

1       **AN ACT** *to amend* 51.30 (4) (b) 16., 301.45 (3) (title) and (a) (intro.), 301.45 (3) (b)  
2           1., 301.45 (3) (b) 1m., 301.46 (2) (c), 301.46 (2) (d), 301.46 (2m) (a), 301.46 (2m)  
3           (am), 301.46 (2m) (b) (intro.) and 2., 301.46 (5) (bm) 2. and 301.46 (5n) (a); and **to**  
4           **create** 301.01 (1g), 301.03 (20b), 301.45 (2) (a) 6m., 301.46 (1) (am), 301.46 (2)  
5           (am), 301.46 (5) (bm) 10. to 12., 301.48 (3) (e) and 973.50 of the statutes; **relating**  
6           **to:** disclosure of information regarding sexually violent persons, creating a definition  
7           of “high–risk sex offender”, child safety zones, sex offender registry requirements,  
8           the sex offender registry website, and disclosure of sex offender registry and global  
9           positioning system tracking information to postsecondary educational institutions.

*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. The bill draft does the following:

***Release of Specified Information to Law Enforcement Officer Regarding Certain ch. 980 Sexually Violent Persons (SVPs)***

Under a provision in the Mental Health Act (ch. 51, stats.), treatment records of an individual may be released without informed written consent under certain specified circumstances. One of these circumstances, set forth in s. 51.30 (4) (b) 16., stats., permits such a release, if authorized by the secretary of the department of health and family services (DHFS), to a law enforcement officer, upon request, if the individual was admitted under ch. 971 (not responsible by reason of mental disease or defect) or 975 (the sex crimes law), stats., or transferred under other specified statutory provisions. That subdivision limits the information that is permitted to be released to certain specified information, including information as to the individual’s whereabouts during any time period. ***Individuals committed under ch. 980 SVPs are not included in s. 51.30 (4) (b) 16.*** Thus, this ch. 51 provision treats the disclosure of information related to ch. 980 patients differently from

other high-risk mental health patients (i.e., patients who are committed, in part, because of their commission of a crime).

This bill draft revises s. 51.30 (4) (b) 16. to make it apply to individuals committed or detained under ch. 971, 975, or 980 thus permitting a law enforcement officer to obtain the information set forth in that subdivision about ch. 980 commitments, including the individual's whereabouts during any time period. The bill draft also:

1. Modifies the focus of the current provision on inpatient commitments by substituting "committed or detained" for "admitted". This change permits DHFS to provide this information relating to patients on supervised release in the community.
2. Deletes the language in this provision that allows DHFS to provide this information only "upon request" of a law enforcement officer.

### ***Child Safety Zones***

The bill draft requires the department of corrections (DOC) to prohibit a person, as a condition of probation, parole, or extended supervision for a violation of first- or second-degree sexual assault or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by the department, during any part of the person's period of probation, parole, or extended supervision.

The bill draft also requires the court to impose such conditions during any part of the person's sentence or period of probation when sentencing a person for first- or second-degree sexual assault or engaging in repeated acts of sexual assault of the same child.

### ***Sex Offender Registration Requirements***

Under current law, a person must register with 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 DOC may require a person registered as a sex offender to provide DOC with his or her fingerprints, a recent photograph, and certain other information including the address at which he or she is or will be residing, the name and address of the place at which he or she is or will be employed, and the name and location of any school in which he or she is or will be enrolled. If any information contained in DOC's registry of sex offenders changes, the registrant must provide DOC with the updated information within 10 days after the change occurs, except that, if the

registrant is on parole or extended supervision and the registrant knows that the address of his or her residence will be changing, the registrant must provide DOC with the updated information before the change in address occurs, or, if the registrant did not know that his or her address would be changing, the registrant must provide DOC with that updated information within 24 hours after the change in address occurs.

Under the bill draft, a person who is required to register with DOC as a sex offender must also provide, and update, his or her email account and the Internet address of any website he or she maintains.

Under current law, in general, a person who is registered as a sex offender must register *annually* with DOC, as directed by DOC. At that time, the person must provide DOC with information such as his or her current address and the name and location of any employer or school the person attends.

A person who is subject to lifetime sex offender registration and has been found to be an SVP must register every 90 days, as directed by DOC.

The bill draft requires a person registered as a sex offender to register *every 6 months* and to provide DOC with the registry information *in person*. At the time of the registration, DOC must photograph the person and then update the registry with the person's most current photograph.

