

AB597

Corrections / Courts COMMITTEE 11/17/99 DATE

LEGISLATOR NAME Montgomery

Assembly Hearing Slip

(Please print plainly)

Date: 11/17/99

Bill No. LRB 1407/2 AB597

Or, Subject _____

(Name) Tony Streveler

149 East Wilson St.

(Street Address or Route Number) Madison

(City & Zip Code) Dept of Corrections

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 11-17-99

Bill No. LRB 1407/2 AB597

Or, Subject _____

(Name) Rep Scott Walker

(Street Address or Route Number) _____

(City & Zip Code) _____

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

AB597

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Assembly Hearing Slip

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(Please print plainly)

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(Please print plainly)

Date: AB597

Date: 11.17.99

Date: 11-17-99

Bill No. AB597

Bill No. LRB 1407/2

Bill No. Amendment 1 RRB1021/2

Of Subject: LRB 1102/2 1902/2

Of Subject: KEVIN CATHERINE RADIANCE

Of Subject: 4801 Forest Run Rd. Madison, VT 53704

(Name) Tom Saffron

(Name) KEVIN CATHERINE RADIANCE

(Name) 4801 Forest Run Rd.

(Street Address or Route Number) 514 Appleton

(Street Address or Route Number) OFFICE OF JUSTICE ASSISTANCE

(Street Address or Route Number) 131 W. WILSON ST. 53702

(City & Zip Code) _____

(City & Zip Code) OFFICE OF JUSTICE ASSISTANCE

(City & Zip Code) Madison, VT 53704

(Representing) _____

(Representing) JUSTICE ASSISTANCE

(Representing) VT Realtors Assoc.

Speaking In favor:

Speaking In favor:

Speaking In favor:

Speaking against:

Speaking against:

Speaking against:

Registering In favor:

Registering In favor:

Registering In favor:

Registering against:

Registering against:

Registering against:

Speaking for Information only:

Speaking for Information only:

Speaking for Information only:

Neither for nor against:

Neither for nor against:

Neither for nor against:

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Assembly Sergeant at Arms
Room 411 West
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Madison, VT 53702

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State Capitol
Madison, VT 53702

ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

AGENDA

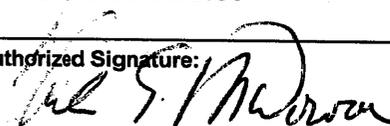
Wednesday, Nov. 17, 1999
10:30 AM – Room 415 NW

- I. Call to Order
- II. Roll Call
- III. Public Hearing

A. LRB 1407/2 (*Walker/Breske*) sex offender registration, release of information from the sex offender registry, honesty testing of sex offenders, making an appropriation and providing a penalty.

AB597-

- IV. Announcements
 - A. Next meeting – Dec. 1
- V. Adjournment

1999 Session		LRB Number 1407/2
FISCAL ESTIMATE DOA-2048 N(R06/99)		Bill Number AB 597
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable
Subject Sex offender registration		Administrative Rule Number
Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local: <input checked="" type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Sources Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Chapter 20 Appropriations s. 20.475(1)(d0)
Assumptions Used in Arriving at Fiscal Estimate <p>This bill would increase the penalty for a second or subsequent violation of the sex offender registration requirements. It would also expand the number of DA offices that could bring an action against a person who violates the sex offender registration requirements. Neither change should have a material impact on overall DA office workload.</p>		
Long-Range Fiscal Implications None		
Prepared by: DA/Stuart Morse	Telephone No. (608) 267-2700	Agency DOA (DA)
Authorized Signature: 	Telephone No. (608) 267-3836	Date Dec. 6, 1999

