



## 2009 ASSEMBLY BILL 432

September 23, 2009 – Introduced by Representatives FRISKE, BROOKS, RIPP, GUNDERSON, SUDER and TOWNSEND. Referred to Committee on Criminal Justice.

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

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### *Analysis by the Legislative Reference Bureau*

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

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

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

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 301.475 of the statutes is created to read:

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

9           **(2)** (a) Except as provided in par. (b), whoever knowingly violates sub. (1) is  
10 guilty of a Class A misdemeanor.

11           (b) Whoever knowingly violates sub. (1) as a 2nd or subsequent offense is guilty  
12 of a Class H felony.

13           **(3)** Subsection (1) does not apply to the following:

14           (a) A person who is on the school premises to vote if an election is being held  
15 that day and the person's polling place is on the school premises.

16           (b) A person who is on the school premises to attend an event or activity that  
17 is not sponsored by the school.

18           (c) A person whose child is enrolled at the school if the person notifies the school  
19 district clerk, if the premises are affiliated with a public school, or the governing body  
20 of the school, if the premises are affiliated with a private school or charter school, that  
21 he or she is a registered sex offender and that he or she has a child enrolled at the

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1 school. The notification must be at the beginning of each academic school year or  
2 when the child is first enrolled if the child is not enrolled at the beginning of the  
3 academic school year.

4 (4) The department shall make a reasonable attempt to notify each person  
5 required to comply with the reporting requirements under s. 301.45 (1g) of the  
6 prohibition in sub. (1), but neither the department's failure to make such an attempt  
7 nor the department's failure to notify a person of that prohibition is a defense to  
8 prosecution under this section.

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

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

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**(END)**