The bill draft maintains the requirement that certain persons subject to lifetime sex offender registration register every 90 days but requires that registration be in person at least once every 6 months. At the time of in-person registration, DOC must photograph the person and then update the registry with the person's most current photograph.

#### ***Information Provided to Director of Security of PostSecondary School***

Under current law, when a person is registered as a sex offender with 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.

The bill draft also requires DOC to provide a director of security for a postsecondary educational institution with information obtained through the global positioning tracking system for certain sex offenders, upon request of the director of security. The information provided and the manner in which it is provided is determined by DOC.

#### ***Information on DOC Internet Site***

Under current law, DOC is required to provide access to information concerning registered sex offenders by creating and maintaining an Internet site and by any other means that DOC determines is appropriate. The DOC must provide the following information on a registered sex offender on the site:

1. If the person is an SVP under ch. 980, stats., a notice, written in red letters, of that status.
2. A current color photograph of the person, if available, and a physical description including sex, race, height, weight, eye color, and hair color.
3. The person's name and home address.
4. Whether the person has responded to the last contact letter from DOC.
5. The crime committed for which the person must register.
6. Any conditions of the person's supervised release, except for any condition that may reveal the identity of the victim of the crime that the person committed for which he or she must register.
7. The date, time, and place of any scheduled hearings for supervised release or discharge under ch. 980, stats.
8. The name of the judge who authorized supervised release or discharge for the person.
9. The most recent date on which the information was updated.

The bill draft expands the list of required information on the DOC Internet site to include the following about these registered persons:

a. If the person is an SVP or a registered “*high-risk sex offender*”, the *geographic area* of any current employer of the person or any business the person is operating and the geographic area of any school the person is attending. The bill draft creates a definition of “high-risk sex offender”.

b. A *full body* photograph of the person. This is in addition to the other photograph requirements in the draft and in current law.

c. *Two or more current color photographs* of the person. The photographs must be updated at least every 6 months. If one or more current color photographs of the person are impossible to obtain, one or more other photographs of the person may be used.

d. A specific description of any *distinguishing marks* on the person’s body.

This bill draft also requires DOC to include links to other state agency websites that provide information on the prevention and identification of sexual abuse and other sex crimes and information on how to report suspected sexual abuse or other sex crimes.

1           **SECTION 1.** 51.30 (4) (b) 16. of the statutes is amended to read:

2           51.30 (4) (b) 16. If authorized by the secretary or his or her designee, to a law  
3 enforcement agency ~~upon request~~ if the individual was ~~admitted~~ committed or detained under  
4 ch. 971 ~~or~~ 975, or 980 or transferred under s. 51.35 (3) or 51.37. Information released under  
5 this subdivision is limited to the individual’s name and other identifying information,  
6 including photographs and fingerprints, the branch of the court that committed the individual,  
7 the crime that the individual is charged with, found not guilty of by reason of mental disease  
8 or defect or convicted of, whether or not the individual is or has been authorized to leave the  
9 grounds of the institution and information as to the individual’s whereabouts during any time  
10 period. In this subdivision “law enforcement agency” has the meaning provided in s. 165.83  
11 (1) (b).

**NOTE:** Permits disclosure of specified information to law enforcement relating to an SVP committed under ch. 980, stats., if authorized by the secretary of health and human services, under ch. 51, stats., the mental health act.

1           **SECTION 2.** 301.01 (1g) of the statutes is created to read:

2           301.01 (1g) “High-risk sex offender” means a person who has been found to have  
3 committed a sex offense, as defined in s. 301.45 (1d) (b), or a federal law or law of another  
4 state that is comparable to such a sex offense and who meets, as determined by the department,  
5 one of the following criteria:

6           (b) Has been found to have committed offenses involving 2 separate victims if at least  
7 one of the victims was a victim of a serious sex offense, as defined in s. 304.06 (2m) (a), and  
8 one victim was the victim of such a serious sex offense or a serious felony, as defined in s.  
9 939.62 (2m) (a) 2m.

10           (c) Has been found to have committed a serious child sex offense, as defined in s. 939.62  
11 (2m) (a) 1m., involving a victim less than 12 years of age and the offense was directed toward  
12 a person with whom a relationship had been established or exploited for the purpose of  
13 victimization, a person of casual acquaintance with whom no substantial relationship existed,  
14 or a stranger.

15           (d) Has been found to have committed a serious sex offense, as defined in s. 304.06  
16 (2m) (a), or a serious child sex offense, as defined in s. 939.62 (2m) (a) 1m., involving a victim  
17 12 years of age or older and the offense was directed toward a person with whom a relationship  
18 had been established or exploited for the purpose of victimization, a person of casual  
19 acquaintance with whom no substantial relationship existed, or a stranger.

