

# ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

## AGENDA

Wednesday, Dec. 1, 1999  
10 AM – Room 415 NW

I. Call to Order

II. Roll Call

III. Executive Session

**A. AB 613 (*Walker/Huber/Breske*)**

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.

IV. Announcements

A. Next meeting – January

V. Adjournment

**FISCAL ESTIMATE**

**1999 Session**

DOA-2048 N(R06/99)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

LRB Number  
**3971/1**

Bill Number  
**AB 613**

**Subject**

**Sex offender registration**

Amendment No. if Applicable

Administrative Rule Number

**Fiscal Effect**

State:  No State Fiscal Effect

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

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

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

Local:  No local government costs

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

**Fund Sources Affected**

- GPR  FED  PRO  PRS  SEG  SEG-S

Affected Chapter 20 Appropriations  
s. 20.475(1)(d0)

**Assumptions Used in Arriving at Fiscal Estimate**

**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.**

**Long-Range Fiscal Implications**

**None**

**Prepared by:**

**DA/Stuart Morse**

**Telephone No.**

**(608) 267-2700**

**Agency**

~~DA~~ (DA)

**Authorized Signature:**



**Telephone No.**

**(608) 267-3836**

**Date**

**Dec. 6, 1999**

<b>1999 Session</b>		LRB Number <b>-3971/1</b>
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	Bill Number <b>AB 613</b>
<b>Subject</b> <b>Relating to sex offender registration, release of information from the sex offender registry, sales/rentals of real property, and making an appropriation.</b>		Amendment No. if Applicable
		Administrative Rule Number
<b>Fiscal Effect</b> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input checked="" 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 checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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
<b>Fund Sources Affected</b> <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		<b>Affected Chapter 20 Appropriations</b> <b>20.410(1)(a)</b>
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  <p><b>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 and 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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p>		
<b>Long-Range Fiscal Implications</b>		
Prepared by: <b>Elaine Vélez</b>	Telephone No. <b>267-7193</b>	Agency <b>Corrections</b>
Authorized Signature:  <b>Robert Margolies</b>	Telephone No. <b>266-2931</b>	Date <b>12/01/99</b>

**This bill includes an appropriation of \$134,800 (includes \$32,000 one-time) 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 \$205,600. 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.**

**This bill requires that real estate condition reports which disclose certain information to buyers of real estate include a notice that advises the prospective buyer that anyone may obtain information from DOC about persons required to register with the SOR. This notice will provide the address, telephone number, and internet address of DOC. This bill also provides that this same information may be provided to a prospective tenant before the tenant enters into a lease.**

**It is anticipated that the proposed notification to potential home buyers and persons leasing property will have a substantial impact on the residential placement and supervision of sex offenders on community supervision as currently experienced by Special Bulletin Notification cases. This workload impact will exceed what can be absorbed by current community corrections' agents and will require specialized skills and knowledge related to community-based sex offender management, community resource development (establishing appropriate housing), public relations, and community outreach.**

**The Department estimates that 9.00 GPR FTE (8.00 Corrections Program Specialists Objective and 1.00 Program Assistant 2) would be required to provide statewide coordination and management for these functions and to respond to public inquires. One-time costs are estimated at \$45,600 with an annualized cost of \$539,000.**

**FISCAL ESTIMATE WORKSHEET**

1999 Session

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

LRB Number  
- 3971/1

Amendment No. if Applicable

ORIGINAL

UPDATED

CORRECTED

SUPPLEMENTAL

Bill Number  
AB 613

Administrative Rule Number

**Subject**

**Relating to sex offender registration, release of information from the sex offender registry, sales/rentals of real property, and making an appropriation.**

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**  
\$277,600-\$427,600

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$ 572,200	\$ -
(FTE Position Changes)		(13.00 FTE)	(- FTE)
State Operations - Other Costs		172,400	-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 744,600	\$ -
<b>B. State Costs by Source of Funds</b>			
GPR		\$ 744,600	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>State Revenues</b>	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$	\$ -

**NET ANNUALIZED FISCAL IMPACT**

STATE

LOCAL

NET CHANGE IN COSTS \$ 744,600 \$ \_\_\_\_\_

NET CHANGE IN REVENUES \$ \_\_\_\_\_ \$ \_\_\_\_\_

Prepared by: <b>Elaine Vélez</b>	Telephone No. <b>267-7193</b>	Agency <b>Corrections</b>
Authorized Signature: <i>Robert Margolies</i> <b>Robert Margolies</b>	Telephone No. <b>266-2931</b>	Date <b>12/01/99</b>

