



1997 ASSEMBLY BILL 917

March 17, 1998 – Introduced by Representatives WIECKERT and GREEN. Referred to Committee on Judiciary.

1 **AN ACT** *to renumber* 301.45 (6) (b); *to renumber and amend* 301.45 (4) and
2 301.45 (6) (a); *to amend* 301.45 (2) (e) 1., 301.45 (2) (e) 2., 301.45 (2) (e) 5. and
3 301.45 (6) (c); and *to create* 301.45 (2) (e) 1m., 301.45 (4) (b), 301.45 (4r) and
4 301.45 (6) (a) 1. and 2. of the statutes; **relating to:** sex offender registration of
5 certain persons who are on probation or parole and providing a penalty.

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 sex offender registry is maintained by the department of corrections (DOC). A person who is required to register as a sex offender or an agency that has supervision over the person (either DOC or the department of health and family services) must provide specific information for the registry within a certain period of time, depending on the person's status. The information that must be provided includes information concerning the person's offense, the person's address and place of employment and the make, model and license number of the person's motor vehicle. The person must also provide updated information if the information changes.

This bill makes the following changes in current law relating to providing information for the sex offender registry:

1. If a person who is required to register is being released from a prison sentence and is being placed on parole, the person or the agency supervising the person shall provide information for the registry before the person is released. Currently, information concerning a person being placed on parole must be provided within 10 days after the person is released.

2. If a person who is required to register is on probation or parole from another state, the person or the agency supervising the person shall provide information for

the registry before the person enters this state. Currently, information concerning a person who is on probation or parole from another state must be provided within 10 days after the person enters this state.

3. If the address of a parolee who is registered as a sex offender will be changing, the parolee must provide DOC with his or her new address before the change in address occurs. Currently, if there is a change in any of the information provided to DOC for the sex offender registry, the person must provide DOC with the updated information within 10 days after the change occurs.

In addition, the bill prohibits a parolee who is required to register as a sex offender from establishing a residence or changing his or her residence unless he or she has registered, as required, with DOC and, if the person is changing residence, has provided DOC with updated information concerning his or her new residence. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

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 (2) (e) 1. of the statutes, as created by 1995 Wisconsin Act
2 440, is amended to read:

3 301.45 (2) (e) 1. Within 10 days after the person being is placed on parole,
4 probation, supervision, aftercare supervision, conditional release or supervised
5 release.

6 **SECTION 2.** 301.45 (2) (e) 1m. of the statutes is created to read:

7 301.45 (2) (e) 1m. If the person is being released from a prison sentence and
8 placed on parole, before he or she is released.

9 **SECTION 3.** 301.45 (2) (e) 2. of the statutes, as created by 1995 Wisconsin Act
10 440, is amended to read:

11 301.45 (2) (e) 2. If the person is on parole or probation from another state under
12 s. 304.13 or 304.135, ~~within 10 days after~~ before the person enters this state.

1 **SECTION 4.** 301.45 (2) (e) 5. of the statutes, as created by 1995 Wisconsin Act
2 440, is amended to read:

3 301.45 (2) (e) 5. If subd. 1., 1m., 2., 3. or 4. does not apply, within 10 days after
4 the person is sentenced or receives a disposition.

5 **SECTION 5.** 301.45 (4) of the statutes, as affected by 1995 Wisconsin Act 440,
6 is renumbered 301.45 (4) (intro.) and amended to read:

7 301.45 (4) UPDATED INFORMATION. (intro.) In addition to the requirements
8 under sub. (3), whenever a person who is covered under sub. (1) shall update
9 information under sub. (2) (a) as follows:

10 (a) Except as provided in par. (b), whenever any of the information under sub.
11 (2) (a) changes, the person shall provide the department with the updated
12 information within 10 days after the change occurs.

13 **SECTION 6.** 301.45 (4) (b) of the statutes is created to read:

14 301.45 (4) (b) If the person is on parole and any of the information under sub.
15 (2) (a) 5. will be changing, the person shall provide the department with the updated
16 information before the change in his or her address occurs.

17 **SECTION 7.** 301.45 (4r) of the statutes is created to read:

18 301.45 (4r) RESTRICTION ON PAROLEES ESTABLISHING OR CHANGING RESIDENCE. No
19 person covered under sub. (1) who is on parole may establish a residence or change
20 his or her residence unless he or she has complied with all of the applicable
21 requirements of subs. (2) (e), (3) (b) and (4) (b).

22 **SECTION 8.** 301.45 (6) (a) of the statutes, as affected by 1995 Wisconsin Act 440,
23 is renumbered 301.45 (6) (a) (intro.) and amended to read:

24 301.45 (6) (a) (intro.) ~~Whoever intentionally fails to comply with any~~
25 ~~requirement to provide information under subs. (2) to (4)~~ does any of the following

1 may be fined not more than \$10,000 or imprisoned for not more than 9 months or
2 both.:

3 (bm) Subject to s. 971.19 (9), a district attorney or, upon the request of a district
4 attorney, the department of justice may prosecute a violation of this subsection. If
5 the department of corrections determines that there is probable cause to believe that
6 a person has intentionally failed to comply with any requirement to provide
7 information under subs. (2) to (4) or has intentionally violated sub. (4r), the
8 department shall forward a certified copy of all pertinent departmental information
9 to the applicable district attorney. The department shall certify the copy in
10 accordance with s. 889.08.

11 **SECTION 9.** 301.45 (6) (a) 1. and 2. of the statutes are created to read:

12 301.45 **(6)** (a) 1. Intentionally fails to comply with any requirement to provide
13 information under subs. (2) to (4).

14 2. Intentionally violates sub. (4r).

15 **SECTION 10.** 301.45 (6) (b) of the statutes, as affected by 1995 Wisconsin Act
16 440, is renumbered 301.45 (6) (am).

17 **SECTION 11.** 301.45 (6) (c) of the statutes, as affected by 1997 Wisconsin Act 35,
18 is amended to read:

19 301.45 **(6)** (c) Notwithstanding pars. (a) and ~~(b)~~ (am), a person who first became
20 subject to subs. (2) to (4) under 1995 Wisconsin Act 440 and who was in prison or a
21 secured correctional facility or a secured child caring institution, in institutional
22 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
23 supervision, conditional transfer or conditional release during the period beginning
24 on December 25, 1993, and ending on May 31, 1997, shall be allowed until January
25 1, 1998, to comply with the requirements under subs. (2) to (4).

