

2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB702)

Received: 03/05/2008

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Joel Kleefisch (608) 266-8551**

By/Representing: **Dan**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses
Local Gov't - munis generally
Local Gov't - counties**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting political subdivision regulation of placement of sex offenders; restrictions on sex offenders

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 03/05/2008			_____			
/1			rschlue 03/05/2008	_____	cduerst 03/05/2008	cduerst 03/05/2008	

FE Sent For:

<END>

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/?	chanaman						
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FE Sent For:

1 gjs 3/5 08
356
<END>

2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB702)

Received: 03/05/2008

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Joel Kleefisch (608) 266-8551

By/Representing: Dan

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters: chanaman

Subject: Local Gov't - munis generally
Local Gov't - counties
Criminal Law - sex offenses

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting political subdivision regulation of placement of sex offenders; restrictions on sex offenders

Instructions:

See Attached. Based on AB 702, with additions; sex offender may not live closer than 500 ft. of an elementary school; require sex offender to be returned to muni. of origin; applies to those covered by "Jessica's law", those subject to GPS monitoring, "level 1" offenders, ch. 980, and s. 301.48 (?) (cn)

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>
/?	mshovers 03/05/2008	csicilia 03/05/2008		_____			
/1			rschluet 03/05/2008	_____	cduerst 03/05/2008	cduerst 03/05/2008	

Handwritten notes: 1/2 jgs 3/5 08 and a signature.

FE Sent For:

<END>

2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB702)

Received: 03/05/2008

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Joel Kleefisch (608) 266-8551**

By/Representing: **Dan**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters: **chanaman**

Subject: **Local Gov't - munis generally
Local Gov't - counties
Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

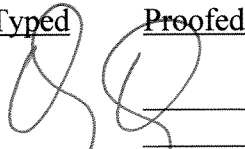
Topic:

Prohibiting political subdivision regulation of placement of sex offenders; restrictions on sex offenders

Instructions:

See Attached. Based on AB 702, with additions; sex offender may not live closer than 500 ft. of an elementary school; require sex offender to be returned to muni. of origin; applies to those covered by "Jessica's law", those subject to GPS monitoring, "level 1" offenders, ch. 980, and s. 301.48 (?) (cn)

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/?	mshovers	1 cjs 3/5 08					

FE Sent For:


<END>

Dam Rep. Kleefisch ASA to AB702

Set offender ^{may not be closer than} must be ~~at least~~ 500 ft from grounds of an elementary school

{ applies to GPS / ^{those who are subject to} Ch. 980 ^{GPS monitoring} s. 301.48() (a) "Jessica's law" - convicted ^{"level 1"} offender ^{order}

pre-empt local ordinances

require S/O to be returned to ⁹⁸⁰⁵ ~~owner~~ ^{owner} municipal origin



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBs0343/7
MES&CMH:.....

gjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2007 ASSEMBLY BILL 701

← I fixed this

Gen Cont

↑ as created by 2005 Wisconsin Act 431

1 AN ACT... relating to: residency restrictions on certain sex offenders, and the
2 placement of persons on supervised release.

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

3 SECTION 1. 301.48 (3) (a) 3. of the statutes is amended to read:

4 301.48 (3) (a) 3. Immediately alert the department and the local law
5 enforcement agency having jurisdiction over the exclusion or inclusion zone if the
6 person stays in any exclusion zone for any longer period than the time needed to
7 travel through the zone to get to another destination or, if the person leaves any
8 inclusion zone, or, if the person is subject to the residency restriction under sub. (3m),
9 it appears that the person is violating sub. (3m).

History: 2005 a. 431; 2007 a. 20 ss. 3134m to 3165m, 9121 (6) (a).

