



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 SENATE BILL 182**

May 8, 1996 - Offered by Representative R. YOUNG.

1 **AN ACT to repeal** 175.45 (9); **to renumber** 175.45 (title), 175.45 (1) (intro.),
2 175.45 (3) (title), 175.45 (3) (a) (intro.) and 175.45 (7) (b); **to renumber and**
3 **amend** 175.45 (1) (a), 175.45 (1) (b), 175.45 (1) (c), 175.45 (1) (d), 175.45 (1) (e),
4 175.45 (2) (title), 175.45 (2), 175.45 (3) (a) 1., 175.45 (3) (a) 2., 175.45 (3) (a) 3.,
5 175.45 (3) (a) 4., 175.45 (3) (b), 175.45 (4), 175.45 (5), 175.45 (6), 175.45 (7) (title),
6 175.45 (7) (a), 175.45 (7) (c), 175.45 (8) and 971.17 (1m); **to amend** 51.20 (13)
7 (cr), 938.185 (3), 938.34 (15) (title), 938.34 (15) (a) 1., 938.34 (15) (a) 2., 971.19
8 (9), 973.047 (title), 973.047 (1) (a) and 973.047 (1) (b); and **to create** 51.20 (13)
9 (ct), 51.30 (3) (d), 51.30 (4) (b) 24., 301.45 (1) (bm), 301.45 (1) (dd), 301.45 (1)
10 (dh), 301.45 (1) (dp), 301.45 (1) (dt), 301.45 (2) (a), 301.45 (2) (b), 301.45 (2) (d),
11 301.45 (2) (e), 301.45 (3) (a) 1m., 301.45 (3) (a) 2m., 301.45 (3) (a) 3g., 301.45 (3)
12 (a) 3r., 301.45 (3) (b) 1m., 301.45 (3) (b) 3., 301.45 (3) (b) 3m., 301.45 (4m), 301.45
13 (4t), 301.45 (5) (a) 1m., 301.45 (5) (a) 3m., 301.45 (5) (b), 301.45 (6) (c), 301.45
14 (7) (ag) and (ar), 301.45 (9), 301.45 (10), 938.34 (15m), 938.396 (2) (em), 971.17
15 (1m) (b) and 973.048 of the statutes; **relating to:** sex offender registration

1 requirements, the release of information concerning sex offenders required to
2 register and making an appropriation.

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

3 **SECTION 1.** 51.20 (13) (cr) of the statutes, as affected by 1995 Wisconsin Act 77,
4 is amended to read:

5 51.20 (13) (cr) If the subject individual is before the court on a petition filed
6 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
7 violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require
8 the individual to provide a biological specimen to the state crime laboratories for
9 deoxyribonucleic acid analysis ~~and to comply with the reporting and testing~~
10 ~~requirements of s. 175.45.~~

11 **SECTION 2.** 51.20 (13) (ct) of the statutes is created to read:

12 51.20 (13) (ct) 1. If the subject individual is before the court on a petition filed
13 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
14 violation, or to have solicited, conspired or attempted to commit a violation, of s.
15 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
16 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was
17 a minor and the subject individual was not the victim's parent, the court shall require
18 the individual to comply with the reporting requirements under s. 301.45.

19 2. Except as provided in subd. 1., if the subject individual is before the court
20 on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have
21 committed any violation, or to have solicited, conspired or attempted to commit any
22 violation, of ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the
23 subject individual to comply with the reporting requirements under s. 301.45 if the

1 court determines that the underlying conduct was sexually motivated, as defined in
2 s. 980.01 (5), and that it would be in the interest of public protection to have the
3 subject individual report under s. 301.45.

4 **SECTION 3.** 51.30 (3) (d) of the statutes is created to read:

5 51.30 (3) (d) The department of corrections shall have access to the files and
6 records of court proceedings under this chapter concerning an individual required to
7 register under s. 301.45. The department of corrections may disclose information
8 that it obtains under this paragraph as provided under s. 301.45 (7).

9 **SECTION 4.** 51.30 (4) (b) 24. of the statutes is created to read:

10 51.30 (4) (b) 24. To the department of corrections for the purpose of obtaining
11 information concerning a person required to register under s. 301.45. The
12 department of corrections may disclose information that it receives under this
13 subdivision as provided under s. 301.45 (7).

14 **SECTION 5.** 175.45 (title) of the statutes is renumbered 301.45 (title).

15 **SECTION 6.** 175.45 (1) (intro.) of the statutes is renumbered 301.45 (1) (intro.).

