

2007 DRAFTING REQUEST

Bill

Received: **01/08/2007**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Parisi (608) 266-5342**

By/Representing:

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibition against making depictions of a person nude; sex offender registration; expungement

Instructions:

Redraft 2005 AB 1220

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>
/?	phurley 01/08/2007 rryan 01/10/2007	wjackson 02/08/2007		_____			S&L
/1	rryan 03/20/2007	wjackson 04/03/2007	nnatzke 02/08/2007	_____	mbarman 02/08/2007		S&L
/2			sherritz 04/03/2007	_____	lparisi 04/03/2007	cduerst 06/25/2007	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

*at
intro*

<END>

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	rryan 01/10/2007			_____			
/1	rryan 03/20/2007	wjackson 04/03/2007	nmatzke 02/08/2007	_____	mbarman 02/08/2007		S&L
/2			sherritz 04/03/2007	_____	lparisi 04/03/2007		

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/?	phurley 01/08/2007	wjackson 02/08/2007		_____			S&L
	rryan 01/10/2007	1/2 wlj 4/2	sh 4/3	sh/pg 4/3			
/1			nmatzke 02/08/2007	_____	mbarman 02/08/2007		

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/?	phurley 01/08/2007 rryan	1 wlj 2/7 07	nwn 2/8	nwn/rs 2/8			

FE Sent For:

<END>

2/7 cont

CORRECTED COPY

1395/1

2005 - 2006 LEGISLATURE

LRB-4883/1

RLR:kjt

wlj

In 1/10/06

2005 ASSEMBLY BILL 1220

RMNR

LPS: Please PWF

May 4, 2006 - Introduced by Representative PARISI. Referred to Committee on Rules.

Regen

1 AN ACT to amend 51.20 (13) (ct) 1m., 301.45 (1p), 301.45 (7) (e) 1., 938.34 (15m)
2 (am), 938.345 (3) (a) (intro.), 938.355 (4m) (b), 971.17 (1m) (b) 1m., 973.015
3 (title), 973.015 (1) (a) and 973.048 (1m) of the statutes; relating to: the
4 prohibition against making, reproducing, or possessing visual representations
5 of a person nude without the person's consent.

Analysis by the Legislative Reference Bureau

Current law prohibits making a visual representation that depicts a person nude, without the consent of the person, and while the person is nude in a circumstance in which he or she has a reasonable expectation of privacy, and also prohibits reproducing or possessing such visual representations. So-called video voyeurism is a Class I felony, for which a person may be confined in prison, fined, or both imprisoned and fined.

Also under current law, a court may require a person who is convicted, adjudicated delinquent, found in need of protection or services, or found not guilty by reason of mental disease or defect for certain offenses to register with the Department of Corrections (DOC) as a sex offender.

Finally, current law authorizes expungement of records of juvenile delinquency adjudications and criminal convictions under certain circumstances. A juvenile who has been adjudicated delinquent for any offense may, after attaining 17 years of age, petition the court to expunge the record of the adjudication. The court may expunge the record if it determines that the juvenile has satisfactorily complied with the

persons

INS A

shat

or not responsible

ASSEMBLY BILL 1220

conditions of the dispositional order and that the juvenile will benefit and society will not be harmed by the expungement. Current law also provides that, if a person was under the age of 21 at the time of committing an offense for which he or she has been convicted and the maximum penalty for the offense is imprisonment for one year or less in the county jail (a misdemeanor), the court may, if it determines that the person will benefit and society will not be harmed by this disposition, order at the time of sentencing that the record be expunged upon successful completion of the sentence.

This bill provides that a court may order a person to register with DOC as a sex offender if the person is convicted, adjudicated delinquent, found in need of protection or services, or found not guilty by reason of mental disease or defect for committing video voyeurism. The bill provides that if a person commits video voyeurism before the age of 21 and is convicted for the offense, the court may, if it determines that the person will benefit and society will not be harmed by this disposition, order at the time of sentencing that the record of conviction be expunged upon successful completion of the sentence. Finally, the bill provides that if a court orders a record of conviction or a delinquency adjudication for video voyeurism expunged and if the offender had been required to register as a sex offender in connection with the conviction or adjudication, the requirement to register terminates with the expungement.

