



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1407/P3
JEO&MGD:kmg:kjf

By Tues 10/19
or
Wed 10/20

4 PJK

cmf

1

r.m.v.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

AUTO-REFERENCES

regenerate

Editor/WFO:

There are
2 sets of
inserts, one
from PJK, one from
JEO/MGD

1

AN ACT to repeal 301.45 (2) (a) 7., 301.46 (2) (b) 7., 301.46 (4) (b) 3. and 301.46

2 (5) (b) 2.; to **renumber and amend** 301.45 (l), 301.45 (4m), 301.45 (5) (a) 1m.,
3 301.45 (6) (a), 301.46 (l), 938.185 (3) and 971.19 (9); to **amend** 20.410 (1) (gc),
4 48.396 (2) (f) 51.20 (13) (ct) 2m., 51.375 (1) (d), 71.78 (5), 301.132 (1) (c), 301.132
5 (2), 301.132 (3), 301.45 (lm) (a) 1., 301.45 (lm) (a) 2., 301.45 (lm) (b), 301.45 (2)
6 (a) (intro.), 301.45 (2) (b), 301.45 (2) (c), 301.45 (2) (d), 301.45 (2) (e) (intro.),
7 301.45 (2) (e) 2., 301.45 (2) (e) 5., 301.45 (3) (a) (intro.), 301.45 (3) (a) 1m., 301.45
8 (3) (a) 4., 301.45 (3) (b) 1., 301.45 (3) (b) 1m., 301.45 (3) (b) 2., 301.45 (3) (b) 3.,
9 301.45 (3) (b) 3m., 301.45 (3) (b) 4., 301.45 (5) (title), 301.45 (5) (a) (intro.),
10 301.45 (5) (a) 1., 301.45 (5) (a) 2., 301.45 (5) (a) 2m., 301.45 (5) (a) 3., 301.45 (5)
11 (a) 4., 301.45 (5) (b) (intro.), 301.45 (5) (b) 1., 301.45 (5) (b) 2., 301.46 (2m) (a),
12 301.46 (2m) (am), 301.46 (3) (c), 301.46 (6) (a), 938.34 (15m) (bm), 938.396 (2)
13 (em), 942.06 (2m) (a), 942.06 (2q) (a) (intro.), 971.17 (lm) (b) 2m. and 973.048
14 (2m); and **to create** 51.20 (13) (ct) 4., 51.20 (13) (ct) 5., 71.78 (4) (q), 301.29 (4),
15 301.45 (ld), 301.45 (lg) (dj), 301.45 (lg) (dL), 301.45 (1g) (f), 301.45 (lg) (g),

release of information
from the sex offender registry,

301.45 (lm) (a) lg., 301.45 (2) (a) 9m., 301.45 (2) (e) 2m., 301.45 (2) (f), 301.45 (2) (g), 301.45 (3) (a) lr., 301.45 (4m) (b), 301.45 (5) (am), 301.45 (5) (b) lm., 301.45 (5) (b) 3., 301.45 (5m), 301.45 (6) (a) 2., 301.45 (6) (d), 301.45 (6m), 301.46 (1) (b), 301.46 (5n), 938.185 (3) (b), (c) and (d), 938.34 (15m) (d), 938.34 (15m) (e), 938.345 (3), 939.615 (6) (i), 971.17 (lm) (b) 4., 971.17 (lm) (b) 5., 971.19 (9) (b), (c) and (d), 973.048 (4) and 973.048 (5) of the statutes; **relating to: sex** offender registration, honesty testing of sex offenders, making an appropriation and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of the draft.

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

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

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

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

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

48.396 (2) (f) Upon request of the department of corrections to review court records for the purpose of obtaining information concerning a child required to register under s. 301.45, the court shall open for inspection by authorized

access to the
notice concerning sex offender registry before
sales or rentals of real property,

1 representatives of the department of corrections the records of the court relating to
2 any child who has been found in need of protection or services for an offense specified
3 in s. 301.45 ~~(1)~~ (1g) (a). The department of corrections may disclose information that
4 it obtains under this paragraph as provided under s. 301.46.

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

6 51.20 (13) (ct) 2m. If the subject individual is before the court on a petition filed
7 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
8 violation, or to have solicited, conspired or attempted to commit a violation, of s.
9 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
10 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or
11 of s. 940.30 or 940.31 if the victim was a minor and the subject individual was not
12 the victim's parent, the court shall require the individual to comply with the
13 reporting requirements under s. 301.45 unless the court determines, after a hearing
14 on a motion made by the individual, that the individual is not required to comply
15 under s. 301.45 (lm).

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

17 51.20 (13) (ct) 4. If the court orders a subject individual to comply with the
18 reporting requirements under s. 301.45, the court may order the subject individual
19 to continue to comply with the reporting requirements until his or her death.

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

21 51.20 (13) (ct) 5. If the court orders a subject individual to comply with the
22 reporting requirements under s. 301.45, the clerk of the court in which the order is
23 entered shall promptly forward a copy of the order to the department of corrections.
24 If the finding under s. 938.30 (5) (c) (intro.) on which the order is based is reversed,
25 set aside or vacated, the clerk of the court shall promptly forward to the department

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

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

4 51.375 (1) (d) "Sex offender" means a person committed to the department who
5 meets any of the criteria specified in s. 301.45 ~~(1)~~ (1g).

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

7 71.78 (4) (q) Employees of the department of corrections involved in the
8 administration of the sex offender registry under s. 301.45, for the purpose of
9 verifying information provided by a person required to register as a sex offender.

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

11 71.78 (5) **AGREEMENT WITH DEPARTMENT.** Copies of returns and claims specified
12 in sub. (1) and related schedules, exhibits, writings or audit reports shall not be
13 furnished to the persons listed under sub. (4), except persons under sub. (4) (e), (k),
14 (n) ~~and~~, (o) ~~and~~ (q) or under an agreement between the department of revenue and
15 another agency of government.

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

17 301.132 (1) (c) "Sex offender" means a person in the custody of the department
18 who meets any of the criteria specified in s. 301.45 ~~(1)~~ (1g).

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

20 301.132 (2) The department may require, ~~as a condition of probation, parole~~
21 ~~or extended supervision, that a probationer, parolee or person on extended~~
22 ~~supervision who is~~ a sex offender to submit to a lie detector test when directed to do
23 so by the department. The denartment mav reauire submission to a lie detector test
24 under this subsection as nart of a sex offender's correctional programming or care
25 and treatment. as a condition of a sex offender's probation. narole or extended

1 ~~supervision as part of a sex offender's correctional programming or care and~~
2 ~~treatment and as a condition of the sex offender's probation, parole or extended~~
3 ~~supervision.~~

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

5 301.132 (3) The department shall promulgate rules establishing a lie detector
6 test program for ~~probationers, parolees and persons on extended supervision who are~~
7 sex offenders. The rules shall provide for assessment of fees upon ~~probationers,~~
8 ~~parolees and persons on extended supervision~~ sex offenders to partially offset the
9 costs of the program.

10 SECTION 12. 301.29 (4) of the statutes is created to read:

11 301.29 (4) The secretary may designate employees of the department who have
12 duties primarily related to operation and maintenance of the sex offender registry
13 under s. 301.45 to exercise general police powers with respect to enforcement of the
14 sex offender registration requirements under s. 301.45.

15 SECTION 13. 301.45 (1) of the statutes is renumbered 301.45 (lg), and 301.45
16 (lg) (intro.), (a), (b), (bm), (c), (d), (dd), (dh) and (e), as renumbered, are amended to
17 read:

18 301.45 (lg) (intro.) Except as provided in sub. (lm), a person shall comply with
19 the reporting requirements under this section if he or she meets ~~any one or more~~ of
20 the following criteria:

21 (a) Is convicted, or adjudicated delinquent ~~or found in need of protection or~~
22 ~~services~~ on or after December 25, 1993, for ~~any violation, or for the solicitation,~~
23 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
24 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or~~

1 ~~948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the~~
2 ~~victim's parent~~ a sex offense.

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

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

19 (c) Is found not guilty or not responsible by reason of mental disease or defect
20 on or after December 25, 1993, and committed under s. 51.20 or 971.17 for ~~any~~
21 ~~violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.~~
22 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
23 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
24 ~~a minor and the person was not the victim's parent~~ a sex offense.

(d) Is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 on or after December 25, 1993, 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~~ a sex offense.

(dd) Is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law of this state that is comparable to ~~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 sex offense.

(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~~ sex offense.

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

SECTION 14. 301.45 (1d) of the statutes is created to read:

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

stat. -
no change

1 (a) "Employed or carrying on a vocation" means employment or vocational
2 activity that is full-time or part-time for a continuous period of time exceeding 14
3 days or for an aggregate period of time exceeding 30 days during any calendar year,
4 whether financially compensated, volunteered or for the purpose of government or
5 educational benefit.

6 (b) "Sex offense" means a violation, or the solicitation, conspiracy or attempt
7 to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),
8 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am),
9 948.12, 948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the
10 person who committed the violation was not the victim's parent.

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

14 SECTION 15. 301.45 (lg) (dj) of the statutes is created to read:

15 301.45 (1g) (dj) Is a juvenile in this state on or after the effective date of this
16 paragraph [revisor inserts date], and is on supervision in this state from another
17 state pursuant to the interstate compact on the placement of ^{✓ juveniles} ~~children~~ under s.
18 938.988 for a violation of a law of another state that is comparable to a sex offense.

19 SECTION 16. 301.45 (lg) (dL) of the statutes is created to read:

20 301.45 (lg) (dL) Is placed on lifetime supervision under s. 939.615 on or after
21 June 26, 1998.

22 SECTION 17. 301.45 (lg) (f) of the statutes is created to read:

23 301.45 (lg) (f) ~~Is~~ registered as a sex offender in another state or is registered
24 as a sex offender with the federal bureau of investigation under 42 USC 14072 ~~has~~
25 ~~been convicted of a violation of federal law that is comparable to a sex offense, has~~

On or after the first day of the 7th ~~day~~ month
beginning after the effective date of this paragraph
. . . . [revisor inserts date], is

1 been convicted in the tribal court of a federally recognized American Indian tribe or
2 band of a violation that is comparable to a sex offense or has been sentenced by a court

3 ~~marital for a crime that is comparable to a sex offense, and, on or after the effective~~

4 ~~date of this paragraph~~ [revisor inserts date], is a resident of this state, a student

5 in this state or employed or carrying on a vocation in this state.

* ~~Note: Do we need the comparability language here?~~

the first day of
the 7th
month beginning
after

6 SECTION 18. 301.45 (lg) (g) of the statutes is created to read:

7 301.45 (1g) (g) ~~is registered as a sex offender in another state~~ and, on or after

8 the effective date of this paragraph . . . [revisor inserts date], is a resident of this state,

9 a student in this state or employed or carrying on a vocation in this state.

10 SECTION 19. 301.45 (1m) (a) 1. of the statutes is amended to read:

11 301.45 (1m) (a) 1. The person meets the criteria under sub. (1) (a) to (dd) (dd)

12 based on any violation, or on the solicitation, conspiracy or attempt to commit any

13 violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of another state that is~~

14 comparable to s. 948.02 (1) or (2) or 948.025.

15 SECTION 20. 301.45 (1m) (a) lg. of the statutes is created to read:

16 301.45 (1m) (a) lg. The violation, or the solicitation, conspiracy or attempt to

17 commit the violation, of s. 948.02 (1) or (2) or 948.025 did not involve sexual

18 intercourse, as defined in s. 948.01 (6), either by the use or threat of force or violence

19 or with a victim under the age of 12 years.

20 SECTION 21. 301.45 (1m) (a) 2. of the statutes is amended to read:

21 301.45 (1m) (a) 2. At the time of the violation, or of the solicitation, conspiracy

22 or attempt to commit the violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of~~

23 another state that is comparable to s. 948.02 (1) or (2) or 948.025, the person had not

Has been found to have committed a sex
offense by another jurisdiction

INS
9-9

1 attained the age of 19 years and was not more than 4 years older or not more than
2 4 years younger than the child.

3 **SECTION 22.** 301.45 (lm) (b) of the statutes is amended to read:

4 301.45 **(lm)** (b) If a person believes that he or she is not required under par.
5 (a) to comply with the reporting requirements under this section and the person is
6 not before the court under s. 51.20 (13) (ct), 938.34 (15m), 971.17 (1m) (b) or 973.048,
7 the person may move a court to make a determination of whether the person satisfies
8 the criteria specified in par. (a). A motion made under this paragraph shall be filed
9 with the circuit court for the county in which the person was convicted, adjudicated
10 delinquent- in ~~need of protection or services~~ or found not guilty or not
11 responsible by reason of mental disease or defect, ~~except that if the person meets the~~
12 ~~criteria of sub. (1) (dh) the person shall file the motion in the circuit court for the~~
13 ~~county in which he or she resides.~~

14 **SECTION 23.** 301.45 (2) (a) (intro.) of the statutes is amended to read:

15 301.45 (2) (a) (intro.) The department shall maintain a registry of all persons
16 subject to sub. ~~(1) (1g)~~. The registry shall contain all of the following with respect to
17 each person:

18 **SECTION 24.** 301.45 (2) (a) 7. of the statutes is repealed.