<b>1999 Session</b>		LRB Number 99a.1099/2
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)		Bill Number <b>AB 613</b>
<input type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input checked="" type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable <b>Assem. Amend. 1</b>
<b>Subject</b> <b>Relating to sex offender registration, release of information from the sex offender registry, and making an appropriation.</b>		Administrative Rule Number
<b>Fiscal Effect</b> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input checked="" 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 checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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
<b>Fund Sources Affected</b> <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		<b>Affected Chapter 20 Appropriations</b> 20.410(1)(a)
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  <p><b>Assembly Amendment 1 eliminates several of the requirements in the original bill relating to the buying, selling, and leasing of real estate near registered sex offenders. This will <u>reduce</u> the fiscal impact by \$539,000 per year and 9 positions. One-time costs will be reduced by \$45,600.</b></p> <p><b>The following is the estimated fiscal impact of AB 613 as amended by Assembly Amendment 1.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p>		
<b>Long-Range Fiscal Implications</b>		
Prepared by: <b>Elaine Vélez</b>	Telephone No. <b>267-7193</b>	Agency <b>Corrections</b>
Authorized Signature:  <b>Robert Margolies</b>	Telephone No. <b>266-2931</b>	Date <b>12/23/99</b>

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.

This bill includes an appropriation of \$134,800 (includes \$32,000 one-time) 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 \$205,600. 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**

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

1999 Session

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

LRB Number 99a1099/2	Amendment No. if Applicable <b>Assem. Amend. 1</b>
Bill Number <b>AB 613</b>	Administrative Rule Number

**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):**  
\$232,000-\$372,000

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$ 176,300	\$ -
(FTE Position Changes)		(4.00 FTE)	(- FTE)
State Operations - Other Costs		29,300	-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 205,600	\$ -
<b>B. State Costs by Source of Funds</b>			
GPR		\$ 205,600	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>State Revenues</b>	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$	\$ -

**NET ANNUALIZED FISCAL IMPACT**

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 205,600	\$
NET CHANGE IN REVENUES	\$	\$

Prepared by: <b>Elaine Vélez</b>	Telephone No. <b>267-7193</b>	Agency <b>Corrections</b>
Authorized Signature: <i>Robert Margolies</i> <b>Robert Margolies</b>	Telephone No. <b>266-2931</b>	Date <b>12/23/99</b>

**FISCAL ESTIMATE**

DOA-2048 N(R10/98)

- ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

**Subject**

**Sex offender registration, release of information from the sex offender registry, honesty testing of sex offenders, notice concerning access to sex offender registry before sales or rentals of real property.**

**Fiscal Effect**

State:  No State Fiscal Effect

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

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

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

Decrease Costs

Local:  No local government costs

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

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Ch. 20 Appropriations**

20.165(1)(g)

**Assumptions Used in Arriving at Fiscal Estimate**

This bill makes various changes to the sex offender registration law, in part to comply with federal law relating to sex offender registration.

There would be little or no fiscal impact to the agency.

**Long-Range Fiscal Implications**

**Agency/Prepared by: (Name & Phone No.)**

Gail Riedasch, Budget Manager  
266-0746

**Authorized Signature/Telephone No.**

*Marlene A. Cummings*  
Marlene Cummings, Secretary, 266-8609

**Date**

12/15/99



LRB or Bill No./Adm. Rule No.  
LRB 99-3971/1  
AB 613

Amendment No. if Applicable

- X 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

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

**Fund Sources Affected**

- X 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.

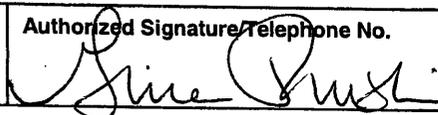
Second, the bill eliminates the mandatory registration requirement for juveniles found in need of protection or services (JIPS) for a sex offense and establishes a procedure for DOC to purge such information from the registry. However, the bill specifies that some JIPS juveniles who are currently registering 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

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 12/1/99  
 Moved by: Goetsch      Seconded by: Suder  
 AB: 613      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SR: \_\_\_\_\_  
 A: \_\_\_\_\_      Other: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction       | <input type="checkbox"/> Tabling                 |
| <input type="checkbox"/> Adoption           | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection          | <input type="checkbox"/> Nonconcurrency          |
|   | <input type="checkbox"/> Confirmation            |

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals:      11      0      1      0

Motion Carried       Motion Failed

## EXECUTIVE SUMMARY

### PROPOSED SEX OFFENDER REGISTRATION and COMMUNITY NOTIFICATION LEGISLATION

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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 1<sup>st</sup> and 2<sup>nd</sup> Degree Sexual Assault, 1<sup>st</sup> and 2<sup>nd</sup> 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 – 1<sup>st</sup> 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.**

**Prepared by Department of Corrections  
11/12/99**

Tommy G. Thompson  
Governor

Jon E. Litscher  
Secretary



State of Wisconsin  
Department of Corrections

Mailing Address

149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471  
Fax (608) 267-3661

February 14, 2000

Senator Brian Burke Co-Chair  
Joint Committee on Finance  
316 South, State Capitol  
Madison, WI 53702

Representative John Gard Co-Chair  
Joint Committee on Finance  
315 North, State Capitol  
Madison, WI 53702

Dear Senator Burke and Representative Gard:

I am writing to request that you consider placing AB 613, relating to sex offender registration, on the agenda for the next meeting of the Joint Committee on Finance on March 2<sup>nd</sup>. This important legislation would probably not have enough time for passage by the end of the legislative session if not scheduled on that date.