16 **SECTION 7.** 175.45 (1) (a) of the statutes is renumbered 301.45 (1) (a) and
17 amended to read:

18 301.45 (1) (a) Is convicted, adjudicated delinquent or found in need of
19 protection or services on or after December 25, 1993, for any violation, or for the
20 solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225
21 (1) or, (2) or (3), 944.06, 948.02 (1) or (2) or, 948.025, 948.05, 948.055, 948.06, 948.07,
22 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the
23 person was not the victim's parent.

24 **SECTION 8.** 175.45 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 77,
25 is renumbered 301.45 (1) (b) and amended to read:

1 301.45 (1) (b) Is in prison, a secured correctional facility, as defined in s. 938.02
2 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or on
3 probation, parole, supervision or aftercare supervision on or after December 25,
4 1993, for any violation, or for the solicitation, conspiracy or attempt to commit any
5 violation, of s. 940.22 (2), 940.225 (1) or (2) or (3), 944.06, 948.02 (1) or (2) or 948.025,
6 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if
7 the victim was a minor and the person was not the victim's parent.

8 **SECTION 9.** 175.45 (1) (c) of the statutes is renumbered 301.45 (1) (c) and
9 amended to read:

10 301.45 (1) (c) Is found not guilty or not responsible by reason of mental disease
11 or defect on or after December 25, 1993, and committed under s. 51.20 or 971.17 for
12 any violation, or for the solicitation, conspiracy or attempt to commit any violation,
13 of s. 940.22 (2), 940.225 (1) or (2) or (3), 944.06, 948.02 (1) or (2) or 948.025, 948.05,
14 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the
15 victim was a minor and the person was not the victim's parent.

16 **SECTION 10.** 175.45 (1) (d) of the statutes is renumbered 301.45 (1) (d) and
17 amended to read:

18 301.45 (1) (d) Is in institutional care or on conditional transfer under s. 51.35
19 (1) or conditional release under s. 971.17 on or after December 25, 1993, for any
20 violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.
21 940.22 (2), 940.225 (1) or (2) or (3), 944.06, 948.02 (1) or (2) or 948.025, 948.05,
22 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the
23 victim was a minor and the person was not the victim's parent.

24 **SECTION 11.** 175.45 (1) (e) of the statutes, as affected by 1995 Wisconsin Act 77,
25 is renumbered 301.45 (1) (e) and amended to read:

1 301.45 (1) (e) Is ordered by a court under s. 51.20 (13) ~~(ex) (ct)~~, 938.34 ~~(15) (15m)~~,
2 971.17 (1m) (b) 2. or ~~973.047~~ 973.048 to comply with the reporting requirements
3 under this section.

4 **SECTION 12.** 175.45 (2) (title) of the statutes is renumbered 301.45 (2) (title) and
5 amended to read:

6 301.45 (2) (title) WHAT INFORMATION MUST BE PROVIDED, BY WHOM AND WHEN.

7 **SECTION 13.** 175.45 (2) of the statutes is renumbered 301.45 (2) (c) and
8 amended to read:

9 301.45 (2) (c) A person subject to sub. (1) shall provide the information about
10 ~~his or her home address, place of school enrollment, place of employment and~~
11 ~~employment duties~~ specified in par. (a) to the department of justice in accordance
12 with the rules under sub. (8).

13 **SECTION 14.** 175.45 (3) (title) of the statutes is renumbered 301.45 (3) (title).

14 **SECTION 15.** 175.45 (3) (a) (intro.) of the statutes is renumbered 301.45 (3) (a)
15 (intro.).

16 **SECTION 16.** 175.45 (3) (a) 1. of the statutes is renumbered 301.45 (3) (a) 1. and
17 amended to read:

18 301.45 (3) (a) 1. If the person has been placed on probation or supervision, he
19 or she is subject to this subsection ~~after he or she is discharged from~~ upon being
20 placed on probation or supervision.

21 **SECTION 17.** 175.45 (3) (a) 2. of the statutes, as affected by 1995 Wisconsin Act
22 77, is renumbered 301.45 (3) (a) 2. and amended to read:

23 301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured
24 correctional facility or a secured child caring institution, he or she is subject to this

1 subsection after he or she is discharged from upon being released on parole or
2 aftercare supervision.

3 **SECTION 18.** 175.45 (3) (a) 3. of the statutes is renumbered 301.45 (3) (a) 3. and
4 amended to read:

5 301.45 (3) (a) 3. If the person has been committed under s. 51.20 or 971.17, he
6 or she is subject to this subsection after upon being placed on conditional release
7 under s. 971.17 or on a conditional transfer under s. 51.35 (1) or, if he or she was not
8 placed on conditional release or on a conditional transfer, before he or she is
9 terminated under s. 971.17 (5) or discharged under s. 51.35 (4) or 971.17 (6).