10 SECTION 2. 301.48 (3m) of the statutes is created to read:

INS 1-3

INS 1-10

if

③ sec. # Am; 301.48 (3) (d) 1. ↑ as created by 2005 Wisconsin Act 434

301.48 (3) (d)

1. The department of corrections has been alerted under par. (a) 3. that the person being tracked has improperly stayed in an exclusion zone or improperly left an inclusion zone

or, if the person is
subject to sub. (3m),
that it appears the
person has violated
sub. (3m)



2007 ASSEMBLY BILL 702

January 17, 2008 - Introduced by Representatives FRISKE, KESSLER, BALLWEG, MUSSER, POCAN, HAHN, NYGREN and SEIDEL. Referred to Committee on Judiciary and Ethics.

INS REC
↓

1 AN ACT to create 66.0408 of the statutes; relating to: prohibiting political
2 subdivisions from regulating the placement of sex offenders.

Analysis by the Legislative Reference Bureau

This bill prohibits a political subdivision (a city, village, town, or county) from enacting or enforcing an ordinance or resolution that affects the placement of a registered sex offender.

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

3 SECTION 1. 66.0408 of the statutes is created to read:
4 **66.0408 Local regulation of sex offenders.** (1) In this section:
5 (a) "Political subdivision" means a city, village, town, or county.
6 (b) "Sex offender" means a person who is a registered sex offender under s.
7 301.45.
8 (2) (a) A political subdivision may not enact an ordinance or adopt a resolution
9 that affects the placement of a sex offender.

INS
1-3

↓

ASSEMBLY BILL 702

SECTION 1

1 (b) If a political subdivision has in effect on the effective date of this paragraph
2 ... [revisor inserts date], an ordinance or resolution that is inconsistent with par. (a),
3 the ordinance or resolution does not apply and may not be enforced.

4

(END)

of INS 1-3

SECTION ~~2m~~[#]. 980.08 (4) (cm) 2. and 3. of the statutes are created to read:

980.08 (4) (cm) 2. A person's county of residence may negotiate an agreement with an adjoining county to prepare the report under par. (e) as the county of intended placement.

(3) If the person is placed in his or her county of residence ~~and the county of residence is a county that contains a 1st class city,~~ the court shall order placement of the person in the person's city, village, or town of residence, as determined by the department under s. 980.105 (2m), ~~except the court may approve placement of the person with the person's spouse, parent, adult sibling, or other adult relative if the court determines that the spouse, parent, adult sibling, or other adult relative is financially able to have placement, that the placement may reduce the person's likelihood of recidivism, that the person's treatment needs can be met by the placement, and that the placement would not pose a threat to public safety.~~

SECTION ~~2w~~[#]. 980.105 (2m) (intro.) of the statutes, as created by 2005 Wisconsin Act 431, is amended to read:

980.105 (2m) (intro.) The department shall determine a person's city, village, or town of residence for the purposes of s. 980.08 (5) (4) (cm) ~~3~~² by doing all of the following:

SECTION ~~3m~~[#]. Initial applicability.

(1) The renumbering and amendment of section 980.08 (4) (cm) of the statutes and the creation of section 980.08 (4) (cm) 2. ~~and 3~~ of the statutes first apply to plans for supervised release that are not approved by the court on the effective date of this subsection.

(END)

no 9

MS
2-7

2

MS
2-7



State of Wisconsin
2007 - 2008 LEGISLATURE

0395/2
LRBs0343/1
MES&CMH:cjs:rs

stays

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2007 ASSEMBLY BILL 702

Res Cat

1 AN ACT *to renumber* 980.08 (4) (cm); *to amend* 301.48 (3) (a) 3., 301.48 (3) (d)
2 1. and 980.105 (2m) (intro.); and *to create* 66.0408, 301.48 (3m) and 980.08 (4)
3 (cm) 2. of the statutes; **relating to:** prohibiting political subdivisions from
4 regulating the placement of sex offenders, residency restrictions on certain sex
5 offenders, ~~and~~ the placement of persons on supervised release.

and providing a penalty

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

6 SECTION 1. 66.0408 of the statutes is created to read:
7 **66.0408 Local regulation of sex offenders. (1)** In this section:
8 (a) "Political subdivision" means a city, village, town, or county.
9 (b) "Sex offender" means a person who is a registered sex offender under s.
10 301.45.
11 **(2)** (a) A political subdivision may not enact an ordinance or adopt a resolution
12 that affects the placement of a sex offender.