20           (e) Meets criteria established by the department, by rule.

**NOTE:** Creates definition of “high-risk sex offender”, which is used in s. 301.46 (5) (bm) 10., created in this bill draft.

1           **SECTION 3.** 301.03 (20b) of the statutes is created to read:

2           301.03 **(20b)** Require, as a condition of probation, parole, or extended supervision for  
3 a violation of s. 948.02 (1) or (2) or 948.025, that the person is prohibited from going to places  
4 or entering zones containing places where children congregate and where it would be in the  
5 interest of public protection to prohibit the person from going, as determined by the  
6 department, during any part of the person's period of probation, parole, or extended  
7 supervision.

**NOTE:** Requires DOC to prohibit a person, as a condition of probation, parole, or extended supervision for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child, from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by the department, as a condition of the person's probation, parole, or extended supervision.

8           **SECTION 4.** 301.45 (2) (a) 6m. of the statutes is created to read:

9           301.45 **(2)** (a) 6m. The name or number of any electronic mail account used by the  
10 person and the Internet address of any website maintained by the person.

**NOTE:** Requires a registered sex offender to provide to DOC his or her email account and the Internet address of any website maintained by the offender.

11           **SECTION 5.** 301.45 (3) (title) and (a) (intro.) of the statutes are amended to read:

12           301.45 **(3)** (title) ~~ANNUAL~~ BIANNUAL REGISTRATION AND PHOTOGRAPH REQUIREMENTS.

13           (a) (intro.) A person covered under sub. (1g) is subject to the ~~annual~~ biannual  
14 registration and photograph requirements under par. (b) as follows:

15           **SECTION 6.** 301.45 (3) (b) 1. of the statutes is amended to read:

16           301.45 **(3)** (b) 1. Except as provided in subd. 1m., a person who is subject to par. (a) shall  
17 notify the department ~~once each calendar year, as directed by the department,~~ every 6 months

1 of his or her current information specified in sub. (2) (a). The person shall provide the  
2 department with his or her information in person. At that time, the department shall  
3 photograph the person and update the registry with the person's most current photograph. The  
4 department shall annually notify registrants of their need to comply with this requirement  
5 every 6 months. If the registrant is a person under the age of 18, the department may also  
6 annually notify the registrant's parent, guardian or legal custodian every 6 months of the  
7 registrant's need to comply with this requirement.

**NOTE:** Requires a person registered as a sex offender to register *every 6 months* and to provide DOC with the registry information *in person*. At the time of the registration, DOC must photograph the person and then update the registry with the person's most current photograph.

8 **SECTION 7.** 301.45 (3) (b) 1m. of the statutes is amended to read:

9 301.45 (3) (b) 1m. A person who is subject to lifetime registration under sub. (5) (b)  
10 2. or (5m) (b) 4. shall notify the department once each 90 days, as directed by the department,  
11 of his or her current information specified in sub. (2) (a). At least once every 6 months, the  
12 person shall provide the department with his or her information in person, as directed by the  
13 department. At that time, the department shall photograph the person and update the registry  
14 with the person's most current photograph. Every 90 days, the department shall notify  
15 registrants subject to this subdivision of their need to comply with ~~this requirement~~ the  
16 requirements of this subdivision. If the registrant subject to this subdivision is a person under  
17 the age of 18, the department may also notify the registrant's parent, guardian or legal  
18 custodian every 90 days of the registrant's need to comply with ~~this requirement~~ the  
19 requirements of this subdivision.

**NOTE:** Maintains the requirement in current law that certain persons subject to lifetime sex offender registration register every 90 days but requires that registration be in person at least once every 6 months. At



the time of in-person registration, DOC must photograph the person and then update the registry with the person's most current photograph.

1           **SECTION 8.** 301.46 (1) (am) of the statutes is created to read:

2           301.46 (1) (am) "Postsecondary educational institution" means a public or private  
3 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.

4           **SECTION 9.** 301.46 (2) (am) of the statutes is created to read:

5           301.46 (2) (am) When a person is registered with the department under s. 301.45 (2),  
6 the department shall immediately make the information specified in par. (b) available to the  
7 director of security for any postsecondary educational institution in the community in which  
8 the person is residing, is employed, or is attending school, except that the department may not  
9 provide any of the information under sub. (5) (c). The department shall make information  
10 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.

