

ASSEMBLY BILL 99 (LRB -0201)

An Act to repeal 301.46 (5) (c); to amend 301.46 (2) (e), 301.46 (2m) (c), 301.46 (4) (ag) (intro.) and 301.46 (5) (b) (intro.); and to create 938.78 (2) (h) of the statutes; relating to: individuals registered as sex offenders based upon a juvenile delinquency adjudication.

2005

02-15.	A.	Introduced by Representatives Friske, Bies, Gard, Gundrum, Gielow, Gronemus, Kleefisch, Kaufert, Kerkman, Jensen, LeMahieu, Nischke, Montgomery, Ainsworth, Lothian, Musser, Hines, Van Roy, Vos, Owens, Nass, Ott, Lamb, Strachota, Krawczyk, M. Williams, Pettis, Nerison, Moulton and Petrowski ; cosponsored by Senators Darling, Kedzie, Roessler, Kanavas and Reynolds .	
02-08.	A.	Read first time and referred to committee on Corrections and the Courts	65
02-09.	A.	Public hearing held.	
02-15.	A.	Assembly amendment 1 offered by Representative Friske (LRB a0156)	69
02-16.	A.	Executive action taken.	
02-22.	A.	Report passage recommended by committee on Corrections and the Courts, Ayes 9, Noes 0	87
02-22.	A.	Referred to committee on Rules	87
03-03.	A.	Assembly amendment 2 offered by Representative Friske (LRB a0238)	103
03-03.	A.	Placed on calendar 3-8-2005 by committee on Rules.	
03-08.	A.	Rules suspended to withdraw from calendar and take up	112
03-08.	A.	Read a second time	112
03-08.	A.	Representatives Albers and Vrakas added as coauthors	112
03-08.	A.	Assembly amendment 2 adopted	112
03-08.	A.	Assembly amendment 3 offered by Representative Sheridan (LRB a0281)	112
03-08.	A.	Assembly amendment 3 laid on table, Ayes 59, Noes 37	112
03-08.	A.	Laid on the table	112
03-08.	A.	Taken from the table	113
03-08.	A.	Assembly substitute amendment 1 offered by Representative Staskunas (LRB s0039)	113
03-08.	A.	Assembly substitute amendment 1 laid on table, Ayes 58, Noes 38	113
03-08.	A.	Ordered to a third reading	114
03-08.	A.	Rules suspended	114
03-08.	A.	Read a third time and passed , Ayes 91, Noes 5	114
03-08.	A.	Ordered immediately messaged	114
03-10.	S.	Received from Assembly	115
03-10.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	116
04-04.	S.	Public hearing held.	
04-05.	S.	Executive action taken.	
04-06.	S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 2	152
04-06.	S.	Available for scheduling.	
04-06.	S.	Placed on calendar 4-12-2005 by committee on Senate Organization.	
04-12.	S.	Read a second time.	
04-12.	S.	Senate amendment 1 offered by Senators Taylor, Risser, Robson, Erpenbach, Miller, Hansen, Carpenter, Breske and Plale (LRB a0382) .	
04-12.	S.	Senate amendment 1 laid on table.	
04-12.	S.	Ordered to a third reading.	
04-12.	S.	Rules suspended.	
04-12.	S.	Read a third time and concurred in , Ayes 31, Noes 2.	
04-12.	A.	Received from Senate concurred in	180

**2005
ENROLLED BILL**

05en AB-99

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

05 -020/11

Amendments to above (if none, write "NONE"): AA2

Corrections - show date (if none, write "NONE"): none

Topic relax (as amended)

4/13/05
Date

[Signature]
Enrolling Drafter

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2005 ASSEMBLY BILL 99

February 8, 2005 - Introduced by Representatives FRISKE, BIES, GARD, GUNDRUM, GIELOW, GRONEMUS, KLEEFISCH, KAUFERT, KERKMAN, JENSEN, LEMAHIEU, NISCHKE, MONTGOMERY, AINSWORTH, LOTHIAN, MUSSER, HINES, VAN ROY, VOS, OWENS, NASS, OTT, LAMB, STRACHOTA, KRAWCZYK, M. WILLIAMS, PETTIS, NERISON, MOULTON and PETROWSKI, cosponsored by Senators DARLING, KEDZIE, ROESSLER, KANAVAS and REYNOLDS. Referred to Committee on Corrections and the Courts.

1 **AN ACT to repeal** 301.46 (5) (c); **to amend** 301.46 (2) (e), 301.46 (2m) (c), 301.46
2 (4) (ag) (intro.) and 301.46 (5) (b) (intro.); and **to create** 938.78 (2) (h) of the
3 statutes; **relating to:** individuals registered as sex offenders based upon a
4 juvenile delinquency adjudication. *1-4*

Analysis by the Legislative Reference Bureau

Under current law, a person who commits sexual assault or a sex offense involving a child must register with the Department of Corrections (DOC) as a sex offender. Information from the sex offender registry is available to police chiefs and sheriffs, who may provide that information on their own initiative to certain organizations (including schools, day care providers, and certain government agencies), individuals, and the public generally, if they determine that doing so is necessary to protect the public. In addition, organizations may request information regarding specific registrants from DOC, while individuals may request such information from either DOC or a police chief or sheriff. Current law, however, prohibits DOC and local law enforcement officers from disseminating information concerning a registrant who is a child or concerning a juvenile delinquency case in which the registrant was involved.

Under this bill, a police chief or sheriff may provide information from the sex offender registry concerning a registrant who is a child or concerning a delinquency case in which the registrant was involved to an organization, an individual, or the general public if the police chief or sheriff believes that doing so is necessary to protect the public. DOC may also do so in response to a request for information

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regarding a specific registrant if it believes that doing so is necessary to protect the public.

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

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

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

17 **SECTION 3.** 301.46 (4) (ag) (intro.) of the statutes is amended to read:

18 301.46 (4) (ag) (intro.) The department may not provide any of the following
19 information in response to a request under par. (a) unless it determines that doing
20 so is necessary to protect the public:

21 **SECTION 4.** 301.46 (5) (b) (intro.) of the statutes is amended to read:

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3-2

He

1 301.46 (5) (b) (intro.) If the department or a police chief or sheriff provides
 2 information under par. (a), the department, or police chief or sheriff shall, ~~subject to~~
 3 ~~par. (e)~~, provide all of the following concerning the person specified in the request
 4 under par. (a) 2.:

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

6 **SECTION 6.** 938.78 (2) (h) of the statutes is created to read:

7 938.78 (2) (h) Paragraph (a) does not prohibit the department from disclosing
 8 information under s. 301.46 (2) (e), (2m) (c), (4), (5), or (5n) about an individual
 9 adjudged delinquent for a sex offense and required to register as a sex offender under
 10 s. 301.45 based upon that adjudication.

11

(END)



3-5

**ASSEMBLY AMENDMENT 2,
TO 2005 ASSEMBLY BILL 99**

March 3, 2005 - Offered by Representative FRISKE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: after "adjudication" insert "and registered sex offenders who
3 are children?". 1-4

4 **2.** Page 2, line 17: delete lines 17 to 20.

5 **3.** Page 3, line 2: delete "department or" and substitute "department, subject
6 to par. (c), or the". 3-2

7 **4.** Page 3, line 5: delete lines 5 to 10 and substitute:

8 "**SECTION 5m.** 301.46 (5) (c) (intro.) of the statutes is amended to read:

9 301.46 (5) (c) (intro.) The department ~~or a police chief or sheriff~~ may not provide
10 any of the following under par. (a):". 3-5

11 (END)