10 **SECTION 19.** 175.45 (3) (a) 4. of the statutes is renumbered 301.45 (3) (a) 4. and
11 amended to read:

12 301.45 (3) (a) 4. If subd. 1., 1m., 2. ~~or~~, 2m., 3., 3g. or 3r. does not apply, the person
13 is subject to this subsection after he or she is sentenced or receives a disposition.

14 **SECTION 20.** 175.45 (3) (b) of the statutes is renumbered 301.45 (3) (b) 1. and
15 amended to read:

16 301.45 (3) (b) 1. ~~A~~ Except as provided in subd. 1m., a person who is subject
17 to par. (a) shall notify the department of justice once each calendar year, as directed
18 by the department, of his or her current information specified in sub. (2) (a). The
19 department shall annually notify registrants of their need to comply with this
20 requirement.

21 2. The department shall notify a person who is being released from prison
22 because he or she has reached the expiration date of his or her sentence and who is
23 covered under sub. (1) of the need to comply with this section. Also, probation and
24 parole agents, aftercare agents and agencies providing supervision shall notify any
25 client who is covered under sub. (1) of ~~this requirement prior to the client's expected~~

1 ~~date of discharge from~~ the need to comply with this section at the time the client is
2 placed on probation, parole, supervision or aftercare supervision or, if the client is on
3 probation or parole from another state under s. 304.13 or 304.135, when the client
4 enters this state.

5 4. Failure to receive ~~this notice~~ under this paragraph from the department of
6 health and family services, the department of corrections, a probation and parole
7 agent, an aftercare agent or an agency providing supervision is not a defense to
8 liability under sub. (6).

9 **SECTION 21.** 175.45 (4) of the statutes is renumbered 301.45 (4) and amended
10 to read:

11 301.45 (4) UPDATED INFORMATION. In addition to the requirements under sub.
12 (3), whenever any of the information under sub. (2) (a) changes, the person shall
13 provide the department of justice with the updated information within 14 10 days
14 after the change occurs.

15 **SECTION 22.** 175.45 (5) of the statutes, as affected by 1995 Wisconsin Act 77, is
16 renumbered 301.45 (5) (a), and 301.45 (5) (a) (intro.), 2. and 4., as renumbered, are
17 amended to read:

18 301.45 (5) (a) (intro.) ~~A- Except as provided in par. (b),~~ a person who is covered
19 under sub. (1) no longer has to comply with this section when the following applicable
20 criterion is met:

21 2. If the person has been sentenced to prison or placed in a secured correctional
22 facility or a secured child caring institution, 15 years after discharge from prison,
23 parole or aftercare supervision.

24 4. If ~~par. (a), (b) or (c)~~ subd. 1., 1m., 2., 3. or 3m. does not apply, 15 years after
25 the date of conviction or disposition.

1 **SECTION 23.** 175.45 (6) of the statutes is renumbered 301.45 (6), and 301.45 (6)
2 (a), as renumbered, is amended to read:

3 301.45 (6) (a) Whoever intentionally fails to comply with any requirement to
4 provide information under subs. (2) to (4) may be fined not more than \$10,000 or
5 imprisoned for not more than 9 months or both. Subject to s. 971.19 (9), a district
6 attorney or, upon the request of a district attorney, the department of justice may
7 prosecute a violation of this subsection. If the department of justice corrections
8 determines that there is probable cause to believe that a person has intentionally
9 failed to comply with any requirement to provide information under subs. (2) to (4),
10 the department shall forward a certified copy of all pertinent departmental
11 information to the applicable district attorney. The department shall certify the copy
12 in accordance with s. 889.08.

13 **SECTION 24.** 175.45 (7) (title) of the statutes is renumbered 301.45 (7) (title) and
14 amended to read:

15 301.45 (7) (title) ~~DEPARTMENT OF JUSTICE; INFORMATION~~ INFORMATION
16 MAINTENANCE AND EXPUNGEMENT.

17 **SECTION 25.** 175.45 (7) (a) of the statutes is renumbered 301.45 (7) (a) and
18 amended to read:

19 301.45 (7) (a) The department of justice shall maintain information provided
20 under sub. (2). The department shall keep the information confidential except as
21 ~~needed for law enforcement purposes~~ provided in pars. (ag) and (ar).

22 **SECTION 26.** 175.45 (7) (b) of the statutes is renumbered 301.45 (7) (b).

