

CR 94-207

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF JUSTICE)

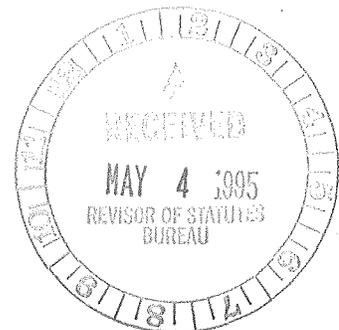
I, Burneatta L. Bridge, Deputy Attorney General of the State of Wisconsin and custodian of the official records of the Department of Justice, certify that the attached rule, relating to sex offender registration, was duly adopted and approved by the Department of Justice on May 3, 1995.

I further certify that the attached copy of the rule has been compared by me with the original on file in this department and that it is a true copy of the original and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Justice at the Capitol in the City of Madison, the 3rd day of May, 1995.

(Seal)

Burneatta L. Bridge
BURNEATTA L. BRIDGE
Deputy Attorney General
Department of Justice



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL



A RULE TO CREATE CH. Jus 8, : ORDER OF THE
WIS. ADMIN. CODE, RELATING : DEPARTMENT OF JUSTICE
TO SEX OFFENDER REGISTRATION :

ANALYSIS PREPARED BY THE WISCONSIN DEPARTMENT OF JUSTICE

Statutory authority: s. 175.45(8), Stats., created by 1993 Wisconsin Act 98.

Statute interpreted: s. 175.45, Stats., created by 1993 Wisconsin Act 98.

Summary of the rule: The legislature by enacting s. 175.45, Stats., established requirements and procedures under which sex offenders must register with the Wisconsin Department of Justice (DOJ). Under s. 175.45(8), Stats., DOJ must promulgate administrative rules to carry out its duties under the sex offender registration statute. This rule meets those statutory rulemaking requirements.

This rule, like the statute, applies to persons convicted, adjudicated delinquent, or found not guilty because of mental disease or defect of certain sex offenses. Those offenses include either first or second degree sexual assault, first or second degree sexual assault of a child, and other offenses when a court orders registration. When such persons are released from probation, supervision, parole, or aftercare supervision, are directly discharged from prison at the end of a sentence, or are otherwise released from custody or care, these rules require registration.

A registrant must register with DOJ each year for 15 years. A registrant must provide DOJ information to include the address of registrant's residence and workplace. A registrant must keep this information current as changes occur.

Probation or parole agents and others with custody or supervisory responsibilities must inform a prospective registrant of the need to register. A registration form must also be provided. A prospective registrant must be told that annual registration is required for 15 years.

Failure to register or notify DOJ as required by this rule may result in penalties under s. 175.45(6), Stats. Intentional failure to comply with this rule may lead to a fine of up to \$10,000 and imprisonment of up to 9 months.

Registration information may be used only for law enforcement purposes. Those purposes include investigation, crime prevention, and protection of the public. The DOJ may provide it to other law enforcement agencies and others for law enforcement purposes. Other than its use for law enforcement purposes, registration information must remain confidential.

Fiscal estimate: This rule is to be adopted under s. 175.45, Stats. It prescribes the procedures required under s. 175.45. As such, the rule has no independent fiscal effect beyond that of the statute under which it is adopted. A fiscal estimate for the rule is attached.

TEXT OF RULE

Pursuant to authority vested in it by s. 175.45(8), Stats., the Department of Justice creates rules interpreting s. 175.45, Stats., as follows:

SECTION 1. Chapter Jus 8 is created to read:

CHAPTER JUS 8

SEX OFFENDER REGISTRATION

Jus 8.01 PURPOSE. This chapter is promulgated under s. 175.45(8), Stats., to specify the procedures for carrying out the sex offender registration requirements under s. 175.45, Stats.

Jus 8.02 APPLICABILITY. This chapter applies to any person who meets any of the criteria listed in s. 175.45(1), Stats.

NOTE: Section 175.45(1), Stats., as created by 1993 Wisconsin Act 98, is entitled "who is covered" and reads as follows:

A person shall comply with the reporting requirements under this section if he or she meets any of the following criteria:

(a) Is convicted, adjudicated delinquent or found in need of protection or services on or after December 25, 1993, for any violation of s. 940.225 (1) or (2) or 948.02 (1) or (2)[, Stats].

(b) Is in prison or a secured correctional facility or on probation, parole, supervision or aftercare supervision on or after December 25, 1993, for any violation of s. 940.225 (1) or (2) or 948.02 (1) or (2) [Stats].

(c) Is found not guilty or not responsible by reason of mental disease or defect on or after December 25, 1993, and committed under s. 51.20 or 971.17[, Stats.] for any violation of s. 940.225 (1) or (2) or 948.02 (1) or (2)[, Stats.].

(d) Is in institutional care or on conditional transfer under s. 51.35 (1)[, Stats.,] or conditional release under s. 971.17[, Stats.,] on or after December 25, 1993, for any violation of s. 940.225 (1) or (2) or 948.02 (1) or (2)[, Stats.].