1 (b) If a political subdivision has in effect on the effective date of this paragraph
2 ... [revisor inserts date], an ordinance or resolution that is inconsistent with par. (a),
3 the ordinance or resolution does not apply and may not be enforced.

4 SECTION 2. 301.48 (3) (a) 3. of the statutes, as created by 2005 Wisconsin Act
5 431, is amended to read:

6 301.48 (3) (a) 3. Immediately alert the department and the local law
7 enforcement agency having jurisdiction over the exclusion or inclusion zone if the
8 person stays in any exclusion zone for any longer period than the time needed to
9 travel through the zone to get to another destination ~~or~~, if the person leaves any
10 inclusion zone, or, if the person is subject to the residency restriction under sub. (3m),
11 if it appears that the person is violating sub. (3m).

12 SECTION 3. 301.48 (3) (d) 1. of the statutes, as created by 2005 Wisconsin Act
13 431, is amended to read:

14 301.48 (3) (d) 1. The department of corrections has been alerted under par. (a)
15 3. that the person being tracked has improperly stayed in an exclusion zone or
16 improperly left an inclusion zone or, if the person is subject to sub. (3m), that it
17 appears the person has violated sub. (3m).

18 SECTION 4. 301.48 (3m) of the statutes is created to read:

19 301.48 (3m) RESIDENCY RESTRICTIONS. ^(a) A person who is subject to lifetime
20 tracking for committing a level 1 child sex offense or is subject to lifetime tracking
21 under sub. (2) (b) may not have a residence that is less than 500 feet from the grounds
22 of an elementary school.

23 SECTION 5. 980.08 (4) (cm) of the statutes is renumbered 980.08 (4) (cm) 1.

24 SECTION 6. 980.08 (4) (cm) 2. of the statutes is created to read:

^a
(b) Whoever intentionally violates par. (a) is
guilty of a class I felony.

1 980.08 (4) (cm) 2. If the person is placed in his or her county of residence, the
2 court shall order placement of the person in the person's city, village, or town of
3 residence, as determined by the department under s. 980.105 (2m).

4 **SECTION 7.** 980.105 (2m) (intro.) of the statutes, as created by 2005 Wisconsin
5 Act 431, is amended to read:

6 980.105 (2m) (intro.) The department shall determine a person's city, village,
7 or town of residence for the purposes of s. 980.08 (5) (4) (cm) 2. by doing all of the
8 following:

9 **SECTION 8. Initial applicability.**

10 (1) The renumbering and amendment of section 980.08 (4) (cm) of the statutes
11 and the creation of section 980.08 (4) (cm) 2. of the statutes first apply to plans for
12 supervised release that are not approved by the court on the effective date of this
13 subsection.

14 (END)

MS
3-4

treatment of section 980.08 (4) (g) of the statutes ↑ the

11

3. ... of a person

and comply with
s. 301.48 (3m)
(a)

SEC.#. AM; 980.08(4)(g)

~~980.08(4)(g)~~

(g) The court shall review the plan submitted by the department under par. (cm). If the details of the plan adequately meet the treatment needs of the individual and the safety needs of the community, then the court shall approve the plan and determine that supervised release is appropriate. If the details of the plan do not adequately meet the treatment needs of the individual or the safety needs of the community, then the court shall determine that supervised release is not appropriate or direct the preparation of another supervised release plan to be considered by the court under this paragraph.

980.08(4)

13

If the details of the plan do not comply with s. 301.48 (3m) (a), the court shall direct the preparation of another supervised release plan to be considered by the court under this paragraph.

INS
3-4

x