23 **SECTION 27.** 175.45 (7) (c) of the statutes is renumbered 301.45 (7) (c), and
24 301.45 (7) (c) (intro.), as renumbered, is amended to read:

1 301.45 (7) (c) (intro.) A person who has provided about whom information is
2 maintained in the registry under sub. (2) may request expungement of all pertinent
3 departmental information in the registry on the grounds that his or her conviction,
4 delinquency adjudication, finding of need of protection or services or commitment
5 has been reversed, set aside or vacated. The department shall purge all of that
6 information if the department receives all of the following:

7 **SECTION 28.** 175.45 (8) of the statutes is renumbered 301.45 (8) and amended
8 to read:

9 301.45 (8) RULES. The department of justice shall promulgate rules necessary
10 to carry out its duties under this section. The rules shall include guidelines for
11 determining whether it is necessary for public protection to release information from
12 the registry under sub. (7) (ar) 2., guidelines for determining what information may
13 be released under sub. (7) (ar) 2. and procedures for the release of information under
14 sub. (7) (ar) 2.

15 **SECTION 29.** 175.45 (9) of the statutes, as affected by 1995 Wisconsin Act 27,
16 is repealed.

17 **SECTION 30.** 301.45 (1) (bm) of the statutes is created to read:

18 301.45 (1) (bm) Is in prison, a secured correctional facility, as defined in s.
19 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
20 on probation, parole, supervision or aftercare supervision on or after December 25,
21 1993, for a violation, or for the solicitation, conspiracy or attempt to commit a
22 violation, of a law of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or
23 (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11
24 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim was
25 a minor and the person was not the victim's parent.

1 **SECTION 31.** 301.45 (1) (dd) of the statutes is created to read:

2 301.45 (1) (dd) Is in institutional care or on conditional transfer under s. 51.35
3 (1) or conditional release under s. 971.17 on or after December 25, 1993, for a
4 violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law
5 of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
6 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that
7 is comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the
8 person was not the victim's parent.

9 **SECTION 32.** 301.45 (1) (dh) of the statutes is created to read:

10 301.45 (1) (dh) Is on parole or probation in this state from another state under
11 s. 304.13 or 304.135 on or after December 25, 1993, for a violation, or for the
12 solicitation, conspiracy or attempt to commit a violation, of the law of another state
13 that is comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
14 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 948.30 or that is
15 comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the
16 person was not the victim's parent.

17 **SECTION 33.** 301.45 (1) (dp) of the statutes is created to read:

18 301.45 (1) (dp) Is in institutional care under, or on parole from, a commitment
19 for specialized treatment under ch. 975 on or after December 25, 1993.

20 **SECTION 34.** 301.45 (1) (dt) of the statutes is created to read:

21 301.45 (1) (dt) Is in institutional care or on supervised release under ch. 980
22 on or after June 2, 1994.

23 **SECTION 35.** 301.45 (2) (a) of the statutes is created to read:

24 301.45 (2) (a) The department shall maintain a registry of all persons subject
25 to sub. (1). The registry shall contain all of the following with respect to each person:

- 1 1. The person's name, including any aliases used by the person.
- 2 2. The address at which the person is or will be residing.
- 3 3. The fingerprints and a photograph of the person, if they were not obtained
- 4 from the person in connection with the offense that is the basis for the requirement
- 5 that the person register under this section.
- 6 4. The name and address of the place at which the person is or will be employed.
- 7 5. The name and location of any school in which the person is or will be enrolled.
- 8 6. If the person has been found to be a sexually violent person under ch. 980,
- 9 all of the following:
 - 10 a. Information sufficient to identify the person.
 - 11 b. The person's criminal history record.
 - 12 c. Documentation of any treatment received by the person for the mental
 - 13 disorder that was the basis for the person being found to be a sexually violent person
 - 14 under ch. 980.

15 **SECTION 36.** 301.45 (2) (b) of the statutes is created to read:

16 301.45 (2) (b) If the department has supervision over a person subject to sub.

17 (1), the department shall enter into the registry under this section the information

18 specified in par. (a) concerning the person.

19 **SECTION 37.** 301.45 (2) (d) of the statutes is created to read:

20 301.45 (2) (d) A person subject to sub. (1) who is not under the supervision of

21 the department shall provide the information specified in par. (a) to the department

22 in accordance with the rules under sub. (8). If the person is unable to provide an item

23 of information specified in par. (a), the department may request assistance from a

24 circuit court or the department of health and family services in obtaining that item

1 of information. A circuit court and the department of health and family services shall
2 assist the department of corrections when requested to do so under this paragraph.

