

## 2003 ASSEMBLY BILL 14

January 30, 2003 – Introduced by Representatives J. FITZGERALD, GUNDRUM, POWERS, AINSWORTH, ALBERS, BIES, COGGS, FREESE, GIELOW, GRONEMUS, GROTHMAN, GUNDERSON, HINES, JESKEWITZ, KAUFERT, KRAWCZYK, KREIBICH, LEMAHIEU, M. LEHMAN, MUSSER, OLSEN, OTT, OWENS, SHILLING, STASKUNAS, STONE, TURNER, UNDERHEIM, VUKMIR, WARD, VRAKAS and McCORMICK, cosponsored by Senators S. FITZGERALD, LEIBHAM, BRESKE, KANAVAS, KEDZIE, A. LASEE, REYNOLDS, STEPP, ROESSLER and LAZICH. Referred to Committee on Corrections and the Courts.

1     **AN ACT** *to repeal* 301.46 (2m) (am); *to amend* 301.46 (2m) (at), 301.46 (2m) (b)  
 2           (intro.), 301.46 (2m) (b) 1m., 301.46 (2m) (c), 301.46 (4) (d) and 980.08 (5); and  
 3           *to repeal and recreate* 301.46 (2m) (title) and (a) of the statutes; **relating to:**  
 4           notification to law enforcement of a sexual offender's residence.

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

Under current law, if the Department of Corrections or any other agency with jurisdiction confines a person, places a person in a community extensive sanctions program, or releases a person from confinement, and the person has, on only one occasion, been convicted of a sex offense, the department or agency may notify the police chief of the community and the sheriff of the county in which the person will be residing, employed, or attending school. The department or agency may provide the notice if the department or agency determines that the notification is necessary to protect the public. If the same situation exists, except that the person has two or more sex offense convictions, the department or agency must notify the police chief of the community and the sheriff of the county in which the person will be residing, employed, or attending school.

Under this bill, the department must immediately notify the police chief of the community and the sheriff of the county in which any sex offender is residing, employed, carrying on a vocation, or attending school when that person changes his or her residence, employment, or vocation in this state, attends a different school in this state, or becomes a resident of or a student in this state, is employed in this state, or starts carrying on a vocation in this state. The bill requires the department to

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specifically address the notice to the police chief of the community and the sheriff of the county in which the person will be residing, attending school, employed, or carrying on a vocation and requires the department to provide identifying information about the person in addition to the the new address of the person, the school that the person will be attending, the name and address of the person's employer, and the name and address of the place where the person will be carrying on a vocation, whichever are applicable.

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

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

1           **SECTION 1.** 301.46 (2m) (title) and (a) of the statutes are repealed and recreated  
2 to read:

3           301.46 **(2m)** (title) NOTICE TO LAW ENFORCEMENT AGENCIES. (a) When a person  
4 who is registered with the department under s. 301.45 (2) changes his or her  
5 residence, employment, or vocation in this state, enrolls in a different school in this  
6 state, becomes a resident of this state or a student in this state, becomes employed  
7 in this state, or starts carrying on a vocation in this state, the department shall  
8 immediately notify the police chief of the community and the sheriff of the county in  
9 which the person will be residing, attending school, employed, or carrying on a  
10 vocation. The department shall specifically address the notice to the police chief of  
11 the community and the sheriff of the county in which the person will be residing,  
12 attending school, employed, or carrying on a vocation. A notice that is addressed and  
13 sent to all police chiefs and sheriffs does not fulfill the requirements of this  
14 subsection. The notice shall include the information required under par. (b) and the  
15 new address of the person, the school that the person will be attending, the name and  
16 address of the person's employer, and the name and address of the place where the  
17 person will be carrying on a vocation, whichever are applicable.

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1           **SECTION 2.** 301.46 (2m) (am) of the statutes is repealed.

2           **SECTION 3.** 301.46 (2m) (at) of the statutes is amended to read:

3           301.46 **(2m)** (at) ~~Paragraphs (a) and (am) do~~ Paragraph (a) does not apply to  
4 a person if a court has determined under s. 301.45 (1m) that the person is not  
5 required to comply with the reporting requirements under s. 301.45.