19 **SECTION 25.** 301.45 (2) (a) 9m. of the statutes is created to read:

20 301.45 (2) (a) 9m. For a person covered under sub. (lg) (dt), a notation
21 concerning the treatment that the person has received for his or her mental disorder,
22 as defined in s. 980.01 (2).

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

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

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

5 301.45 (2) (c) If the department of health and family services has supervision
6 over a person subject to sub. ~~(1)~~ (1g), that department, with the assistance of the
7 person, shall provide the information specified in par. (a) to the department of
8 corrections in accordance with the rules under sub. (8) .

9 **SECTION 28. 301.45 (2) (d)** of the statutes is amended to read:

10 301.45 (2) (d) **A** person subject to sub. ~~(1)~~ (1g) who is not under the supervision
11 of the department of corrections or the department of health and family services shall
12 provide the information specified in par. (a) to the department of corrections in
13 accordance with the rules under sub. (8) . If the person is unable to provide an item
14 of information specified in par. (a), the department of corrections may request
15 assistance from a circuit court or the department of health and family services in
16 obtaining that item of information. **A** circuit court and the department of health and
17 family services shall assist the department of corrections when requested to do so
18 under this paragraph.

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

20 301.45 (2) (e) (intro.) The department of health and family services shall
21 provide the information required under par. (c) or the person subject to sub. ~~(1)~~ (la)
22 shall provide the information required under par. (d) in accordance with whichever
23 of the following is applicable:

24 **SECTION 30.** 301.45 (2) (e) 2. of the statutes is amended to read:

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

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

301.45 (2) (e) 2m. If the person is registered as a sex offender in another state
or is registered as a sex offender with the federal bureau of investigation under 42
USC 14072, within 10 days after the person enters this state

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

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

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

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

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

301.45 (2) (g) The department may send a person subject to sub. (lg) a notice
or other communication requesting the person to verify the accuracy of any
information contained in the registry. A person subject to sub. (lg) who receives a
notice or communication sent by the department under this paragraph shall, no later
than 10 days after receiving the notice or other communication, provide verification

1 of the accuracy of the information to the department in the form and manner
2 specified by the department.

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

4 301.45 (3) (a) (intro.) A person covered under sub. ~~(1)~~ (1g) is subject to the
5 annual registration requirements under par. (b) as follows:

6 **SECTION 36.** 301.45 (3) (a) lm. of the statutes is amended to read:

7 301.45 (3) (a) lm. If the person is on parole, extended supervision ~~or~~, probation
8 or other supervision from another state under s. 304.13 ~~or~~, 304.135 or 938.988, he or
9 she is subject to this subsection upon entering this state.

10 **SECTION 37.** 301.45 (3) (a) lr. of the statutes is created to read:

11 301.45 (3) (a) lr. If the person is registered as a sex offender in another state
12 or is registered as a sex offender with the federal bureau of investigation under 42
13 USC 14072, within 10 days after the person enters this state.

14 **SECTION 38.** 301.45 (3) (a) 4. of the statutes is amended to read:

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

18 **SECTION 39.** 301.45 (3) (b) 1. of the statutes is amended to read:

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

TWS
13-13to take up residence
or begin school,
employment or
his or her
vocation

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

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

10 **SECTION 41.** 301.45 (3) (b) 2. of the statutes is amended to read:

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

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

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

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

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

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

SECTION 44. 301.45 (3) (b) 4. of the statutes is amended to read:

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

SECTION 45. 301.45 (4m) of the statutes is renumbered 301.45 (4m) (intro.) and amended to read:

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

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

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

12 **SECTION 46.** 301.45 (4m) (b) of the statutes is created to read:

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

19 **SECTION 47.** 301.45 (5) (title) of the statutes is amended to read:

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

22 **SECTION 48.** 301.45 (5) (a) (intro.) of the statutes is amended to read:

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

1 **SECTION 49.** 301.45 (5) (a) 1. of the statutes is amended to read:

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

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

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

11 **SECTION 51.** 301.45 (5) (a) 2. of the statutes is amended to read:

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

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

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

21 **SECTION 53.** 301.45 (5) (a) 3. of the statutes is amended to read:

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

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

SECTION 54. 301.45 (5) (a) 4. of the statutes is amended to read:

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

SECTION 55. 301.45 (5) (am) of the statutes is created to read:

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

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

SECTION 56. 301.45 (5) (b) (intro.) of the statutes is amended to read:

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

SECTION 57. 301.45 (5) (b) 1. of the statutes is amended to read:

301.45 (5) (b) 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~~ a sex offense, or for ~~any a~~ violation, or ~~for~~ the solicitation, conspiracy or attempt to commit ~~any a~~ violation, of

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

9 **SECTION 58.** 301.45 (5) (b) lm. of the statutes is created to read:

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

16 **SECTION 59.** 301.45 (5) (b) 2. of the statutes is amended to read:

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

22 **SECTION 60.** 301.45 (5) (b) 3. of the statutes is created to read:

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

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

SECTION 61. 301.45 (5m) of the statutes is created to read:

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

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

~~a. The period of time that the person is a resident of this state, a student in this state or employed or carrying on a vocation in this state and is registered as a sex offender in another state or with the federal bureau of investigation.~~

INS 20-15 **(14)** *a-b* ~~b.~~ The period of time that the person is a resident of this state, a student in this state or employed or carrying on a vocation in this state.

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

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

2. The person has been convicted or found not guilty or not responsible by reason of mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or

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

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

4. A determination has been made as provided under 42 USC 14071 (a) (2) (A) or (B) that the person is a sexually violent predator, or lifetime registration by the person is required under measures approved by the attorney general of the United States under 42 USC 14071 (a) (2) (C). *This subsection does not*

This subsection does not apply to

(c) ~~If~~ a person ^{who} is required to register as a sex offender under one or more of the criteria specified in sub. (1g) (a), (b), (bm), (c), (d), (dd), (dp) or (e) ~~and one or more of the criteria specified in sub. (1g) (dh), (di), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), (ff), (fg), (fh), (fi), (fj), (fk), (fl), (fm), (fn), (fo), (fp), 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(Fe), (Ff), (Fg), (Fh), (Fi), (Fj), (Fk), (Fl), (Fm), (Fn), (Fo), (Fp), (Fq), (Fr), (Fs), (Ft), (Fu), (Fv), (Fw), (Fx), (Fy), (Fz), (Ga), (Gb), (Gc), (Gd), (Ge), (Gf), (Gg), (Gh), (Gi), (Gj), (Gk), (Gl), (Gm), (Gn), (Go), (Gp), (Gq), (Gr), (Gs), (Gt), (Gu), (Gv), (Gw), (Gx), (Gy), (Gz), (Ha), (Hb), (Hc), (Hd), (He), (Hf), (Hg), (Hh), (Hi), (Hj), (Hk), (Hl), (Hm), (Hn), (Ho), (Hp), (Hq), (Hr), (Hs), (Ht), (Hu), (Hv), (Hw), (Hx), (Hy), (Hz), (Ia), (Ib), (Ic), (Id), (Ie), (If), (Ig), (Ih), (Ii), (Ij), (Ik), (Il), (Im), (In), (Io), (Ip), (Iq), (Ir), (Is), (It), (Iu), (Iv), (Iw), (Ix), (Iy), (Iz), (Ja), (Jb), (Jc), (Jd), (Je), (Jf), (Jg), (Jh), (Ji), (Jj), (Jk), (Jl), (Jm), (Jn), (Jo), (Jp), (Jq), (Jr), (Js), (Jt), (Ju), (Jv), (Jw), (Jx), (Jy), (Jz), (Ka), (Kb), (Kc), (Kd), (Ke), (Kf), (Kg), (Kh), (Ki), (Kj), (Kk), (Kl), (Km), (Kn), (Ko), (Kp), (Kq), (Kr), (Ks), (Kt), (Ku), (Kv), (Kw), (Kx), (Ky), (Kz), (La), (Lb), (Lc), (Ld), (Le), (Lf), (Lg), (Lh), (Li), (Lj), (Lk), (Ll), (Lm), (Ln), (Lo), (Lp), (Lq), (Lr), (Ls), (Lt), (Lu), (Lv), (Lw), (Lx), (Ly), (Lz), (Ma), (Mb), (Mc), (Md), (Me), (Mf), (Mg), (Mh), (Mi), (Mj), (Mk), (Ml), (Mm), (Mn), (Mo), (Mp), (Mq), (Mr), (Ms), (Mt), (Mu), (Mv), (Mw), (Mx), (My), (Mz), (Na), (Nb), (Nc), (Nd), (Ne), (Nf), (Ng), (Nh), (Ni), (Nj), (Nk), (Nl), (Nm), (Nn), (No), (Np), (Nq), (Nr), (Ns), (Nt), (Nu), (Nv), (Nw), (Nx), (Ny), (Nz), (Oa), (Ob), (Oc), (Od), (Oe), (Of), (Og), (Oh), (Oi), (Oj), (Ok), (Ol), (Om), (On), (Oo), (Op), (Oq), (Or), (Os), (Ot), (Ou), (Ov), (Ow), (Ox), (Oy), (Oz), (Pa), (Pb), (Pc), (Pd), (Pe), (Pf), (Pg), (Ph), (Pi), (Pj), (Pk), (Pl), (Pm), (Pn), (Po), (Pp), (Pq), (Pr), (Ps), (Pt), (Pu), (Pv), (Pw), (Px), (Py), (Pz), (Qa), (Qb), (Qc), (Qd), (Qe), (Qf), (Qg), (Qh), (Qi), (Qj), (Qk), (Ql), (Qm), (Qn), (Qo), (Qp), (Qq), (Qr), (Qs), (Qt), (Qu), (Qv), (Qw), (Qx), (Qy), (Qz), (Ra), (Rb), (Rc), (Rd), (Re), (Rf), (Rg), (Rh), (Ri), (Rj), (Rk), (Rl), (Rm), (Rn), (Ro), (Rp), (Rq), (Rr), (Rs), (Rt), (Ru), (Rv), (Rw), (Rx), (Ry), (Rz), (Sa), (Sb), (Sc), (Sd), (Se), (Sf), (Sg), (Sh), (Si), (Sj), (Sk), (Sl), (Sm), (Sn), (So), (Sp), (Sq), (Sr), (Ss), (St), (Su), (Sv), (Sw), (Sx), (Sy), (Sz), (Ta), (Tb), (Tc), (Td), (Te), (Tf), (Tg), (Th), (Ti), (Tj), (Tk), (Tl), (Tm), (Tn), (To), (Tp), (Tq), (Tr), (Ts), (Tt), (Tu), (Tv), (Tw), (Tx), (Ty), (Tz), (Ua), (Ub), (Uc), (Ud), (Ue), (Uf), (Ug), (Uh), (Ui),~~

SECTION 62. 301.45 (6) (a) of the statutes is renumbered 301.45 (6) (a) (intro.) and amended to read:

1 301.45 (6) (a) (intro.) Whoever- ~~knowingly fails~~ to comply with any
2 requirement to provide information under subs. (2) to (4) is subject to the following
3 penalties:

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

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

14 **SECTION 63.** 301.45 (6) (a) 2. of the statutes is created to read:

15 301.45 (6) (a) 2. For a 2nd or subsequent offense, the person may be fined not
16 more than \$10,000 or imprisoned for not more than 10 years or both. For purposes
17 of this subdivision, an offense is a 2nd or subsequent offense if, prior to committing
18 the offense, the person has at any time been convicted of knowingly failing to comply
19 with any requirement to **provide** information under subs. (2) to (4).

20 **SECTION 64.** 301.45 (6) (d) of the statutes is created to read:

21 301.45 (6) (d) Notwithstanding par. (a), a person who first became subject to
22 subs. (2) to (4) under 1999 Wisconsin Act (this act) and who was in prison or a
23 secured correctional facility or a secured child caring institution, in institutional
24 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
25 supervision, conditional transfer or conditional release during the period beginning

1 on December 25, 1993, and ending on the effective date of this paragraph . . . [revisor
2 inserts date], shall be allowed until the first day of the 7th month beginning after the
3 effective date of this paragraph . . . [revisor inserts date], to comply with the
4 requirements under subs. (2) to (4).