AB 613 is a bipartisan bill that will bring Wisconsin in full compliance with federal law and regulations relating to Megan's law and other subsequent acts of Congress. States that are not found to be in compliance are subject to a 10% reduction in Byrne Law Enforcement Grants. This could result in the loss of approximately \$1 million to state and local criminal justice programs throughout Wisconsin.

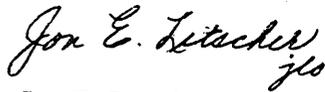
The following are examples of programs that are presently funded by Byrne Law Enforcement Grants and could potentially be placed in jeopardy:

- 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

The sex offender registration law became effective in 1993 and the Department of Corrections has administered it since 1997. In our efforts to make the law and the registry as useful to law enforcement and the public as possible, AB 613 also contains a number of provisions that enhance the administration of the law and expand the accessibility of certain information in the registry.

Thank you for consideration of this request and please contact me if I can provide you with any additional information at this time.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher" with a small flourish at the end.

Jon E. Litscher  
Secretary

# 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

## Wetterling Reduction

\$9,547,000

(954,700) 10% loss

---

\$8,592,300

(321,900) Admin

---

\$8,270,400

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

### *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**

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

Program	SFY'00		SFY'01	
	Federal	Penalty	Federal	Penalty
<b>Byrne - Local</b>				
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
<b>Local Subtotals</b>	<b>5,742,500</b>	<b>1,183,100</b>	<b>5,891,400</b>	<b>1,184,200</b>
<b>Byrne - State</b>				
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
<b>State Subtotals</b>	<b>3,663,600</b>	<b>1,132,500</b>	<b>4,446,600</b>	<b>1,429,800</b>

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NOV 19 1999

**STATE OF WISCONSIN  
OFFICE OF JUSTICE ASSISTANCE**

TOMMY G. THOMPSON, GOVERNOR  
JERRY BAUMBACH, EXECUTIVE DIRECTOR



To: Representative Scott Walker, Chair-Committee on Corrections and the Courts

From: Kevyn Cathreen Radcliffe

A handwritten signature in black ink, appearing to read "Kevyn Cathreen Radcliffe".

Date: November 17, 1999

Re: LRB 1407/2

Thank you for the opportunity to address the Committee on Corrections and the Courts. In response to your request about deadlines for compliance with the Jacob Wetterling Act, the Pam Lynchner Act and Megan's Law, I have attached a Compliance Progress report dated February 1998. Pages 3-11 provide a detailed summary of relevant deadlines for compliance. For ease of reference, the following are the primary dates that we are concerned with:

September 12, 1999	Jacob Wetterling Act and Megan's Law
October 2, 1999	Pam Lynchner Act
November 25, 2000	Amendments to the Pam Lynchner Act

Wisconsin complies with most parts of the three Acts. Although certain deadlines have come and gone, the introduction and passage of LRB 1407/2 is critical to OJA's ability to demonstrate good faith efforts to achieve compliance within the timelines set by the Bureau of Justice Assistance.

Please let me know if you have any further questions or if I may be of assistance to the Committee. I may be contacted at 264-7883.

cc: Anthony Streveler  
Robert Margolies

**Compliance Progress Report  
Jacob Wetterling Crimes Against Children and  
Sexually Violent Offender Registration Act**

**Also – Compliance Progress Report on Megan’s Law and  
Pam Lychner Act**

**INTRODUCTION:**

This report provides information related to the Wisconsin Sex Offender Registry Program, administered by the Wisconsin Department of Corrections, as it relates to the status of compliance of the Federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as amended. This document is intended to be a supplement for the “*Offense Coverage Certification for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act form.*”

The following includes a listing of compliance provisions, as indicated on the *Informal Compliance Checklist*. Checklist questions and descriptions are indicated in **BOLD**. State analysis are depicted in **NORMAL** text, including provisional compliance indicators based on our analysis of compliance – indicators include √ = compliance; → = partial compliance. For each item determined to be in partial or questionable compliance, we have included a proposed remedy to meet compliance.

The following materials are attached to this report in order to provide legal, policy and procedural references to items addressed in the compliance report, including: 1998 Six Month Progress Report on Jacob Wetterling Act Compliance; Wisconsin State Statute 301.45 and 301.46; Administrative Rule DOC ch. 332; Wisconsin Department of Corrections, Sex Offender Registration Program, Policy and Procedure Manual, 1997; DOC-1759, sex Offender Registration Form and Notice of Requirements to Register; and Sex Offender Registration and Community Notification: Guideline for Wisconsin Law Enforcement.

