



1997 ASSEMBLY BILL 865

March 2, 1998 – Introduced by Representatives SKINDRUD, HAHN, KELSO, SPILLNER and SCHAFER, cosponsored by Senator DARLING. Referred to Committee on Judiciary.

1 **AN ACT to repeal** 301.45 (6) (b), 301.46 (3) (e), 301.46 (4) (b) 1., 301.46 (4) (b) 2.,
2 301.46 (4) (b) 3., 301.46 (4) (b) 4. and 301.46 (5) (b); **to renumber and amend**
3 301.46 (4) (b) (intro.); **to amend** 301.45 (6) (c), 301.45 (7) (a), 301.46 (2) (e),
4 301.46 (2m) (c), 301.46 (3) (c), 301.46 (5) (a) (intro.) and 301.46 (6) (a); and **to**
5 **create** 301.46 (5m) of the statutes; **relating to:** access to information
6 concerning registered sex offenders.

Analysis by the Legislative Reference Bureau

Under current law, a person must register as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect or adjudicated delinquent on the basis of certain sex offenses. The department of corrections (DOC) must maintain a registry of sex offenders that contains specified information concerning persons required to register as a sex offender.

Generally, the information in the sex offender registry is confidential. However, DOC or other state agencies that have custody or control of a sex offender may release information from the registry to local law enforcement agencies and victims. DOC or other state agencies also may, upon request, release certain information to specified community organizations and the general public. In addition, if a local law enforcement agency believes that it is necessary to protect the public, it may provide to community organizations or members of the general public information that it has received from DOC or another state agency.

This bill eliminates the general requirement that the information in the sex offender registry be kept confidential and provides that all information, other than information concerning juveniles who are required to register and information about juvenile adjudications of adults who are required to register, may be released from the registry to community organizations and the general public.

In addition, the bill requires DOC to provide access through a World Wide Web or other Internet site or area to the information in the sex offender registry concerning all sex offenders required to register, except for information concerning juveniles who are required to register and information about juvenile adjudications of adults who are required to register.

Finally, the bill requires DOC to study several issues relating to the dissemination of information concerning sex offenders. As part of the study, DOC must: 1) evaluate the feasibility of using methods other than those provided under current law and the bill to disseminate information concerning sex offenders; 2) develop ways to publicize the availability of and methods for obtaining information concerning sex offenders; and 3) develop a method for gathering information from the sex offender registries of other states.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 301.45 (6) (b) of the statutes, as affected by 1995 Wisconsin Act 440,
2 is repealed.

3 **SECTION 2.** 301.45 (6) (c) of the statutes, as created by 1995 Wisconsin Act 440,
4 is amended to read:

5 301.45 **(6)** (c) Notwithstanding ~~pars. par.~~ (a) and ~~(b)~~, a person who first became
6 subject to subs. (2) to (4) under 1995 Wisconsin Act 440 and who was in prison or a
7 secured correctional facility or a secured child caring institution, in institutional
8 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
9 supervision, conditional transfer or conditional release during the period beginning
10 on December 25, 1993, and ending on May 30, 1997, shall be allowed until January
11 1, 1998, to comply with the requirements under subs. (2) to (4).

12 **SECTION 3.** 301.45 (7) (a) of the statutes, as affected by 1995 Wisconsin Act 440,
13 is amended to read:

1 301.45 (7) (a) The department shall maintain information provided under sub.
2 (2). The department shall ~~keep the information confidential except~~ allow access to
3 the information maintained under this section as provided in s. 301.46 ~~and~~, except
4 as that the department may provide access to the information in other ways if needed
5 for law enforcement purposes.

6 **SECTION 4.** 301.46 (2) (e) of the statutes, as affected by 1997 Wisconsin Act 6,
7 is amended to read:

8 301.46 (2) (e) A police chief or sheriff may, without waiting for a request for the
9 information, provide any of the information to which he or she has access under this
10 subsection, other than information specified in subs. (4) (ag) and (5) (c), to an entity
11 in the police chief's community or the sheriff's county that is entitled to request
12 information under sub. (4), ~~to any person requesting information under sub. (5) or~~
13 to members of the general public if, in the opinion of the police chief or sheriff,
14 providing that information is necessary to protect the public.

15 **SECTION 5.** 301.46 (2m) (c) of the statutes, as affected by 1997 Wisconsin Act
16 6, is amended to read:

17 301.46 (2m) (c) A police chief or sheriff who receives a bulletin under this
18 subsection may, without waiting for a request for the information, provide any of the
19 information in the bulletin, other than information specified in subs. (4) (ag) and (5)
20 (c), to an entity in the police chief's community or the sheriff's county that is entitled
21 to request information under sub. (4), ~~to any person requesting information under~~
22 ~~sub. (5) or~~ to members of the general public if, in the opinion of the police chief or
23 sheriff, providing that information is necessary to protect the public.