5 **SECTION 65.** 301.45 (6m) of the statutes is created to read:

6 **301.45 (6m) NOTICE TO OTHER JURISDICTIONS CONCERNING NONCOMPLIANCE.** If the
7 department has reasonable grounds to believe that a person who is covered under
8 sub. (lg) (f) or (g) is residing in this state, is a student in this state or is employed or
9 carrying on a vocation in this state and that the person is not complying with the
10 requirements of this section, the department shall notify the state agency
11 responsible for the registration of sex offenders in any state in which the person is
12 registered that it believes the person is not complying with the requirements of this
13 section. If the person is registered with the federal bureau of investigation under 42
14 USC 14072, the department shall ~~also~~ notify the federal bureau of investigation that
15 it believes the person is not complying with the requirements of this section.

16 **SECTION 66.** 301.46 (1) of the statutes is renumbered 301.46 (1) (intro.) and
17 amended to read:

18 **301.46 (1) DEFINITIONS.** (intro.) In this section ~~“agency:~~

19 (a) “Agency with jurisdiction” means the state agency with, the authority or
20 duty to confine or supervise a person or release or discharge a person from
21 confinement.

22 **SECTION 67.** 301.46 (1) (b) of the statutes is created to read:

23 301.46 (1) (b) “Sex offense” has the meaning given in s. 301.45 (1d) (b).

24 **SECTION 68.** 301.46 (2) (b) 7. of the statutes is repealed.

25 **SECTION 69.** 301.46 (2m) (a) of the statutes is amended to read:

301.46 (2m) (a) If an agency with jurisdiction confines a person under s. 301.046, provides a person entering the intensive sanctions program under s. 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases a person from confinement in a state correctional institution or institutional care, and the person has, on one occasion only, 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, a sex offense or for a violation of a law of this state~~ that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) e&2s, 948.025, 948.05, 948.055, 948.06, 948.07, ~~comparable to s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent~~ a sex offense, the agency with jurisdiction may notify the police chief of any community and the sheriff of any county in which the person will be residing, employed or attending school if the agency with jurisdiction determines that such notification is necessary to protect the public. Notification under this paragraph may be in addition to providing access to information under sub. (2) or to any other notification that an agency with jurisdiction is authorized to provide.

SECTION 70. 301.46 (2m) (am) of the statutes is amended to read:

301.46 (2m) (am) If an agency with jurisdiction confines a person under s. 301.046, provides a person entering the intensive sanctions program under s. 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases a person from confinement in a state correctional institution or institutional care, and the person has been found to be a sexually violent person under ch. 980 or has,

1 on 2 or more separate occasions, been convicted or found not guilty or not responsible
 2 by reason of mental disease or defect for ~~any violation, or for the solicitation,~~
 3 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
 4 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11~~
 5 ~~or a sex offense or for a violation of a law of this state that is comparable to s. 940.22~~
 6 ~~(2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
 7 ~~948.07, 948.08 or 948.11 a sex offense,~~ the agency with jurisdiction shall notify the
 8 police chief of any community and the sheriff of any county in which the person will
 9 be residing, employed or attending school. Notification under this paragraph shall
 10 be in addition to providing access to information under sub. (2) and to any other
 11 notification that an agency with jurisdiction is authorized to provide.

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12 -SECTION 71. 301.46 (3) (c) of the statutes is amended to read:

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

19 SECTION 72. 301.46 (4) (b) 3. of the statutes is repealed.

20 SECTION 73. 301.46 (5) (b) 2. of the statutes is repealed.

21 SECTION 74. 301.46 (5n) of the statutes is created to read:

22 301.46 (5n) INTERNET ACCESS. ~~The~~ **department shall** provide access to
 23 information concerning persons registered under s. 301.45 by creating and
 24 maintaining an Internet site and by any other means that the department
 25 determines is appropriate. The information provided through the Internet site shall

*No later than the first day of the 7th
 month beginning after the effective date
 of this subsection [reviser inserts date], the*

and other information that the department determines is necessary to protect the public

1 be organized in a manner that allows a person using the Internet site to obtain ~~any~~
2 the information that the department is required to provide the person under sub. (2),
3 (2m), (3), (4) or (5). The department shall keep the information provided on the
4 Internet site and in other means used to allow access to the information secure
5 against unauthorized alteration.

6 **SECTION 75.** 301.46 (6) (a) of the statutes is amended to read:

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

11 **SECTION 76.** 938.185 (3) of the statutes is renumbered 938.185 (3) (intro.) and
12 amended to read:

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

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

20 **SECTION 77.** 938.185 (3) (b), (c) and (d) of the statutes are created to read:

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

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

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

SECTION 78. 938.34 (15m) (bm) of the statutes is amended to read:

938.34 **(15m)** (bm) If the juvenile is adjudicated delinquent on the basis of a violation, or the solicitation, conspiracy or attempt to commit 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, 948.095, 948.11 (2)(a) or (am). 948.12.948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's parent, the court shall require the juvenile to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the juvenile, that the juvenile is not required to comply under s. 301.45 **(1m)**.

SECTION 79. 938.34 (15m) (d) of the statutes is created to read:

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

SECTION 80. 938.34 (15m) (e) of the statutes is created to read:

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

SECTION 81. 938.345 (3) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

5 **SECTION 82.** 938.396 (2) (em) of the statutes is amended to read:

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

13 **SECTION 83.** 939.615 (6) (i) of the statutes is created to read:

14 939.615 (6) (i) If the court grants a petition requesting termination of lifetime
15 supervision and the person is registered with the department under s. 301.45, the
16 court may also order that the person is no longer required to comply with the
17 reporting requirements under s. 301.45.

18 **SECTION 84.** 942.06 (2m) (a) of the statutes is amended to read:

19 942.06 (2m) (a) An employe or agent of the department of corrections who
20 conducts a lie detector test of a ~~probationer, parolee or person on extended~~
21 ~~supervision under~~ sex offender ~~promulgated~~ under s. 301.132.

22 **SECTION 85.** 942.06 (2q) (a) (intro.) of the statutes is amended to read:

23 **942.06 (2q)** (a) (intro.) An employe or agent of the department of corrections
24 who discloses, to any of the following, the fact that a ~~probationer, parolee or person~~

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1 ~~on extended supervision sex offender~~ has had a lie detector test ~~under the rules~~
2 ~~promulgated~~ under s. 301.132 or the results of such a lie detector test:

3 **SECTION 86.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

4 971.17 **(1m)** (b) 2m. If the defendant under sub. (1) is found not guilty by reason
5 of mental disease or defect for a violation, or for the solicitation, conspiracy or
6 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
7 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or
8 (am), 948.12.948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and
9 the defendant was not the victim's parent, the court shall require the defendant to
10 comply with the reporting requirements under s. 301.45 unless the court determines,
11 after a hearing on a motion made by the defendant, that the defendant is not required
12 to comply under s. 301.45 (1m).

13 **SECTION 87.** 971.17 (1m) (b) 4. of the statutes is created to read:

14 971.17 **(1m)** (b) 4. If the court orders a defendant to comply with the reporting
15 requirements under s. 301.45, the court may order the defendant to continue to
16 comply with the reporting requirements until his or her death.

17 **SECTION 88.** 971.17 (1m) (b) 5. of the statutes is created to read:

18 971.17 **(1m)** (b) 5. If the court orders a defendant to comply with the reporting
19 requirements under s. 301.45, the clerk of the court in which the order is entered
20 shall promptly forward a copy of the order to the department of corrections. If the
21 finding of not guilty by reason of mental disease or defect on which the order is based
22 is reversed, set aside or vacated, the clerk of the court shall promptly forward to the
23 department of corrections a certificate stating that the finding has been reversed, set
24 aside or vacated.

1 **SECTION 89.** 971.19 (9) of the statutes is renumbered 971.19 (9) (intro.) and
2 amended to read:

3 971.19 (9) (intro.) In an action under s. 301.45 (6) (a), the defendant may be
4 tried in the defendant's county of residence at the time that the complaint is filed ~~or~~,
5 ~~if~~. If the defendant does not have a county of residence in this state at the time that
6 the complaint is filed, ~~any~~ or if the defendant's county of residence is unknown at the
7 time that the complaint is filed, the defendant may be tried in any of the following
8 counties:

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

10 **SECTION 90.** 971.19 (9) (b), (c) and (d) of the statutes are created to read:

11 971.19 (9) (b) The county in which he or she was convicted, found not guilty or
12 not responsible by reason of mental disease or defect or adjudicated delinquent for
13 the sex offense that requires the person to register under s. 301.45.

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

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

19 **SECTION 91.** 973.048 (2m) of the statutes is amended to read:

20 973.048 **(2m)** If a court imposes a sentence or places a person on probation for
21 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
22 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
23 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or
24 of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's
25 parent, the court shall require the person to comply with the reporting requirements

1 under s. 301.45 unless the court determines, after a hearing on a motion made by the
2 person, that the person is not required to comply under s. 301.45 (lm).

3 **SECTION 92.** 973.048 (4) of the statutes is created to read:

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

7 **SECTION 93.** 973.048 (5) of the statutes is created to read:

8 973.048 (5) If the court orders a person to comply with the reporting
9 requirements under s. 301.45, the clerk of the court in which the order is entered
10 shall promptly forward a copy of the order to the department of corrections. If the
11 conviction on which the order is based is reversed, set aside or vacated, the clerk of
12 the court shall promptly forward to the department of corrections a certificate stating
13 that the conviction has been reversed, set aside or vacated.

14 **SECTION 94. Nonstatutory provisions.**

15 (1) PERSONS REGISTERED AS SEXOFFENDERS BASED ON BEING FOUND IN NEED OF
16 PROTECTIONORSERVICES.

17 (a) Notwithstanding section 301.45 (1) (a), 1997 stats., no later than the first
18 day of the 7th month beginning after the effective date of this paragraph, the
19 department of corrections shall, except as provided in paragraph (b), purge all of the
20 information maintained in the sex offender registry under section 301.45 of the
21 statutes, as affected by this act, concerning a person who is registered as a sex
22 offender on the effective date of this paragraph solely because the person had been
23 found in need of protection or services on or after December 25, 1993, for an offense
24 specified in section 301.45 (1) (a), 1997 stats.

(b) If the department of corrections believes that purging the information concerning a registered sex offender under paragraph (a) would not be in the interest of public protection, the department shall notify the office of the district attorney or corporation counsel that prosecuted the proceedings in which the the person was found to be in need of protection or services. The notification shall be in writing and shall state the reasons why the department believes that purging the information would not be in the interest of public protection. If department decides to notify a district attorney or corporation counsel under this paragraph, it shall send the notice no later than the first day of the 4th month beginning after the effective date of this paragraph.

(c) A district attorney or corporation counsel who receives notice from the department of corrections under paragraph (b) concerning a person registered as a sex offender may file a petition in the court in which the person was found in need of protection or services requesting the court to order the person to continue complying with the reporting requirements under section 301.45 of the statutes, as affected by this act. If a district attorney or corporation counsel decides to file a petition under this paragraph, he or she shall file the petition no later than the first day of the 7th month beginning after the effective date of this paragraph. The district attorney or corporation counsel shall serve a copy of the petition on the person and, if the person has not attained the age of 18 years, on the parents, guardian or legal custodian of the person.

(d) The court in which a petition is filed under paragraph (c) shall hold a hearing on the petition, at which it may allow the department of corrections, the district attorney or corporation counsel and the person to present evidence on whether it is in the interest of public protection to have the person continue to

1 register as a sex offender. The court shall decide whether to grant or deny the petition
2 and shall provide written notification of its decision to the department of corrections
3 no later than the first day of the 10th month beginning after the effective date of this
4 paragraph. In deciding whether to grant or deny the petition, the court may consider
5 any of the factors specified under section 938.345 (3) (a) of the statutes, as created
6 by this act. If the court grants the petition, the department of corrections shall
7 continue to maintain the information in the sex offender registry about the person
8 as provided under section 301.45 of the statutes, as affected by this act, and may not
9 purge the information under paragraph (a). If the court denies the petition, the
10 department of corrections shall purge the information in the sex offender registry
11 about the person as provided under paragraph (a).

12 SECTION 95. Appropriation changes.

13 (1) APPROPRIATION INCREASE; CORRECTIONS. In the schedule under section 20.005
14 (3) of the statutes for the appropriation to the department of corrections under
15 section 20.410 (1) (a) of the statutes, as affected by the acts of 1999, the dollar amount
16 is increased by ~~\$404~~ for fiscal year 1999-00 and the dollar amount is increased by
17 ~~\$404~~ ^{of 134,800} for fiscal year 2000-01 for performing duties relating to sex offender
18 registration under section 301.45 of the statutes, as affected by this act, and
19 community notification concerning sex offenders under section 301.46 of the
20 statutes, as affected by this act.

9 ***NOTE: Dollar amounts will be provided by DOC for the final version of the draft.

