

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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March 24, 2003

Sen. Reynolds:

Current s. 301.45 (4r) prohibits a registrant on parole or extended supervision from moving without notifying DOC of his or her new address. At the same time, current s. 301.45 (4) (b) requires a registrant on parole or extended supervision who knows that he or she is moving to notify DOC of his or her new address before moving. It is probably unconstitutional to prosecute a person under both of these provisions with respect to the same move. Nevertheless, it may make sense to have both of them in current law, since, for second or subsequent offenses, a district attorney could charge under s. 301.45 (4r) if he or she only wants a misdemeanor conviction, *see* s. 301.45 (6) (ag), but could charge under s. 301.45 (4) (b) if he or she wants a felony conviction, *see* s. 301.45 (6) (a). But given that this bill makes the penalties for the two offenses the same, you may want to consider consolidating s. 301.45 (4) (b) and (4r).

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867