

## 2007 DRAFTING REQUEST

### Bill

Received: **01/30/2007**

Received By: **bbalinsk**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Tauchen (608) 266-3097**

By/Representing: **Craig Arrowood**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters: **chanaman**

Subject: **Criminal Law - sex offenses  
Transportation - driver licenses**

Extra Copies: **ARG, CMH**

Submit via email: **YES**

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

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Special operator's licenses for sex offenders

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### Instructions:

Require DOT to issue red operator's licenses for persons on the sex offender list

---

### 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>
/P1	bbalinsk 02/19/2007	lkunkel 02/20/2007	nmatzke 02/20/2007	_____	cduerst 02/20/2007		State Crime
/P2	bbalinsk 04/13/2007	lkunkel 04/18/2007	pgreensl 04/18/2007	_____	sbasford 04/18/2007		State Crime
/1	bbalinsk 05/25/2007	lkunkel 05/25/2007	nmatzke 05/25/2007	_____	sbasford 05/25/2007	sbasford 05/25/2007	State Crime

FE Sent For: "/1" sent for 5-31-2007 per Craig via phone  
<END>

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/P1	bbalinsk 02/19/2007	lkunkel 02/20/2007	nmatzke 02/20/2007	_____	cdurst 02/20/2007		State Crime
/P2	bbalinsk 04/13/2007	lkunkel 04/18/2007	pgreensl 04/18/2007	_____	sbasford 04/18/2007		State Crime

FE Sent For:

*11/mks/25* *nwn* *nwn*  
*5/25* *5/25*

*Please Jacket*

<END>

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/P1	bbalinsk 02/19/2007	lkunkel 02/20/2007	nmatzke 02/20/2007	<u>4/18</u>	cdurst 02/20/2007		State Crime

FE Sent For:

*4/18*  
*PJ*  
*PS*  
<END>

## 2007 DRAFTING REQUEST

### Bill

Received: 01/30/2007

Received By: bbalinsk

Wanted: As time permits

Identical to LRB:

For: Gary Tauchen (608) 266-3097

By/Representing: Craig Arrowood

This file may be shown to any legislator: NO

Drafter: bbalinsk

May Contact:

Addl. Drafters: chanaman

Subject: Criminal Law - sex offenses  
Transportation - driver licenses

Extra Copies: ARG, CMH

Submit via email: YES

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

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Special operator's licenses for sex offenders ✓

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### Instructions:

Require DOT to issue red operator's licenses for persons on the sex offender list

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/P1	bbalinsk	/pl lmk 2/19	nwn 2/20	nwn/rs 2/20			

FE Sent For:

<END>

Craig Arrowood

Gary Tardien

Sex offender list → put the  
 info on drivers licenses →  
 ↓ change the appearance  
 of SO.'s DL's  
 ↓

think registry

Red →



## Scarlet Letter ID ACT or "SLID Act"

This proposed legislation would have persons who have been convicted of sex crimes that warrant placement on the "Sex Offender Registry List" be required to have a different color and/or landscape for their drivers license or identification cards.

### PRO arguments:

- Easier for schools, daycare centers, police officers, and others to identify a person as a sex offender and to take proper action/ precaution.
- If a sex offender is NON-compliant the Sex Offender ID will allow for police to know whether said person is out of his area and must be detained and questioned---possible parole violations.
- Easier---faster reaction time for AMBER Alerts if a manhunt is enacted.
- Could be used for internet providers to know who on their service is a sex offender.
- Any cost should be minimal, and any cost could be charged to the offender.

### CON arguments:

- Concerns of privacy for the sex offenders.
- Private businesses may be overly cautious and prevent services to sex offenders.

### Groups *potentially* to support this change:

- Police
- Teachers
- Day Cares
- Wisconsin Coalition Against Sexual Assault
- Victim Rights Groups

### Groups *potentially* against this idea:

- ACLU
- Privacy advocates—Libertarians



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1731/P1  
BAB&CMH:.....

today 2/20

lmk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 2/19/07

Gen Cat

1 AN ACT ...; relating to: special operator licenses and identification cards for  
2 persons registered as sex offenders and providing a penalty. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, persons convicted of certain sex offenses are required to register as sex offenders with the Department of Corrections (registrants). This bill requires a registrant who is applying for a driver's license or a state-issued identification card to identify himself or herself to the Department of Transportation as a registrant in order to be issued a license or card that indicates that he or she is a registrant. A person who intentionally violates this requirement is guilty of a Class G felony and may be fined up to \$25,000 or sentenced to a term of imprisonment of up to ten years (which, as with other felonies, includes a term of confinement and a term of extended supervision if the sentence is for more than one year) or both. ✓

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.

FE-ST

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 165.8285 (1m) of the statutes is created to read: ✓



## SECTION 1

1 165.8285 (1m) For the purpose of determining if a person is violating s. 301.49  
2 (3), the department of justice shall, through the transaction information for  
3 management of enforcement system, provide local law enforcement agencies with  
4 access to the information provided under s. 301.49 (2m) by the department of  
5 corrections under s. 301.49 (2m) (a) or by the department of health and family  
6 services under s. 301.49 (2m) (b).

7 SECTION 2. 301.49 of the statutes is created to read:

8 **301.49 Operator's licenses or state identification cards for certain sex**  
9 **offenders.** (1) DEFINITIONS. In this section:

10 (a) "Identification card" means a card issued under s. 343.50.

11 (b) "Operator's license" means a license issued under ch. 343.

12 (c) "Sex offense" has the meaning under s. 301.45 (1d) (b).

13 (2) WHO IS COVERED. (a) A person who is subject to the sex offender registration  
14 requirement as determined under s. 301.45 (1g) is subject to the requirements under  
15 sub. (4) until the person is released from the sex offender registration requirement.

16 (b) If a person is on supervised release under s. 980.08 (6m) and par. (a) does  
17 not apply, he or she is subject to the requirements under sub. (4) until his or her  
18 death.

19 (c) If a person is on parole, or has been discharged, under ch. 975, by the  
20 department of health and family services following a commitment that was based on  
21 his or her commission of a sex offense and par. (a) does not apply, he or she is subject  
22 to the requirements under sub. (4) until his or her death.

23 (d) If a person has committed a sex offense and par. (a), (b), or (c) does not apply,  
24 the department may require the person to comply with sub. (4) as a condition of the  
25 person's probation, extended supervision, or parole.

1 (3) INFORMATION ACCESS. (a) The department <sup>of corrections</sup> shall provide to the department  
2 of justice information sufficient to identify the persons who are covered under sub.  
3 (2) (a) or (d) for the purpose of s. 165.8285 (1m).

4 (b) Unless par. (a) requires the department <sup>of corrections</sup> to provide to the department of  
5 justice information sufficient to identify the persons who are covered under sub. (2)  
6 (b) or (c), the department of health and family services shall provide to the  
7 department of justice information sufficient to identify the persons who are covered  
8 under sub. (2) (b) or (c) for the purpose of s. 165.8285 (1m).

9 (4) OPERATOR'S LICENSE OR IDENTIFICATION CARD REQUIREMENTS. (a) A person  
10 covered under sub. (2) who applies for an operator's license or an identification card  
11 shall identify himself or herself in the application as a person to whom a special  
12 operator's license or identification card shall be issued under s. 343.17 (3) (a) (15) or

13 s. 343.50 (3) (b).

14 (b) <sup>Prior to being covered under sub. (2) or if the person was incarcerated and</sup> If a person has an operator's license or an identification card <sup>15.</sup> prior to  
15 ~~becoming covered under sub. (2) and~~ the operator's license or identification card is  
16 <sup>when the person is released from any</sup> valid at the end of the holder's period of incarceration, the person shall, immediately  
17 after becoming covered under sub. (2) <sup>or being released from</sup> and after any period of incarceration <sup>ended</sup> has  
18 ended, apply to the department of transportation for a duplicate license or

19 identification card, identifying himself or herself in the application as a person to  
20 whom a special operator's license or identification card shall be issued under s.  
21 343.17 (3) (a) (15) or s. 343.50 (3) (b).