21 SECTION 96. Initial applicability.

22 (1) The treatment of section 301.45 (6) (a) 2. of the statutes first applies to
23 offenses committed on the effective date of this subsection, but does not preclude the
24 counting of previous offenses for purposes of determining whether the person is

to increase the authorized FTE positions for the
department by 4.0 GPR positions on January
1, 2001,

1 subject to the penalties under section 301.45 (6) (a) 2. of the statutes, as created by

2 ~~this act.~~

3

(END)

ANALYSIS INSERT:

Sex offender registration requirements

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

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

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

1. Offenses covered. The bill adds the following crimes to the current list of sex offenses covered by the registration requirement: possession of child pornography; child sex offender working or volunteering with children; and sexual assault of a student by a school instructional staff person.


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

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

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

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

d. A person who has been convicted of a sex offense or found not guilty by reason of mental disease or defect of a sex offense in another state, in federal court, in a military court or in a tribal court and who is living in this state or is temporarily in this state while working or going to school, unless the person was released from



confinement or placed on supervision for the offense more than ten years before he or she enters this state.

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

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

Under this bill, when a court orders a person to register as a sex offender for a sexually motivated serious felony offense, the court may provide that the person must register for the rest of his or her life. The bill also requires a person to register for the rest of his or her life if he or she has been convicted in this state of first or second degree sexual assault, first or second degree sexual assault of a child or repeated sexual assault of a child or if the person has been convicted by another jurisdiction of any crime that is comparable to first or second degree sexual assault, first or second degree sexual assault of a child or repeated sexual assault of a child. 2.

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

a. A person who must register as a sex offender because he or she has been placed on lifetime supervision generally must register for the rest of his or her life. However, if a court decides to terminate the lifetime supervision of the person, the court may also order that the person no longer has to register as a sex offender.

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

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

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

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

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

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

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

Release of information from the sex offender registry

Under current law, the information in the sex offender registry is generally confidential. However, when a person first registers as a sex offender or when a registered sex offender updates information in the registry, DOC must make the information available to local law enforcement agencies. A local law enforcement agency may in turn release information from the registry that it has received (other than information concerning children who are required to register and information

concerning juvenile adjudications for sex offenses) if the local law enforcement agency believes that release of the information is necessary to protect to the public. In addition, DOC and other 'state agencies may release certain information to specified community organizations and to members of the general public if an organization or a member of the general public requests the information.

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

Lie detector tests of sex offenders

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

(END OF ANALYSIS INSERT)

INSERT 8-5:

¶ (am) "Found to have committed a sex offense by another jurisdiction" means

any of the following:

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

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

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

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

(END OF INSERT)

INSERT 9-9:

29 This paragraph does not apply if 10 years have passed since the date on which the person was released from prison or placed on parole, probation, extended supervision or other supervised release for the sex offense.

INSERT 12-7:

SECTION 1. 301.45 (2) (e) 2t. of the statutes is created to read:

301.45 (2) (e) 2t. If the person has been found to have committed a sex offense by another jurisdiction and subd. 2m. does not apply, within 10 days after the person enters this state to take up residence or begin school, employment or his or her vocation.

INSERT 13-13:

SECTION 2. 301.45 (3) (a) 1t. of the statutes is created to read:

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

INSERT 20-15:

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

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

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

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

6 **INSERT 25-11:**

7 **SECTION 3. 301.46 (2m) (b) lm. of the statutes is created to read:**

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

12 **INSERT 29-17:**

13 *WPA* This paragraph does not apply to a person who must continue to comply with the
14 reporting requirements for life under s. 301.45 (5) (b) or for as long as he or she is in
15 this state under s. 301.45 (5m) (b).

16 **INSERT 32-17:**

17 *create auto-ref "c"* (a) Notwithstanding section 301.45 (1) (a), 1997 stats., no later than the first
18 day of the 7th month beginning after the effective date of this paragraph, the
19 department of corrections shall, except as provided in paragraphs (d) and (e), purge
20 all of the information maintained in the sex offender registry under section 301.45
21 of the statutes, as affected by this act, concerning a person who is registered as a sex
22 offender on the effective date of this paragraph solely because the person had been
23 found in need of protection or services on or after December 25, 1993, for an offense
24 specified in section 301.45 (1) (a), 1997 stats.

auto-reference "a"
auto-reference "b"

↓

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

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

auto-ref "c"
20 paragraph (a). If a county department decides that it wants to petition the court, it
21 shall request the district attorney or corporation counsel to file the petition, and the
22 district attorney or corporation counsel shall proceed as provided under paragraph
23 (d).

create auto-ref "a"
24 (d) A district attorney or corporation counsel who is requested to file a petition
25 under paragraph (c) shall file the petition in the court that found the person in need

auto-ref "e"

↓

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

9 (e) The court in which a petition is filed under paragraph (e) shall hold a
10 hearing on the petition, at which it may allow the county department that requested
11 the petition to be filed and the person to present evidence on whether it is in the
12 interest of public protection to have the person continue to register as a sex offender.

13 The court shall decide whether to grant or deny the petition and shall provide written
14 notification of its decision to the department of corrections no later than the first day
15 of the 10th month beginning after the effective date of this paragraph. In deciding

16 whether to grant or deny the petition, the court may consider any of the factors
17 specified under section 938.345 (3) (a) of the statutes, as created by this act. If the
18 court grants the petition, the department of corrections shall continue to maintain
19 the information in the sex offender registry about the person as provided under
20 section 301.45 of the statutes, as affected by this act, and may not purge the
21 information under paragraph (a). If the court denies the petition, the department
22 of corrections shall purge the information in the sex offender registry about the
23 person as provided under paragraph (a) no later than 30 days after it receives notice
24 from the court that the petition has been denied.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

INSERT A-REAL ESTATE

A-Real Estate 26-10
LRB-1407/P3ins
PJK:kmg:kjf 35-2XX
copy: in file
as "A-Real Estate ..."

Notices prior to sales or rentals of real property

Under current law, with certain exceptions, owners who wish to sell residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of which the owner is aware related to the real property. The form also includes some additional information, such as how long the owner has lived on the property, and a notice that the prospective buyer and the owner may wish to obtain professional advice or inspections of the property. This bill requires the form to include a notice that advises the prospective buyer that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective buyer may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. The notice provides the address, telephone number and internet address of DOC. If the real estate condition report provided to a prospective buyer includes this notice, the owner of the property is absolved from any duty to disclose to the prospective buyer any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, after sale of the property, the owner is not liable to the buyer or any person on the property with the permission of the buyer for damages resulting from the actions of a person required to register with the sex offender registry. If a prospective buyer learns, after receiving a real estate condition report, that a person who is required to register with the sex offender registry resides, is employed or attends school within one-eighth of a mile of the property, the prospective buyer may, within two business days after receiving the report, rescind the contract of sale.

Under current law, unlike owners of residential property, owners of nonresidential property are not required to provide to prospective buyers any report on the condition of the property. The bill provides, however, that an owner of nonresidential property may provide to a prospective buyer, after acceptance of a contract of sale, a notice that advises the prospective buyer, along with the address, telephone number and internet address of DOC, that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective buyer may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. If the owner provides the notice to a prospective buyer, the owner is absolved from any duty to disclose to the prospective buyer any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, after the sale of the property, the owner is not liable to the buyer or any person on the property with the permission of the buyer for damages resulting from the actions of a person required to register with the sex offender registry.

The bill also provides that a landlord may provide to a prospective tenant, before the tenant enters into a lease, a notice that advises the prospective tenant,

along with the address, telephone number and internet address of DOC, that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective tenant may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. If the landlord provides the notice to a prospective tenant, the landlord is absolved from any duty to disclose to the prospective tenant, before or after entering into a lease, any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, if the tenant enters into a lease, the owner is not liable to the tenant or a guest of the tenant for damages resulting from the actions of a person required to register with the sex offender registry.

(END OF INSERT A-REAL ESTATE)

INSERT 26-10

SECTION 1. 452.23 (2) (d) of the statutes is created to read:

452.23 (2) (d) Any information related to the fact that a particular person is required to register as a sex offender under s. 301.45 or any information about the sex offender registry under s. 301.45.

SECTION 2. 704.04 of the statutes is created to read:

704.04 Notice of access to sex offender registry; no duty to disclose information. (1) If, before a prospective tenant enters into a lease or rental agreement, the landlord or his or her agent provides to the prospective tenant the notice under sub. (2), all of the following apply:

(a) The landlord or agent has no duty to disclose to the prospective tenant, or to the tenant after the lease or rental agreement is entered into, any information related to the fact that a particular person is required to register as a sex offender under s. 301.45 or any information about the sex offender registry under s. 301.45.

✓
1 (2) The notice referred to in sub. (1) (intro.) shall be in substantially the
2 following form:

3 NOTICE REGARDING ACCESS TO THE
4 SEX OFFENDER REGISTRY

5 Anyone may obtain information from the department of corrections about
6 persons required to register with the sex offender registry under section 301.45,
7 Wisconsin Statutes. The department of corrections provides access to the
8 information on the internet and by other means. THE PROSPECTIVE TENANT
9 MAY WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED
10 WITH THE SEX OFFENDER REGISTRY WHO RESIDES IN THE
11 NEIGHBORHOOD OR COMMUNITY IN WHICH THIS PROPERTY IS LOCATED.
12 FOR MORE INFORMATION, CONTACT THE DEPARTMENT OF
13 CORRECTIONS AT (ADDRESS), (TELEPHONE NUMBER), (INTERNET
14 ADDRESS).

15 (3) This section shall not be construed to impose any liability on a landlord or
16 his or her agent that did not exist under common law on the effective date of this
17 subsection [revisor inserts date] ✓. This section shall not be construed to protect a
18 landlord or his or her agent from suit or liability for any damage, loss or injury caused
19 by the intentional or wanton misconduct of the landlord or his or her agent.

20 **SECTION 3.** 709.03 (form) GM. of the statutes is created to read:

21 709.03 (form) GM.

22 NOTICE REGARDING ACCESS TO THE
23 SEX OFFENDER REGISTRY

24 GM. Anyone may obtain information from the department of corrections about
25 persons required to register with the sex offender registry under section 301.45,

↘

1 Wisconsin Statutes. The department of corrections provides access to the
2 information on the internet and by other means. THE PROSPECTIVE BUYER MAY
3 WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED WITH
4 THE SEX OFFENDER REGISTRY WHO RESIDES IN THE NEIGHBORHOOD OR
5 COMMUNITY IN WHICH THIS PROPERTY IS LOCATED. FOR MORE
6 INFORMATION, CONTACT THE DEPARTMENT OF CORRECTIONS AT
7 (ADDRESS), (TELEPHONE NUMBER), (INTERNET ADDRESS).

8 **SECTION 4.** 709.05 (1) of the statutes is amended to read:

9 709.05 (1) Except as provided in sub. (2) (b), if a buyer receives a report after
10 submission of a contract of sale or option contract to the owner or the owner's agent,
11 the buyer may, after receipt of that report by the prospective buyer and before the
12 applicable deadline, rescind in writing a contract of sale or option contract if a defect,
13 as defined in the report, is disclosed, or if the buyer learns that a person who is
14 required to register as a sex offender under s. 301.45 resides, is employed or attends
15 school within one-eighth of a mile of the property, without any liability on his or her
16 part, and a buyer is entitled to the return of any deposits or option fees paid in the
17 transaction. A prospective buyer who receives a report that is incomplete or that
18 contains an inaccurate assertion that an item is not applicable and who is not aware
19 of the defects that the owner failed to disclose may, within 2 business days after
20 receipt of that report, rescind in writing a contract of sale or option contract without
21 any liability on his or her part and is entitled to the return of any deposits or option
22 fees paid in the transaction.

History: 1991 a. 162; 1995 a. 180.

23 **SECTION 5.** 709.05 (2) (b) of the statutes is amended to read:



709.05 (2) (b) A buyer may not rescind a contract of sale or option contract under this section on the basis of a defect disclosed in a report, amended report or amendment to a report, or on the basis of knowledge about a person who is required to register as a sex offender under s. 301.45, if the buyer was aware, or had written notice, of the nature and extent of the defect, or of the person's proximate residence, employment or attendance at school, at the time the contract of sale or option contract was submitted to the owner or the owner's agent.

History: 1991 a. 162; 1995 a. 180.

SECTION 6. 709.09 of the statutes is created to read:

709.09 No duty to disclose information; no liability. (1) In regard to transfers described in s. 709.01, if the owner of the property or his or her agent provides to a prospective buyer a report under s. 709.03 that contains the information specified in s. 709.03 (form) GM., all of the following apply:

(a) The owner or agent has no duty to disclose to ^{the} a prospective buyer any information related to the fact that a particular person is required to register as a sex offender under s. 301.45 or any information about the sex offender registry under s. 301.45.

(b) The owner or agent is not liable to the buyer or any person on the property with the permission of the buyer for damages resulting from the actions of a person required to register as a sex offender under s. 301.45.