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.** 51.20 (13) (ct) 1m. of the statutes is amended to read:
 2 51.20 (13) (ct) 1m. Except as provided in subd. 2m., if the subject individual is
 3 before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and
 4 is found to have committed any violation, or to have solicited, conspired, or attempted
 5 to commit any violation, of ch. 940, 944, or 948 or ^{s.} ss. 942.08, ^{g or} 942.09, or ^{ss.} 943.01 to
 6 943.15, the court may require the subject individual to comply with the reporting
 7 requirements under s. 301.45 if the court determines that the underlying conduct
 8 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
 9 of public protection to have the subject individual report under s. 301.45.

10 **SECTION 2.** 301.45 (1p) of the statutes is amended to read:

and the court determine that the offense was sexually motivated

or not responsible

ASSEMBLY BILL 1220

1 **301.45 (1p)** EXCEPTION TO REGISTRATION REQUIREMENT; EXPUNGEMENT OF ~~INVASION~~
 2 ~~OF PRIVACY ADJUDICATION OR CONVICTION FOR PRIVACY-RELATED OFFENSE~~. If a person is
 3 covered under sub. (1g) based solely on an order that was entered under s. 938.34
 4 (15m) (am) or 973.048 (1m) in connection with a delinquency adjudication, or a
 5 conviction, for a violation of s. 942.08 (2) (b), (c), or (d) or 942.09, the person is not
 6 required to comply with the reporting requirements under this section if the
 7 delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the conviction
 8 is expunged under s. 973.015 (2).

9 **SECTION 3.** 301.45 (7) (e) 1. of the statutes is amended to read:

10 301.45 (7) (e) 1. The department receives notice under s. 938.355 (4m) (b) (c)
 11 that a court has expunged the record of the person's delinquency adjudication for the
 12 violation described in sub. (1p).

13 **SECTION 4.** 938.34 (15m) (am) of the statutes is amended to read:

14 938.34 (15m) (am) Except as provided in par. (bm), if the juvenile is adjudicated
 15 delinquent on the basis of any violation, or the solicitation, conspiracy, or attempt to
 16 commit any violation, under ch. 940, 944, or 948 or ~~ss.~~ ^{s.} 942.08, ^{or} 942.09, or ^{ss.} 943.01 to
 17 943.15, the court may require the juvenile to comply with the reporting requirements
 18 under s. 301.45 if the court determines that the underlying conduct was sexually
 19 motivated, as defined in s. 980.01 (5), and that it would be in the interest of public
 20 protection to have the juvenile report under s. 301.45.

21 **SECTION 5.** 938.345 (3) (a) (intro.) of the statutes, as affected by 2005 Wisconsin
 22 Act ... (Assembly Bill 443), is amended to read:

23 938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection
 24 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to
 25 commit a violation, under ch. 940, 944, or 948 or ~~ss.~~ ^{s.} 942.08, ^{or} 942.09, or ^{ss.} 943.01 to

ASSEMBLY BILL 1220

SECTION 5

1 943.15, the court may require the juvenile to comply with the reporting requirements
 2 under s. 301.45 if the court determines that the underlying conduct was sexually
 3 motivated, as defined in s. 980.01 (5), and that it is in the interest of public protection
 4 to have the juvenile report under s. 301.45. In determining whether it is in the
 5 interest of public protection to have the juvenile report under s. 301.45, the court may
 6 consider any of the following:

7 **SECTION 6.** 938.355 (4m) (b) of the statutes, as affected by 2005 Wisconsin Act
 8 ... (Assembly Bill 443), is amended to read:

9 938.355 (4m) (b) The court shall expunge the court's record of a juvenile's
 10 adjudication if it was the juvenile's first adjudication based on a violation of s. 942.08
 11 (2) (b), (c), or (d), and if the court determines that the juvenile has satisfactorily
 12 complied with the conditions of his or her dispositional order.

13 (c) Notwithstanding s. 938.396 (2), the court shall notify the department
 14 promptly of any expungement under this paragraph par. (b) and of any expungement
 15 under par. (a) of a court's record of a juvenile's adjudication for a violation of s. 942.09.