22 (c) If a person has an operator's license or an identification card and is a covered  
23 person under sub. (2) as of the effective date of this <sup>paragraph.... [reviser inserts date]</sup> act, the person shall apply to the  
24 department of transportation for a duplicate license or identification card,  
25 identifying himself or herself in the application as a person to whom a special

**SECTION 2**

operator's license or identification card shall be issued under s. 343.17 (3) (a) ~~(15)~~ or s. 343.50 (3) (b), within 60 days of the effective date. ✓

(5) PENALTY. Whoever intentionally violates sub. (4) (a) ~~(b)~~ is guilty of a Class G felony. *stet.*

(6) NOTIFICATION. (a) The department shall notify a person under sub. (2) (a) or (d) of his or her need to comply with sub. (4). ✓

(b) If the person is not already required to be notified under par. (a), the department of health and family services shall notify the person under sub. (2) (b) or (c) of his or her need to comply with sub. (4). ✓

(c) After notifying a person under par. (a) or (b) of the need to comply with this section, the person who is providing the notification shall require the person who is being notified to read and sign a form stating that he or she has been informed of the requirements of this section. ✓

(d) It is not a defense to liability under sub. (4) that the person subject to sub. (4) was not required to read and sign a form under par. (c), was not provided with a form to read and sign under par. (c), or failed or refused to read or sign a form under par. (c). It is not a defense to liability under sub. (4) that the person subject to sub. (4) did not receive notice under this subsection from the department of health and family services or the department of corrections. ✓

**SECTION 3.** 343.14 (2) (dm) of the statutes is created to read:

343.14 (2) (dm) A statement as to whether the applicant is a covered person under s. 301.49 (2). ✓

**SECTION 4.** 343.17 (3) (a) 15. of the statutes is created to read:

343.17 (3) (a) 15. If the person is a covered person under s. 301.49 (2), a distinctive appearance specified by the department, with a background that is red

1 in color, that clearly identifies to the public that the person has been convicted as a  
2 sex offender. ✓

3 **SECTION 5.** 343.19 (1) of the statutes is amended to read:

4 343.19 (1) If a license issued under this chapter ~~or~~ <sup>plan</sup> an identification card  
5 issued under s. 343.50 is lost or destroyed or the name or address named in the  
6 license or identification card is changed, <sup>if</sup> the licensee becomes subject to s. 301.49 (4)  
7 ~~(b) or (c) or the condition~~ <sup>status</sup> (specified in s. 343.17 (3) (a) 12. <sup>or</sup> 13. <sup>or</sup> 15. <sup>or</sup> 343.50  
8 (3) (b) no longer applies, the person to whom the license or identification card was  
9 issued may obtain a duplicate thereof or substitute therefor upon furnishing proof  
10 satisfactory to the department of name and date of birth and that the license or  
11 identification card has been lost or destroyed or that application for a duplicate  
12 license or identification card is being made for a change of address or name <sup>requirement of</sup> ~~or under~~  
13 s. 301.49 (4) (b) or (c) or because the condition <sup>status</sup> specified in s. 343.17 (3) (a) 12. <sup>or</sup> 13.,  
14 or 15. or 343.50 (3) (b) no longer applies. If a licensee applies for a duplicate license  
15 or identification card based on s. 301.49 (b) or (c), the licensee or card holder shall  
16 surrender the existing license or card and the duplicate license or card shall have the  
17 appearance specified in s. 343.17 (3) (a) 15. or 343.50 (3) (b). ✓ If the applicant is a male  
18 who is at least 18 years of age but less than 26 years of age, the application shall  
19 include the information required under s. 343.14 (2) (em). If the original license or  
20 identification card is found it shall immediately be transmitted to the department.  
21 Duplicates of nonphoto licenses shall be issued as nonphoto licenses.

History: 1973 c. 218; 1977 c. 29 s. 1654 (7) (a); 1977 c. 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1987 a. 27, 40; 1989 a. 105; 1991 a. 39, 269; 1997 a. 27; 1999 a. 9, 80; 2001 a. 93.

22 **SECTION 6.** 343.50 (3) of the statutes is renumbered 343.50 (3) (a).

23 **SECTION 7.** 343.50 (3) (b) of the statutes is created to read:

1 343.50 (3) (b) In addition to the requirements of par. (a), an identification card  
2 for a person who is a covered person under s. 301.49 (2) shall have a distinctive  
3 appearance specified by the department, with a background that is red in color, that  
4 clearly identifies to the public that the person has been convicted as a sex offender.

5 SECTION 8. 343.50 (4) of the statutes is amended to read:

*(s) as affected by 2005 Wisconsin Act 126*

6 343.50 (4) APPLICATION. The application for an identification card shall include  
7 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (dm),  
8 (em), and (er), and such further information as the department may reasonably  
9 require to enable it to determine whether the applicant is entitled by law to an  
10 identification card. The department shall, as part of the application process, take a  
11 photograph of the applicant to comply with sub. (3). No application may be processed  
12 without the photograph being taken. Misrepresentations in violation of s. 343.14 (5)  
13 are punishable as provided in s. 343.14 (9).

NOTE: NOTE: Sub. (4) is shown as amended eff. 4-1-07 by 2005 Wis. Act 126. Prior to 4-1-07 it reads:NOTE:

(4) APPLICATION. The application for an identification card shall include any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and (em), and such further information as the department may reasonably require to enable it to determine whether the applicant is entitled by law to an identification card. The department shall, as part of the application process, take a photograph of the applicant to comply with sub. (3). No application may be processed without the photograph being taken. Misrepresentations in violation of s. 343.14 (5) are punishable as provided in s. 343.14 (9).

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 93; 2003 a. 33; 2005 a. 126.

18 SECTION 9. Effective date.

19 (1) ~~The treatment of section 301.49 of the statutes~~ *This act* takes effect on the first day  
20 of the seventh month beginning after publication. ✓

21 (END)

**Balinsky, Brett**

---

**From:** Arrowood, Craig  
**Sent:** Friday, March 30, 2007 2:12 PM  
**To:** Balinsky, Brett  
**Subject:** RE: Tauchen SLID ACT

Brett-

The Representative has looked over LRB 1731 and he has decided to change a couple items.

- Rather than the entire license being a different color; Rep Tauchen wants the lower right hand corner to be a bright color (i.e. yellow with black lettering). With the words sex offender in the newly formed box.
- Rather than copying the entire sex offender registry schematics. The Representative wants three crimes: 1<sup>st</sup> Degree Sexual Assault, 1<sup>st</sup> Degree Sexual Assault of a Child, and Sexually Violent persons or 980s to have mandatory lifetime ID registration. The other qualifying crimes on the sex offender registry he wants those to be determined by judicial/prosecution discretion between 15 years and lifetime registration.

If you have further questions please feel free to contact this office. 6-3097

Thanks-  
Craig Arrowood, Jr.

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**From:** Balinsky, Brett  
**Sent:** Monday, February 19, 2007 10:20 AM  
**To:** Arrowood, Craig  
**Subject:** RE: Tauchen SLID ACT

Hi Craig,

Would it be OK for us to get this draft to you tomorrow, rather than today? I have been working on it as a joint project, with Cathlene Hanaman drafting the criminal portions and I have drafted the transportation portions. It is finished and I could have our editors complete the P1 draft and send it to you today, but there is one issue I wanted to discuss with Cathlene before we send you the draft and unfortunately, she has been out of the office the past two days. Assuming that she is feeling better and returns to work tomorrow, we should be able to clear up this issue and forward the draft to you tomorrow.