^{(2) (b)} ~~(3)~~ This section shall not be construed to impose any liability on an owner or his or her agent that did not exist under common law on the effective date of this subsection [revisor inserts date]. This section shall not be construed to protect an owner or his or her agent from suit or liability for any damage, loss or injury caused by the intentional or wanton misconduct of the owner or his or her agent.

✓
1 **SECTION 7.** 710.20 of the statutes is created to read:

2 **710.20 Notice of access to sex offender registry; no duty to disclose**
3 **information. (1)** If, not later than 10 days after acceptance of a contract of sale or
4 option contract in a transfer by sale, exchange or land contract of real property other
5 than that described in s. 709.01 (1), the owner of the property or his or her agent
6 provides to the prospective buyer the notice under sub. (2), all of the following apply:

7 (a) The owner or agent has no duty to disclose to the prospective buyer any
8 information related to the fact that a particular person is required to register as a
9 sex offender under s. 301.45 or any information about the sex offender registry under
10 s. 301.45.

11 (b) The owner or agent is not liable to the buyer, or to any person on the property
12 with the permission of the buyer, for damages resulting from the actions of a person
13 required to register as a sex offender under s. 301.45.

14 (2) The notice referred to in sub. (1) (intro.) shall be in substantially the
15 following form:

16 **NOTICE REGARDING ACCESS TO THE**
17 **SEX OFFENDER REGISTRY**

18 Anyone may obtain information from the department of corrections about
19 persons required to register with the sex offender registry under section 301.45,
20 Wisconsin Statutes. The department of corrections provides access to the
21 information on the internet and by other means. THE PROSPECTIVE BUYER MAY
22 WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED WITH
23 **THE SEX OFFENDER REGISTRY WHO RESIDES IN THE NEIGHBORHOOD OR**
24 **COMMUNITY IN WHICH THIS PROPERTY IS LOCATED. FOR MORE**

↘

1 THE SEX OFFENDER REGISTRY WHO RESIDES IN THE NEIGHBORHOOD OR
2 COMMUNITY IN WHICH THIS PROPERTY IS LOCATED. FOR MORE

3 INFORMATION, CONTACT THE DEPARTMENT OF CORRECTIONS AT
4 (ADDRESS), (TELEPHONE NUMBER), (INTERNET ADDRESS).

5 (3) This section shall not be construed to impose any liability on a property
6 owner or his or her agent that did not exist under common law on the effective date
7 of this subsection [revisor inserts date]. This section shall not be construed to
8 protect an owner or his or her agent from suit or liability for any damage, loss or
9 injury caused by the intentional or wanton misconduct of the owner or his or her
10 agent.

(END OF INSERT 26-10)

INSERT 35-2

11 (0) LEASES AND RENTAL AGREEMENTS. The treatment of section 704.04 of the
12 statutes first applies to leases and rental agreements for which application, or
13 inquiry about the property, is made on the first day of the 7th month beginning after
14 publication.

15 (1) REAL ESTATE TRANSFERS. The treatment of sections 709.03 (form) GM., 709.05
16 (1) and (2)1(b), 709.09 and 710.20 of the statutes first applies to transfers and
17 potential transfers in which contracts of sale, exchange agreements or option
18 contracts are accepted on the first day of the 7th month beginning after publication.

(END OF INSERT 35-2)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1407/1
JEO/MGD/10/12:kmg&cmh:mrc

Today

1999 BILL

2
r.m.r.

regenerate

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AN ACT to repeal 301.45 (2) (a) 7., 301.46 (2) (b) 7., 301.46 (4) (b) 3. and 301.46 (5) (b) 2.; **to renumber and amend** 301.45 (1), 301.45 (4m), 301.45 (5) (a) 1m., 301.45 (6) (a), 301.46 (1), 938.185 (3) and 971.19 (9); **to amend** 20.410 (1) (gc), 48.396 (2) (f), 51.20 (13) (ct) 2m., 51.375 (1) (d), 71.78 (5), 301.132 (1) (c), 301.132 (2), 301.132 (3), 301.45 (1m) (a) 1., 301.45 (1m) (a) 2., 301.45 (1m) (b), 301.45 (2) (a) (intro.), 301.45 (2) (b), 301.45 (2) (c), 301.45 (2) (d), 301.45 (2) (e) (intro.), 301.45 (2) (e) 2., 301.45 (2) (e) 5., 301.45 (3) (a) (intro.), 301.45 (3) (a) 1m., 301.45 (3) (a) 4., 301.45 (3) (b) 1., 301.45 (3) (b) 1m., 301.45 (3) (b) 2., 301.45 (3) (b) 3., 301.45 (3) (b) 3 m., 301.45 (3) (b) 4., 301.45 (5) (title), 301.45 (5) (a) (intro.), 301.45 (5) (a) 1., 301.45 (5) (a) 2., 301.45 (5) (a) 2m., 301.45 (5) (a) 3., 301.45 (5) (a) 4., 301.45 (5) (b) (intro.), 301.45 (5) (b) 1., 301.45 (5) (b) 2., 301.46 (2m) (a), 301.46 (2m) (am), 301.46 (3) (c), 301.46 (6) (a), 709.05 (1), 709.05 (2) (b), 938.34 (15m) (bm), 938.396 (2) (em), 942.06 (2m) (a), 942.06 (2q) (a) (intro.), 971.17 (1m) (b) 2m. and 973.048 (2m); and **to create** 51.20 (13) (ct) 4., 51.20 (13) (ct)

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5., 71.78 (4) (q), 301.45 (Id), 301.45 (lg) (dj), 301.45 (lg) (dL), 301.45 (lg) (f),
 301.45 (lg) (g), 301.45 (lm) (a) lg., 301.45 (2) (a) 9m., 301.45 (2) (e) 2m., 301.45
 (2) (e) 2t., 301.45 (2) (f), 301.45 (2) (g), 301.45 (3) (a) lr., 301.45 (3) (a) It., 301.45
 (4m) (b), 301.45 (5) (am), 301.45 (5) (b) lm., 301.45 (5) (b) 3., 301.45 (5m), 301.45
 (6) (a) 2., 301.45 (6) (d), 301.45 (6m), 301.46 (1) (b), 301.46 (2m) (b) lm., 301.46
 (5n), 452.23 (2) (d), 704.04, 709.03 (form) GM., 709.09, 710.20, 938.185 (3) (b),
 (c) and (d), 938.34 (15m) (d), 938.34 (15m) (e), 938.345 (3), 939.615 (6) (i), 971.17
 (lm) (b) 4., 971.17 (lm) (b) 5., 971.19 (9) (b), (c) and (d), 973.048 (4) and 973.048
 (5) of the statutes; **relating to:** sex offender registration, release of information
 from the sex offender registry, honesty testing of sex offenders, ~~notice~~
~~concerning access to the sex offender registry before sales or rentals of real~~
~~property,~~ making an appropriation and providing a penalty.

Analysis by the Legislative Reference Bureau

Sex offender registration requirements

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

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

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

1. **Offenses covered.** The bill adds the following crimes to the current list of sex offenses covered by the registration requirement: possession of child pornography; child sex offender working or volunteering with children; and sexual assault of a student by a school instructional staff person.

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

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

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

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

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

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

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

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

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jurisdiction of any crime that is comparable to first or second degree sexual assault, first or second degree sexual assault of a child or repeated sexual assault of a child,

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

a. A person who must register as a sex offender because he or she has been placed on lifetime supervision generally must register for the rest of his or her life. However, if a court decides to terminate the lifetime supervision of the person, the court may also order that the person no longer has to register as a sex offender.

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

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

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

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

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

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

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

Release of information from the sex offender registry

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

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

Lie detector tests of sex offenders

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

Notices prior to sales or rentals of real property

Under current law, with certain exceptions, owners who wish to sell residential real property must give prospective buyers a form, known as a real estate condition

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report, on which the owner discloses certain conditions of which the owner is aware related to the real property. The form also includes some additional information, such as how long the owner has lived on the property, and a notice that the prospective buyer and the owner may wish to obtain professional advice or inspections of the property. This bill requires the form to include a notice that advises the prospective buyer that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective buyer may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. The notice provides the address, telephone number and Internet address of DOC. If the real estate condition report provided to a prospective buyer includes this notice, the owner of the property is absolved from any duty to disclose to the prospective buyer any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, after sale of the property, the owner is not liable to the buyer or any person on the property with the permission of the buyer for damages resulting from the actions of a person required to register with the sex offender registry. If a prospective buyer learns, after receiving a real estate condition report, that a person who is required to register with the sex offender registry resides, is employed or attends school within one-eighth of a mile of the property, the prospective buyer may, within two business days after receiving the report, rescind the contract of sale.

Under current law, unlike owners of residential property, owners of nonresidential property are not required to provide to prospective buyers any report on the condition of the property. The bill provides, however, that an owner of nonresidential property may provide to a prospective buyer, after acceptance of a contract of sale, a notice that advises the prospective buyer, along with the address, telephone number and Internet address of DOC, that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective buyer may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. If the owner provides the notice to a prospective buyer, the owner is absolved from any duty to disclose to the prospective buyer any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, after the sale of the property, the owner is not liable to the buyer or any person on the property with the permission of the buyer for damages resulting from the actions of a person required to register with the sex offender registry.

The bill also provides that a landlord may provide to a prospective tenant, before the tenant enters into a lease, a notice that advises the prospective tenant, along with the address, telephone number and Internet address of DOC, that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective tenant may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. If the landlord provides

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the notice to a prospective tenant, the landlord is absolved from any duty to disclose to the prospective tenant, before or after entering into a lease, any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, if the tenant enters into a lease, the owner is not liable to the tenant or a guest of the tenant for damages resulting from the actions of a person required to register with the sex offender registry.

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

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

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

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

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

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

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

16 51.20 (13) (ct) 2m. If the subject individual is before the court on a petition filed
17 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a

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1 violation, or to have solicited, conspired or attempted to commit a violation, of s.
2 ~~940.22 (2)~~, 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
3 948.06, 948.07, 948.08, ~~948.095~~, 948.11 ~~(2)(a) or (am)~~, ~~948.12~~, ~~948.13~~ or 948.30, or
4 of s. 940.30 or 940.31 if the victim was a minor and the subject individual was not
5 the victim's parent, the court shall require the individual to comply with the
6 reporting requirements under s. 301.45 unless the court determines, after a hearing
7 on a motion made by the individual, that the individual is not required to comply
8 under s. 301.45 (lm).

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

10 51.20 (13) (ct) 4. If the court orders a subject individual to comply with the
11 reporting requirements under s. 301.45, the court may order the subject individual
12 to continue to comply with the reporting requirements until his or her death.

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

14 51.20 (13) (ct) 5. If the court orders a subject individual to comply with the
15 reporting requirements under s. 301.45, the clerk of the court in which the order is
16 entered shall promptly forward a copy of the order to the department of corrections.
17 If the finding under s. 938.30 (5) (c) (intro.) on which the order is based is reversed,
18 set aside or vacated, the clerk of the court shall promptly forward to the department
19 of corrections a certificate stating that the finding has been reversed, set aside or
20 vacated.

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

22 51.375 (1) (d) "Sex offender" means a person committed to the department who
23 meets any of the criteria specified in s. 301.45 ~~(1)~~ (1g).

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

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1 71.78 (4) (q) Employees of the department of corrections involved in the
2 administration of the sex offender registry under s. 301.45, for the purpose of
3 verifying information provided by a person required to register as a sex offender.

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

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

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

11 301.132 (1) (c) "Sex offender" means a person in the custody of the department
12 who meets any of the criteria specified in s. 301.45 ~~(1)~~ (1g).

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

14 301.132 (2) The department may ~~require, as a condition of probation, parole~~
15 ~~or extended supervision, that a probationer, parolee or person on extended~~
16 ~~supervision who is a sex offender to~~ submit to a lie detector test when directed to do
17 so by the department. The department may require submission to a lie detector test
18 under this subsection as part of a sex offender's correctional programming or care
19 and treatment, as a condition of a sex offender's probation, parole or extended
20 supervision, or both as part of a sex offender's correctional programming or care and
21 treatment and as a condition of the sex offender's probation, parole or extended
22 supervision.

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

24 301.132 (3) The department shall promulgate rules establishing a lie detector
25 test program for ~~probationers, parolees and persons on extended supervision who are~~

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1 sex offenders. The rules shall provide for assessment of fees upon ~~probationers,~~
2 ~~parolees and persons on extended supervision~~ sex offenders to partially offset the
3 costs of the program.

4 **SECTION 12.** 301.45 (1) of the statutes is renumbered 301.45 (lg), and 301.45
5 (lg) (intro.), (a), (b), (bm), (c), (d), (dd), (dh) and (e), as renumbered, are amended to
6 read:

7 301.45 **(lg)** (intro.) Except as provided in sub. (1m), a person shall comply with
8 the reporting requirements under this section if he or she meets any one or more of
9 the following criteria:

10 (a) Is convicted, or adjudicated delinquent ~~or found in need of protection or~~
11 ~~services~~ on or after December 25, 1993, for ~~any violation, or for the solicitation,~~
12 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
13 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or~~
14 ~~948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the~~
15 ~~victim's parent~~ a sex offense.