1999 Session		LRB Number 1407/2
FISCAL ESTIMATE DOA-2048 N(R06/99)		Bill Number
X ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable
Subject Relating to sex offender registration, release of information from the sex offender registry, and making an appropriation.		Administrative Rule Number
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
X Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		X Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes X No <input type="checkbox"/> Decrease Costs
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Sources Affected X GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Chapter 20 Appropriations 20.410(1)(a)
Assumptions Used in Arriving at Fiscal Estimate This bill makes various changes in current sex offender law, in part, to comply with federal law relating to sex offender registration. The majority of these proposed changes are based on Federal Law and Regulations relating to <i>Megan's Law</i> and the <i>Jacob Wetterling</i> and <i>Pam Lychner Acts</i> . States that are found not to be in compliance with these regulations are subject to a 10% reduction in Byrne Law Enforcement Grants. DOC has approximately 11,000 persons registered in the Sex Offender Registry (SOR) data base. Enactment of this proposed legislation will expand the list of crimes requiring registration to include the following: possession of child pornography; child sex offender working or volunteering with children; and sexual assault of a student by a school instructional staff person. In addition, lifetime registration is expanded to include persons placed on lifetime supervision/monitoring, persons convicted of an aggravated sex offense, and persons ordered by the court to register for life. This bill expands the number of persons required to register to include sex offenders convicted in a military, tribal, or Federal court; sex offenders required to register in another state and are not under any form of interstate compact supervision within Wisconsin and who reside, are employed, or attend school within Wisconsin borders; and juvenile interstate compact cases. In addition, this bill requires DOC to establish an internet site containing information from the SOR organized in such a manner that allows a person to have access to information that DOC is currently authorized or required to provide to law enforcement, victims, family members of victims, and the general public. The site must be secured against unauthorized alteration. The Department plans to reallocate the one-time dollars associated with the design and development of the SOR web site from existing funds. Based on the experience of other states that have completed similar projects, it is estimated that the one-time cost will range from \$200,000 to \$350,000. The actual cost will be dependent upon DOC completing a competitive procurement process.		
Long-Range Fiscal Implications		
Prepared by: Elaine Vélez	Telephone No. 267-7193	Agency Corrections
Authorized Signature:  Robert Margolies	Telephone No. 266-2931	Date 11/16/99

This bill includes an appropriation of \$134,800 for FY 00 for 3.00 GPR FTE to process the increased workload related to the changes in the SOR and 1.00 GPR FTE for ongoing maintenance and operation of the web site. The annualized cost is \$269,600. FTE include the following:

2.00 FTE Corrections Program Specialists and 1.00 FTE Program Assistant 2 associated with the increased workload relating to the changes and expansion of the scope of the SOR.

1.00 FTE Information Systems Project Leader Specialist to be responsible for ongoing maintenance and operation of the SOR web site including the coordination of project components involving web security, Global Information Systems (GIS), digitized photos, database system interfaces, data integrity, and SOR enhancements.

Impact on the Division of Community Corrections resources could result in extra workload relating to staff contacts with law enforcement, the general public, media, etc. Although additional workload is anticipated which could result in the need for additional funding and FTEs, it is difficult at this time to project the actual impact.

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R06/99)

LRB Number 1407/2	Amendment No. if Applicable
Bill Number	Administrative Rule Number

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Relating to sex offender registration, release of information from the sex offender registry, and making an appropriation.

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
\$200,000-\$350,000

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$ 180,200	\$ -
(FTE Position Changes)		(4.00 FTE)	(- FTE)
State Operations - Other Costs		89,400	-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 269,600	\$ -
B. State Costs by Source of Funds			
GPR		\$ 269,600	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$	\$ -

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$ 269,600 \$ _____
NET CHANGE IN REVENUES \$ _____ \$ _____

Prepared by: Elaine Vélez	Telephone No. 267-7193	Agency Corrections
Authorized Signature: <i>Robert Margolies</i> Robert Margolies	Telephone No. 266-2931	Date 11/16/99

LRB or Bill No./Adm. Rule No.
LRB 99-1407/2
AB 597

Amendment No. if Applicable

- ORIGINAL UPDATED
- CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE

DOA-2048 N(R10/96)

Subject

Sex offender registry

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local: No local government costs

- | | | |
|--|--|--|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|--|--|--|

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

s. 20.550 (1)(d)

Assumptions Used in Arriving at Fiscal Estimate

This bill makes various changes to the sex offender registration laws. A couple of the bill's provisions may have a fiscal impact on the State Public Defender's Office (SPD).

First, the bill makes it a crime to knowingly fail (instead of intentionally fail, as is the current law) to comply with the registration requirements. While this offense is currently a misdemeanor, the bill makes it a felony for a second or subsequent offense. Because felony cases are more expensive than misdemeanor cases, this provision of the bill could increase costs to the SPD. The SPD is unable to estimate the costs, however, because it is not known how many people would violate this law a second or subsequent time and, of those who would violate the law, how many would qualify for SPD representation.