Thanks.

Brett Balinsky

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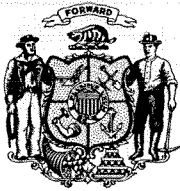
**From:** Arrowood, Craig  
**Sent:** Monday, February 05, 2007 5:22 PM  
**To:** Balinsky, Brett  
**Cc:** Tauchen, Gary  
**Subject:** Tauchen SLID ACT

Brett-

My name is Craig Arrowood and I am Rep. Tauchen's Legislative aide. You were asked to write up a bill regarding Sex Offenders and colored driver's license/ IDs. I wrote up talking points that you may find useful. The draft is question 1731/P1. Also we were hoping to have a draft available by 2/19 if at all possible. Please let me know what the timeline is for this draft.

Thanks-

Craig Arrowood, Jr. << File: Scarlet Letter ID ACT or.doc >>



State of Wisconsin  
2007 - 2008 LEGISLATURE

P2

LRB-1731/P1  
BAB&CMH:lmk:nwn

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 4/13/07  
Need by 4/18/07

Relon

Inserts

✓

1 AN ACT to renumber 343.50 (3); to amend 343.19 (1) and 343.50 (4); and to  
2 create 165.8285 (1m), 301.49, 343.14 (2) (dm), 343.17 (3) (a) 15. and 343.50 (3)  
3 (b) of the statutes; relating to: special operator licenses and identification  
4 cards for persons registered as sex offenders and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, persons convicted of certain sex offenses are required to register as sex offenders with the Department of Corrections (registrants). This bill requires a registrant who is applying for a driver's license or a state-issued identification card to identify himself or herself to the Department of Transportation as a registrant in order to be issued a license or card that indicates that he or she is a registrant. A person who intentionally violates this requirement is guilty of a Class G felony and may be fined up to \$25,000 or sentenced to a term of imprisonment of up to ten years (which, as with other felonies, includes a term of confinement and a term of extended supervision if the sentence is for more than one year) or both.

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.

MS  
A

For further information see the **state** 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:*

*INSET* →

1 SECTION 1. 165.8285 (1m) of the statutes is created to read:

2 165.8285 (1m) For the purpose of determining if a person is violating s. 301.49  
3 (4), the department of justice shall, through the transaction information for  
4 management of enforcement system, provide local law enforcement agencies with  
5 access to the information provided by the department of corrections under s. 301.49  
6 (3) ~~or by the department of health and family services under s. 301.49 (3) (b).~~

7 SECTION 2. 301.49 of the statutes is created to read:

8 **301.49 Operator's licenses or state identification cards for certain sex**  
9 **offenders. (1) DEFINITIONS.** In this section:

10 (a) "Identification card" means a card issued under s. 343.50.

11 (b) "Operator's license" means a license issued under ch. 343.

12 *d* (c) "Sex offense" has the meaning under s. 301.45 (1d) (b).

13 (2) WHO IS COVERED. (a) A person who is subject to the sex offender registration  
14 requirement as determined under s. 301.45 (1g) is subject to the requirements under  
15 sub. (4) ~~until the person is released from the sex offender registration requirement~~  
*for a period not less than 15 years. May, at the discretion of the sentencing court, be*

16 (b) If a person is on supervised release under s. 980.08 (6m) and par. (a) does  
17 ~~not apply~~, he or she is subject to the requirements under sub. (4) until his or her  
18 death.

19 (c) If a person is on parole, or has been discharged, under ch. 975, by the  
20 department of health and family services following a commitment that was based on



1 his or her commission of a sex offense and par. (a) does not apply, he or she is subject  
2 to the requirements under sub. (4) until his or her death.

3 (d) If a person has committed a sex offense and par. (a), (b), or (c) does not apply,  
4 the department may require the person to comply with sub. (4) as a condition of the  
5 person's probation, extended supervision, or parole.

6 (3) INFORMATION ACCESS. (a) The department of corrections shall provide to the  
7 department of justice information sufficient to identify the persons who are covered  
8 under sub. (2) (a) or (d) for the purpose of s. 165.8285 (1m).

9 (b) Unless par. (a) requires the department of corrections to provide to the  
10 department of justice information sufficient to identify the persons who are covered  
11 under sub. (2) (b) or (c), the department of health and family services shall provide  
12 to the department of justice information sufficient to identify the persons who are  
13 covered under sub. (2) (b) or (c) for the purpose of s. 165.8285 (1m).

14 (4) OPERATOR'S LICENSE OR IDENTIFICATION CARD REQUIREMENTS. (a) A person  
15 covered under sub. (2) who applies for an operator's license or an identification card  
16 shall identify himself or herself in the application as a person to whom a special  
17 operator's license or identification card shall be issued under s. 343.17 (3) (a) 15. or  
18 343.50 (3) (b).

19 (b) Prior to being covered under sub. (2), if a person has an operator's license  
20 or an identification card or if the person was incarcerated and the operator's license  
21 or identification card is valid when the person is released from any period of  
22 incarceration, the person shall, immediately after becoming covered under sub. (2)  
23 or after being released from any period of incarceration, apply to the department of  
24 transportation for a duplicate license or identification card, identifying himself or

1 herself in the application as a person to whom a special operator's license or  
2 identification card shall be issued under s. 343.17 (3) (a) 15. or 343.50 (3) (b).

3 (5) PENALTY. Whoever intentionally violates sub. (4) (a) or (b) is guilty of a Class  
4 G felony.

5 (6) NOTIFICATION. (a) <sup>INS 4-5</sup> The department shall notify a person under sub. (2) (a)  
6 or (d) of his or her need to comply with sub. (4).

7 (b) If the person is not already required to be notified under par. (a), the  
8 department of health and family services shall notify the person under sub. (2) (b)  
9 or (c) of his or her need to comply with sub. (4).

10 (c) After notifying a person under par. (a) <sup>b</sup> or (b) of the need to comply with this  
11 section, the <sup>b</sup> ~~person who is providing the notification~~ <sup>department</sup> shall require the person who is  
12 being notified to read and sign a form stating that he or she has been informed of the  
13 requirements of this section.

14 (d) <sup>c</sup> It is not a defense to liability under sub. (5) that the person subject to sub.  
15 (4) was not required to read and sign a form under par. (c), was not provided with a  
16 form to read and sign under par. (c), or failed or refused to read or sign a form under  
17 par. (c). It is not a defense to liability under sub. (5) that the person subject to sub.  
18 (4) did not receive notice under this subsection from the department <sup>b</sup> ~~of health and~~  
19 ~~family services or the department of corrections.~~

20 SECTION 3. 343.14 (2) (dm) of the statutes is created to read:

21 343.14 (2) (dm) A statement as to whether the applicant is a covered person  
22 under s. 301.49 (2).

23 SECTION 4. 343.17 (3) (a) 15. of the statutes is created to read:

24 343.17 (3) (a) 15. If the person is a covered person under s. 301.49 (2), a  
25 distinctive appearance specified by the department, with a <sup>block in the lower right hand</sup> ~~background that is red~~  
<sup>corner that is yellow in color and contains the words</sup> "SEX OFFENDER" <sup>in prominent black lettering capital</sup>

1 in color, that clearly identifies to the public that the person has been convicted as a  
2 sex offender.