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

12           301.46 (2) (c) When a person who is registered under s. 301.45 (2) updates information  
13 under s. 301.45 (4), the department shall immediately make the updated information available  
14 to the police chief of any community ~~and~~, the sheriff of any county, and the director of security  
15 for any postsecondary educational institution in the community in which the person is  
16 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 11.** 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 12.** 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 13.** 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 14.** 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 under s. 301.46 (2m), stats., 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.

8           **SECTION 15.** 301.46 (5) (bm) 2. of the statutes is amended to read:

9           301.46 (5) (bm) 2. A Two or more current color ~~photograph~~ photographs of the person,  
10 if available, and a physical description including sex, race, height, weight, eye color, and hair  
11 color. The photographs shall be updated at least every 6 months. If one or more current color  
12 photographs of the person are impossible to obtain, one or more other photographs of the  
13 person may be used.

14           **SECTION 16.** 301.46 (5) (bm) 10. to 12. of the statutes are created to read:

15           301.46 (5) (bm) 10. If the person is a sexually violent person, as defined in s. 980.01  
16 (7), or a high-risk sex offender, as defined in s. 301.01 (1g), the geographic area of any current  
17 employer of the person or any business the person is operating and the geographic area of any  
18 school the person is attending.

1 11. Full body photograph of the person.

2 12. A specific description of any distinguishing marks on the body of the person.

**NOTE:** Expands the list of required information on the DOC sex offender registry website to include the following:

a. *Two or more current color photographs* of the person. The photographs must be updated at least every 6 months. If one or more current color photographs of the person are impossible to obtain, one or more other photographs of the person may be used.

b. If the person is an SVP or a registered "*high-risk sex offender*", as defined in s. 301.01 (1g), the geographic area of any current employer of the person or any business the person is operating and the geographic area of any school the person is attending. The bill draft creates a definition of "high-risk sex offender" in SECTION 2.

c. A *full body* photograph of the person. This is in addition to the other photograph requirements in the draft and in current law.

d. A specific description of any *distinguishing marks* on the person's body.

3 **SECTION 17.** 301.46 (5n) (a) of the statutes is amended to read:

4 301.46 (5n) (a) ~~No later than June 1, 2001, the~~ The department shall provide access to  
5 information concerning persons registered under s. 301.45 by creating and maintaining an  
6 Internet site and by any other means that the department determines is appropriate. The  
7 information provided through the Internet site shall be organized in a manner that allows a  
8 person using the Internet site to obtain the information that the department is required to  
9 provide the person under sub. (2), (2m), (3), (4) or (5) and other information that the  
10 department determines is necessary to protect the public and links to state agency websites that  
11 provide information on the prevention and identification of sexual abuse and other sex crimes  
12 and information on how to report suspected sexual abuse or other sex crime. The department  
13 shall keep the information provided on the Internet site and in other means used to allow access  
14 to the information secure against unauthorized alteration.

**NOTE:** Requires DOC to include on its sex offender website links to other state agency websites that provide information on the prevention and identification of sexual abuse and other sex crimes and information on how to report suspected sexual abuse or other sex crimes.

1           **SECTION 18.** 301.48 (3) (e) of the statutes is created to read:

2           301.48 (3) (e) The department shall provide a director of security for a postsecondary  
3 educational institution, as defined in s. 301.46 (1) (am), with information obtained through the  
4 global positioning tracking system, upon request. The information provided and the manner  
5 in which it is provided shall be determined by the department.

**NOTE:** Requires DOC to provide a director of security for a postsecondary educational institution with information obtained through the global positioning tracking system for certain sex offenders, upon request of the director of security.

6           **SECTION 19.** 973.50 of the statutes is created to read:

7           **973.50 Sentencing; child safety zones for child sex offenders.** When a court imposes  
8 a sentence on a person or places a person on probation for a crime under s. 948.02 (1) or (2)  
9 or 948.025, the court shall prohibit the person from going to places or entering zones  
10 containing places where children congregate and where it would be in the interest of public  
11 protection to prohibit the person from going, as determined by the court, during any part of  
12 the person's sentence or period of probation.

**NOTE:** Requires a court to prohibit a person from going to places or entering zones containing places where children congregate and where it would be in the interest of public protection to prohibit the person from going, as determined by the court, during any part of the person's sentence or period of probation when the court imposes a sentence on a person or places a person on probation for first- or second-degree sexual assault of a child or engaging in repeated acts of sexual assault of the same child.

13

(END)