



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 52 [2003 Assembly Bill 59]	Name Changes by Registered Sex Offenders
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 52 prohibits a sex offender who is registered with the Department of Corrections (DOC) from:

1. Changing his or her name.
2. Identifying himself or herself by a name other than one by which he or she is identified with the DOC.

The DOC is required to make a reasonable attempt to notify registered sex offenders of the new prohibitions, but neither the department's failure to make an attempt nor the department's failure to notify is a defense to a prosecution for violating the prohibitions.

Act 52 generally imposes a Class H felony for violation of the name change or use of different name prohibitions (\$10,000 maximum fine, six years maximum imprisonment, or both). However, the penalty for a first violation of the prohibitions is a misdemeanor if, for specified situations, the person was ordered to register as a sex offender based on committing a misdemeanor.* If the misdemeanor penalty applies, the maximum fine is \$10,000 and maximum imprisonment is nine months.

Effective Date: The Act takes effect on September 5, 2003.

Prepared by: Don Dyke, Senior Staff Attorney

September 3, 2003

* A court has discretion to require a person who has violated certain statutes to register as a sex offender if the court finds the underlying conduct was sexually motivated and it is in the interest of public safety to require registration. Sections 51.20 (13) (ct) 1m., 938.34 (15m) (am), 938.345 (3), 971.17 (1m) (b) 1m., and 973.048 (1m), Stats. This discretionary authority applies to violations of chs. 940 (crimes against life and bodily security), 944 (crimes against sexual morality), and 948 (crimes against children), and ss. 943.01 to 943.15 (certain crimes against property).

Under the Act, if a court exercising this discretionary authority orders a person to register as a sex offender where the underlying violation was a misdemeanor, a first violation of the Act's prohibitions is a misdemeanor. There may be additional situations, not addressed by the Act, where a sex offender is required to register in connection with the commission of an underlying misdemeanor, e.g., an offender registered in another state who moves into this state or who has committed a sex offense comparable to a "sex offense" under Wisconsin law (although note that all the latter are felonies under Wisconsin law).

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.