16 **SECTION 7.** 971.17 (1m) (b) 1m. of the statutes is amended to read:

17 971.17 (1m) (b) 1m. Except as provided in subd. 2m., if the defendant under
 18 sub. (1) is found not guilty by reason of mental disease or defect for any violation, or
 19 for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944,
 20 or 948 or ~~ss.~~ ^{s.} 942.08, ^{or} ~~942.09,~~ ^{ss.} or 943.01 to 943.15, the court may require the defendant
 21 to comply with the reporting requirements under s. 301.45 if the court determines
 22 that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and
 23 that it would be in the interest of public protection to have the defendant report under
 24 s. 301.45.

25 **SECTION 8.** 973.015 (title) of the statutes is amended to read:

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1395/lins
RLR:.....

1

Ins A:

Also under current law, a court may expunge a record of any juvenile delinquency if the juvenile complies with the conditions of a dispositional order and the court determines that the juvenile will benefit and society will not be harmed by expungement. And, a court may, at the time of sentencing, order that a record of conviction for a misdemeanor committed by a person before reaching the age of 21 be expunged if the court determines that the person will benefit and society will not be harmed by expungement and the person successfully completes his or her sentence.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Rep. Paris 3/12/07

LRB-1395

allow expungement from sex
offender registry but keep
court record



LRB - 1395

Questions for Rep. Pansci

(1) Does provision for release from sex offender registration requirement have to be made as part of initial order requiring registration?

(2) OK to put onus on person to request that DOC purge info from registry?
 - not sure DOC set up to make notification plus this is procedure for when sentence reversed

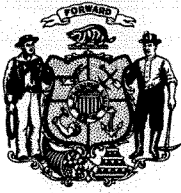
(3) Why allow release from requirement to register for person convicted or found delinquent, but not for those found NOT or in need of protective placement

~~Call to Pansci 3/13/07~~

(1) YES

(2) No, require DOC to purge automatically

(3) should be same for all



State of Wisconsin
2007 - 2008 LEGISLATURE

In 3/20/07

2
LRB-1395/1
RLR/wlj:nnw
Stays

Rmnr

2007 BILL

~~Other~~

Today if possible.

LPS:
There are inserts to inserts.

Regen.

1 AN ACT *to amend* 51.20 (13) (ct) 1m., 301.45 (1p), 301.45 (7) (e) 1., 938.34 (15m)
2 (am), 938.345 (3) (a) (intro.), 938.355 (4m) (b), 971.17 (1m) (b) 1m., 973.015
3 (title), 973.015 (1) (a) and 973.048 (1m) of the statutes; **relating to:** the
4 prohibition against making, reproducing, or possessing a nude depiction of a
5 person without the person's consent *and the sex offender registry*

Analysis by the Legislative Reference Bureau

Current law prohibits making a visual representation that depicts a person nude without the person's consent while the person is nude in a circumstance in which he or she has a reasonable expectation of privacy, and prohibits reproducing or possessing such visual representations. So-called video voyeurism is a Class I felony, for which a person may be confined in prison, fined, or both imprisoned and fined.

Under current law, a court may require a person who is convicted, adjudicated delinquent, found in need of protection or services, or found not guilty or not responsible by reason of mental disease or defect for certain offenses to register with the Department of Corrections (DOC) as a sex offender.

Also under current law, a court may expunge a record of any juvenile delinquency if the juvenile complies with the conditions of a dispositional order and the court determines that the juvenile will benefit and society will not be harmed by expungement. And, a court may, at the time of sentencing, order that a record of conviction for a misdemeanor committed by a person before reaching the age of 21

BILL

be expunged if the court determines that the person will benefit and society will not be harmed by expungement and the person successfully completes his or her sentence.

