED CHANGE and EXPLANATION:**

- Need clarifying language regarding “release from confinement” (301.46(2m)(a) and (am)). This language suggests that the department may/shall disseminate a SBN when a person is being released from a jail setting. Current practice/interpretation does not include disseminating Bulletins on persons being released from jail. It is assumed that it was not the legislators’ intent to target this population for mandatory Bulletins. Need to have the language clarified.

→ **Addressed in draft - see comments in #10 of analysis - not sure the change in language meets the intent to eliminate the need to disseminate bulletins for jail release cases.**

- Recommend striking or changing language related to vehicle information and required access to law enforcement, victims, neighborhood watch groups and the general public. At this point in the implementation of the program, this information has not been made available to these entities. Law enforcement has direct access to this information through DOT. The department does not have the capability to accurately collect and/or verify this information in the registry. Without proper verification, it would be quite easy to have a registrant provide false vehicle information, potentially identifying another person’s car. Either this language should be struck from the law - or, explicit language be included that directs the DOT to provide this information to the DOC for the registry.

→ **Not sure this is addressed in the draft.**

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**Lastly: The following is a list of proposed changes that were not included in the original proposal. Many of the changes have come about from either problems experienced with implementation or through a more thorough review of the Federal Laws and Guidelines.**

**1. Lifetime Registration for “aggravated sexual offenses”**

- The Pam Lychner Act, which amended the Jacob Wetterling Act, specifically requires “.. lifetime registration for persons convicted of an aggravated offense”. . . even for the first conviction.” An “aggravated

offense” principally encompasses: *‘engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, and engaging in sexual acts involving penetration with victims below the age of 12.’* This roughly translates to 1<sup>st</sup>/2<sup>nd</sup> Degree sexual assault (adult and child), repeated acts of sexual assault of a child, and possibly others. Will need your assistance in determining how this definition may apply to current state criminal codes. At a minimum, we need to include a section where there is mandatory lifetime registration for certain I-strike offenses, like 948.02, 948.025, 940,225(1) and 940.225(2) - I realize we have a 13 year-old cut off for some convictions, however, the intent is clear and the Federal guidelines/law only set the baseline. Application for this determination should be retroactive to the original effective date of the registry (93’).

## 2. Venue for certifying materials for non-compliance

- In very few cases will the county of residence be known for persons who are non-compliant with the registry. Exceptions would be in cases where the person required to register has a known residence but refuses to adhere to the registration requirements under 301.45. Most prosecutions for failure to comply with the registry under 301.45(6) are situations where the address or residence of the person required to register is unknown. The county where the conviction was obtained subjecting the person to the requirements of s. 301.45 is a known jurisdiction and can be proven with a copy of the judgment of conviction.

### **Possible language change: 971.19(9) Be changed to read:**

*In an action under s. 301.45(6) the defendant may be tried in the defendant’s county of residence at the time that the complaint is filed. If the defendant does not have a county of residence in this state or the defendant’s county of residence is unknown at the time that the complaint is filed, the defendant may be tried in the county in which the conviction requiring registration under s. 301.45 was obtained.*

- Also related to venue, as presented somewhere in the analysis of the draft, cases where the offender is not an “original” Wisconsin registrant (sans interstate compact cases) and we have determined they are not in compliance with the registry, the “venue” of responsibility is with the original or last state of registration (this addresses those cases who are off supervision, required to register in another state, and then either live, work or attend school in this state). Similar issue with cases convicted in another non-Wisconsin jurisdiction military, tribal or federal court.

### 3. Special Bulletin Notifications and Release from prison for conviction from a military, tribal or federal court.

- Not sure if the current draft addresses this issue. The Department is currently held accountable for ensuring that a SBN is disseminated to law enforcement for cases being released from our custody (sans, hopefully, county jail). We have no information linkage nor control over when a two strike case is being released from a federal prison. Would recommend language that makes it clear that an SBN is not required with these cases.

