

2003 DRAFTING REQUEST

Bill

Received: **09/19/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Fitzgerald (608) 266-2540**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc**

Extra Copies: **MGD**

Submit via email: **YES**

Requester's email: **Rep.Fitzgerald@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notification to law enforcement of sex offender's residence

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	rnelson2 10/01/2002	kgilfoy 10/14/2002	jfrantze 10/15/2002	_____	sbasford 10/15/2002		State
/1	rnelson2 01/07/2003	kgilfoy 01/07/2003	rschluet 01/07/2003	_____	sbasford 01/07/2003	sbasford 01/07/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

Arnto

<END>

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/?							State
/P1	rnelson2 10/01/2002	kgilfoy 10/14/2002	jfrantze 10/15/2002		sbasford 10/15/2002		

FE Sent For:

*1-17/03
KMG*

[Signature]
1-7-3

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FE Sent For:		11-10/11 Kmg	10/15	10/15 <END>			

Plc from Jason Rep Fitzgerald

6-2590

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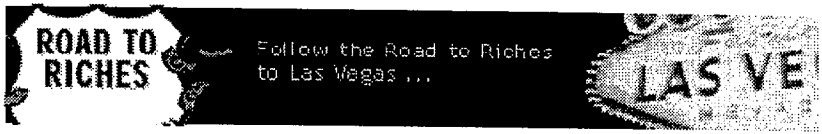
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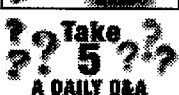
Sheriffs want notification when sex offenders move in

By LAURIA LYNCH-GERMAN of the Journal Sentinel staff

Last Updated: Aug. 22, 2002

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West Bend - The fact that people required by law to register as sex offenders for the rest of their lives can move into a community with no notification to local law enforcement agencies has some local authorities demanding a change.

Washington County Sheriff Jack Theusch was stunned to learn last week that Chad Maertz - a man charged with the attempted abduction of a Fond du Lac teen - was living in the Town of Kewaskum.

"The first I knew about it was when Fond du Lac County called to request a squad to arrest him," Theusch said. "We didn't know he was here."

Maertz was convicted in 1987 of two counts of first-degree sexual assault of a child and two counts of child enticement.

Maertz moved to Washington County in 1999, authorities said, but because he was no longer on parole he did not have to register with local law enforcement. He did register with the Wisconsin Sex Offender Registry Program as required.

The registry program has a Internet site that lists all registered sex offenders by name as well as ZIP code. Maertz was on that public information site, but there is no other process to alert local law enforcement to his movements.

Quotable

“ The first I knew about it was when Fond du Lac County called to request a squad to arrest him. We didn't know he was here. ”

- Jack Theusch, Washington County sheriff

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That's a problem, Theusch said.

"It leaves a little gap," he said. "Had we known about (Maertz), we might have thought about him as a suspect. I'm not saying we would have, but knowing he was around might have triggered that process."

Ozaukee County Sheriff Maury Straub sides with Theusch.

"I think we need to look at this issue, and we need to change things," he said. "Especially in light of all the abductions and attempts we're seeing across the country. If these people have been identified as sex offenders, we ought to be notified. If not by the offender, then certainly by the registry program."

Bill Clausius, a spokesman with the state Department of Corrections, said the department tracks 14,320 registered offenders.

Of those, 10,121 must register for the remainder of their lives. There are 3,485 lifetime registrants who are no longer on any type of supervision, and those are the ones that concern the sheriffs.

Clausius said the department would be willing to discuss those concerns.

As a practical matter, it would be very difficult to notify all local law enforcement agencies of sex offenders' movements, he said. "That would be thousands of letters of month."

He said the lack of a notification procedure - as seen as by the sheriffs - is not considered a loophole by the department.

"The system operates the way it is set up to operate," he said, adding that face-to-face meetings between offenders on parole and local law enforcement are a department policy rather than a legal requirement.

Local law enforcement officers have said they don't have the resources to track sex offenders through the Internet or other informational sites.

"Certainly, I have no one who could sample the data on a daily or weekly basis to keep current on the people living in our county," Straub said.

Public safety is the most important reason for improving the information available, authorities said.

"We must protect our citizens, and especially our children," Straub said.

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0168/P1

RPN: King

D. J.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1
2

AN ACT ^{Gen. Conf.}; relating to: notification to law enforcement of ^asexual offender's residence.

Analysis by the Legislative Reference Bureau ^{any}

Under current law, if the department of corrections or 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 ~~one~~ 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. ^{two}

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 specifically address the notice to the police chief of the community and ^{the} sheriff 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 ^{of the county}

person in addition to the the new address of the person, the school, 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.

