

**2009 DRAFTING REQUEST**

**Bill**

Received: 09/11/2008

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Donald Friske (608) 266-7694

By/Representing: Tim Gary

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Criminal Law - sex offenses

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Notification for sex offenders on school premises

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**Instructions:**

See attached

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**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 09/11/2008	bkraft 09/25/2008		_____			S&L Crime
/1			mduchek 09/26/2008	_____	cduerst 09/26/2008	sbasford 09/01/2009	

FE Sent For: "1" @ intro, 9/23/09

<END>

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1/?	chanaman	1 bjk 9/25	MD 9/25	MD/RS 9/25			

FE Sent For:

<END>

**Hanaman, Cathlene**

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**From:** Gary, Tim  
**Sent:** Thursday, September 11, 2008 1:19 PM  
**To:** Hanaman, Cathlene  
**Subject:** Email from LRB Website

Cathleen,

Could you please redraft 2007-08 AB 326 as amended in the Assembly for the upcoming 2009-10 legislative session?

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Tim Gary  
*Research Assistant to  
Representative Don Friske*  
Wisconsin State Assembly  
Committee on Forestry, Chair

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2009 BILL

**2007 ASSEMBLY BILL 326**

Insert

SA ✓  
X-ref ✓

May 15, 2007 - Introduced by Representatives FRISKE, A. OTT, HAHN and MUSSER, cosponsored by Senator DARLING. Referred to Committee on Criminal Justice.

regen. cost.

- 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~~ penalties

**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.

> generally

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

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

**ASSEMBLY BILL 326**

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:*

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

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

(2) (a) Except as provided in par. (b), whoever knowingly violates sub. (1) is guilty of a Class H felony.

(b) Whoever knowingly violates sub. (1) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both if all of the following apply:

1. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34 (15m) (am), 938.345 (3), 971.17 (1m) (b) 1m., or 973.048 (1m) to comply with the reporting requirements under s. 301.45 (1g) based on a finding that he or she committed or solicited, conspired, or attempted to commit a misdemeanor.

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

(3) The department shall make a reasonable attempt to notify each person required to comply with the reporting requirements under s. 301.45 (1g) of the prohibition in sub. (1), but neither the department's failure to make such an attempt

✓  
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218

ASSEMBLY BILL 326

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

3 (3) (4) It is an affirmative defense to a prosecution under this section that the  
4 defendant was traveling directly to the office of the school district clerk, if the  
5 premises are affiliated with a public school, or to the governing body of the school,  
6 if the premises are affiliated with a private school or charter school, to comply with  
7 sub. (1). A defendant who raises this affirmative defense has the burden of proving  
8 the defense by a preponderance of the evidence. ✓

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

13 (END) ✓

**ASSEMBLY AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 326**

October 18, 2007 - Offered by COMMITTEE ON CRIMINAL JUSTICE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete "a penalty" and substitute "penalties".

3 **2.** Page 2, line 7: after "visit" insert "and of the person's status as a registered  
4 sex offender".

5 **3.** Page 2, line 8: delete lines 8 to 17 and substitute:

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

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

10 **4.** Page 2, line 17: after that line insert.

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

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

INS  
2-18

1           <sup>✓</sup>  
2           (b) A person who is on the school premises to attend an event or activity that  
3           is not sponsored by the school. ✓

4           <sup>✓</sup>  
5           (c) A person whose child is enrolled at the school if the person notifies the school  
6           district clerk, if the premises are affiliated with a public school, or the governing body  
7           of the school, if the premises are affiliated with a private school or charter school, that  
8           he or she is a registered sex offender and that he or she has a child enrolled at the  
9           school. The notification must be at the beginning of each academic school year or  
10          when the child is first enrolled if the child is not enrolled at the beginning of the  
11          academic school year. *De*

(END) *of insert*

**Basford, Sarah**

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**From:** Gary, Tim  
**Sent:** Monday, August 31, 2009 4:45 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-0210/1 Topic: Notification for sex offenders on school premises

Please Jacket LRB 09-0210/1 for the ASSEMBLY.