### 4. Strike mandatory registration requirements for “need of protective services”.

- Current law requires the Department to register children who are found in need of protective services for one of the underlying criminal codes. These are county supervision cases through the County Human Services. Apart from this provision being unenforceable, and primarily resulting in registering the parent or guardian (youngest to date is 10 years old), I do not believe it was the intent of the legislature to label a 10 year old child as a sex offender. I would ask for a change here where it is not mandatory nor presumptive to impose registration, but to allow discretion to the court to require registration, if it deems it is in the best interest of public protection. Application of this should go back to the effective date of Act 440 - allowing all these cases to be taken off the registry, and not put back on unless the court provides and order to do so.

### 5. Proving “intent” for non-compliance

- Current language under 301.45(6) indicates “whoever intentionally fails to comply..” provides a significant **burden** on the state to prove that the person is in non-compliance with the registry. Through discussion with several DAs and **ADAs**, and a review of the Federal guidelines/ law, apparently “knowingly fails to comply..” is a more reasonable burden to prove. If this is the case, would like to have this language changed (I have sent you a summary of court case history on this subject for your reference).
- Additionally, under 301.45(3)(3m) & (4), where the registrant is required to read and sign a form, and then in sub (4) we are attempting to say that not receiving notice is not a defense. Well, in practice it has been a significant defense - to the point where several DAs refused to process the certification materials **unless** there is written verification that the person was informed of his/her requirements to



register. This basically covers all the “historical” or retroactive cases where the person was not required to register with the DOJ with the old law, but are now required to register with the DOC in the new law. Plus, there are a significant number of DOJ cases where there is no formal documentation of notice to the registrant. When after having tracked a person down who meets this criteria, if they refuse to sign the form, we have no documentation indicating they have been fully noticed (become our word against theirs’).

Need to add/edit language in this section that can either emphasize or beef-up the concept of “not receiving notice is not a defense for liability” and/or soften the “shall read and sign” language to address persons who refuse to sign or acknowledge that they know or have been informed of their requirements to register. Basically, as it stands now, all a person has to do is not put anything in writing to us or not sign anything and they will never be held accountable because we cannot even get a warrant issued for arrest - let alone convicted for non-compliance.

## 6. Compliance with verification process

Current law only requires annual or every 90 registration. As required under federal guidelines, and our state administrative rules, we have implemented a residence verification process to ensure the reported address is the address where the registrant resides. We have now had several cases where the registrant has claimed that they are only required to respond to the SORP annually or every 90 days (dependant upon the case). Even though they are technically required to notify the SORP and update their registration information whenever there is a change -the up shot is that if they do not notify us, we do not know if they have provided a valid address unless/until we are able to verify this through means such as sending a verification letter to the reported address. If they claim they are not required to respond to the SORP, but on an annual basis, we will have them compliant in the system for 364 days - during which time they could have moved multiple times. This is particularly problematic for cases off field supervision. I have attached a file in the e-mail text that describes the current automated address verification process.

Need to have language included in the draft that requires all registrants to respond to the departments communications, letters, etc., that are intended to verify information contained in the registry. Or something to this effect. Our legal counsel has indicated that the administrative rule provides sufficient authority for cases within our custody, but does not provide us the necessary authority for cases off supervision.

## 7. Authority to Inspect Department of Revenue records

- When the Department of justice ran the registry they had explicit authority to have access to DOR records as an investigative resource to track non-compliant cases and verify reported address information. The Attorney General has specific authority by statutes to have access to this information (sec. 71.78 and 301.03, Stats.).

Need change related to the above stats. references to include the DOC , related to SORP, to have access to these records.

## 8. Authority to obtain photos collected by the Department of Transportation

- Federal regulations require the registry to obtain photographs on all registrants. Although the actual application of this requirement is not completely understood - it is clear tat the intent is to have a photograph on file for all registrants. One method to obtain these photographs would be to have access through the Department of Transportation, Division of Motor Vehicles. I believe there was a law passed in 1998 that allowed DOJ access to this information (ss. 343.237). Request, if possible, for the DOC SORP to have access to this information for all persons required to register.

## 9. Certification of Juvenile Registrants

Refer to point #3 in the following section

## 10. Registration Specialists with Limited Law Enforcement Authority

- This issue was presented in the original proposal. Your draft notes indicate that you were not confident that we could have this authority, but further research was indicated. As a reference to you, I received this as a possible resource/reference.