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

24 (bm) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m),
25 or a secured child caring institution, as defined in s. 938.02 (15g), or on probation,

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1 extended supervision, parole, supervision or aftercare supervision on or after
2 December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to
3 commit a violation, of a law of this state that is comparable to s. ~~940.22 (2), 940.225~~
4 ~~(1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07,~~
5 ~~948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if~~
6 ~~the victim was a minor and the person was not the victim's parent~~ a sex offense.

7 (c) Is found not guilty or not responsible by reason of mental disease or defect
8 on or after December 25, 1993, and committed under s. 51.20 or 971.17 for ~~any~~
9 ~~violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.~~
10 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
11 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
12 ~~a minor and the person was not the victim's parent~~ a sex offense.

13 (d) Is in institutional care or on conditional transfer under s. 51.35 (1) or
14 conditional release under s. 971.17 on or after December 25, 1993, for ~~any violation,~~
15 ~~or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2),~~
16 ~~940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
17 ~~948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor~~
18 ~~and the person was not the victim's parent~~ a sex offense.

19 (dd) Is in institutional care or on conditional transfer under s. 51.35 (1) or
20 conditional release under s. 971.17 on or after December 25, 1993, for a violation, or
21 for the solicitation, conspiracy or attempt to commit a violation, of a law of this state
22 that is comparable to s. ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),~~
23 ~~948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is~~
24 ~~comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the~~
25 ~~person was not the victim's parent~~ a sex offense.

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(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~~ sex offense.

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

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

301.45 (1d) DEFINITIONS. In this section:

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

(am) "Found to have committed a sex offense by another jurisdiction" means any of the following:

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

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

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

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

6 (b) "Sex offense" means a violation, or the solicitation, conspiracy or attempt
7 to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),
8 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am),
9 948.12, 948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the
10 person who committed the violation was not the victim's parent.

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

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

15 301.45 (**1g**) (dj) Is a juvenile in this state on or after the effective date of this
16 paragraph [revisor inserts date], and is on supervision in this state from another
17 state pursuant to the interstate compact on the placement of juveniles under s.
18 938.988 for a violation of a law of another state that is comparable to a sex offense.

19 **SECTION 15.** 301.45 (lg) (dL) of the statutes is created to read:

20 301.45 (**1g**) (dL) Is placed on lifetime supervision under s. 939.615 on or after
21 June 26, 1998.

22 **SECTION 16.** 301.45 (lg) (f) of the statutes is created to read:

23 301.45 (**1g**) (f) On or after the first day of the 7th month beginning after the
24 effective date of this paragraph [revisor inserts date], is registered as a sex
25 offender in another state or is registered as a sex offender with the federal bureau

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1 of investigation under 42 USC 14072 and is a resident of this state, a student in this
2 state or employed or carrying on a vocation in this state.

3 **SECTION 17.** 301.145 (lg) (g) of the statutes is created to read:

4 301.45 (lg) (g) Has been found to have committed a sex offense by another
5 jurisdiction and, on or after the first day of the 7th month beginning after the
6 effective date of this paragraph [revisor inserts date], is a resident of this state,
7 a student in this state or employed or carrying on a vocation in this state. This
8 paragraph does not apply if 10 years have passed since the date on which the person
9 was released from prison or placed on parole, probation, extended supervision or
10 other supervised release for the sex offense.

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

12 301.45 **(1m)** (a) 1. The person meets the criteria under sub. ~~(1) (1g)~~ (a) to ~~(dd)~~
13 ~~(dd)~~ based on any violation, or on the solicitation, conspiracy or attempt to commit
14 any violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of another state that is~~
15 ~~comparable to s. 948.02 (1) or (2) or 948.025.~~

16 **SECTION 19.** 301.45 (lm) (a) lg. of the statutes is created to read:

17 301.45 **(lm)** (a) lg. The violation, or the solicitation, conspiracy or attempt to
18 commit the violation, of s. 948.02 (1) or (2) or 948.025 did not involve sexual
19 intercourse, as defined in s. 948.01 (6), either by the use or threat of force or violence
20 or with a victim under the age of 12 years.

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

22 301.45 **(1m)** (a) 2. At the time of the violation, or of the solicitation, conspiracy
23 or attempt to commit the violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of~~
24 ~~another state that is comparable to s. 948.02 (1) or (2) or 948.025,~~ the person had not

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1 attained the age of 19 years and was not more than 4 years older or not more than
2 4 years younger than the child.

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

4 301.45 **(1m)** (b) If a person believes that he or she is not required under par.
5 (a) to comply with the reporting requirements under this section and the person is
6 not before the court under s. 51.20 (13) (ct), 938.34 (15m), **971.17** (lm) (b) or 973.048,
7 the person may move a court to make a determination of whether the person satisfies
8 the criteria specified in par. (a). A motion made under this paragraph shall be filed
9 with the circuit court for the county in which the person was convicted, adjudicated
10 delinquent, ~~found in need of protection or services~~ or found not guilty or not
11 responsible by reason of mental disease or defect, ~~except that if the person meets the~~
12 ~~criteria of sub. (1) (dh) the person shall file the motion in the circuit court for the~~
13 ~~county in which he or she resides.~~

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

15 301.45 (2) (a) (intro.) The department shall maintain a registry of all persons
16 subject to sub. ~~(1)~~ **(1g)**. The registry shall contain all of the following with respect to
17 each person:

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

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

20 301.45 (2) (a) **9m.** For a person covered under sub. (lg) (dt), a notation
21 concerning the treatment that the person has received for his or her mental disorder,
22 as defined in s. 980.01 (2).

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

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

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

5 301.45 (2) (c) If the department of health and family services has supervision
6 over a person subject to sub. ~~(1)~~ (la), that department, with the assistance of the
7 person, shall provide the information specified in par. (a) to the department of
8 corrections in accordance with the rules under sub. (8).

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

10 301.45 (2) (d) A person subject to sub. ~~(1)~~ (1g) who is not under the supervision
11 of the department of corrections or the department of health and family services shall
12 provide the information specified in par. (a) to the department of corrections in
13 accordance with the rules under sub. (8). If the person is unable to provide an item
14 of information specified in par. (a), the department of corrections may request
15 assistance from a circuit court or the department of health and family services in
16 obtaining that item of information. A circuit court and the department of health and
17 family services shall assist the department of corrections when requested to do so
18 under this paragraph.

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

20 301.45 (2) (e) (intro.) The department of health and family services shall
21 provide the information required under par. (c) or the person subject to sub. ~~(1)~~ (1g)
22 shall provide the information required under par. (d) in accordance with whichever
23 of the following is applicable:

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

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1 301.45 (2) (e) 2. If the person is on parole, extended supervision ~~or~~, probation
2 or other supervision from another state under s. 304.13 ~~or~~, 304.135 or 938.988, within
3 10 days after the person enters this state.

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

5 301.45 (2) (e) 2m. If the person is registered as a sex offender in another state
6 or is registered as a sex offender with the federal bureau of investigation under 42
7 USC 14072, within 10 days after the person enters this state to take up residence or
8 begin school, employment or his or her vocation.

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

10 301.45 (2) (e) 2t. If the person has been found to have committed a sex offense
11 by another jurisdiction and subd. 2m. does not apply, within 10 days after the person
12 enters this state to take up residence or begin school, employment or his or her
13 vocation.

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

15 301.45 (2) (e) 5. If subd. 1., 2., 2m., 2t., 3. or 4. does not apply, within 10 days
16 after the person is sentenced or receives a disposition.

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

18 301.45 (2) (f) The department may require a person covered under sub. (lg) to
19 provide the department with his or her fingerprints, a recent photograph of the
20 person and any other information required under par. (a) that the person has not
21 previously provided. The department may require the person to report to a place
22 designated by the department, including an office or station of a law enforcement
23 agency, for the purpose of obtaining the person's fingerprints, the photograph or
24 other information.

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

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

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

9 301.45 (3) (a) (intro.) A person covered under sub. (1) (la) is subject to the
10 annual registration requirements under par. (b) as follows:

11 **SECTION 36.** 301.45 (3) (a) lm. of the statutes is amended to read:

12 301.45 (3) (a) lm. If the person is on parole, extended supervision ~~or~~, probation
13 or other supervision from another state under s. 304.13 ~~or~~, 304.135 or 938.988, he or
14 she is subject to this subsection upon entering this state.

15 **SECTION 37.** 301.45 (3) (a) lr. of the statutes is created to read:

16 301.45 (3) (a) lr. If the person is registered as a sex offender in another state
17 or is registered as a sex offender with the federal bureau of investigation under 42
18 USC 14072, within 10 days after the person enters this state to take up residence or
19 begin school, employment or his or her vocation.

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

21 301.45 (3) (a) 1t. If the person has been found to have committed a sex offense
22 by another jurisdiction and subd. lr. does not apply, within 10 days after the person
23 enters this state to take up residence or begin school, employment or his or her
24 vocation.

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

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

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

5 301.45 (3) (b) 1. Except as provided in subd. 1m., a person who is subject to par.
6 (a) shall notify the department once each calendar year, as directed by the
7 department, of his or her current information specified in sub. (2) (a). The
8 department shall annually notify registrants of their need to comply with this
9 requirement. If the registrant is a person under the age of 18, the department may
10 also annually notify the registrant's parent, guardian or legal custodian of the
11 registrant's need to comply with this requirement.

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

13 301.45 (3) (b) 1m. A person who is subject to par. ~~(a) because he or she is covered~~
14 ~~under sub. (1) (d) lifetime registration under sub. (5) (b) 2. or (5m) (b) 4.~~ shall notify
15 the department once each 90 days, as directed by the department, of his or her
16 current information specified in sub. (2) (a). Every 90 days, the department shall
17 notify registrants subject to this subdivision of their need to comply with this
18 requirement. If the registrant subject to this subdivision is a person under the age
19 of 18, the denartment may also notifv the registrant's parent, guardian or legal
20 custodian every 90 days of the registrant's need to comply with this requirement.

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

22 301.45 (3) (b) 2. The department shall notify a person who is being released
23 from prison in this state because he or she has reached the expiration date of his or
24 her sentence and who is covered under sub. ~~(1)~~ (1g) of the need to comply with the
25 reauirements of this section. Also, probation, extended supervision and parole

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1 agents, aftercare agents and agencies providing supervision shall notify any client
2 who is covered under sub. ~~(1)~~ (1g) of the need to comply with the requirements of this
3 section at the time the client is placed on probation, extended supervision, parole,
4 supervision or aftercare supervision or, if the client is on probation, extended
5 supervision ~~or~~, parole or other supervision from another state under s. 304.13 ~~or~~,
6 304.135 or 938.988, when the client enters this state.

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

8 301.45 (3) (b) 3. The department of health and family services shall notify a
9 person who is being placed on conditional release, conditional transfer or parole, or
10 is being terminated or discharged from a commitment, under s. 51.20, 51.35 or
11 971.17 or ch. 975 or 980 and who is covered under sub. ~~(1)~~ (1g) of the need to comply
12 with the requirements of this section.

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

14 301.45 (3) (b) 3m. After notifying a person under subd. 2. or 3. of the need to
15 comply with this section, the person who is providing the notification shall require
16 the person who is covered under sub. ~~(1)~~ (1g) to read and sign a form stating that he
17 or she has been informed of the requirements of this section.

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

19 301.45 (3) (b) 4. ~~Failure to~~ It is not a defense to liability under sub. (6) (a) that
20 the person subject to sub. (1g) was not required to read and sign a form under subd.
21 3m.. was not provided with a form to read and sign under subd. 3m. or failed or
22 refused to read or sign a form under subd. 3m. It is not a defense to liability under
23 sub. (6) (a) that the person subject to sub. (1g) did not receive notice under this
24 paragraph from the department of health and family services, the department of

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1 corrections, a probation, extended supervision and parole agent, an aftercare agent
2 or an agency providing supervision is ~~not a defense to liability under sub. (6).~~

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

5 **301.45 (4m) INFORMATION CONCERNING A MOVETOO SCHOOLING OR EMPLOYMENT**
6 **IN ANOTHER STATE.** (intro.) In addition to the requirements under subs. (3) and (4),
7 a person who is covered under sub. (1) (1g) and who is changing his or her residence
8 from this state to another state, is becoming: a student in another state or is to be
9 employed or carrying on a vocation in another state shall, no later than 10 days
10 before he or she moves out of this state, begins school or begins employment or his
11 or her vocation, notify the department that he or she is changing his or her residence
12 from this state ~~and~~, is beginning school in another state or is beginning employment
13 or the carrying on of a vocation in another state. The person shall also inform the
14 department of the state to which he or she is moving his or her residence, the state
15 in which he or she will be in school or the state in which he or she will be employed
16 or carrying on a vocation. Upon receiving notification from a person under this
17 subsection, the department shall ~~inform~~ do all of the following:

18 (a) Inform the person **whether** the state to which the person is moving, the state
19 in which the person will be in school or the state in which the person will be employed
20 or carrying on a vocation has sex offender registration requirements to which the
21 person may be subject and, if so, the name of the agency to contact in that state for
22 information concerning those requirements.

