

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 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), 948.02 (1) or (2) or 948.025[, 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.

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, 123 West Washington Avenue, 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 Jus-

tice, 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.

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.