

2007 DRAFTING REQUEST

Bill

Received: **09/27/2006**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring persons registered as sex offenders to notify school districts before entering school premises or participating in school events

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>
/?	chanaman 10/18/2006	lkunkel 11/03/2006		_____			S&L Crime
/P1	chanaman 12/26/2006	lkunkel 01/15/2007	nmatzke 11/03/2006	_____	lparisi 11/03/2006		S&L Crime
/P2		jdyer 02/05/2007	nmatzke 01/15/2007	_____	mbarman 01/16/2007		S&L Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			jfrantze _____ 02/06/2007 _____		sbasford _____ 02/06/2007 _____	cduerst 02/16/2007	

FE Sent For: /1 @ Intro
5-15-2007

<END>

2007 DRAFTING REQUEST

Bill

Received: **09/27/2006**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring persons registered as sex offenders to notify school districts before entering school premises or participating in school events

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>
/?	chanaman 10/18/2006	lkunkel 11/03/2006		_____			S&L Crime
/P1	chanaman 12/26/2006	lkunkel 01/15/2007	nmatzke 11/03/2006	_____	lparisi 11/03/2006		S&L Crime
/P2		jdyer 02/05/2007	nmatzke 01/15/2007	_____	mbarman 01/16/2007		S&L Crime

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/1

jfrantze _____
02/06/2007 _____

sbasford _____
02/06/2007 _____

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 09/27/2006

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Donald Friske (608) 266-7694

By/Representing: Tim Gary

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Criminal Law - sex offenses

Extra Copies:

Submit via email: YES

Requester's email: Rep.Friske@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring persons registered as sex offenders to notify school districts before entering school premises or participating in school events

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>
/?	chanaman 10/18/2006	lkunkel 11/03/2006		_____			S&L Crime
/P1	chanaman 12/26/2006	lkunkel 01/15/2007	nmatzke 11/03/2006	_____	lparisi 11/03/2006		S&L Crime
/P2		1 2 / s j l d	nmatzke 01/15/2007	_____	mbarman 01/16/2007		

J/Sell
3/6

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 09/27/2006

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Donald Friske (608) 266-7694

By/Representing: Tim Gary

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Criminal Law - sex offenses

Extra Copies:

Submit via email: YES

Requester's email: Rep.Friske@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring persons registered as sex offenders to notify school districts before entering school premises or participating in school events

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>
/?	chanaman 10/18/2006	lkunkel 11/03/2006					S&L Crime

/P1			nmatzke 11/03/2006		lparisi 11/03/2006		
-----	--	--	-----------------------	--	-----------------------	--	--

/pz lmk 1/15
nwn 1/15
nwn/pg 1/15
<END>

FE Sent For:

2007 DRAFTING REQUEST

Bill

Received: 09/27/2006

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring persons registered as sex offenders to notify school districts before entering school premises or participating in school events ✓

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>
/?	chanaman	p/mk 11/3	nwn 11/3	nwn/sh 11/3			

FE Sent For:

<END>

Ryan, Robin

From: Parisi, Lori
Sent: Monday, September 18, 2006 3:28 PM
To: Ryan, Robin
Subject: FW: Message for Robin Ryan

From: Gary, Tim
Sent: Monday, September 18, 2006 2:45 PM
To: LRB.Legal
Subject: Message for Robin Ryan

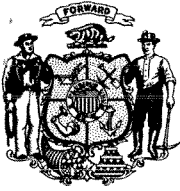
Rep. Friske respectfully requests LRB draft a bill, at its earliest convenience, that will require registered sex offenders to notify K-12 school district employees prior to entering school premises or volunteering in any capacity with the K-12 school district or its affiliate organizations (ie parent teacher organizations or athletic boosters)

If you have any questions, which I suspect you might given the vagueness of the request, please feel free to email me or call me at 6-7694.

Tim Gary
Research Assistant for
Representative Donald R Friske

939.632(1)(c)

948.61(d)(c)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0400?

CMH:.....

lmk

other

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1

gen cert

✓

1 AN ACT ...; relating to: notification requirements for persons who must register
2 as sex offenders and who are on school premises 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.

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 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

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

3 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0400/?dn P/dm
CMH:.....