3 SECTION 5. 343.19 (1) of the statutes is amended to read:

4 343.19 (1) If a license issued under this chapter or an identification card issued  
5 under s. 343.50 is lost or destroyed or the name or address named in the license or  
6 identification card is changed, if the licensee becomes subject to s. 301.49 (4) (b) or  
7 if the condition status specified in s. 343.17 (3) (a) 12. or, 13., or 15. or 343.50 (3) (b)  
8 no longer applies, the person to whom the license or identification card was issued  
9 may obtain a duplicate thereof or substitute therefor upon furnishing proof  
10 satisfactory to the department of name and date of birth and that the license or  
11 identification card has been lost or destroyed or that application for a duplicate  
12 license or identification card is being made for a change of address or name or,  
13 requirement of s. 301.49 (4) (b), or because the condition status specified in s. 343.17  
14 (3) (a) 12. or, 13., or 15. or 343.50 (3) (b) no longer applies. If a licensee applies for  
15 a duplicate license or identification card based on s. 301.49<sup>(4)</sup>(b), the licensee or card  
16 holder shall surrender the existing license or card and the duplicate license or card  
17 shall have the appearance specified in s. 343.17 (3) (a) 15. or 343.50 (3) (b). If the  
18 applicant is a male who is at least 18 years of age but less than 26 years of age, the  
19 application shall include the information required under s. 343.14 (2) (em). If the  
20 original license or identification card is found it shall immediately be transmitted to  
21 the department. Duplicates of nonphoto licenses shall be issued as nonphoto  
22 licenses.

23 SECTION 6. 343.50 (3) of the statutes is renumbered 343.50 (3) (a).

24 SECTION 7. 343.50 (3) (b) of the statutes is created to read:

all caps

capital

block in the lower right hand corner that is yellow in color and contains the words "SEX OFFENDER" in prominent black lettering

capital lettering

1 343.50 (3) (b) In addition to the requirements of par. (a), an identification card  
2 for a person who is a covered person under s. 301.49 (2) shall have a distinctive  
3 appearance specified by the department, with a background that is red in color, that  
4 clearly identifies to the public that the person has been convicted as a sex offender.

5 SECTION 8. 343.50 (4) of the statutes, as affected by 2005 Wisconsin Act 126,  
6 is amended to read:

7 343.50 (4) APPLICATION. The application for an identification card shall include  
8 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (dm),  
9 (em), and (er), and such further information as the department may reasonably  
10 require to enable it to determine whether the applicant is entitled by law to an  
11 identification card. The department shall, as part of the application process, take a  
12 photograph of the applicant to comply with sub. (3). No application may be processed  
13 without the photograph being taken. Misrepresentations in violation of s. 343.14 (5)  
14 are punishable as provided in s. 343.14 (9).

NS  
6-17  
→

15 SECTION 9. Effective date.

or 7th

16 (1) This act takes effect on the first day of the seventh month beginning after  
17 publication.

18 (END)

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1731/P2ins  
BAB&CMH:lmk:nwn

Insert A

*on person who*  
*who is ordered by the court or*  
Under current law, persons who have committed certain sex offenses are required to register as sex offenders with the Department of Corrections (registrants). Under this bill, a registrant ~~who has committed a serious sex offense, or who is ordered by the court to do so,~~ must, when applying for a driver's license or a state-issued identification card, identify himself or herself to the Department of Transportation in order to be issued a license or card that indicates that he or she is a sex offender. Under the bill, a serious sex offense is one of the following offenses: first-degree sexual assault, first-degree sexual assault of a child, and, with some exceptions, repeated sexual assault of a child.

Insert 2-1

**SECTION 1.** 51.20 (13) (cw) of the statutes is created to read:

51.20 (13) (cw) 1. Except as provided in subd. 2., if, under par. (ct) 1m. or 2m., the court requires the subject individual to comply with the reporting requirements under s. 301.45, the court may order the subject individual to comply with the requirements under s. 301.49 (4) if the court determines that it would be in the interest of public protection to have the subject individual comply with the requirements. *under s. 301.49(4)*

2. If, under par. (ct) 2m. the court requires the subject individual to comply with the reporting requirements under s. 301.45 and the subject individual is found to have committed, or to have solicited, conspired, or attempted to commit, a serious sex offense, as defined under s. 301.49 (1) (c), the court shall order the subject individual to comply with the requirements under s. 301.49 (4).

3. In determining under subd. 1. whether it would be in the interest of public protection to have the subject individual comply with the requirements under s. 301.49 (4), the court may consider any of the following:

1 a. The ages, at the time of the violation, of the subject individual and the victim  
2 of the violation. ✓

3 b. The relationship between the subject individual and the victim of the  
4 violation. ✓

5 c. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to ✓  
6 the victim.

7 d. Whether the victim suffered from a mental illness or mental deficiency that  
8 rendered him or her temporarily or permanently incapable of understanding or  
9 evaluating the consequences of his or her actions. ✓

10 e. The probability that the subject individual will commit other violations in  
11 the future. ✓

12 f. Any other factor that the court determines may be relevant to the particular  
13 case. ✓

14 4. If the court orders a subject individual to comply with the requirements  
15 under s. 301.49 (4), the court shall order the subject individual to continue to comply  
16 for a period of not less than 15 years and may order the subject individual to comply  
17 until his or her death. ✓

18 5. If the court orders a subject individual to comply with the requirements  
19 under s. 301.49 (4), the clerk of the court in which the order is entered shall promptly  
20 forward a copy of the order to the department of corrections. ✓ If the finding under s.  
21 938.30 (5) (c) (intro.) or 971.14 on which the order is based is reversed, set aside, or  
22 vacated, the clerk of the court shall promptly forward to the department of

1 corrections a certificate stating that the finding has been reversed, set aside, or  
2 vacated. ✓

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; s. 13.93 (2) (c).

3

4 Insert 2-12

5 (c) "Serious sex offense" means a violation of, or the solicitation, conspiracy, or  
6 attempt to commit a violation of, s. 940.225 ✓ (1) or 948.02 ✓ (1) or s. 948.025 ✓ (1) if the  
7 offense was a Class A or B felony.

8

9 Insert 3-6

10 (2) WHO IS COVERED. A person who is subject to the sex offender registration  
11 requirement under s. 301.45 is subject to sub. (4) if any of the following applies:

12 (a) The offense that resulted in the person being subject to s. 301.45 is a serious  
13 sex offense. ✓

14 (b) The court has ordered the person under s. 51.20 (13) (cw) 1., 938.34 (15o)

15 (a), 938.345 ✓ (3m) (a), 971.17 (1m) ✓ (c) 1., or 973.048 ✓ (1) to comply with the  
16 requirements under sub. (4). ✓

17 (c) The person is on supervised release under s. 980.08 (6m). ✓

18 (2m) RELEASE FROM REQUIREMENTS. (a) A person described under sub. (2) (a)  
19 or (c) is subject to sub. (4) until his or her death. ✓

20 (b) A person described under sub. (2) (b) is subject to sub. (4) for the period of

21 time ordered by the court under s. 51.20 (13) (cw) 4., 938.34 (15o) (d), 938.345 (3m)

22 (d), 971.17 (1m) (c) 4., or 973.048 ✓ (4). ✓

23

1 Insert 4-5

2 The department shall notify a person covered under sub. (2) (c) of his or her need  
3 to comply with sub. (4) and, if the person was not ordered by the court under s. 51.20  
4 (13) (cw) 2., 938.34 (15o) (b), 938.345 (3m) (b), 971.17 (1m) (c) 2., or 973.048 (2), <sup>(5)</sup> shall  
5 ~~notify~~ a person covered under sub. (2) (a) of his or her need to comply with sub. (4)

6 *mae*  
7  
8 *Sex offender operators licenses or state identification cards*  
9 *(CS)*

8 Insert 6-15

9 SECTION 2. 938.34 (15o) of the statutes is created to read:

10 938.34 (15o) (a) Except as provided in par. (b), if, under sub. (15m) (am) or (bm),  
11 the court orders the juvenile to comply with the reporting requirements under s.  
12 301.45, the court may order the juvenile to comply with the requirements under s.  
13 301.49 (4) if the court determines that it would be in the interest of public protection  
14 to have the juvenile comply with s. 301.49 (4).