*ON THE SECTION ABOUT EXPANDING AUTHORITY FOR DOC TO MANAGE REGISTRANTS OFF SUPERVISION..... I still think a change must be made to 165.83(1)(b) & 175.46(a)(f) to include the Specialists as "Law Enforcement"*

*There is a provision, as in the authority for DOJ Special Agents (DC/), and District Attorney's Investigators, to have limited law enforcement authority -pertaining to crimes they are specifically charged to enforce. I think the same thing needs to be done for the Specialists (and I would assume the Specialist's supervisor) for the following reasons:*

1. *Allows us to view documents under chapter 19, 48, 948, 938 and others as most of these statutes of confidentiality give exceptions to 'law enforcement:'*
2. *Makes the exchange of information between Law Enforcement Agencies and DOC a lot smoother. There is tons of case law pertaining to information obtained/exchanged between law enforcement agencies as to probable cause, believability, etc.*
3. *Juveniles . . . .exchange/obtaining information and no juvenile can be "certified" or prosecuted in this state without a referral to the county juvenile intake office which can only be done by a 'Law Enforcement' agency.*

# Sex Offender Registration Non-Compliance Overview of Process

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## Registration and Verification Procedures:

1. **Registration** forms (DOC-1759) are completed by field agents and/or institution personnel on all cases that require registration (see attachment **A**). This form is completed:

- upon entry into field supervision (probation, parole, supervised release or conditional release);
- prior to release from an institution for Special Bulletin Notification (SBN) cases; cases discharging directly from an institution; and on cases released directly from an institution to detainer, INS or interstate correctional compact;
- prior to discharge from field supervision.

Completion of the registration form represents either an **initial** registration of the offender - or registration at **discharge** from field supervision (refer *to pages 6-11, Part I of the Sex Offender Registration Policy Manual*).

2. **Annual/90 Registration** is statutorily required of all registrants and involves a letter generated by SORP to the registrant - either every day days, or just prior to the registrants birth date. Persons committed under chapter 980 are required to register every 90 days. All other registrants are required to register annually, at a minimum (*refer to pages 11-16, Part 1 of the Sex Offender Registration Policy Manual*).

- Process involves automated letter and form generated by SORP to the registrant (see Attachment **B**). Copy of the letter is sent to the assigned field agent if the registrant is on field supervision.

3. **Verification** involves several automated procedures designed to verify accuracy of information provided to the registry by the registrant and/or employ periodic verification of information to ensure compliance with updating information in the registry. Basic process includes the following:

- **Automated Verification Letters:** Whenever initial or new residence information is reported to SORP a Verification letter is forwarded to the reported address. New or change of information can be received in various forms/means to SORP, including, receiving a completed

<sup>1</sup> A “Non-Compliance” with the registry requirements indicates that the registrant has been determined to not be in compliance with the law. Providing false information or not being in compliance with the registry requirements will result in further prosecution (WI. ss.301.45[6]).

Registration form (DOC-1759); copy of the Offender Report Form (DOC-8); completed Registration Change or Verification of Information Form (DOC-1796); or information provided to SORP through the I-888# (off supervision cases only). Process involves. . . .

- 9 Automated generated the next day after there is a reported change of residence entered into the system (see Attachment C);
- 9 Letter is mailed to the reported address - copy of letter sent to assigned agent, if on active field supervision;
- 9 Letter returned by registrant = compliant
- 9 Letter returned by U.S. Postal Service - no forwarding address = non-compliant; forwarding address provided, automated letter sent to address and copy to assigned agent, if on active field supervision.