This bill provides that a court may order a person to register with DOC as a sex offender if the person is convicted, adjudicated delinquent, found in need of protection or services, or found not guilty or not responsible by reason of mental disease or defect for committing video voyeurism and the court determines that the offense was sexually motivated. The bill provides that if a person commits video voyeurism before the age of 21 and is convicted for the offense, the court may, if it determines that the person will benefit and society will not be harmed by this disposition, order at the time of sentencing that the record of conviction be expunged upon successful completion of the sentence. Finally, the bill provides that if a court orders a record of conviction or a delinquency adjudication for video voyeurism expunged and if the offender must register as a sex offender in connection with the conviction or adjudication, the requirement to register terminates with the expungement.

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:

Please fix comp.

renumbered 51.20 (13)(ct) Ings and

1 SECTION 1. 51.20 (13) (ct) 1m. of the statutes is amended to read:

2 a. 51.20 (13) (ct) 1m. Except as provided in subd. 2m., if the subject individual is
3 before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and
4 is found to have committed any violation, or to have solicited, conspired, or attempted
5 to commit any violation, of ch. 940, 944, or 948 or ss. s. 942.08 or 942.09, or ss. 943.01
6 to 943.15, the court may require the subject individual to comply with the reporting
7 requirements under s. 301.45 if the court determines that the underlying conduct
8 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
9 of public protection to have the subject individual report under s. 301.45.

INS
2-9

10 SECTION 2. 301.45 (1p) of the statutes is amended to read:

11 301.45 (1p) EXCEPTION TO REGISTRATION REQUIREMENT, EXPUNGEMENT OF INVASION
12 OF PRIVACY ADJUDICATION OR CONVICTION FOR PRIVACY-RELATED OFFENSE. If a person is

BILL

1 covered under sub. (1g) based solely on an order that was entered under s. 938.34
 2 (15m) (am) or 973.048 (1m) in connection with a delinquency adjudication, or a
 3 conviction, for a violation of s. 942.08 (2) (b), (c), or (d) or 942.09, the person is not
 4 required to comply with the reporting requirements under this section if the
 5 delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the conviction
 6 is expunged under s. 973.015 (2).

7 **SECTION 3.** 301.45 (7) (e) 1. of the statutes is amended to read:

8 301.45 (7) (e) 1. The department receives notice under s. 938.355 (4m) (b) (c)
 9 that a court has expunged the record of the person's delinquency adjudication for the
 10 violation described in sub. (1p).

Please fix comp.

11 **SECTION 4.** 938.34 (15m) (am) of the statutes is amended to read:

12 938.34 (15m) (am) Except as provided in par. (bm), if the juvenile is adjudicated
 13 delinquent on the basis of any violation, or the solicitation, conspiracy, or attempt to
 14 commit any violation, under ch. 940, 944, or 948 or ss. s. 942.08 or 942.09, or ss.
 15 943.01 to 943.15, the court may require the juvenile to comply with the reporting
 16 requirements under s. 301.45 if the court determines that the underlying conduct
 17 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
 18 of public protection to have the juvenile report under s. 301.45.

*JWS
3-18*

19 **SECTION 5.** 938.345 (3) (a) (intro.) of the statutes is amended to read:

20 938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection
 21 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to
 22 commit a violation, under ch. 940, 944, or 948 or ss. s. 942.08 or 942.09, or ss. 943.01
 23 to 943.15, the court may require the juvenile to comply with the reporting
 24 requirements under s. 301.45 if the court determines that the underlying conduct
 25 was sexually motivated, as defined in s. 980.01 (5), and that it is in the interest of

renumbered 938.34(15m)(am) to 942

BILL

1 public protection to have the juvenile report under s. 301.45. In determining whether
2 it is in the interest of public protection to have the juvenile report under s. 301.45,
3 the court may consider any of the following:

JNS
4-3

4 **SECTION 6.** 938.355 (4m) (b) of the statutes is amended to read:

5 938.355 (4m) (b) The court shall expunge the court's record of a juvenile's
6 adjudication if it was the juvenile's first adjudication based on a violation of s. 942.08
7 (2) (b), (c), or (d), and if the court determines that the juvenile has satisfactorily
8 complied with the conditions of his or her dispositional order.

9 (c) Notwithstanding s. 938.396 (2), the court shall notify the department
10 promptly of any expungement under this paragraph par. (b) and of any expungement
11 under par. (a) of a court's record of a juvenile's adjudication for a violation of s. 942.09.