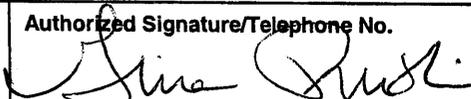
Second, the bill eliminates the mandatory registration requirement for juveniles found in need of protection or services (JIPS) for a sex offense and establishes a procedure for DOC to purge such information from the registry. However, the bill specifies that some JIPS juveniles who are currently registering may be required to continue to register if, after a hearing, the court determines that they should continue to register. It's possible that, per ss. 938.23 (3) and (4), Stats., the SPD would represent these JIPS juveniles at these hearings. This could thus increase the SPD's costs. Because it is not known how many of these hearings may take place, the SPD cannot estimate the costs associated with this provision.

Long-Range Fiscal Implications

Costs are indeterminate at this time. Agency will monitor fiscal effect of bill, if enacted, for future budget considerations.

Agency/Prepared by: (Name & Phone No.)
Public Defender's Office/Gina Pruski/6-6782

Authorized Signature/Telephone No.



Date
Dec. 22, 1999

EXECUTIVE SUMMARY

**PROPOSED SEX OFFENDER REGISTRATION
and
COMMUNITY NOTIFICATION LEGISLATION**

The following is an executive summary of the proposed legislative changes to ss. 301.45 and ss. 301.46, Sex Offender Registration and Community Notification.

The majority of these proposed changes, denoted by *, are based on Federal law and Regulations related to the *Megan's Law*, *Jacob Wetterling* and *Pam Lychner Acts* (U.S.C. Section 14071 – Federal Register, January 5, 1999). States that are not found to be in compliance with these regulations are subject to a 10% reduction in Byrne Law Enforcement Grants.

Examples of some programs that are presently funded by Byrne law enforcement grants include:

- Anti-Drug Task Forces
- DOJ Victim-Witness
- Milwaukee and Dane County District Attorney's offices.
- Governor's Law Enforcement and Crime Commission
- DOC AODA Treatment
- DOJ Crime Lab Equipment

SUMMARY OF LEGISLATION (LRB 1407/2)

- * **Require any sex offender convicted in a military, tribal or federal court, and those who work or reside within the Wisconsin borders, to register with the Wisconsin Sex Offender Registration Program (SORP):**
- * **Require any sex offender, who is required to register in another state, and who is not under any form of interstate compact supervision within Wisconsin – and who resides, is employed or attends school within the Wisconsin borders, to register with the Wisconsin SORP.**
- * **Require the SORP to notify the registrant of his/her requirements to register in another State whenever he/she reports a change in residence, employment or school attendance in another State.**
- * **Require SORP to make a determination as to a registrant's term and frequency registration with the WI SORP for registrants who reside, are employed or attend school in this State.**
- * **Require registration for Juvenile Interstate compact cases.**

* **Expand the list of crimes requiring registration to include:**

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

* **Expand Lifetime Registration to include:**

- ✓ Persons placed on Lifetime Supervision/Monitoring
- ✓ Persons convicted of an “aggravated sex offense,” as defined in the Federal law, including 1st and 2nd Degree Sexual Assault, 1st and 2nd Degree Sexual Assault of a Child, and Repeated Acts of Sexual Assault of a Child.
- ✓ Court ordered for any person who is required to register, or who is ordered by the court to register.

* **Require the SORP to notify other State registry programs whenever a registrant reports a change in residence, employment or school attendance in another State.**

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

- **Expand authority for DOC to manage registrants off field supervision by allowing authority to have the registrant report to a designated DOC Specialist/Office or local law enforcement agency to obtain a picture, fingerprints or other information required.**
- **Eliminate registration requirements for children placed under protective services, unless the court orders registration.**
- **Expand authority for DOC to notify a parent/guardian of a juvenile registrant’s annual registration or periodic address verification notification.**
- **Provide DOC SORP authority to have access to Department of Revenue records for purposes of verifying residence information or locating registrants who are not in compliance with the law.**
- **Clarify venue as it relates to providing certification documentation to the County District Attorney’s office when the Department has reason to believe a registrant is not in compliance with the law.**