3 **SECTION 38.** 301.45 (2) (e) of the statutes is created to read:

4 301.45 (2) (e) The person subject to sub. (1) shall provide the information
5 required under par. (d) in accordance with whichever of the following is applicable:

6 1. Within 10 days after the person being placed on parole, probation,
7 supervision, aftercare supervision, conditional release or supervised release.

8 2. If the person is on parole or probation from another state under s. 304.13 or
9 304.135, within 10 days after the person enters this state.

10 3. No later than 10 days before the person is terminated or discharged from a
11 commitment.

12 4. If the person is being released from prison because he or she has reached the
13 expiration date of his or her sentence, no later than 10 days before being released
14 from prison.

15 5. If subd. 1., 2., 3. or 4. does not apply, within 10 days after the person is
16 sentenced or receives a disposition.

17 **SECTION 39.** 301.45 (3) (a) 1m. of the statutes is created to read:

18 301.45 (3) (a) 1m. If the person is on parole or probation from another state
19 under s. 304.13 or 304.135, he or she is subject to this subsection upon entering this
20 state.

21 **SECTION 40.** 301.45 (3) (a) 2m. of the statutes is created to read:

22 301.45 (3) (a) 2m. If the person has been sentenced to prison and is being
23 released from prison because he or she has reached the expiration date of his or her
24 sentence, before being released from prison.

25 **SECTION 41.** 301.45 (3) (a) 3g. of the statutes is created to read:

1 301.45 (3) (a) 3g. If the person has been committed for specialized treatment
2 under ch. 975, he or she is subject to this subsection upon being released on parole
3 under s. 975.10 or, if he or she was not released on parole, before being discharged
4 from the commitment under s. 975.09 or 975.12.

5 **SECTION 42.** 301.45 (3) (a) 3r. of the statutes is created to read:

6 301.45 (3) (a) 3r. If the person has been committed under ch. 980, he or she is
7 subject to this subsection upon being placed on supervised release under s. 980.06
8 (2) or 980.08 or, if he or she was not placed on supervised release, before being
9 discharged under s. 980.09 or 980.10.

10 **SECTION 43.** 301.45 (3) (b) 1m. of the statutes is created to read:

11 301.45 (3) (b) 1m. A person who is subject to par. (a) because he or she is covered
12 under sub. (1) (dt) shall notify the department once each 90 days, as directed by the
13 department, of his or her current information specified in sub. (2) (a). Every 90 days,
14 the department shall notify registrants subject to this subdivision of their need to
15 comply with this requirement.

16 **SECTION 44.** 301.45 (3) (b) 3. of the statutes is created to read:

17 301.45 (3) (b) 3. The department of health and family services shall notify a
18 person who is being placed on conditional release, conditional transfer or parole, or
19 is being terminated or discharged from a commitment, under s. 51.20, 51.35 or
20 971.17 or ch. 975 or 980 and who is covered under sub. (1) of the need to comply with
21 this section.

22 **SECTION 45.** 301.45 (3) (b) 3m. of the statutes is created to read:

23 301.45 (3) (b) 3m. After notifying a person under subd. 2. or 3. of the need to
24 comply with this section, the person who is providing the notification shall require

1 the person who is covered under sub. (1) to read and sign a form stating that he or
2 she has been informed of the requirements of this section.

3 **SECTION 46.** 301.45 (4m) of the statutes is created to read:

4 301.45 (4m) TRANSMISSION OF INFORMATION. (a) When a person who is subject
5 to the requirements of this section registers under sub. (2), submits the information
6 required under sub. (3) (b) or updates information under sub. (4), the department
7 shall immediately enter the information into the transaction information for
8 management of enforcement system and shall notify the local law enforcement
9 agency having jurisdiction where the person is or will be residing.

10 (b) The department shall transmit the information specified in sub. (2) (a) 3.
11 and 6. b. to the federal bureau of investigation immediately after the department
12 obtains the information.

13 **SECTION 47.** 301.45 (4t) of the statutes is created to read:

14 301.45 (4t) INFORMATION CONCERNING A MOVE TO ANOTHER STATE. In addition to
15 the requirements under subs. (3) and (4), a person who is covered under sub. (1) and
16 who is changing his or her residence from this state to another state shall, no later
17 than 10 days before he or she moves out of this state, notify the department that he
18 or she is changing his or her residence from this state and inform the department of
19 the state to which he or she is moving his or her residence. Upon receiving
20 notification from a person under this subsection, the department shall inform the
21 person whether the state to which the person is moving has sex offender registration
22 requirements to which the person may be subject and, if so, the name of the agency
23 to contact in that state for information concerning those requirements.

