

2005 DRAFTING REQUEST

Senate Amendment (SA-AB99)

Received: 04/01/2005

Received By: gmalaise

Wanted: Today

Identical to LRB:

For: Lena Taylor (608) 266-5810

By/Representing: Aaron Nuutinen

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Children - juvenile justice
Correctional System - misc

Extra Copies:

Submit via email: YES

Requester's email: Sen.Taylor@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Disclosure of information concerning persons registered as sex offenders based upon a juvenile delinquency adjudication; required juvenile court authorization

Instructions:

Redraft a0154/1 as senate amendment

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>
/?	gmalaise 04/01/2005	jdye 04/01/2005		_____			
/1			rschluet 04/01/2005	_____	lnorthro 04/01/2005	lnorthro 04/01/2005	

FE Sent For:

<END>

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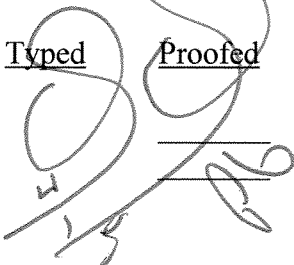
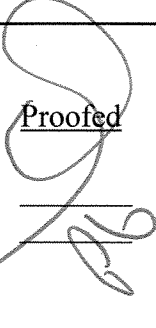
Disclosure of information concerning persons registered as sex offenders based upon a juvenile delinquency adjudication; required juvenile court authorization

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/?	gmalaise	1/4/jld					
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FE Sent For:

<END>

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. *+ registered sex offenders who are children*

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

ASSEMBLY BILL 99

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:

AA2

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subject to par. (c)

AAZ

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. (c), 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.

AAZ

11

(END)

= dep't may not provide

but sheriff may provide

**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”.

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”.

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):”.

11 (END)

*delete as
a s.f. by*

*delete
+
subs*

2005

Date (time) needed Today? Fr., 4/1

LRBa 0382 / 1

AMENDMENT

GMM : jld : _____

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

~~TO S A AMENDMENT (LRBa 1)~~

~~TO S A SUBSTITUTE AMENDMENT (LRBs 1)~~

TO 2005 ~~SB SJR SR~~ AB ~~AJR AR~~ 99 (LRB-)

At the locations indicated, amend the _____ as follows:

(fill ONLY if "engrossed" or "as shown by")

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

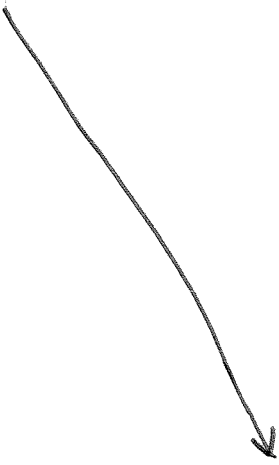
~~#. Page , line :~~

Today!!!

20382/1

SENATE

~~ASSEMBLY~~ AMENDMENT ,
TO 2005 ASSEMBLY BILL 99



1 At the locations indicated, amend the bill as follows:
2 **1.** Page 2, line 1: delete lines 1 to 16 and substitute:
3 "SECTION 1d. 301.46 (2) (e) of the statutes is amended to read:
4 301.46 (2) (e) A police chief or sheriff may provide any of the information to
5 which he or she has access under this subsection, other than information specified
6 in subs. (4) (ag) and (5) (c), to an entity in the police chief's community or the sheriff's
7 county that is entitled to request information under sub. (4), to any person requesting
8 information under sub. (5), or to members of the general public if, in the opinion of
9 the police chief or sheriff, providing that information is necessary to protect the
10 public. If, in the opinion of the police chief or sheriff, providing the information
11 specified in sub. (4) (ag) or (5) (c) to an entity in the police chief's community or the
12 sheriff's county that is entitled to request information under sub. (4), to any person
13 requesting information under sub. (5), or to members of the general public is

1 necessary to protect the public, the police chief or sheriff shall request the district
2 attorney of the county in which the person registered under s. 301.45 is residing, is
3 employed, or is attending school to file a petition under s. 938.396 (5m) with the court
4 assigned to exercise jurisdiction under ch. 938 in that county requesting the
5 authority to provide that information.

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

7 301.46 (2m) (c) A police chief or sheriff who receives a bulletin under this
8 subsection may provide any of the information in the bulletin, other than
9 information specified in subs. (4) (ag) and (5) (c), to an entity in the police chief's
10 community or the sheriff's county that is entitled to request information under sub.
11 (4), to any person requesting information under sub. (5), or to members of the general
12 public if, in the opinion of the police chief or sheriff, providing that information is
13 necessary to protect the public. If, in the opinion of the police chief or sheriff,
14 providing the information specified in sub. (4) (ag) or (5) (c) to an entity in the police
15 chief's community or the sheriff's county that is entitled to request information
16 under sub. (4), to any person requesting information under sub. (5), or to members
17 of the general public is necessary to protect the public, the police chief or sheriff shall
18 request the district attorney of the county in which the person registered under s.
19 301.45 is residing, is employed, or is attending school to file a petition under s.
20 938.396 (5m) with the court assigned to exercise jurisdiction under ch. 938 in that
21 county requesting the authority to provide that information."

22 **2.** Page 2, line 21: delete that line.

as affected by assembly amendment 2

23 **3.** Page 3, line 1: delete lines 1 to 5 and substitute:

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

If Page 3, line 5: delete the material inserted by assembly amendment 2 and substitute:

1 301.46 (5) (c) (intro.) The department or a police chief or sheriff may not provide
2 any of the following information under par. (a) ~~unless the department determines~~
3 ~~that doing so is necessary to protect the public~~ and a police chief or sheriff may not
4 provide any of the following information under par. (a) unless the court assigned to
5 exercise jurisdiction under ch. 938 determines under s. 938.396 (5m) that doing so
6 is necessary to protect the public:

7 **SECTION 5v.** 938.396 (5m) of the statutes is created to read:

8 938.396 (5m) (a) On the request of a police chief or sheriff under s. 301.46 (2)
9 (e), (2m) (c), or (5) (c), the district attorney may petition the court to permit the
10 disclosure of the information specified in s. 301.46 (4) (ag) or (5) (c) concerning a
11 person registered under s. 301.45 to an entity in the police chief's community or the
12 sheriff's county that is entitled to request information under s. 301.46 (4), to any
13 person requesting information under s. 301.46 (5), or to members of the general
14 public. The petition shall be in writing and shall describe as specifically as possible
15 the information sought to be disclosed, the persons or entities to whom disclosure is
16 sought, and how the information would be disclosed.

17 (b) The court shall notify the person registered under s. 301.45 and, if the
18 person is a juvenile, his or her parents in writing of the petition. If any person
19 notified objects to the disclosure, the court shall hold a hearing to determine whether
20 disclosure of the information is necessary to protect the public. In making that
21 determination, the court shall consider the factors specified in s. 938.34 (15m) (c) and
22 the conduct of the person since the commission of the offense on which the
23 registration is based and shall balance the protection of the public against society's
24 interest in protecting the confidentiality of the information.

1 (c) If the court determines that disclosure is warranted, it shall order the
2 disclosure of only as much information as is necessary for the protection of the public.

3 (d) The court shall record the reasons for its decision to authorize or not to
4 authorize disclosure of the information. All records related to a decision under this
5 subsection are confidential.”

6 (END)