15 (b) If, under sub. (15m) (bm), the court orders the juvenile to comply with the  
16 reporting requirements under s. 301.45 and the juvenile is found to have committed,  
17 or to have solicited, conspired, or attempted to commit, a serious sex offense, as  
18 defined under s. 301.49 (1) (c), the court shall order the juvenile to comply with the  
19 requirements under s. 301.49 (4).

20 (c) In determining under par. (a) whether it would be in the interest of public  
21 protection to have the juvenile comply with the requirements under s. 301.49 (4), the  
22 court may consider any of the following:

23 1. The ages, at the time of the violation, of the juvenile and the victim of the  
24 violation.

25 2. The relationship between the juvenile and the victim of the violation.



1           3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to  
2 the victim. ✓

3           4. Whether the victim suffered from a mental illness or mental deficiency that  
4 rendered him or her temporarily or permanently incapable of understanding or  
5 evaluating the consequences of his or her actions. ✓

6           5. The probability that the juvenile will commit other violations in the future. ✓

7           6. Any other factor that the court determines may be relevant to the particular  
8 case. ✓

9           (d) If the court orders a juvenile to comply with the requirements under s.  
10 301.49 (4), the court shall order the juvenile to continue to comply for a period of not  
11 less than 15 years and may order the juvenile to comply until his or her death. ✓

12           (e) If the court orders a juvenile to comply with the requirements under s.  
13 301.49 (4), the clerk of the court in which the order is entered shall promptly forward  
14 a copy of the order to the department of corrections. ✓ If the finding of delinquency on  
15 which the order is based is reversed, set aside, or vacated, the clerk of the court shall  
16 promptly forward to the department of corrections a certificate stating that the  
17 finding of delinquency has been reversed, set aside, or vacated. ✓

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; s. 13.93 (2) (c).

18           ~~SECTION 3.~~ 938.345 (3m) of the statutes is created to read:

19           938.345 (3m) OPERATOR'S LICENSES OR STATE IDENTIFICATION CARDS. (a) Except  
20 as provided in par. (b), if, under sub. (3) (a), the court orders the juvenile to comply  
21 with the reporting requirements under s. 301.45, the court may order the juvenile  
22 to comply with the requirements under s. 301.49 (4) if the court determines that it

23 ~~would be~~ in the interest of public protection to have the juvenile comply with s. 301.49  
24 (4). ✓

*the requirements under 301.49 would be*

1 (b) If, under sub. (3) (a), the court orders the juvenile to comply with the  
2 reporting requirements under s. 301.45 based on a violation of, or the solicitation,  
3 conspiracy, or attempt to commit a violation of, a serious sex offense, as defined under  
4 s. 301.49 (1) (c), the court shall order the juvenile to comply with the requirements  
5 under s. 301.49 (4).

6 (c) In determining under par. (a) whether it is in the interest of public protection  
7 to have the juvenile ~~report~~ <sup>comply with the requirements</sup> under s. 301.45, the court may consider any of the  
8 following:

9 1. The ages, at the time of the violation, of the juvenile and the victim of the  
10 violation. ✓

11 2. The relationship between the juvenile and the victim of the violation. ✓

12 3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to  
13 the victim. ✓

14 4. Whether the victim suffered from a mental illness or mental deficiency that  
15 rendered him or her temporarily or permanently incapable of understanding or  
16 evaluating the consequences of his or her actions. ✓

17 5. The probability that the juvenile will commit other violations in the future. ✓

18 6. Any other factor that the court determines may be relevant to the particular  
19 case. ✓

20 (d) If the court orders a juvenile to comply with the requirements under s.  
21 301.49 (4), the court shall order the juvenile to continue to comply for a period of not  
22 less than 15 years and may order the juvenile to comply until his or her death. ✓

23 (e) If the court orders a juvenile to comply with the requirements under s.  
24 301.49 (4), the clerk of the court in which the order is entered shall promptly forward  
25 a copy of the order to the department. If the finding of need of protection or services

1 on which the order is based is reversed, set aside, or vacated, the clerk of the court  
2 shall promptly forward to the department a certificate stating that the finding has  
3 been reversed, set aside, or vacated.

4 **History:** 1995 a. 77; 1997 a. 27, 164; 1999 a. 9, 89; 2003 a. 50; 2005 a. 25, 344, 387; s. 13.93 (2) (c).

4 **SECTION 4.** 971.17 (1m) (title) of the statutes is amended to read:

5 971.17 (1m) (title) SEXUAL ASSAULT; REGISTRATION AND TESTING; OPERATOR'S  
6 LICENSES OR STATE IDENTIFICATION CARDS.

**History:** 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50; 2005 a. 277, 431.

7 **SECTION 5.** 971.17 (1m) (c) of the statutes is created to read:

8 971.17 (1m) (c) 1. Except as provided in subd. 2., if, under par. (b) 1m. or 2m.,  
9 the court orders the defendant to comply with the reporting requirements under s.  
10 301.45, the court may order the defendant to comply with the requirements under  
11 s. 301.49 (4) if the court determines that it would be in the interest of public  
12 protection to have the defendant comply with <sup>the requirements under</sup> s. 301.49 (4).

13 2. If the court orders the defendant under par. (b) 2m. to comply with the  
14 reporting requirements under s. 301.45 and the defendant is found not guilty by  
15 reason of mental disease or defect for a violation of, or for the solicitation, conspiracy,  
16 or attempt to commit a violation of, a serious sex offense, as defined in s. 301.49 (1)  
17 (c), the court shall order the defendant to comply with the requirements under s.  
18 301.49 (4). ✓

19 3. In determining under subd. 1. whether it would be in the interest of public  
20 protection to have the defendant comply with the requirements under s. 301.49, the  
21 court may consider any of the following:

22 a. The ages, at the time of the violation, of the defendant and the victim of the  
23 violation. ✓

1 b. The relationship between the defendant and the victim of the violation. ✓

2 c. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to  
3 the victim. ✓

4 d. Whether the victim suffered from a mental illness or mental deficiency that  
5 rendered him or her temporarily or permanently incapable of understanding or  
6 evaluating the consequences of his or her actions. ✓

7 e. The probability that the defendant will commit other violations in the future. ✓

8 f. Any other factor that the court determines may be relevant to the particular  
9 case. ✓

10 4. If the court orders a defendant to comply with the requirements under s.  
11 301.49 (4), the court shall order the defendant to continue to comply for a period of  
12 not less than 15 years and may order the defendant to comply until his or her death. ✓

13 5. If the court orders a defendant to comply with the requirements under s.  
14 301.49 (4), the clerk of the court in which the order is entered shall promptly forward  
15 a copy of the order to the department of corrections. If the finding of not guilty by  
16 reason of mental disease or defect on which the order is based is reversed, set aside,  
17 or vacated, the clerk of the court shall promptly forward to the department of  
18 corrections a certificate stating that the finding has been reversed, set aside, or  
19 vacated. ✓

20 SECTION ~~6~~ 973.0485 of the statutes is created to read:

21 **973.0485 Sex offender operator's licenses or state identification cards.**

22 (1) Except as provided in sub. (2), if, under s. 973.048 (1m) or (2m), a court orders  
23 a person to comply with the reporting requirements under s. 301.45 the court may  
24 order the person to comply with requirements under s. 301.49 (4) if the court

*Handwritten notes:*  
#11  
Mr. Stek (keep)  
Stek (keep)

*comply with the requirements - 9 -*

1 determines that it would be in the interest of public protection to have the person  
2 ~~report~~ under s. 301.45. *9(4)*