**A. BACKGROUND INFORMATION for OFFENSE COVERAGE  
CERTIFICATION:**

Wisconsin State Offense Statutes that Currently Require a Person to Register:

√ Any violation, solicitation, conspiracy or attempt to commit a violation of:

- 940.225(1) First-Degree Sexual Assault
- 940.225(2) Second-Degree Sexual Assault
- 940.225(3) Third-Degree Sexual Assault
- 940.22(2) Sexual Exploitation by Therapist
- \* 940.30 False Imprisonment
- \* 940.31 Kidnapping
- 944.01 Rape (old - comparable)
- 944.06 Incest
- 944.10 Sexual Intercourse with a Child (old - comparable)
- 944.11 Indecent Behavior with a Child (old - comparable)
- 944.12 Enticing a Child for Immoral Purposes (old - comparable)
- 948.02(1) First-Degree Sexual Assault of a Child

948.02(2) Second-Degree Sexual Assault of a Child  
948.025 Repeated Acts of Sexual Assault of the Same Child  
948.05 Sexual Exploitation of Child  
948.055 Forced Viewing of Sexual Activity  
948.06 Incest with a Child  
948.07 Child Enticement  
948.08 Soliciting a Child for Prostitution  
948.11 Exposing a Child to Harmful Materials  
948.30 Abduction of Another's Child  
975 Sex Crimes Law Commitment  
\*\*971.17 Not Guilty by Reason of Mental Disease or Defect  
975.06 Sex Crimes Commitment Law  
980.01 Sexually Violent Person Commitment

\* Registration requirements for persons convicted of these crimes only apply if the victim was a minor (i.e., under 18 years of age) and the offender was not the victims' parent or legal guardian.

\*\* Registration is required if the underlying conviction is an included sex crime or sexually motivated crime, as indicated in ss. 301.45.

√ Wisconsin State Offense Statutes that Provide Discretion to the Court to Require a Person to Register (requires a specific court order):

Chapter 940	Crimes Against Life and Bodily Security
Chapter 944	Crimes Against Sexual Morality
Chapter 948	Crimes Against Children
ss. 971.17	Not Guilty by Reason of Mental Disease or Defect
ss. 943.01 to 943.15	Certain Crimes Against Property

√ Any offenders entering in the State under an interstate supervision compact, who are convicted on any felony sexual offense, are required to register with the Wisconsin Sex Offender Registry Program – while on active supervision; while residing in Wisconsin or another state; and for a minimum of 15 years following discharge from sentence.

→ The Department has submitted for drafting new language to expand the list of criminal convictions that requiring registration. This language will be introduced in the 1999 Wisconsin State Legislative session. The proposed conviction statutes 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

**B. JACOB WETTERLING ACT – STATE COMPLIANCE REVIEW CHECKLIST**

*States must comply with the following requirements (original Jacob Wetterling Act and Megan's Law) by September 12, 1999, with no further extensions of time allowed:*

**1. Registration Duration (Ten Year Minimum Registration Requirement)- 42 U.S.C. section 14071 (b)(6)(A)**

- √ State program requires that persons convicted of criminal offenses against victims who are minors or sexually violent offenses, as described in the Wetterling Act, register a current address for a ten-year minimum period measured from the date the person was released from prison or placed on parole, supervised release, or probation. (States may not allow termination of the registration requirement during the minimum ten-year period unless the underlying Wetterling Act offense conviction is reversed, set aside or vacated, or the registrant is pardoned.)

Wisconsin Registry is in Full compliance with this requirement. Reference: ss. 301.45(1) and 301.45(5).

Wisconsin registry requires all registrants to register with the State while on any form of active supervision, and for a minimum of 15 years following discharge from conviction.

**2. Coverage of Offenders- 42 U.S.C. section 14071(g)(1), (h)(7)(A)**

- √ Resident offenders convicted in the State: State procedures require persons convicted in the state of any of the covered offenses against victims who are minors or sexually violent offenses to register a current address and comply with all state sex offender registration provisions or standards.

Wisconsin Registry is in Full compliance with this requirement. Reference: ss. 301.45(1)(dh).

- Resident offenders convicted in other states: State procedures require persons convicted in other states (or jurisdictions) of any of the covered offenses against victims who are minors or sexually violent offenses to promptly register a current address when such persons establish residence in the state, and thereafter require that such persons are subject to all state sex offender registration provisions or standards.

Wisconsin Registry is currently in Partial compliance with this requirement. Reference: ss. 301.45(1)(dh).

Current policy and procedures include a process to obtain initial registration and updated information on all cases entering the state *on probation or parole, under an interstate compact agreement*. Registration for these cases is part of the case intake process. Current law does not require offenders from another state to register with the Wisconsin Registry if they are not under any form of interstate supervision.