24 **SECTION 48.** 301.45 (5) (a) 1m. of the statutes is created to read:

1 301.45 (5) (a) 1m. If the person is on parole or probation from another state
2 under s. 304.13 or 304.135, 15 years after discharge from that parole or probation.

3 **SECTION 49.** 301.45 (5) (a) 3m. of the statutes is created to read:

4 301.45 (5) (a) 3m. If the person has been committed for specialized treatment
5 under ch. 975, 15 years after discharge from the commitment under s. 975.09 or
6 975.12.

7 **SECTION 50.** 301.45 (5) (b) of the statutes is created to read:

8 301.45 (5) (b) A person who is covered under sub. (1) and who has been found
9 to be a sexually violent person under ch. 980 shall continue to comply with the
10 requirements of this section until the person is discharged under s. 980.09 or 980.10.

11 **SECTION 51.** 301.45 (6) (c) of the statutes is created to read:

12 301.45 (6) (c) Notwithstanding pars. (a) and (b), a person who first became
13 subject to subs. (2) to (4) under 1995 Wisconsin Act (this act) and who was in prison
14 or a secured correctional facility or a secured child caring institution, in institutional
15 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
16 supervision, conditional transfer or conditional release during the period beginning
17 on December 25, 1993, and ending on the day before the effective date of this
18 paragraph [revisor inserts date], shall be allowed until the first day of the 7th
19 month beginning after the effective date of this paragraph [revisor inserts date],
20 to comply with the requirements under subs. (2) to (4).

21 **SECTION 52.** 301.45 (7) (ag) and (ar) of the statutes are created to read:

22 301.45 (7) (ag) The department may release information from the registry
23 maintained under this section as follows:

- 24 1. To law enforcement agencies for law enforcement purposes.
25 2. To a governmental agency conducting confidential background checks.

1 (ar) 1. In this paragraph, “covered individual” means an individual who is
2 subject to sub. (1) for any of the following reasons:

3 a. He or she was convicted, adjudicated delinquent, found in need of protection
4 or services, found not guilty by reason of mental disease or defect or committed for
5 treatment under s. 51.20 for a violation committed on or after the effective date of
6 this subd.1. a. [revisor inserts date].

7 b. He or she is in prison, a secured correctional facility or a secured child caring
8 institution or in institutional care for a violation committed on or after the effective
9 date of this subd. 1. b. [revisor inserts date].

10 c. He or she is on probation, parole, supervision, aftercare supervision,
11 conditional transfer or conditional release for a violation committed on or after the
12 effective date of this subd. 1. c. [revisor inserts date].

13 d. He or she is in institutional care or on supervised release under ch. 980 after
14 being found to be a sexually violent person under ch. 980 based on a violation
15 committed on or after the effective date of this subd. 1. d. [revisor inserts date].

16 2. The department or, if authorized by the department, a local law enforcement
17 agency that receives information under this section may, in accordance with rules
18 promulgated under sub. (8), release relevant information from the registry
19 maintained under this section that relates to a covered individual if the information
20 is necessary to protect the public concerning the covered individual. The identity of
21 a victim of an offense that is the basis for registration under this section may not be
22 released under this subdivision.

23 **SECTION 53.** 301.45 (9) of the statutes is created to read:

1 301.45 (9) COOPERATION. The department of health and family services and all
2 circuit courts shall cooperate with the department of corrections in obtaining
3 information under this section.

4 **SECTION 54.** 301.45 (10) of the statutes is created to read:

5 301.45 (10) IMMUNITY. A person acting under this section is immune from civil
6 liability for any good faith act or omission in the performance of his or her powers and
7 duties under this section. The immunity under this subsection does not extend to a
8 person whose act or omission constitutes gross negligence or involves reckless,
9 wanton or intentional misconduct.

10 **SECTION 55.** 938.185 (3) of the statutes, as created by 1995 Wisconsin Act 77,
11 is amended to read:

12 938.185 (3) Venue for a proceeding under s. 938.12 or 938.13 (12) based on an
13 alleged violation of s. ~~175.45~~ 301.45 (6) may be in the juvenile's county of residence
14 at the time that the petition is filed or, if the juvenile does not have a county of
15 residence in this state at the time that the petition is filed, any county in which the
16 juvenile has resided while subject to s. ~~175.45~~ 301.45.