90
Please fix
comp

12 **SECTION 7.** 971.17 (1m) (b) 1m. of the statutes is amended to read:

13 971.17 (1m) (b) 1m. Except as provided in subd. 2m., if the defendant under
14 sub. (1) is found not guilty by reason of mental disease or defect for any violation, or
15 for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944,
16 or 948 or ~~ss. s.~~ s. 942.08 or 942.09, or ss. 943.01 to 943.15, the court may require the
17 defendant to comply with the reporting requirements under s. 301.45 if the court
18 determines that the underlying conduct was sexually motivated, as defined in s.
19 980.01 (5), and that it would be in the interest of public protection to have the
20 defendant report under s. 301.45.

renumbered
and
971.17(1m)(b)1m
1/2/08

JNS
4-20

21 **SECTION 8.** 973.015 (title) of the statutes is amended to read:

22 **973.015 (title) Misdemeanors, special Special disposition for certain**
23 **younger offenders.**

24 **SECTION 9.** 973.015 (1) (a) of the statutes is amended to read:

BILL

1 973.015 (1) (a) Subject to par. (b), when a person is under the age of 21 at the
 2 time of the commission of an offense under s. 942.09 or an offense for which the
 3 person has been found guilty in a court for violation of a law for which the maximum
 4 penalty is imprisonment for one year or less in the county jail, the court may order
 5 at the time of sentencing that the record be expunged upon successful completion of
 6 the sentence if the court determines the person will benefit and society will not be
 7 harmed by this disposition. This subsection does not apply to information
 8 maintained by the department of transportation regarding a conviction that is
 9 required to be included in a record kept under s. 343.23 (2) (a).

Please fix comp

SECTION 10. 973.048 (1m) of the statutes is amended to read:

11 973.048 (1m) Except as provided in sub. (2m), if a court imposes a sentence or
 12 places a person on probation for any violation, or for the solicitation, conspiracy, or
 13 attempt to commit any violation, under ch. 940, 944, or 948 or ~~ss. s.~~ s. 942.08 or 942.09,
 14 or ss. 943.01 to 943.15, the court may require the person to comply with the reporting
 15 requirements under s. 301.45 if the court determines that the underlying conduct
 16 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
 17 of public protection to have the person report under s. 301.45.

renumbered 973.048(1m)(a) and

SECTION 11. Initial applicability.

18 (1) This act first applies to offenses committed on the effective date of this
 19 subsection.
 20

*INS
S-17*

(END)

21

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1395/2ins
RLR:.....

not **Ins A:** ✓
* The bill further provides that if the person was under the age of 21 when he or
* she committed the video voyeurism offense, the court may provide that upon
successful completion of the sentence, dispositional order, or commitment for the
offense, the person be released from the requirement to register as a sex offender.
Under the bill, if the person is released from the requirement to register as a sex
offender for a video voyeurism offense and was not required to register for any other
offense, DOC must delete information concerning the person from the sex offender
registry.

1

2

Ins 2-9: ✓

3

SECTION ~~1~~ 51.20 (13) (ct) 1m. b. of the statutes is created to read:

4

51.20 (13) (ct) 1m. b. If a court under ^{subd. 1m.} ~~this subdivision~~ a. orders a person to

5

comply with the reporting requirements under s. 301.45 in connection with the

6

commission of a violation, or ^{the} solicitation, conspiracy, or attempt to commit a

7

violation, of s. 942.09, the court may provide that the person be released from the

8

requirement to comply with the reporting requirements under s. 301.45 upon

9

satisfying conditions specified by the court. If the person satisfies the conditions, the

10

court shall notify the department of corrections that the person has satisfied the

11

conditions.

12

SECTION ~~2~~ 301.45 (1p) (title) ✓ of the statutes is amended to read:

13

301.45 (1p) (title) EXCEPTION TO REGISTRATION REQUIREMENT; EXPUNGEMENT OF

14

~~INVASION OF PRIVACY ADJUDICATION OR CONVICTION PRIVACY-RELATED OFFENSES.~~

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434.