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

SECTION 1. 301.46 (2m) of the statutes ^{(title) and (a)} repealed and recreated to read:

301.46 (2m) NOTICE TO LAW ENFORCEMENT AGENCIES. ^{(title) Care (a)} When a person who is

registered with the department under s. 301.45 (2) changes his or her residence,

employment, or vocation in this state, ^{or} enrolls in a different school in this state,

becomes a resident of this state ^{or} a student in this state, ^{becomes} employed in this state, ^{or}

starts carrying on a vocation in this state, the department shall immediately notify

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. The

department shall specifically address the notice to the police chief of the community

and the sheriff of the county ^{addressed and} in which the person will be residing, attending school,

employed, or carrying on a vocation. The notice shall include the information

^{provided} under ~~sub (2)~~ ^{par. (b)} regarding the person and 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.

SECTION 2. Initial applicability.

(1) This act first applies to persons who change their place of residence,

employment, or vocation, or who attend a different school on the effective date of this

subsection.

that

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Insert 2-15 ->

does not fulfill the requirements of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0168/P1dn

RPN: *kmq*

Please review this draft carefully to ensure that it is consistent with your intent.

Section 301.46 (2m) does not currently include any notification when the sex offender changes a vocation, but I include that provision in this draft. I also added a delayed effective date to give the department time to implement the requirements.

I tried to make the draft require an individualized notice to the police and sheriff, rather than a notice that goes out to all law enforcement agencies, but I am not sure if the language accomplishes that goal. Any suggestions?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0168/Plins
RPN:.....

1 insert 2-15:

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

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

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

7 History: 1995 a. 440; 1997 a. 6, 27, 130, 181, 237, 283; 1999 a. 89; 2001 a. 16.

7 SECTION 3. 301.46 (2m) (b) (intro.) of the statutes is amended to read:

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

11 History: 1995 a. 440; 1997 a. 6, 27, 130, 181, 237, 283; 1999 a. 89; 2001 a. 16.

11 SECTION 4. 301.46 (2m) (b) 1m. of the statutes is amended to read:

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

15 History: 1995 a. 440; 1997 a. 6, 27, 130, 181, 237, 283; 1999 a. 89; 2001 a. 16.

15 SECTION 5. 301.46 (2m) (c) of the statutes is amended to read:

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

History: 1995 a. 440; 1997 a. 6, 27, 130, 181, 237, 283; 1999 a. 89; 2001 a. 16.

1 **SECTION 6.** 301.46 (4) (d) of the statutes is amended to read:

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

5 History: 1995 a. 440; 1997 a. 6, 27, 130, 181, 237, 283; 1999 a. 89; 2001 a. 16.

6 **SECTION 7.** 980.08 (5) of the statutes is amended to read:

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

1 plan shall specify who will be responsible for providing the treatment and services
2 identified in the plan. The plan shall be presented to the court for its approval within
3 60 days after the court finding that the person is appropriate for supervised release,
4 unless the department, county department, and person to be released request
5 additional time to develop the plan. If the county department of the person's county
6 of residence declines to prepare a plan, the department may arrange for another
7 county to prepare the plan if that county agrees to prepare the plan and if the person
8 will be living in that county. If the department is unable to arrange for another
9 county to prepare a plan, the court shall designate a county department to prepare
10 the plan, order the county department to prepare the plan, and place the person on
11 supervised release in that county, except that the court may not so designate the
12 county department in any county where there is a facility in which persons
13 committed to institutional care under this chapter are placed unless that county is
14 also the person's county of residence.

History: 1993 a. 479; 1995 a. 276; 1997 a. 27, 275, 284; 1999 a. 9 ss. 3223L, 3232p to 3238d; 1999 a. 32; 2001 a. 16.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0168/P1dn
RPN.kmg:jf

October 15, 2002

Please review this draft carefully to ensure that it is consistent with your intent.

Section 301.46 (2m) does not currently include any notification when the sex offender changes a vocation, but I included that provision in this draft. I also added a delayed effective date to give the department time to implement the requirements.

I tried to make the draft require an individualized notice to the police and sheriff, rather than a notice that goes out to all law enforcement agencies, but I am not sure if the language accomplishes that goal. Any suggestions?

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E-mail: robert.nelson@legis.state.wi.us



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2003 BILL

Jan. 10

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.**

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

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.

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.

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
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7 301.46 (2m) (b) (intro.) The notification under par. (a) ~~or (am)~~ shall be in the
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15 301.46 (2m) (c) A police chief or sheriff who receives a ~~bulletin~~ notice under this
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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)~~.

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
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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

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.

10 **SECTION 9. Initial applicability.**

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.

14 **SECTION 10. Effective date.**

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

17 (END)