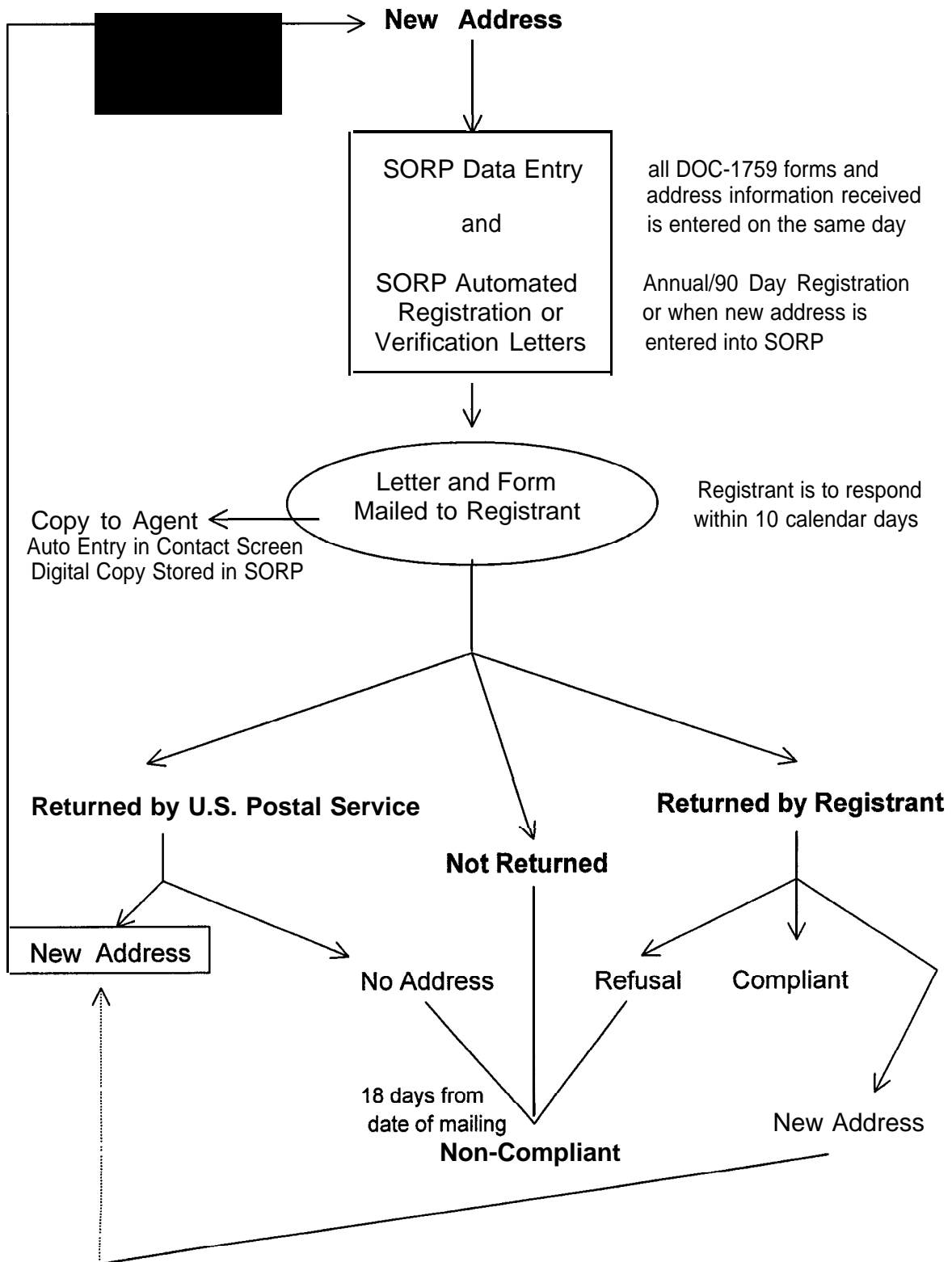
- **Random Verification Letters:** The SORP database system allows for automated verification letters to be sent out to registrants whenever approved personnel have reason to initiate more frequent residence verifications, including every 30/60/90/ 60/365 days. This system is driven by compliance and time calculations, in that after a registrant is compliant (e.g. returns the verification letter) twice at 30 days, the system move to 60 days, then 90 days, etc... .

At this point in the implementation of the program, only the Registration Specialists and SORP administrator can initiate this process. General guidelines for initiating this process on a case-by-cases basis may include:

- √ Cases discharging from sentence directly from an institution setting;
- √ Special Bulletin Notification Cases;
- √ Case where the registrant has previous episode(s) of non-compliance with the registry.