15

SECTION ~~3~~ 301.45 (1p) of the statutes is renumbered 301.45 (1p) (a).

16

SECTION ~~4~~ 301.45 (1p) (b) of the statutes is created to read:

INS
F-11

1 301.45 (1p) (b) If a person is covered under sub. (1g) based solely on an order
 2 that was entered under s. 51.20 (13) (ct) 1m., 938.34 (15m) (am), 938.345 (3) (a),
 3 971.17 (1m) (b) 1m., or 973.048 (1m) in connection with a violation, or ^{the} solicitation,
 4 conspiracy, or attempt to commit a violation, of s. 942.09, and the court provided in
 5 the order that the person be released from the requirement to comply with the
 6 reporting requirements under this section upon satisfying the conditions of the court
 7 order under s. 51.20 (13) (ct) 1m. or the dispositional order under subch. IV of ch. 938,
 8 upon the termination or expiration of an commitment order under s. 971.17, or upon
 9 successful completion of the sentence or probation as provided under s. 973.048 (1m)
 10 (b), whichever is applicable, and the person satisfies the conditions of the court order
 11 under s. 51.20 (13) (ct) 1m. or the dispositional order under subch. IV of ch. 938, the
 12 commitment order under s. 971.17 is terminated or expires, or the person
 13 successfully completes the sentence or probation, whichever is applicable, the person
 14 is no longer required to comply with the reporting requirements under this section.

15 **SECTION 5.** 301.45 (7) (e) (intro.) of the statutes is amended to read:

16 301.45 (7) (e) (intro.) The department shall purge all of the information
 17 maintained in the registry under sub. (2) concerning a person to whom sub. (1p) (a)
 18 applies if any of the following occurs:

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434.

19 **SECTION 6.** 301.45 (7) (e) 1. of the statutes is amended to read:

20 301.45 (7) (e) 1. The department receives notice under s. 938.355 (4m) (b) that
 21 a court has expunged the record of the person's delinquency adjudication for the
 22 violation described in sub. (1p) (a).

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25, 253, 277, 344, 432, 434.

23 **SECTION 7.** 301.45 (7) (f) of the statutes is created to read:

1 301.45 (7) (f) The department shall purge all of the information maintained in
2 the registry under sub. (2) concerning a person to whom sub. (1p) (b) applies when
3 any of the following occurs:

4 1. If the person was ordered by a court under s. 51.20 (13) (ct) 1m. to comply
5 with the reporting requirements under this section, when the department receives
6 notice under s. 51.20 (13) (ct) 1m. b. that the person has satisfied conditions of the
7 court order.

8 2. If the person was ordered by a court under s. 938.34 (15m) (am) to comply
9 with the reporting requirements under this section, when the department receives
10 notice under s. 938.34 (15m) (am) 2. that the juvenile has satisfied the conditions of
11 the dispositional order.

12 3. If the person was ordered by a court under s. 938.345 (3) (a) to comply with
13 the reporting requirements under this section, when the department receives notice
14 under s. 938.345 (3) (d) that the juvenile has satisfied the conditions of the
15 dispositional order.

16 4. If the person was ordered by a court under s. 971.17 (1m) (b) 1m. to comply
17 with the reporting requirements under this section, when the department receives
18 notice under s. 971.17 (6) (b) 2. that the commitment order under s. 971.17 is
19 terminated or has expired.

20 5. If the person was ordered by a court under s. 973.048 (1m) to comply with
21 the reporting requirements under this section, when the person successfully
22 completes the sentence of probation as provided under s. 973.048 (1m) (b).

23
24
25 **Ins 3-18:** ✓

SECTION 8. 938.34 (15m) (am) 2. of the statutes is created to read:

938.34 (15m) (am) 2. If the court under subd. 1. orders the juvenile to comply with the reporting requirements under s. 301.45 in connection with a violation, or solicitation, conspiracy, or attempt to commit a violation, of s. 942.09, the court may provide that the juvenile be released from the requirement to comply with the reporting requirements under s. 301.45 upon satisfying the conditions of the dispositional order imposed for the offense. If the juvenile satisfies the conditions of the dispositional order, the court shall notify the department that the juvenile has satisfied the conditions of the dispositional order.