- **Clarify current law to make sure registrants must respond to all correspondences by the SORP when attempting to verify information reported by the registrant.**
- **Increase current penalty for non-compliance – 1st conviction for non-compliance remains up to 9 months in jail and/or a \$10,000 fine. Second conviction can result in up to 5 years imprisonment.**
- **Clarify current law to ensure Special Bulletin Notifications are not required for persons released from County jails.**
- **Require the Department to create and maintain a Sex Offender Registry Internet Site.**
- **Expand current sex offender polygraph language to allow the Department to require polygraph examinations of sex offenders in an institution setting as part of correctional programming.**
- **Bill includes an appropriation of \$134,800 for FY 2000/01 (January 1, 2001) and 4.0 GPR FTE – 1 Program Assistant, 2 Registration Specialists and 1 IT Specialist – Web Master. Full fiscal year appropriation will equal \$269,600.**

OFFICE OF JUSTICE ASSISTANCE
Proposed Distribution of Funds 99-01'

Program	SFY'00		SFY'01	
	Federal	Penalty	Federal	Penalty
Byrne - Local				
Multi-jurisdictional Task Forces	4,486,000	897,200	4,475,500	895,100
Milwaukee Co. Assistant District Attorney's (3)	197,300	65,700	203,500	67,800
Dane Co. Assistant District Attorney	62,700	20,900	65,900	22,000
Governor's Law Enforcement & Crime Commission	262,500	52,500	262,500	52,500
Special Projects	25,000	5,000	25,000	5,000
DOJ Victim-Witness	709,000	141,800	709,000	141,800
<i>Jail Literacy - New</i>	0	0	150,000	0
Local Subtotals	5,742,500	1,183,100	5,891,400	1,184,200
Byrne - State				
Criminal History Records Improvement (Federal Requirement)	869,000	289,700	705,100	235,000
Office of Justice Assistance Byrne Admin	307,200	115,600	321,900	115,600
Dept. of Justice Current Generation of DNA Testing Methods (one-time)	170,100	56,700	0	0
DOJ DNA Databank (one-time)	337,500	112,500	0	0
Dept. of Justice Crime Lab Equip (one-time)	191,000	63,700	191,000	63,700
Dept. of Administration, Bureau of Justice Infor. Systems Operations/Install	638,800	91,000	1,578,600	445,500
Dept. of Corrections Information Technology (new one-time)	400,000	133,300	900,000	300,000
Dept. of Corrections, Alcohol and Other Drug Abuse Initiatives (new)	750,000	250,000	750,000	250,000
OJA Juvenile Accountability Incentive Block Grant Admin Match	0	20,000	0	20,000
State Subtotals	3,663,600	1,132,500	4,446,600	1,429,800

STATE OF WISCONSIN OFFICE OF JUSTICE ASSISTANCE

TOMMY G. THOMPSON, GOVERNOR
JERRY BAUMBACH, EXECUTIVE DIRECTOR



FFY '01

Award- \$9,547,000

Admin (321,900)

\$9,225,100

Passed thru 63.86% to locals
(Current minimum 62.10% Pass-Through)

LOCALS

\$5,891,400

State Agencies

\$2,856,350

State 5% CHRI (Mandated \$)

\$477,350

Wetterling Reduction

\$9,547,000

(954,700) 10% loss

\$8,592,300

(321,900) Admin

\$8,270,400

LOCALS

\$5,281,477

LOSS- \$609,923

State Agencies

\$2,559,308

LOSS- \$297,042

State 5% CHRI (Mandated \$)

\$429,615

LOSS- \$47,735

TOTAL LOSS: \$954,700



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: November 17, 1999

TO: REPRESENTATIVE SCOTT WALKER, CHAIRPERSON, AND MEMBERS OF THE ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

FROM: Mary Matthias, Senior Staff Attorney

SUBJECT: LRB-1021/2, An Assembly Amendment to 1999 Assembly Bill ____ (LRB-1407/2), Relating to Sex Offender Registration, Release of Information From the Sex Offender Registry, Honesty Testing of Sex Offenders, Making an Appropriation and Providing a Penalty

This memorandum describes LRB-1021/2, an Assembly amendment to 1999 Assembly Bill ____ (LRB-1407/2), relating to sex offender registration, release of information from the sex offender registry, honesty testing of sex offenders, making an appropriation and providing a penalty. The Assembly Committee on Corrections and the Courts has scheduled a hearing on the bill for November 17, 1999.