(e) Is ordered by a court under s. 48.34 (15), 51.20 (13) (cr) or 973.047[, Stats.,] to comply with the reporting requirements under this section.

Jus 8.03 DEFINITIONS. In this chapter:

(1) "Department" means the Wisconsin department of justice.

(2) "Registrant" means any sex offender required to register with the department under s. 175.45(3), Stats., and s. Jus 8.04(1).

(3) "Sex offender" means any person who meets any of the criteria in s. 175.45(1), Stats.

Jus 8.04 REGISTRATION REQUIREMENTS. (1) PERSONS REQUIRED TO REGISTER. A sex offender who meets any of the following conditions shall each year provide the department the registration information required under sub. (2):

(a) Is released from probation, supervision, parole, or aftercare supervision or is directly discharged from prison at the end of a sentence or released from department of health and social

services, department of corrections or county custody at the end of a sentence under circumstances provided for in s. 175.45(3)(a) 1, 2 or 4, Stats.

(b) Is terminated from an order of commitment as provided for in s. 971.17(5), Stats., or is discharged under s. 51.35(4) or 971.17(6), Stats.

(c) If neither par. (a) nor par. (b) applies, is sentenced or receives a disposition as provided for under s. 175.45(3)(a) 4, Stats.

(2) INFORMATION REQUIRED. Each registrant shall provide the department all the following registration information about the registrant:

(a) Full name, all aliases used, and all names or aliases previously used, including all names or aliases the registrant has ever used or that others have ever used to refer to or to identify the registrant whether or not they were legal aliases or legal names.

(b) Date of birth.

(c) Precise, current street address or rural location of the registrant's place of residence, place of any employment, and place of any school registrant is attending.

(d) Telephone number for registrant at home, work, and any school registrant is attending.

(e) Name of each of registrant's employers.

(f) Employment duties.

(g) Name of immediate supervisor at each place of employment.

(h) Any other information the department determines is reasonably necessary for identifying or locating the registrant.

Jus 8.05 TIME FOR REGISTRATION. (1) FIRST TIME REGISTRATION. A registrant shall provide the department all information required under s. Jus 8.04(2) no later than 14 calendar days after the registrant first meets any condition specified in s. Jus 8.04(1).

(2) ANNUAL REGISTRATION. A registrant shall each calendar year provide the department all information required under s. Jus 8.04(2). The registrant shall provide the information no later than the last day of the month of the anniversary date of the registrant's having first met any condition specified in s. Jus 8.04(1).

(3) UPDATED REGISTRATION. If any information required under s. Jus 8.04(2) changes for a registrant at any time during a calendar year, the registrant shall notify the department. The registrant shall provide the department with the currently correct information within 14 calendar days after any change occurs.

(4) NON-SEX OFFENSES. A registrant shall meet the requirements of this chapter even if the registrant remains subject to imprisonment, probation, parole or other form of supervision or custody for another non-sex offender offense.

Jus 8.06 METHOD OF REGISTRATION. To meet the registration requirements of s. 175.45, Stats., and this chapter, a registrant shall fully complete the registration form approved by the department and available to the registrant for registration

(2) TIME AND CONTENT OF NOTICE. Notice under sub. (1) shall be given within 30 days before the date on which a prospective registrant first meets a condition listed in s. Jus. 8.04(1) and shall include providing the prospective registrant the registration form required under s. Jus 8.06 and orally informing the prospective registrant as follows:

(a) That the prospective registrant shall fully complete and mail the form to the department within 14 days after the prospective registrant first meets any condition listed in s. Jus. 8.04(1).

(b) That after the registrant meets the requirements of par. (a) , the registrant shall also register annually each year for the next 15 years no later than the last day of the month of the anniversary date of the registrant's first having met a condition listed in s. Jus. 8.04(1).

(3) MULTIPLE NOTIFICATIONS. If multiple persons or agencies are obligated to notify a single prospective registrant at the same time under this section, those persons or agencies may discharge their mutual notification obligations by having one person or agency give the required notification.

Jus 8.08 MATTERS RELATED TO REGISTRATION. (1) EVIDENCE OF NOTICE. Each person, agency or court that notifies a prospective registrant under s. Jus 8.07(1) shall provide written documentation to the department showing that notice was given.

(2) NOTICE OF ANNIVERSARY DATE. The department shall each year by notice mailed to the registrant's most current available

mailing address attempt to notify each registrant of the registrant's legal obligation under s. 175.45, Stats., and this chapter to register annually.

(3) REGISTRATION NO LONGER REQUIRED. A registrant need not register after 15 or more years have passed as set forth in s. 175.45(5) (a) to (d), Stats.

Jus 8.09 USE OF REGISTRATION INFORMATION. (1) DEFINITION. In this section, "law enforcement purposes" includes investigation, crime prevention or protection of the public.