3 (2) If, under s. 973.048 (2m), a court orders a person to comply with the  
4 reporting requirements under s. 301.45 based on a violation of, or for the solicitation,  
5 conspiracy, or attempt to commit a violation of, a serious sex offense, as defined in  
6 s. 301.49 (1) (c), the court shall order the person to comply with the requirements  
7 under s. 301.49 (4). ✓

8 (3) In determining under sub. (1) whether it would be in the interest of public  
9 protection to have the person comply with the requirements under s. 301.49 (4), the  
10 court may consider any of the following: ✓

11 (a) The ages, at the time of the violation, of the person and the victim of the  
12 violation. ✓

13 (b) The relationship between the person and the victim of the violation. ✓

14 (c) Whether the violation resulted in bodily harm, as defined in s. 939.22 (4),  
15 to the victim. ✓

16 (d) Whether the victim suffered from a mental illness or mental deficiency that  
17 rendered him or her temporarily or permanently incapable of understanding or  
18 evaluating the consequences of his or her actions. ✓

19 (e) The probability that the person will commit other violations in the future. ✓

20 *f e* (g) Any other factor that the court determines may be relevant to the particular  
21 case. ✓

22 (4) If the court orders a person to comply with the requirements under s. 301.49  
23 (4), the court shall order the person to continue to comply for a period of not less than  
24 15 years and may order the person to comply until his or her death.

1 (5) If the court orders a person to comply with the requirements under s. 301.49  
 2 (4), the clerk of the court in which the order is entered shall promptly forward a copy  
 3 of the order to the department of corrections. If the conviction on which the order is  
 4 based is reversed, set aside, or vacated, the clerk of the court shall promptly forward  
 5 to the department of corrections a certificate stating that the conviction has been  
 6 reversed, set aside, or vacated. ✓

History: 1995 a. 440; 1997 a. 130; 1999 a. 89; 2001 a. 109; 2003 a. 50; 2005 a. 277.

7 **SECTION 7. Initial applicability.**

8 (1) The treatment of section 301.49 (2) (a) of the statutes first applies to persons ✓  
 9 who are subject to the sex offender registration requirement under section 301.45 of  
 10 the statutes ~~following~~ <sup>due to</sup> the commission of a serious sex offense, as defined in section  
 11 301.49 (1) (c) of the statutes, as created by this act, on the effective date of this  
 12 subsection. ✓

13 (2) The treatment of section 301.49 (2) (c) of the statutes first applies to a person<sup>s</sup>  
 14 who ~~is~~ <sup>are</sup> on supervised release on the effective date of this subsection. ✓



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1731/RZ  
BAB&CMH:lmk:pg

STAS RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 5/25/07  
Need by 5/25/07

no chgs

Reber

vt

1 AN ACT to renumber 343.50 (3); to amend 343.19 (1), 343.50 (4) and 971.17 (1m)  
2 (title); and to create 51.20 (13) (cw), 165.8285 (1m), 301.49, 343.14 (2) (dm),  
3 343.17 (3) (a) 15., 343.50 (3) (b), 938.34 (15o), 938.345 (3m), 971.17 (1m) (c) and  
4 973.0485 of the statutes; relating to: special operator licenses and  
5 identification cards for persons registered as sex offenders and providing a  
6 penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, persons who have committed certain sex offenses are required to register as sex offenders with the Department of Corrections (registrants). Under this bill, a registrant who is ordered by the court or who has committed a serious sex offense, must, when applying for a driver's license or a state-issued identification card, identify himself or herself to the Department of Transportation in order to be issued a license or card that indicates that he or she is a sex offender. Under the bill, a serious sex offense is one of the following offenses: first-degree sexual assault, first-degree sexual assault of a child, and, with some exceptions, repeated sexual assault of a child. A person who intentionally violates this requirement is guilty of a Class G felony and may be fined up to \$25,000, sentenced to a term of imprisonment of up to ten years (which, as with other felonies, includes a term of confinement and a term of extended supervision if the sentence is for more than one year), or both.

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* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 51.20 (13) (cw) of the statutes is created to read:

2           51.20 (13) (cw) 1. Except as provided in subd. 2., if, under par. (ct) 1m. or 2m.,  
3 the court requires the subject individual to comply with the reporting requirements  
4 under s. 301.45, the court may order the subject individual to comply with the  
5 requirements under s. 301.49 (4) if the court determines that it would be in the  
6 interest of public protection to have the subject individual comply with the  
7 requirements under s. 301.49 (4).

8           2. If, under par. (ct) 2m. the court requires the subject individual to comply with  
9 the reporting requirements under s. 301.45 and the subject individual is found to  
10 have committed, or to have solicited, conspired, or attempted to commit, a serious sex  
11 offense, as defined under s. 301.49 (1) (c), the court shall order the subject individual  
12 to comply with the requirements under s. 301.49 (4).

13           3. In determining under subd. 1. whether it would be in the interest of public  
14 protection to have the subject individual comply with the requirements under s.  
15 301.49 (4), the court may consider any of the following:

16           a. The ages, at the time of the violation, of the subject individual and the victim  
17 of the violation.

18           b. The relationship between the subject individual and the victim of the  
19 violation.



1           c. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to  
2 the victim.

3           d. Whether the victim suffered from a mental illness or mental deficiency that  
4 rendered him or her temporarily or permanently incapable of understanding or  
5 evaluating the consequences of his or her actions.

6           e. The probability that the subject individual will commit other violations in  
7 the future.

8           f. Any other factor that the court determines may be relevant to the particular  
9 case.

10           4. If the court orders a subject individual to comply with the requirements  
11 under s. 301.49 (4), the court shall order the subject individual to continue to comply  
12 for a period of not less than 15 years and may order the subject individual to comply  
13 until his or her death.

14           5. If the court orders a subject individual to comply with the requirements  
15 under s. 301.49 (4), the clerk of the court in which the order is entered shall promptly  
16 forward a copy of the order to the department of corrections. If the finding under s.  
17 938.30 (5) (c) (intro.) or 971.14 on which the order is based is reversed, set aside, or  
18 vacated, the clerk of the court shall promptly forward to the department of  
19 corrections a certificate stating that the finding has been reversed, set aside, or  
20 vacated.

21           **SECTION 2.** 165.8285 (1m) of the statutes is created to read:

22           165.8285 (1m) For the purpose of determining if a person is violating s. 301.49  
23 (4), the department of justice shall, through the transaction information for  
24 management of enforcement system, provide local law enforcement agencies with

1 access to the information provided by the department of corrections under s. 301.49  
2 (3).

3 SECTION 3. 301.49 of the statutes is created to read:

4 **301.49 Operator's licenses or state identification cards for certain sex**  
5 **offenders. (1) DEFINITIONS.** In this section:

6 (a) "Identification card" means a card issued under s. 343.50.

7 (b) "Operator's license" means a license issued under ch. 343.

8 (c) "Serious sex offense" means a violation of, or the solicitation, conspiracy, or  
9 attempt to commit a violation of, s. 940.225 (1) or 948.02 (1) or s. 948.025 (1) if the  
10 offense was a Class A or B felony.

11 (d) "Sex offense" has the meaning under s. 301.45 (1d) (b).

12 **(2) WHO IS COVERED.** A person who is subject to the sex offender registration  
13 requirement under s. 301.45 is subject to sub. (4) if any of the following applies:

14 (a) The offense that resulted in the person being subject to s. 301.45 is a serious  
15 sex offense.

16 (b) The court has ordered the person under s. 51.20 (13) (cw) 1., 938.34 (15o)  
17 (a), 938.345 (3m) (a), 971.17 (1m) (c) 1., or 973.0485 (1) to comply with the  
18 requirements under sub. (4).

19 (c) The person is on supervised release under s. 980.08 (6m).

20 **(2m) RELEASE FROM REQUIREMENTS.** (a) A person described under sub. (2) (a)  
21 or (c) is subject to sub. (4) until his or her death.

