



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 411

Senate Amendment 1

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Current law allows a court to order, in various proceedings (civil commitment, juvenile, not guilty by reason of mental disease or defect, sentencing), a person convicted of certain crimes to be placed on the state's sex offender registry. The order is based on a finding that the underlying conduct in the commission of the crime was sexually motivated and that it would be in the interest of public protection to have the person placed on the registry.

Assembly Bill 411 adds the crime of invasion of sexual privacy (video voyeurism) to the crimes for which a person may be placed on the sex offender registry. As in the case of current law, a court must determine that the underlying conduct involved in the crime was sexually motivated and that registration is in the interest of public protection. The court may provide that the convicted person be released from the sex offender registry requirements if the person completes conditions set by the court. If the person is released, the Department of Corrections must purge all of the information maintained in the sex offender registry with respect to that person.

Senate Amendment 1 provides that, in the case of a civil commitment or a juvenile proceeding, the court must, rather than may, provide that the person convicted of the crime of invasion of sexual privacy be released from the sex offender registry requirements when that person satisfies the conditions of the original court order.

LEGISLATIVE HISTORY

On November 10, 2009, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Reform, and Housing introduced and adopted Senate Amendment 1 to Assembly Bill 411 and recommended passage of the bill, as amended, both on votes of Ayes, 5; Noes, 0.

RS:jb;jal