



2013 ASSEMBLY BILL 11

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

Analysis by the Legislative Reference Bureau

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

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

ASSEMBLY BILL 11**SECTION 1**

1 (2) (a) Except as provided in par. (b), whoever knowingly violates sub. (1) is
2 guilty of a misdemeanor and subject to a fine of not more than \$10,000 or
3 imprisonment not to exceed 9 months, or both.

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

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

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

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

11 (c) A person whose child is enrolled at the school if the person notifies the school
12 district administrator or his or her designee, if the premises are affiliated with a
13 public school, or the governing body of the school, if the premises are affiliated with
14 a private school or charter school, that he or she is a registered sex offender and that
15 he or she has a child enrolled at the school. The notification must occur as follows:

16 1. Except as provided in subds. 2., 3., and 4., at the beginning of each academic
17 school year.

18 2. If the child is not enrolled at the beginning of the academic school year, when
19 the child is first enrolled.

20 3. If the person is not subject to the reporting requirements under s. 301.45 (1g)
21 at the beginning of the academic school year or when the child is first enrolled, when
22 the person first becomes subject to the reporting requirements under s. 301.45 (1g).

23 4. If subd. 1., 2., or 3. does not apply but the person is otherwise subject to the
24 prohibition under sub. (1), when the person becomes subject to the prohibition under
25 sub. (1).

ASSEMBLY BILL 11

1 (d) A student who is enrolled at the school if the department, county
2 department, licensed child welfare agency, or other person supervising the student
3 under a dispositional order under s. 938.34, whichever is appropriate, works with the
4 school district administrator or his or her designee, if the premises are affiliated with
5 a public school, or with the governing body of the school, if the premises are affiliated
6 with a private school or charter school, to ensure the safety of the students attending
7 the school with the student.

8 **(3m)** Unless sub. (3) (d) applies to a county department, licensed child welfare
9 agency, or other person supervising a student under a dispositional order under s.
10 938.34, the department shall work with a school district administrator or his or her
11 designee or a governing body of a school, whichever is appropriate, as provided in
12 sub. (3) (d), to ensure that a student who is required to comply with the reporting
13 requirements under s. 301.45 (1g) is not prohibited under sub. (1) from being on the
14 premises of the school at which he or she is enrolled and to ensure the safety of the
15 other students attending the school.

16 **(4)** The department shall make a reasonable attempt to notify each person
17 required to comply with the reporting requirements under s. 301.45 (1g) of the
18 prohibition under sub. (1), but neither the department's failure to make such an
19 attempt nor the department's failure to notify a person of that prohibition is a defense
20 to prosecution under this section.

21 **(5)** It is an affirmative defense to a prosecution under this section that the
22 defendant was traveling directly to the office of the school district administrator or
23 his or her designee, if the premises are affiliated with a public school, or to the
24 governing body of the school, if the premises are affiliated with a private school or

ASSEMBLY BILL 11**SECTION 1**

1 charter school, to comply with sub. (1). A defendant who raises this affirmative
2 defense has the burden of proving the defense by a preponderance of the evidence.

3 (6) The school district administrator or his or her designee, if the premises are
4 affiliated with a public school, or the governing body of the school, if the premises are
5 affiliated with a private school or charter school, is immune from any civil or criminal
6 liability for any good faith act or omission in connection with any notice given under
7 sub. (1).

8

(END)