24 **SECTION 6.** 301.46 (3) (c) of the statutes, as created by 1995 Wisconsin Act 440,
25 is amended to read:

1 301.46 (3) (c) The notice under par. (b) shall be a written notice to the victim
2 or member of the victim's family that the person required to register under s. 301.45
3 and specified in the information provided under par. (d) has been registered or, if
4 applicable, has provided the department with updated information under s. 301.45
5 (4). The notice shall contain the information specified in sub. (2) (b) ~~1., 5., 6., 7. and~~
6 ~~10.~~ or, if applicable, the updated information.

7 **SECTION 7.** 301.46 (3) (e) of the statutes, as created by 1995 Wisconsin Act 440,
8 is repealed.

9 **SECTION 8.** 301.46 (4) (b) (intro.) of the statutes, as created by 1995 Wisconsin
10 Act 440, is renumbered 301.46 (4) (b) and amended to read:

11 301.46 (4) (b) In response to a request under par. (a), the department shall,
12 subject to par. (ag), provide all of the following information: specified in sub. (2) (b)
13 concerning a person required to register under s. 301.45.

14 **SECTION 9.** 301.46 (4) (b) 1. of the statutes, as created by 1995 Wisconsin Act
15 440, is repealed.

16 **SECTION 10.** 301.46 (4) (b) 2. of the statutes, as created by 1995 Wisconsin Act
17 440, is repealed.

18 **SECTION 11.** 301.46 (4) (b) 3. of the statutes, as created by 1995 Wisconsin Act
19 440, is repealed.

20 **SECTION 12.** 301.46 (4) (b) 4. of the statutes, as created by 1995 Wisconsin Act
21 440, is repealed.

22 **SECTION 13.** 301.46 (5) (a) (intro.) of the statutes, as created by 1995 Wisconsin
23 Act 440, is amended to read:

24 301.46 (5) (a) (intro.) The Subject to par. (c), the department or a police chief
25 or sheriff may provide the information specified in ~~par.~~ sub. (2) (b) concerning a

1 specific person required to register under s. 301.45 to a person who is not provided
2 notice or access under subs. (2) to (4) if, in the opinion of the department or the police
3 chief or sheriff, providing the information is necessary to protect the public and if the
4 person requesting the information does all of the following:

5 **SECTION 14.** 301.46 (5) (b) of the statutes, as affected by 1995 Wisconsin Act 440
6 and 1997 Wisconsin Act 6, is repealed.

7 **SECTION 15.** 301.46 (5m) of the statutes is created to read:

8 301.46 **(5m)** INTERNET ACCESS TO INFORMATION. (a) No later than the first day
9 of the 7th month beginning after the effective date of this paragraph ... [revisor
10 inserts date], the department shall do all of the following:

11 1. Subject to par. (b), establish a computerized record of the information that
12 is specified in sub. (2) (b) for all persons required to register under s. 301.45 and
13 update the computerized record as necessary with information provided under s.
14 301.45 (3) (b) and (4).

15 2. Create and maintain a World Wide Web or other Internet site or area through
16 which users of the Internet may have access to the computerized record under subd.
17 1.

18 (b) The department may not include any of the following information on the
19 computerized record under par. (a) 1.:

20 1. Any information concerning a child who is required to register under s.
21 301.45.

22 2. If the person required to register under s. 301.45 is an adult, any information
23 concerning a juvenile proceeding in which the person was involved.

24 (c) In addition to providing the information specified in sub. (2) (b) concerning
25 persons required to register under s. 301.45, the World Wide Web or Internet site or

1 area under par. (a) 2. shall display a recent picture of a person required to register
2 under s. 301.45 if such a picture is available to the department.

3 (d) The department may not charge a fee for providing access to the World Wide
4 Web or Internet site or area under par. (a) 2.

5 **SECTION 16.** 301.46 (6) (a) of the statutes, as created by 1995 Wisconsin Act 440,
6 is amended to read:

7 301.46 (6) (a) Except as provided in par. (b), the department or an agency with
8 jurisdiction may provide notice of or access to information under subs. (2) to ~~(5)~~ (5m)
9 concerning a person registered under s. 301.45 only during the period under s. 301.45
10 (5) for which the person is required to comply with s. 301.45.

11 **SECTION 17. Nonstatutory provisions.**

12 (1) STUDY OF METHODS OF DISSEMINATING SEX OFFENDER REGISTRY INFORMATION.

13 (a) The department of corrections shall conduct a study concerning the
14 dissemination of information concerning sex offenders. The study shall do all of the
15 following:

16 1. Evaluate the feasibility of using methods other than those provided under
17 section 301.46 of the statutes to disseminate information concerning persons
18 required to register as a sex offender that is maintained under section 301.45 of the
19 statutes, including the feasibility of placing the information on compact disks for use
20 in personal computers and distributing the compact disks to public libraries, schools
21 and interested members of the general public.

22 2. Develop ways to publicize the availability of and methods for obtaining
23 information concerning sex offenders.

24 3. Develop a method for gathering information from the sex offender registries
25 of other states.

1 (b) No later than the first day of the 13th month beginning after the effective
2 date of this paragraph, the department of corrections shall submit a report
3 concerning the study conducted under paragraph (a) to the legislature in the manner
4 provided under section 13.172 (2) of the statutes. The report shall include the
5 findings and recommendations of the study and proposals for legislation necessary
6 to implement the recommendations made by the department in its report.

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(END)