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

24 301.45 (4m) (b) Inform the agency responsible for sex offender registration in
25 the state to which the person is moving, in which the person will be in school or in

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1 which the person will be employed or carrying on a vocation that the person is moving
2 to the state, beginning school in the state or beginning employment or carrying on
3 a vocation in the state, and provide the agency of the other state with all of the
4 information specified in sub. (2) (a).

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

6 301.45 (5) (title) RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX
7 OFFENSE IN THIS STATE.

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

9 301.45 (5) (a) (intro.) Except as provided in ~~par. pars. (am) and~~ (b), a person who
10 is covered under sub. ~~(1) (1g) (a), (b), (bm), (c), (d), (dd), (dp) or (e)~~ no longer has to
11 comply with this section when the following applicable criterion is met:

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

13 301.45 (5) (a) 1. If the person has been placed on probation or supervision for
14 a sex offense, 15 years after discharge from the probation or supervision imposed for
15 the sex offense.

16 SECTION 51. 301.45 (5) (a) 1m. of the statutes is renumbered 301.45 (5m) (a)

17 1. and amended to read:

18 301.45 (5m) (a) 1. If the person is on parole, extended supervision ~~or~~, probation
19 or other supervision from another state under s. 304.13 ~~or~~, 304.135 ~~or~~ 938.988, 15
20 years after discharge from that parole, extended supervision ~~or~~, probation or other
21 supervision or the period of time that the person is in this state, whichever is less.

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

23 301.45 (5) (a) 2. If the person has been sentenced to prison or placed in a secured
24 correctional facility or a secured child caring institution for a sex offense, 15 years

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1 after discharge from parole, extended supervision or aftercare supervision for the sex
2 offense.

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

4 301.45 (5) (a) 2m. If the person has been sentenced to prison for a sex offense
5 and is being released from prison because he or she has reached the expiration date
6 of ~~his or her~~ the sentence for the sex offense, 15 years after being released from
7 prison.

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

9 301.45 (5) (a) 3. If the person has been committed to the department of health
10 and family services under s. 51.20 or 971.17 and is in institutional care or on
11 conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 for a sex
12 offense, 15 years after termination of the commitment for the sex offense under s.
13 971.17 (5) or discharge from the commitment for the sex offense under s. 51.35 (4)
14 or 971.17 (6).

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

16 301.45 (5) (a) 4. If subd. 1., ~~1m.,~~ 2., 2m., 3. or 3m. does not apply, 15 years after
17 the date of conviction for the sex offense or 15 years after the date of disposition of
18 the sex offense, whichever is later.

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

20 301.45 (5) (am) 1. Except as provided in subd. 2., a person who is covered under
21 sub. (lg) (dL) shall continue to comply with the requirements of this section until his
22 or her death.

23 2. A person who is covered under sub. (lg) (dL) is not required to comply with
24 the requirements of this section if a court orders that the person is no longer required
25 to comply under s. 939.615 (6) (i).

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

2 301.45 (5) (b) (intro.) A person who is covered under sub. ~~(1)~~ (1g) (a), (b), (bm),
3 (c), (d), (dd), (dp) or (e) shall continue to comply with the requirements of this section
4 until his or her death if any of the following ~~apply~~ applies:

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

6 301.45 (5) (b) 1. The person has, on 2 or more separate occasions, been convicted
7 or found not guilty or not responsible by reason of mental disease or defect for ~~any~~
8 ~~violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.~~
9 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
10 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
11 ~~a minor and the person was not the victim's parent~~ a sex offense, or for ~~any a~~
12 ~~violation, or for the solicitation, conspiracy or attempt to commit any a~~ a violation, of
13 a federal law, a military law, a tribal law or a law of this state or any other state that
14 is comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1)
15 or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is
16 comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the
17 person was not the victim's parent sex offense. A conviction or finding of not guilty
18 or not responsible by reason of mental disease or defect that has been reversed, set
19 aside or vacated is not a conviction or finding for purposes of determining under this
20 subdivision whether a person has been convicted on 2 or more separate occasions.

21 **SECTION 59.** 301.45 (5) (b) lm. of the statutes is created to read:

22 301.45 (5) (b) lm. The person has been convicted or found not guilty or not
23 responsible by reason of mental disease or defect for a violation, or for the solicitation,
24 conspiracy or attempt to commit a violation, of s. 940.225 (1) or (2), 948.02 (1) or (2)
25 or 948.025. A conviction or finding of not guilty or not responsible by reason of mental

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1 disease or defect that has been reversed, set aside or vacated is not a conviction or
2 finding for purposes of this subdivision.

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

4 301.45 (5) (b) 2. The person has been found to be a sexually violent person under
5 ch. 980, regardless of whether the person is discharged under s. 980.09 or 980.10
6 from the sexually violent person commitment, except that the person no longer has
7 to comply with this section if the finding that the person is a sexually violent person
8 has been reversed, set aside or vacated.

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

10 301.45 (5) (b) 3. The court that ordered the person to comply with the reporting
11 requirements of this section under s. 51.20 (13) (ct), 938.34 (15m), 938.345 (3), 971.17
12 (lm) (b) or 973.048 also ordered the person to comply with the requirements until his
13 or her death.

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

15 301.45 (5m) **RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX**
16 **OFFENSE IN ANOTHER JURISDICTION.** (a) Except as provided in pars. (b) and (c), a person
17 who is covered under sub. (lg) (dh), (dj), (f) or (g) no longer has to comply with this
18 section when the following applicable criterion is met:

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

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

24 b. The period of time that the person is registered as a sex offender in another
25 state or with the federal bureau of investigation, or 10 years from the date on which

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1 the person was released from prison or placed on parole, probation, extended
2 supervision or other supervised release for the sex offense which subjects the person
3 to the requirements of this section, whichever is greater.

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

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

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

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

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

19 2. The person has been convicted or found not guilty or not responsible by
20 reason of mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or
21 (2) or 948.025, or for the solicitation, conspiracy or attempt to commit a violation, of
22 a federal law, a military law, a tribal law or a law of any state that is comparable to
23 a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025. A conviction or finding
24 of not guilty or not responsible by reason of mental disease or defect that has been

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1 reversed, set aside or vacated is not a conviction or finding for purposes of this
2 subdivision.

3 3. The person has, on 2 or more separate occasions, been convicted or found not
4 guilty or not responsible by reason of mental disease or defect for a sex offense or for
5 a violation, or the solicitation, conspiracy or attempt to commit a violation, of a
6 federal law, military law, tribal law or law of any state that is comparable to a sex
7 offense. A conviction or finding of not guilty or not responsible by reason of mental
8 disease or defect that has been reversed, set aside or vacated is not a conviction or
9 finding for purposes of determining under this subdivision whether a person has
10 been convicted on 2 or more separate occasions.

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

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

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

20 301.45 (6) (a) (intro.) ~~Whoever intentionally knowingly~~ fails to comply with any
21 requirement to provide information under subs. (2) to (4) is subject to the following
22 penalties:

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

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1 ~~Subject~~ to s. 971.19 (9), a district attorney or, upon the request of a district
2 attorney, the department of justice may prosecute a ~~violation of this subsection~~
3 knowing failure to comply with any requirement to provide information under subs.
4 ~~(2) the~~ department of corrections determines that there is probable cause
5 to believe that a person has ~~intentionally~~ knowingly failed to comply with any
6 requirement to provide information under subs. (2) to (4), the department shall
7 forward a certified copy of all pertinent departmental information to the applicable
8 district attorney. The department shall certify the copy in accordance with s. 889.08.

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

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

15 **SECTION 65.** 301.45 (6) (d) of the statutes is created to read:

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

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

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1 301.45 **(6m)** NOTICE TO OTHER JURISDICTIONS CONCERNING NONCOMPLIANCE. If the
2 department has reasonable grounds to believe that a person who is covered under
3 sub. (lg) (f) or (g) is residing in this state, is a student in this state or is employed or
4 carrying on a vocation in this state and that the person is not complying with the
5 requirements of this section, the department shall notify the state agency
6 responsible for the registration of sex offenders in any state in which the person is
7 registered that it believes the person is not complying with the requirements of this
8 section. If the person is registered with the federal bureau of investigation under 42
9 USC 14072, the department shall notify the federal bureau of investigation that it
10 believes the person is not complying with the requirements of this section.

11 **SECTION 67.** 301.46 (1) of the statutes is renumbered 301.46 (1) (intro.) and
12 amended to read:

13 301.46 (1) **DEFINITIONS.** (intro.) In this section ~~“agency;~~

14 ~~(a), “Agencp~~ with jurisdiction” means the state agency with the authority or
15 duty to confine or supervise a person or release or discharge a person from
16 confinement.

17 **SECTION 68.** 301.46 (1) (b) of the statutes is created to read:

18 301.46 (1) (b) “Sex offense” has the meaning given in s. 301.45 (Id) (b).

19 **SECTION 69.** 301.46 (2) (b) 7. of the statutes is repealed.

20 **SECTION 70.** 301.46 (2m) (a) of the statutes is amended to read:

21 301.46 (2m) (a) If an agency with jurisdiction confines a person under s.
22 301.046, provides a person entering the intensive sanctions program under s.
23 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
24 a person from confinement in a state correctional institution or institutional care,
25 and the person has, on one occasion only, been convicted or found not guilty or not

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

15 SECTION 71. 301.46 (2m) (am) of the statutes is amended to read:

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

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~~(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 or 948.11~~ a sex offense, the agency with jurisdiction shall notify the police chief of any community and the sheriff of any county in which the person will be residing, employed or attending school. Notification under this paragraph shall be in addition to providing access to information under sub. (2) and to any other notification that an agency with jurisdiction is authorized to provide.

SECTION 72. 301.46 (2m) (b) lm. of the statutes is created to read:

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

SECTION 73. 301.46 (3) (c) of the statutes is amended to read:

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

SECTION 74. 301.46 (4) (b) 3. of the statutes is repealed.

SECTION 75. 301.46 (5) (b) 2. of the statutes is repealed.

SECTION 76. 301.46 (5n) of the statutes is created to read:

301.46 (5n) **INTERNET ACCESS.** No later than the first day of the ¹³th month beginning after the effective date of this subsection . . . [revisor inserts date], the department shall provide access to information concerning persons registered under s. 301.45 by creating and maintaining an Internet site and by any other means that

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1 the department determines is appropriate. The information provided through the
2 Internet site shall be organized in a manner that allows a person using the Internet
3 site to obtain the information that the department is required to provide the person
4 under sub. (2), (2m), (3), (4) or (5) and other information that the department
5 determines is necessary to protect the public. The department shall keep the
6 information provided on the Internet site and in other means used to allow access to
7 the information secure against unauthorized alteration.

8 **SECTION 77.** 301.46 (6) (a) of the statutes is amended to read:

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

13 **SECTION 78.** 452.23 (2) (d) of the statutes is created to read:

14 452.23 (2) (d) Any information related to the fact that a particular person is
15 required to register as a sex offender under s. 301.45 or any information about the
16 sex offender registry under s. 301.45.

17 **SECTION 79.** 704.04 of the statutes is created to read:

18 **704.04 Notice of access to sex offender registry; no duty to disclose**
19 **information.** (1) If, before a prospective tenant enters into a lease or rental
20 agreement, the landlord or his or her agent provides to the prospective tenant the
21 notice under sub. (2), all of the following apply:

22 (a) The landlord or agent has no duty to disclose to the prospective tenant, or
23 to the tenant after the lease or rental agreement is entered into, any information
24 related to the fact that a particular person is required to register as a sex offender
25 under s. 301.45 or any information about the sex offender registry under s. 301.45.

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(b) The landlord or agent is not liable to the tenant after the lease or rental agreement is entered into, or to a guest of the tenant, for damages resulting from the actions of a person required to register as a sex offender under s. 301.45.

(2) The notice referred to in sub. (1) (intro.) shall be in substantially the following form:

NOTICE REGARDING ACCESS TO THE
SEX OFFENDER REGISTRY

Anyone may obtain information from the department of corrections about persons required to register with the sex offender registry under section 301.45, Wisconsin Statutes. The department of corrections provides access to the information on the Internet and by other means. THE PROSPECTIVE TENANT MAY WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED WITH THE SEX OFFENDER REGISTRY WHO RESIDES IN THE NEIGHBORHOOD OR COMMUNITY IN WHICH THIS PROPERTY IS LOCATED. FOR MORE INFORMATION, CONTACT THE DEPARTMENT OF CORRECTIONS AT (ADDRESS), (TELEPHONE NUMBER), (INTERNET ADDRESS).