(date)

Tim:

emdash
Please review the penalty provision. I made a violation of the prohibition a Class H felony, except if the offense that led to the registry requirement was a misdemeanor—then the person is only subject to the same penalties but is not guilty of a felony. Is that okay?

Please review the definition of school premises to make sure it comports with your intent.

I made the notification quite specific. Otherwise, a registrant could notify a school that s/he would be on the premises in 2008, for instance. Is *that* it okay?

I don't know if you want to require the notified individual to do anything with the notification. As written, the individual does not have to take any action, including telling anyone else.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

41 I assume you will want to review the draft and make changes so it is a preliminary draft. As such, it will have to be redrafted to be introducible.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0400/P1dn
CMH:lmk:nwn

November 3, 2006

Tim:

Please review the penalty provision. I made a violation of the prohibition a Class H felony, except if the offense that led to the registry requirement was a misdemeanor—then the person is only subject to the same penalties but is not guilty of a felony. Is that okay?

Please review the definition of school premises to make sure it comports with your intent.

I made the notification quite specific. Otherwise, a registrant could notify a school that s/he would be on the premises in 2008, for instance. Is that okay?

I don't know if you want to require the notified individual to do anything with the notification. As written, the individual does not have to take any action, including telling anyone else.

I assume you will want to review the draft and make changes, so it is a preliminary draft. As such, it will have to be redrafted to be introducible.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

Hanaman, Cathlene

From: Gary, Tim

Sent: Friday, December 22, 2006 11:17 AM

To: Hanaman, Cathlene

Subject: RE: Draft review: LRB 07-0400/P1 Topic: Requiring persons registered as sex offenders to notify school districts before entering school premises or participating in school events

The specific notification is good. Thanks

The person being notified does not need further instruction from the statutes of what to do with the information, school administrators should be able to figure that out for themselves as to how to implement details.

Friske wants a specific exemption for the time period the person is walking directly, with no delay, to the office of the school district in order to notify the district he is complying with the provisions of this bill.

Tim Gary

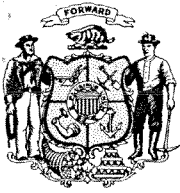
From: Parisi, Lori

Sent: Friday, November 03, 2006 4:47 PM

To: Rep.Friske

Subject: Draft review: LRB 07-0400/P1 Topic: Requiring persons registered as sex offenders to notify school districts before entering school premises or participating in school events

Following is the PDF version of draft LRB 07-0400/P1 and drafter's note.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0400/P1
CMH:lmk,nwn

P2

d-note
12/26

shys

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

refer
cat

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.

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.

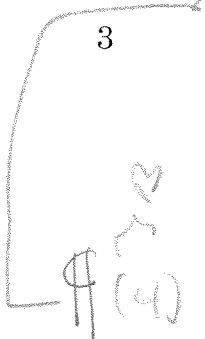
16 2. The person was not convicted of another offense under this section before
17 committing the present violation.

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

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

3

(END)



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

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

(dn)

(date)

07-0400/P2d
cm# : lmc

Jim

(91) Please note that I dropped the ^{requested} exceptions as an affirmative defense ^{places} burden ^{defendent} which ^{places} the burden of proof on the defendant who claims such a defense. Is that OK?

Since the statute ^{does} not tell the notified person ^{what action} to take upon ^{what action} notification?

(91) ~~make~~ make the notified person immune from any civil or criminal liability for any good inaction.

faith action or inaction. Is that OK?

CM 1+



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0400/P2dn
CMH:lmk:nwn

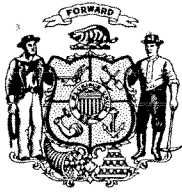
January 15, 2007

Tim:

Please note that I drafted the requested exception as an affirmative defense, which places the burden of proof on the defendant who claims such a defense. Is that OK?

Since the statute does not tell the notified person what action to take upon notification, I made the notified person immune from any civil or criminal liability for any good faith action or inaction. Is that OK?

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0400/P2
CMH:lmk:nwn

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

see act

- 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.

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

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).

13

(END)

Duerst, Christina

From: Gary, Tim
Sent: Friday, February 16, 2007 10:56 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0400/1 Topic: Requiring persons registered as sex offenders to notify school districts before entering school premises or participating in school events

Please Jacket LRB 07-0400/1 for the ASSEMBLY.