The amendment does all of the following:

1. Provides an exemption from certain liability for a landlord or a person who sells real property if certain information regarding the sex offender registry is provided to the prospective tenant or buyer of the property in a timely fashion.
2. Provides that a prospective home buyer may rescind a contract of sale based on information contained in the sex offender registry, under certain circumstances.
3. Specifies that a real estate broker or salesperson is not required to disclose any information related to the fact that a particular person is required to register as a sex offender, or any information about the sex offender registry.

These provisions are described in detail below.

The bill does not contain any provisions relating to the duties of landlords, real estate brokers or salespersons or persons selling real property.

1. Real Estate Brokers and Salespersons: No Duty to Disclose Information Relating to Sex Offenders

The amendment provides that a real estate broker or salesperson is not required to disclose to any person in connection with the sale, exchange, purchase or rental of real property, any information related to the fact that a particular person is required to register as a sex offender under s. 301.45, Stats., or any information about the sex offender registry under s. 301.45, Stats.

2. Liability Exemption for Landlords and Their Agents if Notice Regarding the Sex Offender Registry is Provided

The amendment provides that a landlord is exempt from liability for any damages resulting from the actions of a person required to register as a sex offender if, before a prospective tenant enters into a lease or rental agreement, the landlord or his or her agent provides a notice regarding the sex offender registry to the prospective tenant.

The notice which must be provided must 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).**

If the landlord provides this notice to the prospective tenant before the tenant enters into a lease or rental agreement with the landlord, then both of the following apply:

a. The landlord or his or her agent have 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, Stats., or any information about the sex offender registry under s. 301.45, Stats.

b. The landlord or his or her agent is not liable to the tenant, a guest of the tenant, or to any other occupant of the rental property after the lease or rental agreement is entered into; for

damages resulting from the actions of a person required to register as a sex offender under s. 301.45, Stats.

The amendment states that the provisions described above 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 date of that the provisions go into effect. Further, those provisions 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.

3. Liability Exemption for Owners of Residential Real Estate and Their Agents if Notice Regarding Sex Offender Registry is Provided.

The amendment provides that if the owner of residential property or his or her agent provides to a prospective buyer a real estate condition report that contains certain information regarding the sex offender registry, then the owner and his or her agent are exempt from liability for damages resulting from the actions of a person required to register as a sex offender.

The information which must be included in the real estate condition report in order to trigger the liability exemption is the following:

**NOTICE REGARDING ACCESS TO THE 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).**

If the notice described above is included in the real estate condition report, then both 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 or any information about the sex offender registry.

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.

The amendment specifies that the provisions described above 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 the provisions. Further, those provisions may 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.

4. Residential Property: Buyer's Right to Rescind

Under current law, the owner of residential property must, in general, provide a real estate condition report to a prospective buyer of the property not later than 10 days after acceptance of a contract of sale or option contract regarding the property. The statutes prescribe the form and contents of the report. If the prospective buyer does not receive the real estate condition report within the 10-day period, the prospective buyer may rescind the contract of sale within two business days after the end of the 10-day period. [ss. 709.02 and 709.03, Stats.]

If a prospective buyer of residential property receives the real estate condition report after submission of the contract of sale, and the report discloses a defect of which the buyer was not aware at the time the buyer submitted the contract of sale, the buyer may rescind the contract within two days after receiving the report. A prospective buyer may not rescind a contract on the basis of a defect if the buyer was aware of or had written notice of the nature and extent of the defect when the contract was submitted.

The amendment expands the rescission provision to provide that if a prospective buyer receives the real estate condition report after submission of a contract of sale and learns that a person who is required to register as a sex offender resides, is employed or attends school within 1/8th mile of the property, the prospective buyer may rescind the contract if the buyer was not aware of and did not have written notice of, the person's proximate residence, employment or attendance at school at the time that the contract of sale was submitted. As under current law, the buyer must rescind the contract within two business days after the buyer or the buyer's agent receives the report.

5. Liability Exemption for Owners of Real Property Other Than Residential Property if Notice Regarding Sex Offender Registry is Provided

The amendment provides that if the owner of property other than residential property, or his or her agent, provides the notice described below to a prospective buyer before submission of a contract of sale or option contract, then 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 or any information about the sex offender registry.

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.

The notice provided to the prospective buyer must be in substantially the following form:

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).

The amendment specifies that the provisions described above 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 the provisions. Further, those provisions may 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.

Please contact me if you have any questions or would like more information. My direct telephone number is 266-0932.

MM:jal;wu