**REMEDY:** Statutory language is required that would provide authority for the Department of Corrections to register individuals moving into the state when they are not under any form of supervision. Legislative language has been submitted for drafting and will be introduced in the 1999 Wisconsin Legislative session.

3. Initial Registration Procedures Upon Release. Parole. Supervised Release. or Probation- 42 U.S.C. section 14071(b)(1)

If a person who is required to register is released from prison, or placed on parole, supervised release, or probation, a state prison officer, the court, or another responsible officer or official must:

- √ Inform the person of the duty to register and obtain the information required for such registration;

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(2), (3), (4) and (4m); DOC Administrative Rule 332.04(2) and 332.05; Policy and Procedure Manual, Part II, Pages 1-34; DOC-1759 Registration Form, Notice of Requirements to Register.

Current policies and procedures requires the agency of jurisdiction – that is, agency currently releasing, supervising or discharging the person – to inform the person of their requirements to register under state law. Primary means for communicating this is through the completion of the DOC-1759 form, and having the person read and sign the “Notice of Requirements to Register.” At a minimum, this is completed:

- within 10 days of release from confinement to supervision;
- within 10 days prior to discharge from confinement;
- within 10 days prior to discharge from supervision.

- √ Inform the person that, if the person changes residence address, he or she must report the change of address as provided by state law;

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(2), (3), (4) and (4m); DOC Administrative Rule 332.04(2) and 332.05; Policy and Procedure Manual, Part II, Pages 1-34; DOC-1759 Registration Form, Notice of Requirements to Register.

- √ Inform the person that, if he or she changes residence to another state, the person must report the new address as provided by state law and comply with any registration requirement in the new state of residence.

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(2), (3), (4) and (4m); DOC Administrative Rule 332.04(2) and 332.05; Policy and Procedure Manual, Part II, Pages 1-34; DOC-1759 Registration Form, Notice of Requirements to Register.

- √ Require the person to read and sign a form stating that the person's registration duties have been explained; and

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(3)(3m); DOC Administrative Rule 332.04(2); Policy and Procedure Manual, Part II, Pages 1-34; DOC-1759 Registration Form, Notice of Requirements to Register.

- Obtain fingerprints and a photograph of the person, if these have not already been obtained in connection with the offense triggering the registration requirement.

Wisconsin Registry is currently in Partial compliance with this requirement. Current operations related to obtaining offender photographs and fingerprints are connected with law enforcement and Department of Justice practices. Currently the Wisconsin Registry does not have a procedure in place to track and ensure all registrant photos and fingerprints have been taken.

**REMEDY:** The Wisconsin Registry will work with the Department of Justice to set up a tracking and verification process to ensure that all persons required to register have fingerprints and photographs on file.

#### 4. Transmission of Registration Information-42 U.S.Q. section 14071(b)(2)(A)

- √ State procedures ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the registrant expects to reside and entered into the appropriate state records or data system to ensure the information will be available both to local law enforcement and at the state level.

- State procedures require prompt transmission of conviction data and fingerprints of registrants to the FBI, if the state has not already sent this information to the FBI, for example, at the time of conviction.

Wisconsin Registry is currently in Partial compliance with this requirement. Current operations related to obtaining offender photographs and fingerprints are connected with law enforcement and Department of Justice practices. Currently the Wisconsin Registry does not have a procedure in place to track and ensure all registrant photos and fingerprints have been taken.

**REMEDY:** The Wisconsin Registry will work with the Department of Justice to set up a tracking and verification process to ensure that all persons required to register have fingerprints and photo on file.

**5. Change of Address Procedures-42 U.S.C. section 14071 (b)(4), (b)(5)**

- √ **Intrastate moves:** Registrants are to report address changes in the manner provided by state law. State procedures ensure that the updated address information is promptly made available to a law enforcement agency with jurisdiction where the person will reside and entered into the appropriate state records or data system.

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(4), 301.46(2); DOC Administrative Rule 332.06, 332.07; Policy and Procedure Manual, Part II, Pages 1-34; DOC-1759 Registration Form, Notice of Requirements to Register #4.

All information contained and updated in the Registry is provided to law enforcement agencies, statewide, through a data transfer to the CIB/TIME system. This process ensures immediate and timely access to Registry information to all State law enforcement agencies. In addition, it is the Department's policy to require all registrants on active field supervision to conduct a face-to-face contact with the local police and sheriff's departments within 10 days of any change in residence, employment, or school enrollment.

- √ **Interstate moves:** State registrants who move to other states must report the change of address to the responsible agency in the state he or she is leaving, and must comply with any registration requirement in the new state of residency. Procedures of the state the registrant is leaving ensure that notice is provided promptly to an agency responsible for registration in the new state of residence, if that state requires registration.

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(4m); DOC Administrative Rule 332.06; Policy and Procedure Manual, Part II, Pages 1-34; DOC-1759 Registration Form, Notice of Requirements to Register #9.