17 **SECTION 56.** 938.34 (15) (title) of the statutes, as created by 1995 Wisconsin Act
18 77, is amended to read:

19 938.34 (15) (title) DEOXYRIBONUCLEIC ACID ANALYSIS ~~AND~~ REPORTING
20 REQUIREMENTS.

21 **SECTION 57.** 938.34 (15) (a) 1. of the statutes, as created by 1995 Wisconsin Act
22 77, is amended to read:

23 938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a
24 violation of s. 940.225, 948.02 (1) or (2) or 948.025, the court shall require the juvenile
25 to provide a biological specimen to the state crime laboratories for deoxyribonucleic

1 acid analysis. ~~If the violation is of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025,~~
2 ~~the court shall require the juvenile to comply with the reporting requirements under~~
3 ~~s. 175.45. If the violation is of s. 940.225 (3) or (3m), the court may require the~~
4 ~~juvenile to comply with the reporting requirements under s. 175.45 if the court~~
5 ~~determines that the underlying conduct was seriously sexually assaultive in nature~~
6 ~~and that it would be in the interest of public protection to have the juvenile report~~
7 ~~under s. 175.45.~~

8 **SECTION 58.** 938.34 (15) (a) 2. of the statutes, as created by 1995 Wisconsin Act
9 77, is amended to read:

10 938.34 (15) (a) 2. Except as provided in subd. 1., if the juvenile is adjudicated
11 delinquent on the basis of any violation under ch. 940, 944 or 948 or ss. 943.01 to
12 943.15, the court may require the juvenile to provide a biological specimen to the
13 state crime laboratories for deoxyribonucleic acid analysis. ~~The court may require~~
14 ~~the juvenile to comply with the reporting requirements under s. 175.45 if the court~~
15 ~~determines that the underlying conduct was seriously sexually assaultive in nature~~
16 ~~and that it would be in the interest of public protection to have the juvenile report~~
17 ~~under s. 175.45.~~

18 **SECTION 59.** 938.34 (15m) of the statutes is created to read:

19 938.34 (15m) SEX OFFENDER REPORTING REQUIREMENTS. (a) If the child is
20 adjudicated delinquent on the basis of a violation, or the solicitation, conspiracy or
21 attempt to commit a violation, of s. 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),
22 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or
23 940.31 if the victim was a minor and the child was not the victim's parent, the court
24 shall require the person to comply with the reporting requirements under s. 301.45.

1 (b) Except as provided in par. (a), if the child is adjudicated delinquent on the
2 basis of any violation, or the solicitation, conspiracy or attempt to commit any
3 violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the
4 child to comply with the reporting requirements under s. 301.45 if the court
5 determines that the underlying conduct was sexually motivated, as defined in s.
6 980.01 (5), and that it would be in the interest of public protection to have the child
7 report under s. 301.45.

8 **SECTION 60.** 938.396 (2) (em) of the statutes is created to read:

9 938.396 (2) (em) Upon request of the department to review court records for
10 the purpose of obtaining information concerning a child required to register under
11 s. 301.45, the court shall open for inspection by authorized representatives of the
12 department the records of the court relating to any child who has been adjudicated
13 delinquent or found not responsible by reason of mental disease or defect for an
14 offense specified in s. 301.45 (1) (a). The department may disclose information that
15 it obtains under this paragraph as provided under s. 301.45 (7).

16 **SECTION 61.** 971.17 (1m) of the statutes is renumbered 971.17 (1m) (a) and
17 amended to read:

18 971.17 (1m) (a) If the defendant under sub. (1) is found not guilty by reason of
19 mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or
20 948.025, the court shall require the person to provide a biological specimen to the
21 state crime laboratories for deoxyribonucleic acid analysis ~~and to comply with the~~
22 ~~reporting requirements of s. 175.45.~~

23 **SECTION 62.** 971.17 (1m) (b) of the statutes is created to read:

24 971.17 (1m) (b) 1. If the defendant under sub. (1) is found not guilty by reason
25 of mental disease or defect for a violation, or for the solicitation, conspiracy or

1 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
2 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s.
3 940.30 or 940.31 if the victim was a minor and the defendant was not the victim's
4 parent, the court shall require the defendant to comply with the reporting
5 requirements under s. 301.45.

6 2. Except as provided in subd. 1., if the defendant under sub. (1) is found not
7 guilty by reason of mental disease or defect for any violation, or for the solicitation,
8 conspiracy or attempt to commit any violation, of ch. 940, 944 or 948 or ss. 943.01 to
9 943.15, the court may require the defendant to comply with the reporting
10 requirements under s. 301.45 if the court determines that the underlying conduct
11 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
12 of public protection to have the defendant report under s. 301.45.