(3) This section shall not be construed to impose any liability on a landlord or his or her agent that did not exist under common law on the effective date of this subsection ... [revisor inserts date]. This section shall not be construed to protect a landlord or his or her agent from suit or liability for any damage, loss or injury caused by the intentional or wanton misconduct of the landlord or his or her agent.

SECTION 80. 709.03 (form) GM. of the statutes is created to read:

709.03 (form) GM.

NOTICE REGARDING ACCESS TO THE

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SEX OFFENDER REGISTRY

GM. Anyone may obtain information from the department of corrections about persons required to register with the sex offender registry under section 301.45, Wisconsin Statutes. The department of corrections provides access to the information on the Internet and by other means. THE PROSPECTIVE BUYER MAY WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED WITH THE SEX OFFENDER REGISTRY WHO RESIDES IN THE NEIGHBORHOOD OR COMMUNITY IN WHICH THIS PROPERTY IS LOCATED. FOR MORE INFORMATION, CONTACT THE DEPARTMENT OF CORRECTIONS AT (ADDRESS), (TELEPHONE NUMBER), (INTERNET ADDRESS).

SECTION 81. 709.05 (1) of the statutes is amended to read:

709.05 (1) Except as provided in sub. (2) (b), if a buyer receives a report after submission of a contract of sale or option contract to the owner or the owner's agent, the buyer may, after receipt of that report by the prospective buyer and before the applicable deadline, rescind in writing a contract of sale or option contract if a defect, as defined in the report, is disclosed, or if the buyer learns that a person who is required to register as a sex offender under s. 301.45 resides, is employed or attends school within one-eighth of a mile of the property, without any liability on his or her part, and a buyer is entitled to the return of any deposits or option fees paid in the transaction. A prospective buyer who receives a report that is incomplete or that contains an inaccurate assertion that an item is not applicable and who is not aware of the defects that the owner failed to disclose may, within 2 business days after receipt of that report, rescind in writing a contract of sale or option contract without any liability on his or her part and is entitled to the return of any deposits or option fees paid in the transaction.

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1 **SECTION 82.** 709.05 (2) (b) of the statutes is amended to read:

2 709.05 (2) (b) A buyer may not rescind a contract of sale or option contract
3 under this section on the basis of a defect disclosed in a report, amended report or
4 amendment to a report, or on the basis of knowledge about a person who is required
5 to register as a sex offender under s. 301.45, if the buyer was aware, or had written
6 notice, of the nature and extent of the defect, or of the person's proximate residence,
7 employment or attendance at school, at the time the contract of sale or option
8 contract was submitted to the owner or the owner's agent.

9 **SECTION 83.** 709.09 of the statutes is created to read:

10 **709.09 No duty to disclose information; no liability. (1)** In regard to
11 transfers described in s. 709.01, if the owner of the property or his or her agent
12 provides to a prospective buyer a report under s. 709.03 that contains the information
13 specified in s. 709.03 (form) GM., all of the following apply:

14 (a) The owner or agent has no duty to disclose to the prospective buyer any
15 information related to the fact that a particular person is required to register as a
16 sex offender under s. 301.45 or any information about the sex offender registry under
17 s. 301.45.

18 (b) The owner or agent is not liable to the buyer or any person on the property
19 with the permission of the buyer for damages resulting from the actions of a person
20 required to register as a sex offender under s. 301.45.

21 (2) This section shall not be construed to impose any liability on an owner or
22 his or her agent that did not exist under common law on the effective date of this
23 subsection [revisor inserts date]. This section shall not be construed to protect an
24 owner or his or her agent from suit or liability for any damage, loss or injury caused
25 by the intentional or wanton misconduct of the owner or his or her agent.

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SECTION 84. 710.20 of the statutes is created to read:

710.20 **Notice of access to sex offender registry; no duty to disclose information.** (1) If, not later than 10 days after acceptance of a contract of sale or option contract in a transfer by sale, exchange or land contract of real property other than that described in s. 709.01 (1), the owner of the property or his or her agent provides to the prospective buyer the notice under sub. (2), all of the following apply:

(a) The owner or agent has no duty to disclose to the prospective buyer any information related to the fact that a particular person is required to register as a sex offender under s. 301.45 or any information about the sex offender registry under s. 301.45.

(b) The owner or agent is not liable to the buyer, or to any person on the property with the permission of the buyer, for damages resulting from the actions of a person required to register as a sex offender under s. 301.45.

(2) The notice referred to in sub. (1) (intro.) shall be in substantially the following form:

NOTICE REGARDING ACCESS TO THE
SEX OFFENDER REGISTRY

Anyone may obtain information from the department of corrections about persons required to register with the sex offender registry under section 301.45, Wisconsin Statutes. The department of corrections provides access to the information on the Internet and by other means. THE PROSPECTIVE BUYER MAY WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED WITH THE SEX OFFENDER REGISTRY WHO RESIDES IN THE NEIGHBORHOOD OR COMMUNITY IN WHICH THIS PROPERTY IS LOCATED. FOR MORE

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1 INFORMATION, CONTACT THE DEPARTMENT OF CORRECTIONS AT
2 (ADDRESS), (TELEPHONE NUMBER), (INTERNET ADDRESS).

3 (3) This section shall not be construed to impose any liability on a property
4 owner or his or her agent that did not exist under common law on the effective date
5 of this subsection [revisor inserts date]. This section shall not be construed to
6 protect an owner or his or her agent from suit or liability for any damage, loss or
7 injury caused by the intentional or wanton misconduct of the owner or his or her
8 agent.

9 SECTION 85. 938.185 (3) of the statutes is renumbered 938.185 (3) (intro.) and
10 amended to read:

11 938.185 (3) (intro.) Venue for a proceeding under s. 938.12 or 938.13 (12) based
12 on an alleged violation of s. 301.45 (6) (a) may be in the juvenile's county of residence
13 at the time that the petition is filed ~~or, if,~~ If the juvenile does not have a county of
14 residence in this state at the time that the petition is filed, ~~any or if the juvenile's~~
15 county of residence is unknown at the time that the petition is filed, venue for the
16 proceeding may be in any of the following counties:

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

18 SECTION 86. 938.185 (3) (b), (c) and (d) of the statutes are created to read:

19 938.185 (3) (b) The county in which the juvenile was adjudicated delinquent
20 or found not responsible by reason of mental disease or defect for the sex offense that
21 requires the juvenile to register under s. 301.45.

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

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

4 **SECTION 87.** 938.34 (15m) (bm) of the statutes is amended to read:

5 938.34 **(15m)** (bm) If the juvenile is adjudicated delinquent on the basis of a
6 violation, or the solicitation, conspiracy or attempt to commit a violation, of s. 940.22
7 (2). 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
8 948.07, 948.08, 948.095, 948.11 (2)(a) or (am), 948.12.948.13 or 948.30, or of s. 940.30
9 or 940.31 if the victim was a minor and the juvenile was not the victim's parent, the
10 court shall require the juvenile to comply with the reporting requirements under s.
11 301.45 unless the court determines, after a hearing on a motion made by the juvenile,
12 that the juvenile is not required to comply under s. 301.45 (lm).

13 **SECTION 88.** 938.34 (15m) (d) of the statutes is created to read:

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

17 **SECTION 89.** 938.34 (15m) (e) of the statutes is created to read:

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

25 **SECTION 90.** 938.345 (3) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

5 SECTION 91. 938.396 (2) (em) of the statutes is amended to read:

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

13 SECTION 92. 939.615 (6) (i) of the statutes is created to read:

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

20 SECTION 93. 942.06 (2m) (a) of the statutes is amended to read:

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

24 SECTION 94. 942.06 (2q) (a) (intro.) of the statutes is amended to read:

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

5 **SECTION 95.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

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

15 **SECTION 96.** 971.17 (1m) (b) 4. of the statutes is created to read:

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

19 **SECTION 97.** 971.17 (1m) (b) 5. of the statutes is created to read:

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

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

3 SECTION 98. 971.19 (9) of the statutes is renumbered 971.19 (9) (intro.) and
4 amended to read:

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

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

12 SECTION 99. 971.19 (9) (b), (c) and (d) of the statutes are created to read:

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

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

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

21 SECTION 100. 973.048 (2m) of the statutes is amended to read:

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

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

5 **SECTION 101.** 973.048 (4) of the statutes is created to read:

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

9 **SECTION 102.** 973.048 (5) of the statutes is created to read:

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

16 **SECTION 103. Nonstatutory provisions.**

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

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

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

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

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

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

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

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INS 46-2 ✓
1 person as provided under paragraph (a) no later than 30 days after it receives notice
2 from the court that the petition has been denied.

3 **SECTION 104. Appropriation changes.**

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

12 **SECTION 105. Initial applicability.**

13 ~~(1)~~ ^{creation} The treatment of section 301.45 (6) (a) 2. of the statutes first applies to
14 offenses committed on the effective date of this subsection, but does not preclude the
15 counting of previous offenses for purposes of determining whether the person is
16 subject to the penalties under section 301.45 (6) (a) 2. of the statutes, as created by
17 this act.

INS 46-17 ✓
18 ~~(2) LEASES AND RENTAL AGREEMENTS. The treatment of section 704.04 of the~~
19 ~~statutes first applies to leases and rental agreements for which application, or~~
20 ~~inquiry about the property, is made on the first day of the 7th month beginning after~~
21 ~~publication.~~

22 (3) REAL ESTATE TRANSFERS. The treatment of sections 709.03 (form) GM, 709.05
23 (1) and (2) (b), 709.09 and 710.20 of the statutes first applies to transfers and

CS
PENALTY FOR FAILURE TO COMPLY WITH
REGISTRATION REQUIREMENTS; INITIAL PROVISION.

BILL

1 ~~potential transfers in which contracts of sale, exchange agreements or option~~
2 ~~contracts are accepted on the first day of the 7th month beginning after publication.~~

3

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1407/2ins
JEO:.....

ANALYSIS INSERT:

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

INSERT 28-14:

SECTION 1. 301.45 (6) (a) 2. of the statutes, as created by 1999 Wisconsin Act

... (this act), is amended to read:

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

INSERT 46-2:

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

INSERT 46-17:

(1) PENALTY FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS;
RECONCILED PROVISION. The amendment of section 301.45 (6) (a) 2. of the statutes created by this act first applies to offenses committed on the effective date of this subsection, but does not preclude the counting of previous offenses for purposes of

determining whether the person is subject to the penalties under section 301.45 (6) (a) 2. of the statutes, as affected by this act.

SECTION 2. Effective dates. This act takes effect on the day after publication, except as follows:

(1) If 1999 Assembly Bill 465 has been enacted on or before the day after publication of this act and the day after publication of this act is on or before December 31, 1999, the amendment of section 301.45 (6) (a) 2. of the statutes

~~created by this act~~ and SECTION ??? (1) of this act take effect on December 31, 1999.

(2) If 1999 Assembly Bill 465 has been enacted on or before the day after publication of this act and the day after publication of this act is after December 31, 1999, the amendment of section 301.45 (6) (a) 2. of the statutes

~~created by this act~~ and SECTION ??? (1) of this act take effect on the day after publication of this act.

(3) If 1999 Assembly Bill 465 is enacted after the day after publication of this act but before July 1, 2000, the amendment of section 301.45 (6) (a) 2. of the statutes

~~created by this act~~ and SECTION ??? (1) of this act take effect on December 31, 1999,

or on the date that the treatment of section 939.50 (1) (h) and (3) (h) of the statutes by 1999 Assembly Bill 465 takes effect, whichever is later.

WPB: auto-ref Initial App. Section
on p. 46, l. 12 of 1407/1

Barman, Mike

From: Uecker, Deborah
Sent: Tuesday, November 16, 1999 11:39 AM
To: Barman, Mike
Subject: FW: LRB 1407/2

Mike, this is the LRB draft DOC is aware of, and has now sent fiscal estimates to both of us by fax. Could you check with Rep. Walker's office to ask for the assignment on this draft, then send the draft to me by email. I want to make sure it gets automatically sent to a public file on my office's computer network so I maintain a complete email record of fiscal estimate assignments. Thanks.

Deborah A. Uecker

Executive Policy and Budget Analyst
State Budget Office
Department of Administration
101 E. Wilson Street, 10th Floor
deborah.uecker@doa.state.wi.us
Phone: (608) 267-0371
Fax: (608) 267-0372

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

From: Margolies, Robert S. DOC
Sent: Tuesday, November 16, 1999 11:32 AM
To: Uecker, Deborah
Subject: LRB 140712

Deborah:

Attached is the draft legislation that I just faxed a fiscal estimate to you on.

Bob



99-1407/2