



2005 ASSEMBLY BILL 535

July 7, 2005 – Introduced by Representatives SHERMAN, STONE, HUBLER, BERCEAU, BIES, CULLEN, FIELDS, FREESE, GUNDRUM, JENSEN, LEHMAN, LOTHIAN, MCCORMICK, MURSAU, MUSSER, NISCHKE, PARISI, PETROWSKI, POPE-ROBERTS, PRIDEMORE, SHERIDAN, SHILLING, SINICKI, SUDER, VAN AKKEREN, VRAKAS, VRUWINK, VUKMIR and ZEPNICK, cosponsored by Senators DARLING, BRESKE, ERPENBACH, GROTHMAN, HANSEN, A. LASEE, LEIBHAM, OLSEN and ROESSLER. Referred to Committee on Education.

1 **AN ACT** *to amend* 301.46 (5n) (a) and 301.46 (5n) (b); and *to create* 301.46 (3m)
2 of the statutes; **relating to:** school district and private school access to
3 information concerning individuals registered as sex offenders.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, a person must register with the Department of Corrections (DOC) 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 contains specific information about a person required to register, such as the person's name, appearance, offense, address, and place of employment and any school in which the person is enrolled. A person registered as a sex offender must also periodically provide updated information to DOC if the information originally provided to the registry changes.

The information in the sex offender registry is generally confidential, but when a person first registers as a sex offender or when a registered sex offender updates information in the registry, DOC must make the information available to the police chief of any community or the sheriff of any county in which the person is residing, employed, or attending school. A police chief or sheriff may in turn provide that information, other than information concerning juveniles who are required to register or concerning juvenile adjudications for sex offenses, to certain organizations (including schools), individuals, and the general public if the police chief or sheriff determines that doing so is necessary to protect the public. In

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addition, organizations may request information regarding specific registrants from DOC, and individuals may request that information from either DOC or a police chief or sheriff.

This bill requires DOC to make information in the sex offender registry available to the school board of the school district in which a registered sex offender is residing, employed, or attending school and to the governing body of any private school located in that school district when the registered sex offender first registers and when the registered sex offender updates information in the registry. The bill also requires DOC to make available to that school board and governing body at those times information concerning whether there are any restrictions on the registered sex offender's contact with children and, if so, the nature of those restrictions. In addition, the bill permits a school board or governing body of a private school to request from DOC information regarding specific registrants. The bill requires a school board or governing body of a private school that obtains information under the bill to keep the information confidential, except that the bill requires the school board or governing body to provide that information to employees of the school district or private school who have been determined by the school board or governing body to have legitimate educational interests, including safety interests, in the information. Finally, under the bill, an employee to whom that information is disclosed may not further disclose the information.

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.** 301.46 (3m) of the statutes is created to read:

2 **301.46 (3m) NOTIFICATION OF SCHOOL DISTRICTS AND PRIVATE SCHOOLS.** (a) When
3 a person is registered under s. 301.45 (2), when a person informs the department of
4 a change in information under s. 301.45 (4), or when there is a change in the
5 information specified in par. (b), the department shall immediately make the
6 information specified in par. (b) and sub. (2) (b) available to the school board of the
7 the school district in which the person is residing, is employed, or is attending school,
8 and to the governing body of any private school that is located in that school district,
9 or to a designee of the school board or governing body. The department shall make

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1 information available under this paragraph by electronic mail, facsimile
2 transmission, or telephone.

3 (b) In addition to the information specified in sub. (2) (b), the department shall
4 make available under par. (a) information concerning whether there are any
5 restrictions on the person's contact with children and, if so, the nature of those
6 restrictions.

7 (c) In addition to having access to information under par. (a), a school board,
8 governing body of a private school, or designee of a school board or governing body
9 of a private school may request that the department provide the school board,
10 governing body, or designee with information concerning any person registered
11 under s. 301.45, other than information specified in sub. (4) (ag).

12 (d) A school board, governing body of a private school, or designee of a school
13 board or governing body of a private school that obtains information under par. (a)
14 or (c) shall keep the information confidential, except that the school board, governing
15 body, or designee shall provide the information to employees of the school district or
16 private school who have been determined by the school board, governing body, or
17 designee to have legitimate educational interests, including safety interests, in the
18 information. A school district or private school employee to whom information is
19 disclosed under this paragraph may not further disclose the information.

20 **SECTION 2.** 301.46 (5n) (a) of the statutes is amended to read:

21 301.46 (5n) (a) ~~No later than June 1, 2001, the~~ The department shall provide
22 access to information concerning persons registered under s. 301.45 by creating and
23 maintaining an Internet site and by any other means that the department
24 determines is appropriate. The information provided through the Internet site shall
25 be organized in a manner that allows a person using the Internet site to obtain the

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1 information that the department is required to provide the person under sub. (2),
2 (2m), (3), (3m), (4), or (5) and other information that the department determines is
3 necessary to protect the public. The department shall keep the information provided
4 on the Internet site and in other means used to allow access to the information secure
5 against unauthorized alteration.

6 **SECTION 3.** 301.46 (5n) (b) of the statutes is amended to read:

7 301.46 **(5n)** (b) For Internet access provided to law enforcement agencies,
8 school boards, governing bodies of private schools, or designees of those school boards
9 or governing bodies under this subsection, the department shall provide the means
10 for ~~a~~ the law enforcement agency, school board, governing body, or designee to easily
11 identify changes that have occurred in the residence, employment, or place of school
12 attendance of a person registered under s. 301.45.

13 **SECTION 4. Effective date.**

14 (1) SCHOOL DISTRICT AND PRIVATE SCHOOL ACCESS TO INFORMATION CONCERNING
15 REGISTERED SEX OFFENDERS. This act takes effect on the first day of the 6th month
16 beginning after publication.

17 (END)