13 **SECTION 63.** 971.19 (9) of the statutes is amended to read:

14 971.19 (9) In an action under s. ~~175.45~~ 301.45 (6), the defendant may be tried
15 in the defendant's county of residence at the time that the complaint is filed or, if the
16 defendant does not have a county of residence in this state at the time that the
17 complaint is filed, any county in which he or she has resided while subject to s. ~~175.45~~
18 301.45.

19 **SECTION 64.** 973.047 (title) of the statutes is amended to read:

20 **973.047** (title) **Deoxyribonucleic acid analysis and reporting**
21 **requirements.**

22 **SECTION 65.** 973.047 (1) (a) of the statutes is amended to read:

23 973.047 (1) (a) If a court imposes a sentence or places a person on probation for
24 a violation of s. 940.225, 948.02 (1) or (2) or 948.025, the court shall require the person
25 to provide a biological specimen to the state crime laboratories for deoxyribonucleic

1 acid analysis. ~~If the violation is of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025,~~
2 ~~the court shall require the person to comply with the reporting requirements under~~
3 ~~s. 175.45. If the violation is of s. 940.225 (3) or (3m), the court may require the person~~
4 ~~to comply with the reporting requirements under s. 175.45 if the court determines~~
5 ~~that the underlying conduct was seriously sexually assaultive in nature and that it~~
6 ~~would be in the interest of public protection to have the person report under s. 175.45.~~

7 **SECTION 66.** 973.047 (1) (b) of the statutes is amended to read:

8 973.047 (1) (b) Except as provided in par. (a), if a court imposes a sentence or
9 places a person on probation for any violation under ~~chs. ch.~~ 940, 944 or 948 or ss.
10 943.01 to 943.15, the court may require the person to provide a biological specimen
11 to the state crime laboratories for deoxyribonucleic acid analysis. ~~The court may~~
12 ~~require the person to comply with the reporting requirements under s. 175.45 if the~~
13 ~~court determines that the underlying conduct was seriously sexually assaultive in~~
14 ~~nature and that it would be in the interest of public protection to have the person~~
15 ~~report under s. 175.45.~~

16 **SECTION 67.** 973.048 of the statutes is created to read:

17 **973.048 Sex offender reporting requirements.** (1) If a court imposes a
18 sentence or places a person on probation for a violation, or for the solicitation,
19 conspiracy or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3),
20 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or
21 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
22 victim's parent, the court shall require the person to comply with the reporting
23 requirements under s. 301.45.

24 (2) Except as provided in sub. (1), if a court imposes a sentence or places a
25 person on probation for any violation, or for the solicitation, conspiracy or attempt

1 to commit any violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court
2 may require the person to comply with the reporting requirements under s. 301.45
3 if the court determines that the underlying conduct was sexually motivated, as
4 defined in s. 980.01 (5), and that it would be in the interest of public protection to have
5 the person report under s. 301.45.

6 **SECTION 68. Nonstatutory provisions.**

7 (1) TRANSFER OF SEX OFFENDER REGISTRATION RESPONSIBILITIES TO THE
8 DEPARTMENT OF CORRECTIONS.

9 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets
10 and liabilities of the department of justice that are primarily related to the
11 administration by the department of sex offender registration under section 175.45,
12 1993 stats., as determined by the secretary of administration, shall become the
13 assets and liabilities of the department of corrections.

14 (b) *Tangible personal property.* On the effective date of this paragraph, the
15 tangible personal property, including records, of the department of justice that is
16 primarily related to the administration by the department of sex offender
17 registration under section 175.45, 1993 stats., as determined by the secretary of
18 administration, is transferred to the department of corrections.

19 (c) *Rules.* All rules promulgated by the department of justice that are
20 primarily related to the administration by the department of sex offender
21 registration under section 175.45, 1993 stats., and that are in effect on the effective
22 date of this paragraph remain in effect until their specified expiration date or until
23 amended or repealed by the department of corrections.

24 **SECTION 69. Appropriation changes.**

1 (1) APPROPRIATION INCREASE; CORRECTIONS. In the schedule under section 20.005
2 (3) of the statutes for the appropriation to the department of corrections under
3 section 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount
4 is increased by \$25,400 for fiscal year 1996-97 to increase the authorized FTE
5 positions for the department by 1.5 GPR positions on March 1, 1997, for the
6 performance of duties relating to sex offender registration.

7 **SECTION 70. Effective dates.** This act takes effect on June 1, 1997, except
8 as follows:

9 (1) SECTION 69 of this act takes effect on the day after publication.

10

(END)