All registrants are informed of, and required to continue to register with the Wisconsin Registry, as well as register in another State when there is a reported change of address to another State. The Registry Program provides written notification of any reported out-of-state change in residence to the agency responsible for the Registry in that State.

**6. Periodic Address Verification- 42 U.S.C. Section 14071(b)(3)(A)**

- √ **State procedures provide for verification of registrants' addresses at least annually.**

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(3); DOC Administrative Rule 332.06; Policy and Procedure Manual, Part I, Pages 11-16; DOC-1759 Registration Form, Notice of Requirements to Register #7.

The Wisconsin Registry operates a sophisticated information verification process that involves annual/90 day registration, random verification and automated verification of information reported by a registrant.

**7. Penalties for Registration Violations-42 U.S.C. Section 14071(d)**

- √ State makes persons required to register under its registration program who knowingly fail to register and keep such registration current subject to criminal penalty(ies). (Penalties for registration violations apply to both a state's own offenders who are required to register and to persons convicted in other states who are required to register because they have moved into the state to reside.)

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(6); DOC Administrative Rule 332.06(6); Policy and Procedure Manual, Part I, Pages 16-17; DOC-1759 Registration Form, Notice of Requirements to Register, Registrant Signature Block.

**8. Release of Registration Information/Community Notification-42 U.S.C. section 14071(e)(Megan's Law)**

- √ State procedures require that the state or any agency authorized by the state release relevant information that is necessary to protect the public concerning registered offenders.

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.46; DOC Administrative Rule 332.09, 332.10, 332.11, 332.12; Policy and Procedure Manual, Parts V and VI; Sex Offender Registration and Community Notification: Guidelines for Law Enforcement.

By law, it is required to provide full or partial information contained in the registry to: law enforcement agencies; victims and family members of victims of sexual assault; community entities and the general public. The content and amount of information made available varies among these entities, as well as the process to obtain the information. In addition to the mandatory release of information, law enforcement has legal discretion to provide any information to members of the public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

*States must comply with the following requirements (the Pam Lychner Act) by October 2, 1999:*

9. Length of Registration-42 U.S.C. section 14071 (b)(6)(B)(I),(ii)

Under the Pam Lychner Act amendments, lifetime registration is required, and may not be terminated under state procedures or standards, for two categories:

- √ A registrant with a prior conviction for an offense for which registration is required by the Wetterling Act (a "recidivist"), and

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(5)(1); DOC Administrative Rule 332.08; Policy and Procedure Manual, Part I, Pages 8-9; DOC-1759 Registration Form, Notice of Requirements to Register, #2.

Registrants who have a prior sexual assault conviction, anytime in their history, are required to register for life. Person committed under the Wisconsin Sexually Violent Person law (Chapter 980) are also required to register for life.

- A registrant who has been convicted of an "aggravated offense."

Wisconsin Registry is currently not in compliance with this requirement.

**REMEDY:** Statutory language is required that would provide authority for the Department of Corrections to require persons convicted of certain "aggravated offenses" to register for life. Legislative language will be submitted for drafting and introduction in the 1999 Wisconsin Legislative session - based on the Federal Register definition of "Aggravated Offense," including: *(1) engaging in sexual acts involving penetration with victims of any age through the use of forces or the threat of serious violence; and (2) engaging in sexual acts involving penetration with victims below the age of 12.* The Department will propose the following conviction statutes to require lifetime registration:

- 940.225(1) First-Degree Sexual Assault
- 940.225(2) Second-Degree Sexual Assault
- 948.02(1) First-Degree Sexual Assault of a Child
- 948.02(2) Second-Degree Sexual Assault of a Child
- 948.025 Repeated Acts of Sexual Assault of the Same Child
- \*\*971.17 Not Guilty by Reason of Mental Disease or Defect

\*\* Lifetime registration would be required if the underlying conviction is an included sex crime or sexually motivated crime, as indicated in ss. 301.45.

*States must comply with the following requirements  
(section 115 of the CJSA) by November 25, 2000:*

**10. Sexually Violent Predator (SVP) Registration Requirements-42 U.S.C. section 14071(a)(2). The state requires heightened registration for SVPs, including:**

State uses Wetterling Act's definition of sexually violent predator (42 U.S.C. section 14071 (a)(3)(B), (C), (D), (E)) for designating offenders as SVPs,

and

SVP determination is made by a court with jurisdiction over the offender after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies,

or \_\_\_\_\_

State has established alternative procedures or legal standards for designating a person as an SVP,

and

State obtains initial registration information from an SVP, including name, identifying factors, anticipated future residence, offense history, documentation of any treatment received,

and

State requires quarterly address verification for all SVPs-42 U.S.C. section 14071 (b)(3)(B) (as opposed to annual address verification for registrants generally),

and

State requires lifetime registration for all SVPs-42 U.S.C. section 14071(b)(6)(B)(iii);

or \_\_\_\_\_

The state has established alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth above regarding SVPs,

and

The state has submitted a request to BJA for approval of its alternative measures for protecting the public.

