

1 **AN ACT** *to amend* 301.46 (2) (c), 301.46 (2) (d), 301.46 (2m) (a), 301.46 (2m) (am)
 2 and 301.46 (2m) (b) (intro.) and 2.; and *to create* 301.46 (1) (am) and 301.46 (2)
 3 (am) of the statutes; **relating to:** providing sex offender registry information to the
 4 director of security of a postsecondary educational institution in a community where
 5 a sex offender is residing, is employed, or is attending school.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Placement of Sex Offenders.

Under current law, when a person is registered as a sex offender with the department of corrections (DOC), DOC must immediately make specified information available to the police chief of any community and the sheriff of any county in which the person is residing, is employed, or is attending school. DOC must make the information available through a direct electronic data transfer system. Also under current law, DOC is required to provide the police chief of any community and the sheriff of any county in which the person is residing, is employed, or is attending school with special bulletin notices relating to certain sex offenders and may provide special bulletin notice concerning any sex offender.

The bill draft requires DOC to make this information available to the director of security for any postsecondary educational institution in the community in which the person is residing, is employed, or is attending school. Postsecondary educational institution is defined as a public or private college or university, or a vocational or technical institution or school.

However, under the bill draft, DOC may not provide information to the director of security for a postsecondary educational institution that relates to a child who is registered as a sex offender or that relates to a juvenile delinquency adjudication for a sex offense.

6 **SECTION 1.** 301.46 (1) (am) of the statutes is created to read:

1 301.46 (1) (am) “Postsecondary educational institution” means a public or private
2 college or university, or a vocational or technical institution or school.

NOTE: Creates a definition of “postsecondary educational institution” for purposes of providing sex offender registry information to the director of security for any postsecondary institution.

COMMENT: Should vocational and technical institutions and schools be included in this definition?

3 **SECTION 2.** 301.46 (2) (am) of the statutes is created to read:

4 301.46 (2) (am) When a person is registered with the department under s. 301.45 (2),
5 the department shall immediately make the information specified in par. (b) available to the
6 director of security for any postsecondary educational institution in the community in which
7 the person is residing, is employed, or is attending school, except that the department may not
8 provide any of the information under sub. (5) (c). The department shall make information
9 available under this paragraph through a direct electronic data transfer system.

NOTE: Provides that when a person is registered as a sex offender, DOC must immediately make information, currently available to law enforcement, concerning the sex offender available to the director of security for any postsecondary educational institution in the community in which the person is residing, is employed, or is attending school, except that DOC may not provide any information concerning a registered sex offender who is a child or any information concerning a juvenile proceeding in which the registered sex offender was involved.

COMMENT: Is “director of security” the appropriate phrase to use?

10 **SECTION 3.** 301.46 (2) (c) of the statutes is amended to read:

11 301.46 (2) (c) When a person who is registered under s. 301.45 (2) updates information
12 under s. 301.45 (4), the department shall immediately make the updated information available
13 to the police chief of any community ~~and, the sheriff of any county, and the director of security~~
14 for any postsecondary educational institution in the community in which the person is
15 residing, is employed or is attending school, ~~except that the department may not provide any~~

1 of the information under sub. (5) (c) to a director of security for a postsecondary educational
2 institution. The department shall make the updated information available under this
3 paragraph through a direct electronic data transfer system.

NOTE: Requires DOC to provide the director of security for any postsecondary educational institution with updated sex offender registry information.

4 **SECTION 4.** 301.46 (2) (d) of the statutes is amended to read:

5 301.46 (2) (d) In addition to having access to information under pars. (a), (am), and (c),
6 a police chief ~~or~~, sheriff, or director of security for any postsecondary educational institution
7 may request that the department provide the police chief ~~or~~, sheriff, or director of security with
8 information concerning any person registered under s. 301.45, except that the department may
9 not provide any of the information under sub. (5) (c) to a director of security for a
10 postsecondary educational institution.

NOTE: Permits a director of security for a postsecondary educational institution to request information concerning any person registered as a sex offender and permits DOC to provide that information, except that DOC may not provide any information concerning a registered sex offender who is a child or any information concerning a juvenile proceeding in which the registered sex offender was involved.

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

12 301.46 (2m) (a) If an agency with jurisdiction confines a person under s. 301.046,
13 provides a person entering the intensive sanctions program under s. 301.048 with a sanction
14 other than a placement in a Type 1 prison or a jail, or releases a person from confinement in
15 a state correctional institution or institutional care, and the person has, on one occasion only,
16 been convicted or found not guilty or not responsible by reason of mental disease or defect
17 for a sex offense or for a violation of a law of this state that is comparable to a sex offense, the
18 agency with jurisdiction may notify the police chief of any community ~~and~~, the sheriff of any

1 county, and the director of security for any postsecondary educational institution in the
2 community in which the person will be residing, employed or attending school if the agency
3 with jurisdiction determines that such notification is necessary to protect the public, except
4 that the department may not provide any of the information under sub. (5) (c) to a director of
5 security for a postsecondary educational institution. Notification under this paragraph may
6 be in addition to providing access to information under sub. (2) or to any other notification that
7 an agency with jurisdiction is authorized to provide.

8 **SECTION 6.** 301.46 (2m) (am) of the statutes is amended to read:

9 301.46 **(2m)** (am) If an agency with jurisdiction confines a person under s. 301.046,
10 provides a person entering the intensive sanctions program under s. 301.048 with a sanction
11 other than a placement in a Type 1 prison or a jail, or releases a person from confinement in
12 a state correctional institution or institutional care, and the person has been found to be a
13 sexually violent person under ch. 980 or has, on 2 or more separate occasions, been convicted
14 or found not guilty or not responsible by reason of mental disease or defect for a sex offense
15 or for a violation of a law of this state that is comparable to a sex offense, the agency with
16 jurisdiction shall notify the police chief of any community ~~and~~, the sheriff of any county, and
17 the director of security for any postsecondary educational institution in the community in
18 which the person will be residing, employed or attending school, except that the department
19 may not provide any of the information under sub. (5) (c) to a director of security for a
20 postsecondary educational institution. Notification under this paragraph shall be in addition
21 to providing access to information under sub. (2) and to any other notification that an agency
22 with jurisdiction is authorized to provide.

23 **SECTION 7.** 301.46 (2m) (b) (intro.) and 2. of the statutes are amended to read:

1 301.46 (2m) (b) (intro.) The notification under par. (a) or (am) shall be in the form of
2 a written bulletin to the police chief ~~or~~, sheriff, or director of security that contains all of the
3 following:

NOTE: Requires DOC to provide special bulletin notices to directors of security for postsecondary educational institutions, except that DOC may not provide any information concerning a registered sex offender who is a child or any information concerning a juvenile proceeding in which the registered sex offender was involved.

4 2. Any other information that the agency with jurisdiction determines is necessary to
5 assist law enforcement officers and security of a postsecondary educational institution or to
6 protect the public. Information under this subdivision may include a photograph of the person,
7 other identifying information and a description of the person's patterns of violation.

NOTE: Permits DOC to provide information in addition to the special bulletin notice if DOC determines it is necessary to assist security of a postsecondary educational institution.

COMMENT: Under current law, a police chief or sheriff may provide any of the information to which he or she has access or information in a special bulletin received to an entity in the police chief's community or the sheriff's county that is entitled to request information under current law, to any person requesting information, or to members of the general public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public. This bill draft does not give the same authority to directors of security for postsecondary educational institutions. Should they have that authority?

8

(END)