

2001 ASSEMBLY BILL 452

June 21, 2001 – Introduced by Representatives COLON, BOCK, SINICKI, TURNER, MUSSER, RILEY, WASSERMAN, YOUNG, OTT, BERCEAU and COGGS, cosponsored by Senators BURKE, DARLING and HANSEN. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to repeal* 301.46 (5); *to renumber and amend* 301.46 (5n); *to amend*
2 301.46 (2) (e) and 301.46 (2m) (c); and *to create* 301.46 (5g), 301.46 (5n) (a) and
3 301.46 (5n) (b) 1. to 3. of the statutes; **relating to:** access to information
4 regarding sex offenders and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person must register as a sex offender if he or she commits certain sex offenses. Current law allows a court to order a person to register as a sex offender if he or she has committed certain serious felony offenses that are not sex offenses if a court finds that the offense was sexually motivated. The sex offender registry is maintained by the department of corrections (DOC) and contains specific information about persons required to register, such as information concerning the person's offense, address, and place of employment. A person registered as a sex offender must also periodically provide updated information to DOC if the information originally provided to the registry changes.

Information in the sex offender registry is generally confidential. But when a person first registers as a sex offender or when a registered sex offender updates information in the registry, DOC must make the information available, via computer, to the police chief and the sheriff (local law enforcement agencies) for the community in which the person lives, works, or attends school. Current law also permits DOC or the department of health and family services (DHFS), if it is responsible for supervising a sex offender, to send a written bulletin to the local law enforcement agencies for the community, if DOC or DHFS determines that public safety warrants

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it and if the person has been found to have committed only one sex offense. The written bulletin must contain the information contained on the registry regarding the person and any other information that is necessary for public protection. If the person has committed two or more sex offenses, DOC or DHFS must send a written bulletin to the local law enforcement agencies. In addition, upon request, DOC must release information from the registry to a victim of the registrant's crimes and must release certain information from the registry to specified community organizations. DOC or a local law enforcement agency may also release certain information to members of the general public requesting it. Similarly, a local law enforcement agency may release information that it has received from the registry or from a bulletin if the local law enforcement agency believes that release of the information is necessary to protect to the public.

Current law also requires that, no later than June 1, 2001, DOC establish an Internet site containing information from the sex offender registry. The Internet site must be organized in a manner that allows a person to get the information that DOC is currently authorized or required to provide to the person. In addition, the site may provide access to any other information that DOC determines is necessary to release for protection of the public. DOC is also required to keep the site secure against unauthorized alteration.

This bill ends the current system by which a member of the general public may obtain information on a sex offender. In its place, the bill requires local law enforcement agencies to provide information regarding sex offenders residing within a county, city, village, town, or police precinct. The information must be in writing, available in English and Spanish, and in a location and format that makes it accessible to members of the public. The bill also requires local law enforcement agencies to distribute a written notice containing that information to members of the community twice each year. Under the bill, DOC must adopt rules specifying the persons to whom and the manner by which that notice is to be provided.

The bill also expands the amount of information that DOC must make available through the Internet site. Under the bill, DOC must make all of the information on the registry, other than information unavailable under current law that relates to children who are required to register or juvenile adjudications for sex offenses, available through its Internet site. DOC must also make the information searchable by name, address, and zip code.

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

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

- 1 **SECTION 1.** 301.46 (2) (e) of the statutes is amended to read:
- 2 301.46 **(2)** (e) A police chief or sheriff may provide any of the information to
- 3 which he or she has access under this subsection, other than information specified

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1 in subs. (4) (ag) and ~~(5) (e)~~, to an entity in the police chief's community or the sheriff's
2 county that is entitled to request information under sub. (4), ~~to any person requesting~~
3 ~~information under sub. (5) or to members of the general public~~ if, in the opinion of
4 the police chief or sheriff, providing that information is necessary to protect the
5 public.

6 **SECTION 2.** 301.46 (2m) (c) of the statutes is amended to read:

7 301.46 **(2m)** (c) A police chief or sheriff who receives a bulletin under this
8 subsection may provide any of the information in the bulletin, other than
9 information specified in subs. (4) (ag) and ~~(5) (e)~~, to an entity in the police chief's
10 community or the sheriff's county that is entitled to request information under sub.
11 ~~(4), to any person requesting information under sub. (5) or to members of the general~~
12 ~~public~~ if, in the opinion of the police chief or sheriff, providing that information is
13 necessary to protect the public.