**NOTE:** In order to obtain compliance with either the Annual/SO-Day Registration letters or the Verification letters, the **REGISTRANT** must respond to the letter. If SORP does not receive a response by the registrant within 18 days of mailing the letter, the registrant will automatically become non-compliant with the registry. Non-compliance is included in the daily download of information to CIB/TIME and is made available to victims and the general public through the VINE system. Additionally, any request for information by law enforcement or a neighborhood watch group will contain non-compliance status information.

# Initial/Annual/90-day and Registration and Verification Process for Compliance and Non-Compliance Determination



Date:

**IMPORTANT**

Re: DOC Number #000000  
REGISTRATION LETTER

**EXAMPLE REGISTRATION LETTER  
(triggered on birthdate or every 90 days)**

Dear Registrant:

This letter is written in accordance with Wisconsin State Statute 301.45 and Administrative Rule DOC 332, where persons required to register with the DOC Sex Offender Registry Program (SORP) shall be subject to annual or 90 day registration. This letter is a formal notice to provide registration information under this section of the law.

**Please Note: You may receive several letters** from the DOC SORP requesting information and a prompt response from you. These letters are one method used by the SORP to verify the accuracy of registry information. **It is important that you reply to all letters sent to you by the DOC SORP.** Failure to respond to any correspondence may result in a determination of non-compliance and an arrest warrant issued.

**Complete all information items and sign the form on the back of this letter.** The form must be signed and mailed to the DOC Sex Offender Registry Program within 10 calendar days of the date indicated at the top of this letter. All information must be completed on this form. For identifying purposes, you must include your date of birth, social security number and driver's license number. Post Office Box addresses are not acceptable.

Forms not returned within 10 calendar days; or letters returned as undeliverable through the US Postal Service, will result in a designation of **"Non-Compliance"** with the registry law. Information provided by the registrant is subject to further verification. Mail the completed form to:

**Wisconsin DOC-SORP  
Post Office Box 7925  
149 East Wilson Street  
Madison, Wisconsin 53707-7925**

cc: DCC Agent or SORP Specialist

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BACK PAGE FOLLOWS →

# SEX OFFENDER REGISTRATION

## Annual / 90 Day Registration Update

DATE: \_\_\_\_\_

**Mail Completed Form To:**  
Wisconsin DOC - SORP  
P. O. Box 7925  
149 E Wilson Street  
Madison, WI 53707-7925

**Please Print or Type the Information**

REGISTRANT NAME Last	First	Middle
DOC #	DATE OF BIRTH	SOCIAL SECURITY NUMBER (Used to Verify Identity)

RESIDENCE				
STREET ADDRESS (PO box addresses are not acceptable)			APT #	CITY
COUNTY	STATE	ZIP CODE	RESIDENCE TELEPHONE NUMBER (Include Area Code)	
TYPE OF RESIDENCE <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary		IF TEMPORARY, ANTICIPATED PERMANENT STREET ADDRESS   CITY   COUNTY   STATE   ZIP CODE		
EMERGENCY CONTACT NAME		CONTACT ADDRESS	RELATIONSHIP	TELEPHONE NUMBER

EMPLOYMENT				
EMPLOYMENT STATUS <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Unemployed		DATE OF EMPLOYMENT	DATE OF ADDITIONAL EMPLOYMENT (If Applicable)	
EMPLOYER NAME		EMPLOYER STREET ADDRESS		
CITY	COUNTY	STATE	ZIP CODE	EMPLOYER TELEPHONE NUMBER (Include Area Code)
DUTIES				
ADDITIONAL EMPLOYER (If more than one source of employment)			EMPLOYER STREET ADDRESS	
CITY	COUNTY	STATE	ZIP CODE	EMPLOYER TELEPHONE NUMBER (Include Area Code)

SCHOOL ENROLLMENT				
TYPE OF ENROLLMENT <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> No Enrollment		DATE OF ENROLLMENT	ANTICIPATED DATE OF COMPLETION	
SCHOOL NAME		SCHOOL STREET ADDRESS		
CITY	COUNTY	STATE	ZIP CODE	SCHOOL TELEPHONE NUMBER (Include Area Code)