In June of 1994 the State of Wisconsin enacted Chapter 980, Sexually Violent Person law, which established an indefinite civil commitment procedure for persons convicted of certain sexually violent offenses. Designation of a Sexually Violent Person under this law is based on court proceedings and expert testimony of mental health professionals. Persons committed under this law are required to register with the Wisconsin Registry every 90 days, for the life. Given the complexity of this particular Federal requirement, this report will defer any compliance analysis at this time.

11. Registration of Federal and Military Offenders-42 U.S.C. section 14071 (b)(7)(A)

- The state has established procedures to accept in its registration program address information from offenders, who reside in the state, convicted of federal offenses or sentenced by court martial, where the federal conviction or court martial sentence was for a criminal offense against a minor or a sexually violent offense, as described in the Wetterling Act.

Wisconsin Registry is currently not in compliance with this requirement.

**REMEDY:** Statutory language is required that would provide authority for the Department of Corrections to require persons convicted in a Federal or Military court of a included registerable offense. Legislative language has been submitted for drafting and introduction in the 1999 Wisconsin Legislative session.

12. Registration of Nonresident Workers and Students-42 U.S.C. section 14071(b)(7)(B)

- The state has established procedures to accept in its registration program registration information from nonresidents who have come into the state to work or attend school, where the person would be required to register in his state of residence under the Wetterling Act's standards.
- Workers from whom registration information must be accepted include those who have any sort of full-time or part-time employment in the state, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year.
- Students from whom registration information must be accepted include those who enroll in any type of school in the state on a MI-time or part-time basis.
- State informs a registrant in the initial registration process that he must register in any state where he is employed, or carries on a vocation, or is a student.

Wisconsin Registry is currently not in compliance with the above requirements.

**REMEDY:** Statutory language is required that would provide authority for the Department of Corrections to meet the above requirements. Legislative language has been submitted for drafting and introduction in the 1999 Wisconsin Legislative session.

- ✓ At a minimum, the state collects registration information concerning the registrant's place of employment or the school attended in the state and his address in the state of residence.

Wisconsin Registry is in Full compliance with this requirement. Reference: ss: 301.45(4m); DOC Administrative Rule 332.06; Policy and Procedure Manual, Part II,

Pages 1-34; DOC-1759 Registration Form, Notice of Requirements to Register #9.

All registrants are informed of, and required to continue to register with the Wisconsin Registry, as well as register in another State when there is a reported change of residence, employment or school attendance to another State. The Registry Program provides written notification of any reported out-of-state change in residence to the agency responsible for the Registry in that State.

13. **Participation in the National Sex Offender Registry (NSOR)- 42 U.S.C. section 14071 (b)(2)(B)**

- √ **The state participates in the national database (NSOR), in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.**

Wisconsin Registry is in Full compliance with this requirement.

The Wisconsin Registry currently provides initial and updated registry information to the National Sex Offender Registry – Interim Database. The Registry has provided over 2000 registration records to the NSOR to date. Additionally, the Registry has obtained Federal grant funds to prepare the necessary data linkages to provide information to the Permanent NSOR.

TO: All Legislators  
FROM: Michael Theo  
Vice President for Public Affairs  
DATE: March 21, 2000  
RE: AB 613 – Sex Offender Registry

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The Wisconsin REALTORS Association (WRA) strongly supports amending AB 613 to allow real estate licensees, landlords and sellers to provide prospective buyers and renters information regarding the sex offender registry and sex offenders in their new neighborhoods. An amendment to accomplish this has been offered by Rep. Scott Walker.

### **Background**

Currently, Wisconsin's Megan's Law provides the public with very limited access to information regarding persons included in the Wisconsin sexual offender registry. AB 613 proposes to make this information available to the general public electronically through their website or by other direct contact with the Department of Corrections.

Under current law, the lack of publicly available information has placed real estate licensees in an untenable position – caught between their agency duties to sell their clients' home and the moral duties to protect the children of potential buyers. This is a nation-wide dilemma being discussed in state legislatures across the country.

### **Rep. Walker Amendment**

AB 613 creates a publicly accessible website at the Department of Corrections for the general public to obtain information regarding sex offenders in their areas. Rep. Walker's amendment creates a new disclosure duty for real estate licensees, landlords and sellers who have any knowledge regarding sex offenders, if asked by buyers or renters. However, licensees, landlords and sellers would not be liable for failure to disclose such information if they had no actual knowledge of sex offenders in their area. In addition, Rep. Walker's amendment would specifically allow real estate licensees, landlords and sellers to direct prospective buyers and renters to the Department of Corrections' sex offender registry to obtain information regarding sex offenders in their area as an alternative to making disclosures.