14 **SECTION 3.** 301.46 (5) of the statutes is repealed.

15 **SECTION 4.** 301.46 (5g) of the statutes is created to read:

16 301.46 **(5g)** ACCESS TO INFORMATION FOR GENERAL PUBLIC. (a) Except as provided
17 in par. (e), a police chief or sheriff shall provide information to the public regarding
18 sex offenders as follows:

19 1. If a police department has precinct stations, the police chief shall provide the
20 information listed in sub. (2) (b) regarding sex offenders residing within the precinct
21 to members of the public at the precinct police station. Otherwise, the police chief
22 shall provide the information listed in sub. (2) (b) regarding sex offenders residing
23 within the city, village, or town to members of the public at police headquarters.

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1 2. Each sheriff shall provide the information listed in sub. (2) (b) regarding sex
2 offenders residing within the county to members of the public at the sheriff's office,
3 unless the information must be provided under subd. 1.

4 (b) The police chief or the sheriff shall provide the information required under
5 par. (a) in both English and Spanish in a location and in a written format that make
6 it readily accessible to members of the public.

7 (c) 1. Semiannually, the police chief, with respect to each sex offender covered
8 under par. (a) 1., or the sheriff, with respect to each sex offender covered under par.
9 (a) 2., shall distribute a written notice to members of the community in which the sex
10 offender resides. The notice shall include the information listed under sub. (2) (b).

11 2. The department shall promulgate rules specifying the persons to whom and
12 the manner in which the notice described under subd. 1. is to be provided.

13 (d) Except as provided in par. (e), a police chief or sheriff may also do any of the
14 following if he or she determines that it is necessary to do so to protect the public:

15 1. If he or she receives a bulletin under sub. (2m), provide information in the
16 bulletin to members of the public with the information provided under par. (a) or (c).

17 2. Provide information from a bulletin he or she receives under sub. (2m) or any
18 of the information listed in sub. (2) (b) in any manner other than that described under
19 par. (b) or required by rules promulgated under par. (c) 2.

20 (e) A police chief or sheriff may not provide any of the following under this
21 subsection:

22 1. Any information concerning a child who is required to register under s.
23 301.45.

24 2. If the person required to register under s. 301.45 is an adult, any information
25 concerning a juvenile proceeding in which the person was involved.

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1 **SECTION 5.** 301.46 (5n) of the statutes is renumbered 301.46 (5n) (b) (intro.) and
2 amended to read:

3 301.46 **(5n)** (b) (intro.) ~~No later than June 1, 2001, the~~ The department shall
4 provide access to information concerning persons registered under s. 301.45 by
5 creating and maintaining an Internet site and by any other means that the
6 department determines is appropriate. The information provided through the
7 Internet site shall be organized in a manner that allows a person using the Internet
8 site to obtain the accessible information that the department is required to provide
9 the person under sub. (2), (2m), (3), (4) or (5) and other information that the
10 department determines is necessary to protect the public. by doing any of the
11 following:

12 (c) The department shall keep the information provided on the Internet site
13 created and maintained under this subsection and in other means used to allow
14 access to the information secure against unauthorized alteration.

15 **SECTION 6.** 301.46 (5n) (a) of the statutes is created to read:

16 301.46 **(5n)** (a) In this subsection, “accessible information” means information
17 that is listed under sub. (2) (b) and other information that the department
18 determines is necessary to protect the public.

19 **SECTION 7.** 301.46 (5n) (b) 1. to 3. of the statutes are created to read:

20 301.46 **(5n)** (b) 1. Entering the name of an individual to determine if that
21 individual is listed on the Internet site. If that individual’s name does appear on the
22 site, the Internet site shall allow the person who entered the name to review all
23 accessible information about that individual.

24 2 Entering an address to determine if any individual who resides at that
25 address is listed on the Internet site. If an individual residing at that address is listed

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1 on the site, the Internet site shall allow the person who entered the address to review
2 all accessible information about that individual.

3 3. Entering a zip code to be given a list of all of the persons who reside in that
4 zip code and who are listed on the Internet site. The Internet site shall then allow
5 the person who entered the zip code to select one or more individuals from that list
6 and review all accessible information about that individual.

7 **SECTION 8. Effective date.**

8 (1) This act takes effect on the first day of the 6th month beginning after
9 publication.

10 (END)