

**SENATE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 99**

April 12, 2005 – Offered by Senators TAYLOR, RISSER, ROBSON, ERPENBACH, MILLER,  
HANSEN, CARPENTER, BRESKE and PLALE.

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.

23 **3.** Page 3, line 1: delete lines 1 to 4, as affected by assembly amendment 2.

1           **4.** Page 3, line 5: delete the material inserted by assembly amendment 2 and  
2 substitute:

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

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

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

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

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

1 registration is based and shall balance the protection of the public against society's  
2 interest in protecting the confidentiality of the information.

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

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

8 (END)