**Impact**

The intent of Rep. Walker’s amendment is to ensure that prospective buyers and tenants are able to obtain available information regarding sex offenders in their area before they are contractually bound to a real estate sales agreements or leases. The amendment provides alternative disclosure procedures which will encourage and facilitate these important sex offender disclosures.

**Conclusion**

At no time is the information contained in the state’s sex offender registry more timely, useful and important, than during a real estate transaction to buy or rent a home. The Departments of Correction and Regulation and Licensing, as well as Attorney General Jim Doyle, agree that there recommended changes would facilitate the dissemination of important sexual predator information to the general public, as well as clarify what is now unclear disclosure duties for real estate licensees sellers and landlords.

We strongly urge you to support Rep. Walker’s amendment and AB 613.

WISinfo Network

The Post-Crescent - Stories

The Post Crescent

Sun 31-Oct-1999

## Notification laws have an impact

By John Lee and Terri K. Milner  
Post-Crescent staff writers

When police started investigating the crimes that were eventually tied to David Spanbauer five years ago, they were starting at square one, looking for a serial killer unknown in the community.

But when police started investigating the stabbing of a young woman near Hoover Park two months ago, they had immediate access to the names of 140 sex offenders living in Appleton, and thousands more statewide.

Those 140 in Appleton, and 11,000 across Wisconsin, are convicted sex offenders who are re-quired to register with police de-partments when they are released from prison, released from jail or placed on probation.

The sexual offender law is one of several laws passed in the aftermath of the public outcry over the release of convicted child killer Gerald Turner.

Under a law that went into effect June 1, 1997, officials rate three levels of offenders in their communities, and depending on the offender's history, severity of crime and likelihood to reoffend, may be required to notify neighbors or the entire community of the offender living in their area.

Sgt. Mike Nofzinger, the Appleton Police Department's sensitive crimes investigator, said the list is a help in other police investigations.

"When Spanbauer came down the pike we had no place to start. When Hoover Park came down, we had 140 names in Appleton to start with."

Those names haven't resulted in an arrest yet, but gave police a starting point, he said.

"I think it is a valuable tool, and I think it will be even more valuable as time goes on."

Mary Majerus, of the state Department of Probation and Parole, Division of Community Corrections, said the registered offenders who are released, often with neighborhood or community notification, are watched closely by neighbors.

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Lee Eiring, 61, who was eventually returned to prison after having sexual contact with a 43-year-old man, and Steven Reischl, 51, who moved into Menasha last spring, were both the subjects of notification meetings in the community.

"Those guys were watched eagle beagle by the neighborhood," Majerus said. "We didn't have any vigilantism, but they watched."

She said the hysteria that often accompanied early notification meetings has decreased, as people learn more about sex offender registration, and as law enforcement officials have learned how to best present the information.

"People do get outraged about this, and we have taken the brunt of it," she said.

"I think people are starting to understand more about sex offenders and how they work, and this whole business that there are people out there you don't know, and that is going past the hysterical reaction.

"The most important thing is to learn your kids are vulnerable to this. If you know (sex offenders) are in your neighborhood or not, they are out there."

Janine Loda, citizen coordinator for Neighborhood Watch groups in Appleton's Central District, said residents should attend a notification meeting.

"Notifying the public causes panic, but more importantly, it gives people the ability to alleviate fears at the notification meetings," she said.

"I highly recommend that everyone do what I did and go to a meeting when it doesn't directly affect you." Loda said. "That way, the criteria can be explained while your not emotional and all charged up.

"It just really needs to be reinforced that the guy that you know is bad isn't the one to fear the most because he's monitored and restricted and everything else," she said. "It's the ones that you don't know about that you should fear."

Lt. Pat Geenan, who heads Neighborhood Watch programs in Appleton's Central District, said he has seen the program progress over the past couple years.

"I'm not sure it completely eliminates offenders from reoffending, but it's certainly a step in the right direction. I'd say it's definitely done more good than bad." Geenan said.

"It's the old 'not In my back yard' syndrome. But what we've seen is that, particularly in areas or housing complexes that tend to provide transitional living, residents become somewhat accustomed to the offenders being in the neighborhood. Once they've had two or three live there and there hasn't been any problems, they're not as likely to get up in arms."

Nora Sanders, former president of the Appleton Soccer Club, which has 3,300 children ages 6 to 19 involved, knows it can be difficult to identify sexual offenders.

State and national soccer organizations have mandated random checks of coaches. While the Appleton club would like to conduct checks on more than 300 coaches, one longtime coach was dismissed as a danger to children even before the state program began, Sanders said.

"Some parents weren't comfortable with him and we did a background check on him."

One area club thought all the background checks are unnecessary, but Sanders and others are convinced you can't spot a sex offender, and you'd better know who is spending time with your kids.

"It's an insidious thing that cuts across all social and economic lines," she said.

"It could not be the dirty old man in the park. It could also be your next-door neighbor."

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