(2) USE. The department may use registration information provided to it under s. 175.45, Stats., or this chapter for law enforcement purposes. The department may provide registration information to other law enforcement agencies and others to be used for law enforcement purposes. Law enforcement agencies having registration information gathered under s. 175.45, Stats., or this chapter may share that information with other law enforcement agencies and others for law enforcement purposes.

(3) CONFIDENTIALITY. Except for law enforcement purposes, registration information provided to the department or to other law enforcement agencies under s. 175.45, Stats., or this chapter shall remain confidential.

Jus 8.10 COOPERATION. The department of corrections, department of health and social services, clerks of court for the circuit courts, other county officials, private providers having supervision or custody of prospective registrants and all other persons required to act under s. 175.45, Stats., or this chapter

shall cooperate fully with the department to meet the requirements of this chapter and s. 175.45, Stats.

Jus 8.11 COMPLIANCE AND PENALTIES. (1) A registrant shall, under s. 175.45(2), Stats., acknowledge receipt of notice as requested, shall register in accordance with this chapter and shall, under s. 175.45(3)(b), Stats., notify the department once each calendar year as directed by the department under this chapter.

(2) Refusal to accept notice provided under s. Jus 8.07 or s. Jus 8.08(2) or to sign a written acknowledgment that notice was given may subject the registrant to liability under s. 175.45(6), Stats.

(3) Penalties for failing to register or notify the department as required by this chapter may be imposed under s. 175.45(6), Stats. A lack of the notice provided for under s. Jus 8.07 or s. Jus 8.08(2) is not a defense to liability under s. 175.45(6), Stats.

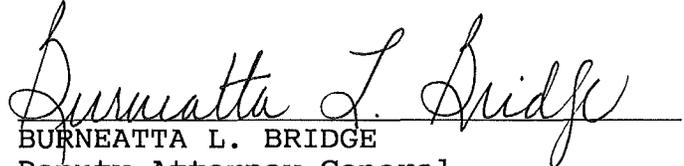
(4) Penalties for knowingly failing to keep information gathered under this chapter confidential, except as released for use under s. Jus 8.12, may be imposed under s. 175.45(6), Stats.

NOTE: The legislature has authorized penalties for violating this chapter. Statutory authority for those penalties is found in s. 175.45(2),(3)(b) and (8), Stats.

(end of text)

This rule shall take effect on the first day of the month following its publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin, this 3rd day of May, 1995.


BURNEATTA L. BRIDGE
Deputy Attorney General
Wisconsin Department of Justice





STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

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Philip Peterson
Assistant Attorney General
608/267-2061
FAX 608/267-2223

May 4, 1995

Gary Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703-3233

Re: Filing of Rule
Ch. Jus 8, Wis. Admin. Code

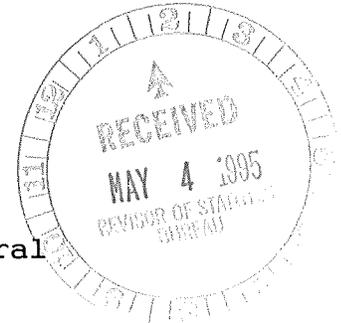
Dear Mr. Poulson:

The Department of Justice encloses a certified copy of ch. Jus 8, Wis. Admin. Code, for filing under sec. 227.20, Stats. The department has adopted this rule and requests that it be published as required under sec. 227.21, Stats.

An additional uncertified copy of the rule is also enclosed for your use as a printer's copy.

Sincerely

Philip Peterson
Assistant Attorney General



PP:rmg
Enclosure
cc: Frank Meyers
Robert Selk
Doug Haag
JoAnne Kloppenburg



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

Burneatta L. Bridge
Deputy Attorney General

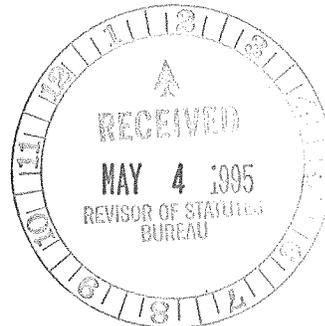
123 West Washington Avenue
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Philip Peterson
Assistant Attorney General
608/267-2061
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May 4, 1995

The Honorable Douglas La Follette
Office of the Secretary of State
Government Records Division
30 West Mifflin Street
Madison, Wisconsin 53707

Re: Filing of Rule
Ch. 8, Wis. Admin. Code



Dear Secretary La Follette:

The Department of Justice encloses a certified copy of ch. Jus 8, Wis. Admin. Code, for filing under sec. 227.20, Stats. The department has adopted this rule and requests that it be filed as required in the Office of the Secretary of State.

Sincerely,

Philip Peterson
Assistant Attorney General

PP:rmg

Enclosure

cc: Gary Poulson (w/o enclosure)
Frank Meyers (w/o enclosure)
Robert Selk (w/o enclosure)
Doug Haag (w/o enclosure)
JoAnne Kloppenburg (w/o enclosure)