REGISTERED VEHICLE USE				
<input checked="" type="checkbox"/> All that Apply <input type="checkbox"/> Owns Vehicle <input type="checkbox"/> Does Not Drive		DRIVER'S LICENSE NUMBER		ISSUING STATE
LICENSE PLATE #	ISSUING STATE	VEHICLE YEAR	MAKE	MODEL
				COLOR

In accordance with Wisconsin Statute 301.45, I am registering the above information as true and accurate. I understand that I am legally required to supply this information annually or every 90 days, as prescribed by law. I also understand that I must provide any changes of information within 10 calendar days of any change in residence, employment, school enrollment or vehicle registration. I understand that failure to comply, or providing false information, may be cause for revocation and/or further criminal prosecution. I also understand that this information will be used for law enforcement purposes, and other purposes established by law.

REGISTRANT SIGNATURE

DATE SIGNED



Date:

**IMPORTANT**

Re: DOC Number 000000  
Confirmation Letter

**EXAMPLE CONFIRMATION LETTER**  
**(triggered when a new residence is provided by registrant)**

NAME  
ADDRESS

Dear Registrant:

This letter is written in accordance with Wisconsin State Statute 301.45 and Administrative Rule DOC 332, where persons required to register with the DOC Sex Offender Registry Program (SORP) shall be subject to requests for periodic verification of information maintained or recently reported to the Registry. This letter is a formal notice to provide verification of information recently received by the SORP or to verify current registration information under this section of the law.

**Please Note: You may receive several letters from the DOC SORP** requesting information and a prompt response **from** you. These letters are one method used by the SORP to verify the accuracy of registry information. **It is important that you reply to all letters sent to you by the DOC SORP.** Failure to respond to any correspondence may result in a determination of non-compliance and an arrest warrant issued.

**On the back of this letter is the Verification form.** The left hand column contains the most recent registry information pertaining to your case. Please review this information carefully. Check "Yes" and initial next to each information item that is true and accurate. Print information in the right hand column for any information items that are missing or inaccurate.

The form must be signed, dated and mailed to the DOC Sex Offender Registry Program within 10 calendar days of the date indicated at the top of this letter. The form must be signed by the registrant. Forms not returned within 10 calendar days, or letters returned as undeliverable through the US Postal Service, will result in a designation of **"Non-Compliance"** with the registry law. Information provided by the registrant is subject to further verification. Mail the completed and signed form to:

**Wisconsin DOC-SORP  
Post Office Box 7925  
149 East Wilson Street  
Madison, Wisconsin 53707-7925**

**cc:** DCC Agent or SORP Registration Specialist

BACK PAGE FOLLOWS →

<sup>1</sup> A "Non-Compliance" with the registry requirements indicates that the registrant has been determined to not be in compliance with the law. Providing false information or not being in compliance with the registry requirements will result in further prosecution (WI. ss. 301.45[6]).

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# SEX OFFENDER REGISTRATION

## Change or Verification of Information

### IDENTIFYING INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Registrant Name (Last, First Middle) \_\_\_\_\_

DOC # I Assigned Registry # \_\_\_\_\_

Date of Birth \_\_\_\_\_

Social Security # \_\_\_\_\_

### RESIDENCE INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Address \_\_\_\_\_

City \_\_\_\_\_

County \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Residence Telephone Number \_\_\_\_\_

Emergency Contact Name \_\_\_\_\_

Contact Address \_\_\_\_\_

Relationship \_\_\_\_\_

Phone Number \_\_\_\_\_

### EMPLOYMENT INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Unemployed

Employer Name \_\_\_\_\_

Employment Date \_\_\_\_\_

Employer Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

County \_\_\_\_\_

ADDITIONAL Employer Name \_\_\_\_\_

Employment Date \_\_\_\_\_

Employer Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

County \_\_\_\_\_

### SCHOOL INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Not In School

School Name \_\_\_\_\_

Enrollment Date \_\_\_\_\_

School Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

County \_\_\_\_\_

### VEHICLE INFORMATION

Yes, information is true and accurate \_\_\_\_\_ (Initial)  
If not, provide missing or inaccurate information below.