22 (b) A person described under sub. (2) (b) is subject to sub. (4) for the period of  
23 time ordered by the court under s. 51.20 (13) (cw) 4., 938.34 (15o) (d), 938.345 (3m)  
24 (d), 971.17 (1m) (c) 4., or 973.0485 (4).

1           **(3) INFORMATION ACCESS.** The department of corrections shall provide to the  
2 department of justice information sufficient to identify the persons who are covered  
3 under sub. (2) for the purpose of s. 165.8285 (1m).

4           **(4) OPERATOR'S LICENSE OR IDENTIFICATION CARD REQUIREMENTS.** (a) A person  
5 covered under sub. (2) who applies for an operator's license or an identification card  
6 shall identify himself or herself in the application as a person to whom a special  
7 operator's license or identification card shall be issued under s. 343.17 (3) (a) 15. or  
8 343.50 (3) (b).

9           (b) Prior to being covered under sub. (2), if a person has an operator's license  
10 or an identification card or if the person was incarcerated and the operator's license  
11 or identification card is valid when the person is released from any period of  
12 incarceration, the person shall, immediately after becoming covered under sub. (2)  
13 or after being released from any period of incarceration, apply to the department of  
14 transportation for a duplicate license or identification card, identifying himself or  
15 herself in the application as a person to whom a special operator's license or  
16 identification card shall be issued under s. 343.17 (3) (a) 15. or 343.50 (3) (b).

17           **(5) PENALTY.** Whoever intentionally violates sub. (4) (a) or (b) is guilty of a Class  
18 G felony.

19           **(6) NOTIFICATION.** (a) The department shall notify a person covered under sub.  
20 (2) (c) of his or her need to comply with sub. (4) and, if the person was not ordered by  
21 the court under s. 51.20 (13) (cw) 2., 938.34 (15o) (b), 938.345 (3m) (b), 971.17 (1m)  
22 (c) 2., or 973.0485 (2), a person covered under sub. (2) (a) of his or her need to comply  
23 with sub. (4).

24           (b) After notifying a person under par. (a) of the need to comply with this  
25 section, the department shall require the person who is being notified to read and

1 sign a form stating that he or she has been informed of the requirements of this  
2 section.

3 (c) It is not a defense to liability under sub. (5) that the person subject to sub.  
4 (4) was not required to read and sign a form under par. (b), was not provided with a  
5 form to read and sign under par. (b), or failed or refused to read or sign a form under  
6 par. (b). It is not a defense to liability under sub. (5) that the person subject to sub.  
7 (4) did not receive notice under this subsection from the department.

8 **SECTION 4.** 343.14 (2) (dm) of the statutes is created to read:

9 343.14 (2) (dm) A statement as to whether the applicant is a covered person  
10 under s. 301.49 (2).

11 **SECTION 5.** 343.17 (3) (a) 15. of the statutes is created to read:

12 343.17 (3) (a) 15. If the person is a covered person under s. 301.49 (2), a  
13 distinctive appearance specified by the department, with a block in the lower right  
14 hand corner that is yellow in color and contains the words "SEX OFFENDER" in  
15 prominent black capital lettering.

16 **SECTION 6.** 343.19 (1) of the statutes is amended to read:

17 343.19 (1) If a license issued under this chapter or an identification card issued  
18 under s. 343.50 is lost or destroyed or the name or address named in the license or  
19 identification card is changed, if the licensee becomes subject to s. 301.49 (4) (b) or  
20 if the condition status specified in s. 343.17 (3) (a) 12. or 13., or 15. or 343.50 (3) (b)  
21 no longer applies, the person to whom the license or identification card was issued  
22 may obtain a duplicate thereof or substitute therefor upon furnishing proof  
23 satisfactory to the department of name and date of birth and that the license or  
24 identification card has been lost or destroyed or that application for a duplicate  
25 license or identification card is being made for a change of address or name or,

1 requirement of s. 301.49 (4) (b), or because the condition status specified in s. 343.17  
2 (3) (a) 12. or 13., or 15. or 343.50 (3) (b) no longer applies. If a licensee applies for  
3 a duplicate license or identification card based on s. 301.49 (4) (b), the licensee or card  
4 holder shall surrender the existing license or card and the duplicate license or card  
5 shall have the appearance specified in s. 343.17 (3) (a) 15. or 343.50 (3) (b). If the  
6 applicant is a male who is at least 18 years of age but less than 26 years of age, the  
7 application shall include the information required under s. 343.14 (2) (em). If the  
8 original license or identification card is found it shall immediately be transmitted to  
9 the department. Duplicates of nonphoto licenses shall be issued as nonphoto  
10 licenses.

11 **SECTION 7.** 343.50 (3) of the statutes is renumbered 343.50 (3) (a).

12 **SECTION 8.** 343.50 (3) (b) of the statutes is created to read:

13 343.50 (3) (b) In addition to the requirements of par. (a), an identification card  
14 for a person who is a covered person under s. 301.49 (2) shall have a distinctive  
15 appearance specified by the department, with a block in the lower right hand corner  
16 that is yellow in color and contains the words "SEX OFFENDER" in prominent black  
17 capital lettering.

18 **SECTION 9.** 343.50 (4) of the statutes, as affected by 2005 Wisconsin Act 126,  
19 is amended to read:

20 343.50 (4) APPLICATION. The application for an identification card shall include  
21 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (dm),  
22 (em), and (er), and such further information as the department may reasonably  
23 require to enable it to determine whether the applicant is entitled by law to an  
24 identification card. The department shall, as part of the application process, take a  
25 photograph of the applicant to comply with sub. (3). No application may be processed

1 without the photograph being taken. Misrepresentations in violation of s. 343.14 (5)  
2 are punishable as provided in s. 343.14 (9).

3 **SECTION 10.** 938.34 (15o) of the statutes is created to read:

4 938.34 (15o) SEX OFFENDER OPERATOR'S LICENSES OR STATE IDENTIFICATION CARDS.

5 (a) Except as provided in par. (b), if, under sub. (15m) (am) or (bm), the court orders  
6 the juvenile to comply with the reporting requirements under s. 301.45, the court  
7 may order the juvenile to comply with the requirements under s. 301.49 (4) if the  
8 court determines that it would be in the interest of public protection to have the  
9 juvenile comply with s. 301.49 (4).

10 (b) If, under sub. (15m) (bm), the court orders the juvenile to comply with the  
11 reporting requirements under s. 301.45 and the juvenile is found to have committed,  
12 or to have solicited, conspired, or attempted to commit, a serious sex offense, as  
13 defined under s. 301.49 (1) (c), the court shall order the juvenile to comply with the  
14 requirements under s. 301.49 (4).

15 (c) In determining under par. (a) whether it would be in the interest of public  
16 protection to have the juvenile comply with the requirements under s. 301.49 (4), the  
17 court may consider any of the following:

18 1. The ages, at the time of the violation, of the juvenile and the victim of the  
19 violation.

20 2. The relationship between the juvenile and the victim of the violation.

21 3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to  
22 the victim.

23 4. Whether the victim suffered from a mental illness or mental deficiency that  
24 rendered him or her temporarily or permanently incapable of understanding or  
25 evaluating the consequences of his or her actions.

1           5. The probability that the juvenile will commit other violations in the future.

2           6. Any other factor that the court determines may be relevant to the particular  
3 case.

4           (d) If the court orders a juvenile to comply with the requirements under s.  
5 301.49 (4), the court shall order the juvenile to continue to comply for a period of not  
6 less than 15 years and may order the juvenile to comply until his or her death.

