

Chapter Jus 8

SEX OFFENDER REGISTRATION

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Note: This program is administered by the department of corrections.

Jus 8.01 Purpose. This chapter is promulgated under s. 301.45 (8), Stats., to specify the procedures for carrying out the sex offender registration requirements under s. 301.45, Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

Jus 8.02 Applicability. This chapter applies to any person who meets any of the criteria listed in s. 301.45 (1g), Stats.

Note: Section 175.45 (1), Stats., as created by 1993 Wis. Act 98 and renumbered to s. 301.45 (1g), Stats., by 1995 Wis. Act 440, is entitled "who is covered" and, as in effect on July 1, 2016, reads as follows:

(1g) WHO IS COVERED. Except as provided in subs. (1m) and (1p), a person shall comply with the reporting requirements under this section if he or she meets one or more of the following criteria:

(a) Is convicted or adjudicated delinquent on or after December 25, 1993, for a sex offense.

(b) Is in prison, a juvenile correctional facility, or a secured residential care center for children and youth or is on probation, extended supervision, parole, supervision, or aftercare supervision on or after December 25, 1993, for a sex offense.

Note: Par. (b) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:

(b) Is in prison, a juvenile correctional facility, or a secured residential care center for children and youth or is on probation, extended supervision, parole, supervision, community supervision, or aftercare supervision on or after December 25, 1993, for a sex offense.

(bm) Is in prison, a juvenile correctional facility, or a secured residential care center for children and youth or is on probation, extended supervision, parole, supervision, or aftercare supervision on or after December 25, 1993, for a violation, or for the solicitation, conspiracy, or attempt to commit a violation, of a law of this state that is comparable to a sex offense.

Note: Par. (bm) is amended eff. 7-1-17, or on the 2nd day after publication of the 2017-19 biennial budget act, whichever is later, by 2015 Wis. Act 55 to read:

(bm) Is in prison, a juvenile correctional facility, or a secured residential care center for children and youth or is on probation, extended supervision, parole, supervision, community supervision, or aftercare supervision on or after December 25, 1993, for a violation, or for the solicitation, conspiracy, or attempt to commit a violation, of a law of this state that is comparable to a sex offense.

(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 for a sex offense.

(d) Is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 on or after December 25, 1993, for a sex offense.

(dd) Is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law of this state that is comparable to a sex offense.

(dh) Is on parole, extended supervision, or probation in this state from another state under s. 304.13 (1m), 304.135, or 304.16 on or after December 25, 1993, for a violation, or for the solicitation, conspiracy, or attempt to commit a violation, of the law of another state that is comparable to a sex offense.

(dj) Is a juvenile in this state on or after May 9, 2000, and is on supervision in this state from another state pursuant to the interstate compact on the placement of children under ss. 48.988 and 48.989, the interstate compact for the placement of children under s. 48.99, or the interstate compact for juveniles under s. 938.999 for a violation of a law of another state that is comparable to a sex offense.

(dL) Is placed on lifetime supervision under s. 939.615 on or after June 26, 1998.

(dp) Is in institutional care under, or on parole from, a commitment for specialized treatment under ch. 975 on or after December 25, 1993.

(dt) Is in institutional care or on supervised release under ch. 980 on or after June 2, 1994.

(e) Is ordered by a court 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 this section.

(em) Was required to register under s. 301.45 (1) (a), 1997 stats., based on a finding that he or she was in need of protection or services and is ordered to continue comply-

ing with the requirements of this section by a court acting under 1999 Wisconsin Act 89, section 107 (1) (e).

(f) On or after December 1, 2000, is registered as a sex offender in another state or is registered as a sex offender with the federal bureau of investigation under 42 USC 14072 and is a resident of this state, a student in this state or employed or carrying on a vocation in this state.

(g) Has been found to have committed a sex offense by another jurisdiction and, on or after December 1, 2000, is a resident of this state, a student in this state or employed or carrying on a vocation in this state. This paragraph does not apply if 10 years have passed since the date on which the person was released from prison or placed on parole, probation, extended supervision or other supervised release for the sex offense.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

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. 301.45 (3), Stats., and s. Jus 8.04 (1).

(3) "Sex offender" means any person who meets any of the criteria in s. 301.45 (1g), Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

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 services, department of corrections or county custody at the end of a sentence under circumstances provided for in s. 301.45 (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. 301.45 (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.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; correction in (1) (a) made under s. 13.93 (2m) (b) 6., Stats., Register, July, 1997, No. 499; corrections made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549; correction in (1) (a) made under s. 13.92 (4) (b) 6., Stats., Register March 2013 No. 687.

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.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95.

Jus 8.06 Method of registration. To meet the registration requirements of s. 301.45, Stats., and this chapter, a registrant shall fully complete the registration form approved by the department and available to the registrant for registration purposes. The registrant shall mail the fully completed registration form to the department using the following address: Wisconsin Department of Justice, Division of Criminal Investigation, 17 West Main Street, P.O. Box 7857, Madison, Wisconsin 53707.

Note: The form used under this section is available from the department at the following address: Division of Criminal Investigation, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin 53701-7857. The form as developed includes one portion for acknowledging notification as required under s. Jus 8.08(1) and another portion for registration under this section. A copy of the form with the acknowledgment portion completed is to be sent to the department by the notifying person or agency, and the original form with the acknowledgment portion and the registration portion completed is to be sent to the department by the registrant.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549; correction under 13.92 (4) (b) 6., Stats., Register June 2016 No. 726.

Jus 8.07 Notice of first time registration.

(1) METHOD OF NOTICE. (a) Each probation or parole agent for a prospective registrant, each agent or agency providing supervision or aftercare supervision for a prospective registrant, and each agent or agency having legal or physical custody, care or commitment responsibility over a prospective registrant shall notify the prospective registrant that the prospective registrant shall provide the department all the information required under s. Jus 8.04 (2).

(b) If par. (a) does not apply because a prospective registrant is not on probation or parole or subject to supervision, aftercare supervision, custody, care or commitment, the prospective registrant shall, nonetheless, still be notified as required under s. 973.048 (1m), Stats., by the court having jurisdiction that the prospective registrant shall provide the department all the information required under s. Jus 8.04 (2).

(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.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

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. 301.45, 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. 301.45 (5), Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

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. 301.45, 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. 301.45, 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. 301.45, Stats., or this chapter shall remain confidential.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

Jus 8.10 Cooperation. The department of corrections, department of health 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. 301.45, Stats., or this chapter shall cooperate fully with the department to meet the requirements of this chapter and s. 301.45, Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; correction made under s. 13.93 (2m) (b) 6., Stats., Register, July, 1997, No. 499; corrections made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549; correction made under s. 13.92 (4) (b) 6., Stats., Register March 2013 No. 687.

Jus 8.11 Compliance and penalties. (1) A registrant shall, under s. 301.45 (2), Stats., acknowledge receipt of notice as requested, shall register in accordance with this chapter and shall, under s. 301.45 (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 8.08 (2) or to sign a written acknowledgment that notice was given may subject the registrant to liability under s. 301.45 (6), Stats.

(3) Penalties for failing to register or notify the department as required by this chapter may be imposed under s. 301.45 (6), Stats. A lack of the notice provided for under s. Jus 8.07 or 8.08 (2) is not a defense to liability under s. 301.45 (6), Stats.

(4) Penalties for knowingly failing to keep information gathered under this chapter confidential, except as released for use under s. Jus 8.09, may be imposed under s. 301.45 (6), Stats.

Note: The legislature has authorized penalties for violating this chapter. Statutory authority for those penalties is found in s. 301.45 (2), (3) (b) and (8), Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.