6           **SECTION 4.** 301.46 (2m) (b) (intro.) of the statutes is amended to read:

7           301.46 **(2m)** (b) (intro.) The notification under par. (a) ~~or (am)~~ shall be in the  
8 form of a written ~~bulletin~~ statement to the police chief or sheriff that contains all of  
9 the following:

10          **SECTION 5.** 301.46 (2m) (b) 1m. of the statutes is amended to read:

11          301.46 **(2m)** (b) 1m. Notice that, ~~beginning on June 1, 2001,~~ information  
12 concerning persons registered under s. 301.45 will be available on the Internet site  
13 established by the department under sub. (5n).

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

15          301.46 **(2m)** (c) A police chief or sheriff who receives a ~~bulletin~~ notice under this  
16 subsection may provide any of the information in the ~~bulletin~~ notice, other than  
17 information specified in subs. (4) (ag) and (5) (c), to an entity in the police chief's  
18 community or the sheriff's county that is entitled to request information under sub.  
19 (4), to any person requesting information under sub. (5), or to members of the general  
20 public if, in the opinion of the police chief or sheriff, providing that information is  
21 necessary to protect the public.

22          **SECTION 7.** 301.46 (4) (d) of the statutes is amended to read:

23          301.46 **(4)** (d) The department shall coordinate with the department of health  
24 and family services the sharing of address information of persons regarding whom  
25 notification ~~bulletins are~~ is issued under sub. (2m) (a) ~~or (am)~~.

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1           **SECTION 8.** 980.08 (5) of the statutes is amended to read:

2           **980.08 (5)** If the court finds that the person is appropriate for supervised  
3 release, the court shall notify the department. The department shall make its best  
4 effort to arrange for placement of the person in a residential facility or dwelling that  
5 is in the person's county of residence, as determined by the department under s.  
6 980.105. The department and the county department under s. 51.42 in the county  
7 of residence of the person shall prepare a plan that identifies the treatment and  
8 services, if any, that the person will receive in the community. The plan shall address  
9 the person's need, if any, for supervision, counseling, medication, community support  
10 services, residential services, vocational services, and alcohol or other drug abuse  
11 treatment. In developing a plan for where the person may reside while on supervised  
12 release, the department shall consider the proximity of any potential placement to  
13 the residence of other persons on supervised release and to the residence of persons  
14 who are in the custody of the department of corrections and regarding whom a sex  
15 offender notification bulletin has been issued to law enforcement agencies under s.  
16 301.46 (2m) (a) ~~or (am)~~. If the person is a serious child sex offender, the plan shall  
17 address the person's need for pharmacological treatment using an antiandrogen or  
18 the chemical equivalent of an antiandrogen. The department may contract with a  
19 county department, under s. 51.42 (3) (aw) 1. d., with another public agency, or with  
20 a private agency to provide the treatment and services identified in the plan. The  
21 plan shall specify who will be responsible for providing the treatment and services  
22 identified in the plan. The plan shall be presented to the court for its approval within  
23 60 days after the court finding that the person is appropriate for supervised release,  
24 unless the department, county department, and person to be released request  
25 additional time to develop the plan. If the county department of the person's county

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1 of residence declines to prepare a plan, the department may arrange for another  
2 county to prepare the plan if that county agrees to prepare the plan and if the person  
3 will be living in that county. If the department is unable to arrange for another  
4 county to prepare a plan, the court shall designate a county department to prepare  
5 the plan, order the county department to prepare the plan, and place the person on  
6 supervised release in that county, except that the court may not so designate the  
7 county department in any county where there is a facility in which persons  
8 committed to institutional care under this chapter are placed unless that county is  
9 also the person's county of residence.

**SECTION 9. Initial applicability.**

10  
11 (1) This act first applies to persons who change their place of residence,  
12 employment, or vocation, or who attend a different school on the effective date of this  
13 subsection.

**SECTION 10. Effective date.**

14  
15 (1) This act takes effect on the first day of the 6th month beginning after  
16 publication.

17 (END)