Does Not Drive

Driver's License # \_\_\_\_\_

Issuing State \_\_\_\_\_

License Plate # \_\_\_\_\_

Issuing State \_\_\_\_\_

Vehicle Year \_\_\_\_\_

Make \_\_\_\_\_

Model \_\_\_\_\_

Color \_\_\_\_\_

In accordance with Wisconsin Statute 301.45 and Administrative rule DOC 332.05, I am registering the above change(s) of information or verifying that existing information in the registry is true and accurate. I understand that I am required to supply this information within 10 calendar days of receipt of this Verification form, and within 10 calendar days of any change in residence, employment, school enrollment or vehicle registration. I understand that failure to comply, or providing false information, may be cause for revocation (if on active supervision) and/or further criminal prosecution. I also understand that this information will be used for law enforcement purposes, and other purposes established by law.

I, the undersigned, attest that the above information is true and accurate.

REGISTRANT SIGNATURE \_\_\_\_\_

DATE SIGNED \_\_\_\_\_

## Olsen. Jefren

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**From:** Streveler, Anthony J. DOC  
**Sent:** Friday, October 01, 1999 8:57 AM  
**To:** Olsen, Jefren  
**Subject:** RE:

well . . good question.. example.. person in prison for Burglary with a consecutive sexual assault and consecutive battery.. . 1st, we will require to register the person upon release from prison and during his/her term of supervision.. his 15 years will begin at the end term of his current complete episode of supervision.. 2nd, let's assume while on supervision he gets another CS sentence for writing a bad check, and another for looking ugly, etc.... again, his calculation for 15 years will not begin until his term of supervision ends... .

I think the difference here is that when there is an imposed prison sentence that expresses a specific discharge date for a registerable offense.. and then there are a couple of consecutive sentences, then the date for the 15 years to kick in would be at the discharge date of the registerable offense. . . if the sex assault or registerable offense falls within a CS sentence, then the term of calculation for the 15 years would be at the max discharge date...

does this make sense?

-----Original Message-----

**From:** Olsen, Jefren  
**Sent:** Thursday, September 30, 1999 8:40 PM  
**To:** Streveler, Anthony J. DOC  
**Subject:**

Tony,

Quick question: Per your request, I am trying to key the calculation of the term of registration to the sex offense for which the person was sentenced, placed on probation, etc. However, I am not sure my language clearly covers the situation in which a person has, say, 2 consecutive sentences, one for a sex offense and one for a non-sex offense. Consecutive sentences are calculated as one continuous sentence. What will you do in that case if the statute just refers to "sex offense"? Or do we need special language for the CS sentence situation?

Thanks for all your help!

Jefren

Attorney Jefren E. Olsen  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Tel: (608) 266-8906  
Fax: (608) 264-8522  
Email: jefren.olsen@legis.state.wi.us

Section #. 301.45 (5) of the statutes is amended to read:

301.45 (5) ~~F&LEASE FROM REQUIREMENTS.~~ (a) Except as provided in par. (b), a person who is covered under sub. (1) no longer has to comply with this section when the following applicable criterion

is met: (a), (b), (bm), (c), (d), (dd), (dp), (e)

1. If the person has been placed on probation or supervision, 15 years after discharge from probation or supervision.

*move*  
1m. If the person is on parole, extended supervision or probation from another state under s. 304.13 or 304.135, 15 years after discharge from that parole, extended supervision or probation.

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

2m. If the person has been sentenced to prison and is being released from prison because he or she has reached the expiration date of his or her sentence, 15 years after being released from prison.

3. If the person has been committed to the department of health and family services under s. 5 1.20 or 97 1.17 and is in institutional care or on conditional transfer under s. 5 1.35 (1) or conditional release under s. 971.17, 15 years after termination under s. 971.17 (5) or discharge under s. 51.35 (4) or 971.17 (6).

3m. If the person has been committed for specialized treatment under ch. 975, 15 years after discharge from the commitment under s. 975.09 or 975.12.

4. If subd. 1., 1m., 2., 2m., 3. or 3m. does not apply, 15 years after the date of conviction or disposition.

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

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

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

**History:** 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283.