

2013 DRAFTING REQUEST

Bill

Received: **5/23/2013** Received By: **chanaman**
Wanted: **As time permits** Same as LRB:
For: **Mary Williams (608) 266-7506** By/Representing: **Charlie Bellin**
May Contact: Drafter: **chanaman**
Subject: **Correctional System - misc** Addl. Drafters:
Criminal Law - crimes agnst kids Extra Copies:
Criminal Law - sex offenses

Submit via email: **YES**
Requester's email: **Rep.WilliamsM@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Registry requirement for pleas to fourth degree sexual assault if underlying crime was child sex offense; addresses of sex offenders

Instructions:

No specific instructions given

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 5/28/2013	jkauffma 5/31/2013	rschluet 5/31/2013	_____			
/1				_____	rose 5/31/2013	rose 10/1/2013	State S&L

FE Sent For:

*atw
10/1/8*

<END>

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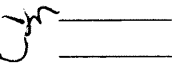
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FE Sent For:

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Hanaman, Cathlene

From: Douglas Fox <Douglas.Fox@wicourts.gov>
Sent: Wednesday, May 15, 2013 4:09 PM
To: Bellin, Charlie
Subject: Re: Sex Offender Registry

Hi Charlie,

I have no quibble with the intent of the bill but where, at Sections 2, 4 and 8, it talks about "...if the judgement of conviction/delinquency adjudication that the plea agreement covered led to the offender being subject to the requirements of s. 301.45", I don't think the language is quite right.

First, judgements of conviction and delinquency adjudications are not, strictly speaking, "covered" by a plea agreement. Rather, a defendant may be induced by a plea agreement with the prosecutor to plead guilty/no contest or admit delinquency, after which a court will sentence or adjudicate the individual and a judgement of conviction or delinquency adjudication results.

Second, the only way that I know of that a judgement or delinquency adjudication would "lead to" a sex-offender registry requirement is by a court ordering that the individual be subject to registry.

The language seems wordy and imprecise to me, and defense lawyers, if given the chance, will take advantage of wordiness and imprecision to argue that a statute means something other than what it appears to say. I would suggest simpler and more straightforward language along the lines of "Any sex offense that was dismissed as part of a plea agreement if the sentencing/adjudicating court ordered that the offender/juvenile be subject to the registration requirements of s. 301.45."

Other than that, it looks fine to me. Tell Mary that I said hi.

Doug Fox

>>> "Bellin, Charlie" <Charlie.Bellin@legis.wisconsin.gov> 5/15/2013 1:26 PM >>>

Hello Judge Fox,

Rep. Williams has asked me to reach out to you on this bill which she is planning on introducing and to see if you had any additional thoughts or new concerns about the bill. I realize you were already contacted about this bill last year, but Mary wants to make sure it's done right the first time. She had intended on introducing it last session, but Sen. Galloway's retirement threw a wrinkle into her plans. I still have your original message, so there isn't a need for you to reinvent the wheel. She's just looking if there was anything that could be improved in addition to what you had initially sent. Thank you for your time.

<<11-28213.pdf>>

Charlie Bellin

Research Assistant

Rep. Mary Williams

87th Assembly District

608-266-7507



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-282173

CMH:kjf:rs

-2448/1

Jek Feeu

2013
2011 BILL

checked
Final
S.A.
SAJ ✓
xref ✓

regen

1 AN ACT *to amend* 301.45 (2) (a) 5., 301.45 (7) (a), 301.46 (2) (b) 5. and 301.46 (5)
2 (bm) 3.; and *to create* 301.45 (2) (a) 3m., 301.46 (2) (b) 3m., 301.46 (2m) (ap) and
3 301.46 (5) (bm) 5m. of the statutes; **relating to:** information on a person who
4 is required to register as a sex offender and notification of law enforcement
5 when certain sex offenders change residential addresses.

Analysis by the Legislative Reference Bureau

Under current law, 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. DOC must provide the general public with Internet access to certain information on the registry, such as a registrant's name, physical description, address, and crime that ~~led~~ to the requirement to register. This bill requires the registry to include, and make available to the general public, any sex offense that was dismissed as part of a plea agreement if the ~~plea agreement led to the requirement for the registrant to register~~ and all addresses at which a registrant will reside. In addition, the general public Internet site must indicate all addresses for each entry in the sex offender register, whether the entry is a registrant's name or an alias a registrant uses.

Under current law, when a registrant is released into the community from confinement or other care, DOC or the Department of Health Services (DHS), whichever agency has authority over the registrant, has the option to notify the

subjects the registry registration

court ordered the offender register

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police chief of the community, and the sheriff of the county, in which the registrant will be residing, employed, or attending school if the registrant has been convicted, or found not guilty by reason of mental defect or disease, of a sex offense only one time and must notify the police chief of the community, and the sheriff of the county, in which the registrant will be residing, employed, or attending school or through which the registrant will be traveling if the registrant has been, on two or more occasions, convicted, or found not guilty by reason of mental disease or defect, of a sex offense or if the registrant has been found to be a sexually violent person. The notification must include the registrant's residential address. This bill requires DOC or DHS, if the agency provided notice, to notify the same persons if the registrant moves.

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:

registration or registration

1 SECTION 1. 301.45 (2) (a) 3m. of the statutes is created to read:

2 301.45 (2) (a) 3m. a. Any sex offense that was dismissed as part of a plea
3 agreement if the judgment of conviction that the plea agreement covered led to the
4 offender being subject to the requirements of this section.

*INS
2-4*

5 b. Any sex offense that was dismissed as part of a plea agreement if the
6 delinquency adjudication that the plea agreement covered led to the person being
7 subject to the requirements of this section.

