

2007 ASSEMBLY BILL 326

May 15, 2007 – Introduced by Representatives FRISKE, A. OTT, HAHN and MUSSER, cosponsored by Senator DARLING. Referred to Committee on Criminal Justice.

- 1 **AN ACT** *to create* 301.475 of the statutes; **relating to:** notification requirements
2 for persons who must register as sex offenders and who are on school premises
3 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, a person must register with the Department of Corrections (DOC) as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect, or adjudicated delinquent on the basis of certain sex offenses. The sex offender registry contains specific information about a person required to register (registrant), such as the registrant's name, appearance, offense, address, and place of employment and any school in which the registrant is enrolled. A registrant must also periodically provide updated information to DOC if the information originally provided to the registry changes.

This bill prohibits a registrant from being in any school building, on any school grounds, school recreation area, or school athletic field, or on any school property owned, used, or operated for school administration unless the registrant notifies the school.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* 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.** 301.475 of the statutes is created to read:

2 **301.475 Sex offenders to notify schools. (1)** A person who is required to
3 comply with the reporting requirements under s. 301.45 (1g) may not be on any
4 school premises, as defined in s. 948.61 (1) (c), unless the school district clerk, if the
5 premises are affiliated with a public school, or the governing body of the school, if the
6 premises are affiliated with a private school or charter school, has been notified of
7 the specific date, time, and place of the visit.

8 **(2)** (a) Except as provided in par. (b), whoever knowingly violates sub. (1) is
9 guilty of a Class H felony.

10 (b) Whoever knowingly violates sub. (1) may be fined not more than \$10,000
11 or imprisoned for not more than 9 months or both if all of the following apply:

12 1. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34 (15m) (am),
13 938.345 (3), 971.17 (1m) (b) 1m., or 973.048 (1m) to comply with the reporting
14 requirements under s. 301.45 (1g) based on a finding that he or she committed or
15 solicited, conspired, or attempted to commit a misdemeanor.

16 2. The person was not convicted of another offense under this section before
17 committing the present violation.

18 **(3)** The department shall make a reasonable attempt to notify each person
19 required to comply with the reporting requirements under s. 301.45 (1g) of the
20 prohibition in sub. (1), but neither the department's failure to make such an attempt

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1 nor the department's failure to notify a person of that prohibition is a defense to
2 prosecution under this section.

3 (4) It is an affirmative defense to a prosecution under this section that the
4 defendant was traveling directly to the office of the school district clerk, if the
5 premises are affiliated with a public school, or to the governing body of the school,
6 if the premises are affiliated with a private school or charter school, to comply with
7 sub. (1). A defendant who raises this affirmative defense has the burden of proving
8 the defense by a preponderance of the evidence.

9 (5) The school district clerk, if the premises are affiliated with a public school,
10 or the governing body of the school, if the premises are affiliated with a private school
11 or charter school, is immune from any civil or criminal liability for any good faith act
12 or omission in connection with any notice given under sub. (1).

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(END)