INS
4-9

Ins 4-3: ✓

SECTION 9. 938.345 (3) (d) of the statutes is created to read:

938.345 (3) (d) If the court under par. (a) orders the juvenile to comply with the reporting requirements under s. 301.45 in connection with a violation, or solicitation, conspiracy, or attempt to commit a violation, of s. 942.09, the court may provide that the juvenile be released from the requirement to comply with the reporting requirements under s. 301.45 upon satisfying the conditions of the dispositional order imposed for the offense. If the juvenile satisfies the conditions of the dispositional order, the clerk of the clerk of court shall notify the department that the juvenile has satisfied the conditions of the dispositional order.

Ins 4-20: ✓

SECTION 10. 971.17 (1m) (b) 1m. b. of the statutes is created to read:

1 971.17 (1m) (b) 1m. b. If a court under ^{subd. 1m.} ~~this subdivision~~ a. orders a person to
 2 comply with the reporting requirements under s. 301.45 in connection with a finding
 3 of not guilty by reason of mental disease or defect for a violation, or ^{the} solicitation,
 4 conspiracy, or attempt to commit a violation, of s. 942.09 and the person was under
 5 the age of 21 when he or she committed the offense, the court may provide that upon
 6 termination of the commitment order under sub. (5) or expiration of the order under
 7 sub. (6) the person be released from the requirement to comply with the reporting
 8 requirements under s. 301.45.

INS
5-8 →

11 **Ins 5-17:** ✓

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

12 **SECTION 11. 973.048 (1m) (b)** of the statutes is created to read:

13 973.048 (1m) (b) If a court under par. (a) orders a person to comply with the
 14 reporting requirements under s. 301.45 in connection with a violation, or ^{the} solicitation,
 15 conspiracy, or attempt to commit a violation, of s. 942.09 and the person was under
 16 the age of 21 when he or she committed the offense, the court may provide that the
 17 person be released from the requirement to comply with the reporting requirements
 18 under s. 301.45 upon successfully completing the sentence or probation imposed for
 19 the offense. A person successfully completes a sentence if he or she is not convicted
 20 of a subsequent offense during the term of the sentence. A person successfully
 21 completes probation if probation is not revoked and the person satisfies the
 22 conditions of probation.

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

INS
5-22

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1395/2Ains
RLR:.....

1 **This is an insert to 1395/2ins**

2

3 **Ins 1-11:** ✓

4 **SECTION ~~1~~ 51.20 (13) (ct) 3.** (intro.) of the statutes is amended to read:

5 **51.20 (13) (ct) 3.** (intro.) In determining under subd. 1m. a. whether it would
6 be in the interest of public protection to have the subject individual report under s.
7 **301.45**, the court may consider any of the following:

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).

8

9 **Ins 4-9:** ✓

10 **SECTION ~~2~~ 938.34 (15m) (c)** (intro.) of the statutes is amended to read:

11 **938.34 (15m) (c)** (intro.) In determining under par. (am) 1. whether it would
12 be in the interest of public protection to have the juvenile report under s. 301.45, the
13 court may consider any of the following:

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).

14

15 **Ins 5-8:** ✓

16 **SECTION ~~3~~ 971.17 (1m) (b) 3.** (intro.) of the statutes is amended to read:

17 **971.17 (1m) (b) 3.** (intro.) In determining under subd. 1m. a. whether it would
18 be in the interest of public protection to have the defendant report under s. 301.45,
19 the court may consider any of the following:

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.

20

1 **Ins 5-22:** ✓
2 **SECTION 4.** 973.048 (3) (intro.) of the statutes is amended to read:
3 973.048 (3) (intro.) In determining under sub. (1m) (a) whether it would be in
4 the interest of public protection to have the person report under s. 301.45, the court
5 may consider any of the following:

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

Duerst, Christina

From: Whitmore, Lori
Sent: Monday, June 25, 2007 9:11 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-1395/2 Topic: Prohibition against making depictions of a person nude; sex offender registration; expungement

Please Jacket LRB 07-1395/2 for the ASSEMBLY.