*INS
2-7*

8 SECTION 2. 301.45 (2) (a) 5. of the statutes is amended to read:

9 301.45 (2) (a) 5. ~~The address~~ All addresses at which the person is or will be
10 residing.

11 SECTION 3. 301.45 (7) (a) of the statutes is amended to read:

12 301.45 (7) (a) The department shall maintain information provided under sub.
13 (2). The department shall keep the information confidential except as provided in
14 ss. 301.03 (14) and 301.46, except as needed for law enforcement purposes and except
15 to provide, in response to a request for information under s. 49.22 (2m) made by the

BILL

1 department of children and families or a county child support agency under s. 59.53
2 (5), the name and ~~address~~ all residential addresses of an individual registered under
3 this section, the name and address of the individual's employer and financial
4 information related to the individual.

5 SECTION 4. 301.46 (2) (b) 3m. of the statutes is created to read:

6 301.46 (2) (b) 3m. a. Any sex offense that was dismissed as part of a plea
7 agreement if the judgment of conviction that the plea agreement covered led to the
8 offender being subject to the registration requirements of s. 301.45.

9 b. Any sex offense that was dismissed as part of a plea agreement if the
10 delinquency adjudication that the plea agreement covered led to the person being
11 subject to the requirements of s. 301.45.

12 SECTION 5. 301.46 (2) (b) 5. of the statutes is amended to read:

13 301.46 (2) (b) 5. ~~The address~~ All addresses at which the person is residing.

14 SECTION 6. 301.46 (2m) (ap) of the statutes is created to read:

15 301.46 (2m) (ap) If the subject of the notification under par. (a) or (am) changes
16 his or her residential address, the agency with jurisdiction shall notify the police
17 chief of any community, and the sheriff of any county, in which the person will be
18 residing, employed, or attending school. Notification under this paragraph shall be
19 in the form of a written bulletin and shall be in addition to providing access to
20 information under sub. (2) and to any other notification that an agency with
21 jurisdiction is authorized to provide.

22 SECTION 7. 301.46 (5) (bm) 3. of the statutes is amended to read:

23 301.46 (5) (bm) 3. The person's name and ~~home address~~ any aliases the person
24 uses, indicating for each name and each alias all addresses at which the person is
25 residing.

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BILL

1 SECTION 8. 301.46 (5) (bm) 5m. of the statutes is created to read:

2 301.46 (5) (bm) 5m. a. Any sex offense that was dismissed as part of a plea
3 agreement if the judgment of conviction that the plea agreement covered led to the
4 offender being subject to the registration requirements of s. 301.45.

5 b. Any sex offense that was dismissed as part of a plea agreement if the
6 delinquency adjudication that the plea agreement covered led to the person being
7 subject to the requirements of s. 301.45.

8 **SECTION 9. Initial applicability.**

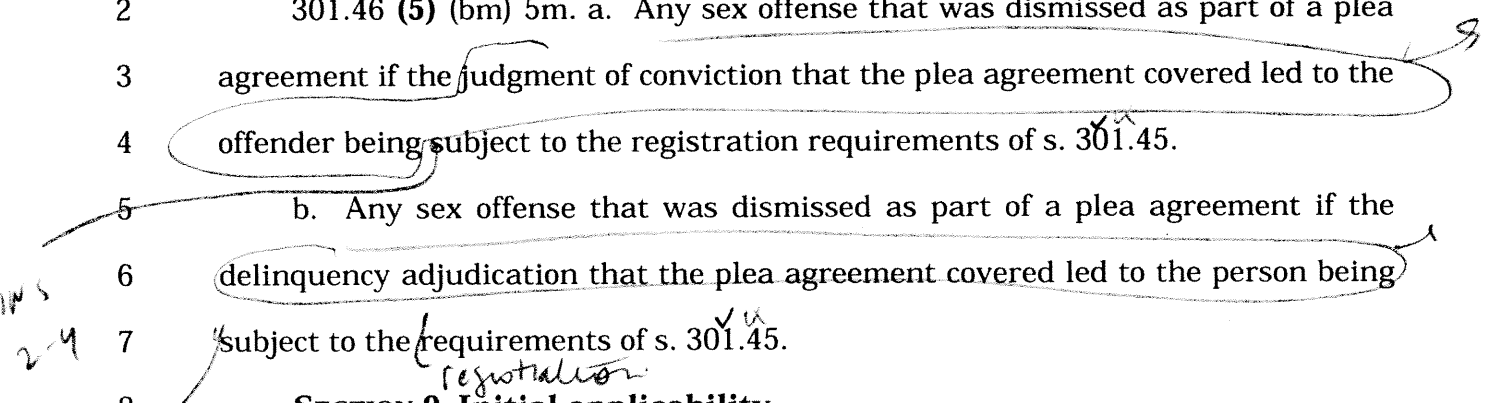
9 (1) The treatment of sections 301.45 (2) (a) 3m. and 301.46 (2) (b) 3m. and (5)
10 (bm) 5m. of the statutes first applies to persons required to register on the effective
11 date of this subsection.

12 **SECTION 10. Effective dates.** This act takes effect on the first day of the 2nd
13 month beginning after publication, except as follows:

14 (1) The treatment of section 301.46 (2m) (ap) of the statutes takes effect on the
15 day after publication.

16 (END)

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**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2448/lins
CMH:.....

1 Insert 2-4
2 sentencing court ordered that the offender be
3
4 Insert 2-7
5 adjudicating court ordered that the juvenile be

Rose, Stefanie

From: Bellin, Charlie
Sent: Tuesday, October 01, 2013 12:41 PM
To: LRB.Legal
Subject: Draft Review: LRB -2448/1 Topic: Registry requirement for pleas to fourth degree sexual assault if underlying crime was child sex offense; addresses of sex offenders

Please Jacket LRB -2448/1 for the ASSEMBLY.