

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 59**

**AN ACT** *to amend* 69.11 (4) (b), 69.12 (1), 69.15 (4) (b), 767.20 and 786.36 (1) (intro.); and *to create* 301.47 of the statutes; **relating to:** name changes and names used by sex offenders and providing penalties.

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***Analysis by the Legislative Reference Bureau***

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

1           **SECTION 1.** 69.11 (4) (b) of the statutes is amended to read:  
2           69.11 **(4)** (b) The state registrar may amend an item on a birth certificate that  
3 affects information about the name, sex, date of birth, place of birth, parent's name,  
4 or marital status of the mother if 365 days have elapsed since the occurrence of the  
5 event that is the subject of the birth certificate, if the amendment is at the request  
6 of a person with a direct and tangible interest in the record and is on a request form

1 supplied by the state registrar, and if the amendment is accompanied by 2 items of  
2 documentary evidence from early childhood that are sufficient to prove that the item  
3 to be changed is in error and by the affidavit of the person requesting the  
4 amendment. A change in the marital status on the birth certificate may be made  
5 under this paragraph only if the marital status is inconsistent with information  
6 concerning the father or husband that appears on the birth certificate. This  
7 paragraph may not be used to add to or delete from a birth certificate the name of a  
8 parent ~~or~~ to change the identity of a parent named on the birth certificate, or to effect  
9 a name change prohibited under s. 301.47.

10 **SECTION 2.** 69.12 (1) of the statutes is amended to read:

11 69.12 (1) If the state registrar cannot make an amendment to a vital record  
12 under s. 69.11 and a person with a direct and tangible interest in the vital record  
13 alleges that information on the vital record does not represent the actual facts in  
14 effect at the time the record was filed, the person may petition the circuit court of the  
15 county in which the event which is the subject of the vital record is alleged to have  
16 occurred. The petition shall be accompanied by a certified copy of the original vital  
17 record. If the court finds that the petitioner has established the actual facts of the  
18 event in effect when the record was filed, the clerk of court shall report the court's  
19 determination to the state registrar on a form prescribed by the state registrar, along  
20 with the fee required under s. 69.22 (5) (a) 2. Upon receipt of the report, the state  
21 registrar shall, if information as to the cause of death on the original certificate of  
22 death is changed, act under sub. (4), or shall change the record under s. 69.11 (5) and  
23 send a notice of the change to the local registrar who shall make the change in the  
24 record filed in his or her office. This subsection does not apply to a name change  
25 prohibited under s. 301.47.

1           **SECTION 3.** 69.15 (4) (b) of the statutes is amended to read:

2           69.15 **(4)** (b) Any person with a direct and tangible interest in a birth certificate  
3 registered in this state may petition a court to change the name and sex of the  
4 registrant on the certificate due to a surgical sex–change procedure. If the state  
5 registrar receives an order which provides for such a change the state registrar shall  
6 change the name and sex on the original certificate, except that if the court orders  
7 the state registrar to prepare a new certificate the state registrar shall prepare a new  
8 certificate under sub. (6). This subsection does not apply to a name change prohibited  
9 under s. 301.47.

10           **SECTION 4.** 301.47 of the statutes is created to read:

11           **301.47 Sex offender name changes prohibited. (1)** In this section, “sex  
12 offender” means a person who is subject to s. 301.45 (1g) but does not include a person  
13 who, as a result of a proceeding under s. 301.45 (1m), is not required to comply with  
14 the reporting requirements of s. 301.45.

15           **(2)** A sex offender may not do any of the following before he or she is released,  
16 under s. 301.45 (5) or (5m), from the reporting requirements of s. 301.45:

17           1. Change his or her name.

18           2. Identify himself or herself by a name unless the name is one by which the  
19 person is identified with the department.

20           **(3)** Whoever intentionally violates sub. (2) is subject to the following penalties:

21           (a) Except as provided in par. (b), the person is guilty of a Class H felony.

22           (b) The person may be fined not more than \$10,000 or imprisoned for not more  
23 than 9 months or both if all of the following apply:

24           1. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34 (15m) (am),  
25 938.345 (3), 971.17 (1m) (b) 1m., or 973.048 (1m) to comply with the reporting

1 requirements under s. 301.45 based on a finding that he or she committed or  
2 solicited, conspired, or attempted to commit a misdemeanor.

3 2. The person was not convicted of another offense under this section before  
4 committing the present violation.

5 (4) The department shall make a reasonable attempt to notify each person  
6 required to comply with the reporting requirements under s. 301.45 of the  
7 prohibition in sub. (2), but neither the department's failure to make such an attempt  
8 nor the department's failure to notify a person of that prohibition is a defense to a  
9 prosecution under this section.

10 **SECTION 5.** 767.20 of the statutes is amended to read:

11 **767.20 Name of spouse.** ~~The~~ Except as provided in s. 301.47, the court, upon  
12 granting a divorce, shall allow either spouse, upon request, to resume a former legal  
13 surname, if any.

14 **SECTION 6.** 786.36 (1) (intro.) of the statutes is amended to read:

15 786.36 (1) (intro.) ~~Any~~ Except as provided in sub. (3) or s. 301.47, any resident  
16 of this state, whether a minor or adult, may upon petition to the circuit court of the  
17 county where he or she resides and upon filing a copy of the notice, with proof of  
18 publication, as required by s. 786.37, if no sufficient cause is shown to the contrary,  
19 have his or her name changed or established by order of the court. If the person  
20 whose name is to be changed is a minor under the age of 14 years, the petition may  
21 be made by whichever of the following is applicable:

22 (END)