7           (e) If the court orders a juvenile to comply with the requirements under s.  
8 301.49 (4), the clerk of the court in which the order is entered shall promptly forward  
9 a copy of the order to the department of corrections. If the finding of delinquency on  
10 which the order is based is reversed, set aside, or vacated, the clerk of the court shall  
11 promptly forward to the department of corrections a certificate stating that the  
12 finding of delinquency has been reversed, set aside, or vacated.

13           **SECTION 11.** 938.345 (3m) of the statutes is created to read:

14           **938.345 (3m) OPERATOR'S LICENSES OR STATE IDENTIFICATION CARDS.** (a) Except  
15 as provided in par. (b), if, under sub. (3) (a), the court orders the juvenile to comply  
16 with the reporting requirements under s. 301.45, the court may order the juvenile  
17 to comply with the requirements under s. 301.49 (4) if the court determines that it  
18 is in the interest of public protection to have the juvenile comply with the  
19 requirements under s. 301.49 (4).

20           (b) If, under sub. (3) (a), the court orders the juvenile to comply with the  
21 reporting requirements under s. 301.45 based on a violation of, or the solicitation,  
22 conspiracy, or attempt to commit a violation of, a serious sex offense, as defined under  
23 s. 301.49 (1) (c), the court shall order the juvenile to comply with the requirements  
24 under s. 301.49 (4).

1 (c) In determining under par. (a) whether it is in the interest of public protection  
2 to have the juvenile comply with the requirements under s. 301.49 (4), the court may  
3 consider any of the following:

4 1. The ages, at the time of the violation, of the juvenile and the victim of the  
5 violation.

6 2. The relationship between the juvenile and the victim of the violation.

7 3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to  
8 the victim.

9 4. Whether the victim suffered from a mental illness or mental deficiency that  
10 rendered him or her temporarily or permanently incapable of understanding or  
11 evaluating the consequences of his or her actions.

12 5. The probability that the juvenile will commit other violations in the future.

13 6. Any other factor that the court determines may be relevant to the particular  
14 case.

15 (d) If the court orders a juvenile to comply with the requirements under s.  
16 301.49 (4), the court shall order the juvenile to continue to comply for a period of not  
17 less than 15 years and may order the juvenile to comply until his or her death.

18 (e) If the court orders a juvenile to comply with the requirements under s.  
19 301.49 (4), the clerk of the court in which the order is entered shall promptly forward  
20 a copy of the order to the department. If the finding of need of protection or services  
21 on which the order is based is reversed, set aside, or vacated, the clerk of the court  
22 shall promptly forward to the department a certificate stating that the finding has  
23 been reversed, set aside, or vacated.

24 **SECTION 12.** 971.17 (1m) (title) of the statutes is amended to read:



1           971.17 (1m) (title) SEXUAL ASSAULT; REGISTRATION AND TESTING; OPERATOR'S  
2           LICENSES OR STATE IDENTIFICATION CARDS.

3           **SECTION 13.** 971.17 (1m) (c) of the statutes is created to read:

4           971.17 (1m) (c) 1. Except as provided in subd. 2., if, under par. (b) 1m. or 2m.,  
5           the court orders the defendant to comply with the reporting requirements under s.  
6           301.45, the court may order the defendant to comply with the requirements under  
7           s. 301.49 (4) if the court determines that it would be in the interest of public  
8           protection to have the defendant comply with the requirements under s. 301.49 (4).

9           2. If the court orders the defendant under par. (b) 2m. to comply with the  
10          reporting requirements under s. 301.45 and the defendant is found not guilty by  
11          reason of mental disease or defect for a violation of, or for the solicitation, conspiracy,  
12          or attempt to commit a violation of, a serious sex offense, as defined in s. 301.49 (1)  
13          (c), the court shall order the defendant to comply with the requirements under s.  
14          301.49 (4).

15          3. In determining under subd. 1. whether it would be in the interest of public  
16          protection to have the defendant comply with the requirements under s. 301.49, the  
17          court may consider any of the following:

18           a. The ages, at the time of the violation, of the defendant and the victim of the  
19           violation.

20           b. The relationship between the defendant and the victim of the violation.

21           c. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to  
22           the victim.

23           d. Whether the victim suffered from a mental illness or mental deficiency that  
24           rendered him or her temporarily or permanently incapable of understanding or  
25           evaluating the consequences of his or her actions.

1 e. The probability that the defendant will commit other violations in the future.

2 f. Any other factor that the court determines may be relevant to the particular  
3 case.

4 4. If the court orders a defendant to comply with the requirements under s.  
5 301.49 (4), the court shall order the defendant to continue to comply for a period of  
6 not less than 15 years and may order the defendant to comply until his or her death.

7 5. If the court orders a defendant to comply with the requirements under s.  
8 301.49 (4), the clerk of the court in which the order is entered shall promptly forward  
9 a copy of the order to the department of corrections. If the finding of not guilty by  
10 reason of mental disease or defect on which the order is based is reversed, set aside,  
11 or vacated, the clerk of the court shall promptly forward to the department of  
12 corrections a certificate stating that the finding has been reversed, set aside, or  
13 vacated.

14 **SECTION 14.** 973.0485 of the statutes is created to read:

15 **973.0485 Sex offender operator's licenses or state identification cards.**

16 (1) Except as provided in sub. (2), if, under s. 973.048 (1m) or (2m), a court orders  
17 a person to comply with the reporting requirements under s. 301.45 the court may  
18 order the person to comply with requirements under s. 301.49 (4) if the court  
19 determines that it would be in the interest of public protection to have the person  
20 comply with the requirements under s. 301.49 (4).

21 (2) If, under s. 973.048 (2m), a court orders a person to comply with the  
22 reporting requirements under s. 301.45 based on a violation of, or for the solicitation,  
23 conspiracy, or attempt to commit a violation of, a serious sex offense, as defined in  
24 s. 301.49 (1) (c), the court shall order the person to comply with the requirements  
25 under s. 301.49 (4).

1           (3) In determining under sub. (1) whether it would be in the interest of public  
2 protection to have the person comply with the requirements under s. 301.49 (4), the  
3 court may consider any of the following:

4           (a) The ages, at the time of the violation, of the person and the victim of the  
5 violation.

6           (b) The relationship between the person and the victim of the violation.

7           (c) Whether the violation resulted in bodily harm, as defined in s. 939.22 (4),  
8 to the victim.

9           (d) Whether the victim suffered from a mental illness or mental deficiency that  
10 rendered him or her temporarily or permanently incapable of understanding or  
11 evaluating the consequences of his or her actions.

12           (e) The probability that the person will commit other violations in the future.

13           (f) Any other factor that the court determines may be relevant to the particular  
14 case.

15           (4) If the court orders a person to comply with the requirements under s. 301.49  
16 (4), the court shall order the person to continue to comply for a period of not less than  
17 15 years and may order the person to comply until his or her death.

18           (5) If the court orders a person to comply with the requirements under s. 301.49  
19 (4), the clerk of the court in which the order is entered shall promptly forward a copy  
20 of the order to the department of corrections. If the conviction on which the order is  
21 based is reversed, set aside, or vacated, the clerk of the court shall promptly forward  
22 to the department of corrections a certificate stating that the conviction has been  
23 reversed, set aside, or vacated.

24           **SECTION 15. Initial applicability.**

1 (1) The treatment of section 301.49 (2) (a) of the statutes first applies to persons  
2 who are subject to the sex offender registration requirement under section 301.45 of  
3 the statutes due to the commission of a serious sex offense, as defined in section  
4 301.49 (1) (c) of the statutes, as created by this act, on the effective date of this  
5 subsection.

6 (2) The treatment of section 301.49 (2) (c) of the statutes first applies to a person  
7 who are on supervised release on the effective date of this subsection.

8 **SECTION 16. Effective date.**

9 (1) This act takes effect on the first day of the 7th month beginning after  
10 publication.

11 (END)