

# State of Wisconsin



1995 Senate Bill 182

Date of enactment: **June 24, 1996**

Date of publication\*: **July 8, 1996**

## 1995 WISCONSIN ACT 440

**AN ACT to repeal** 175.45 (9); **to renumber** 175.45 (title), 175.45 (1) (intro.), 175.45 (3) (title), 175.45 (3) (a) (intro.), 175.45 (7) (b), 980.11 (2) (a), 980.11 (2) (b) and 980.11 (2) (c); **to renumber and amend** 175.45 (1) (a), 175.45 (1) (b), 175.45 (1) (c), 175.45 (1) (d), 175.45 (1) (e), 175.45 (2) (title), 175.45 (2), 175.45 (3) (a) 1., 175.45 (3) (a) 2., 175.45 (3) (a) 3., 175.45 (3) (a) 4., 175.45 (3) (b), 175.45 (4), 175.45 (5), 175.45 (6), 175.45 (7) (title), 175.45 (7) (a), 175.45 (7) (c), 175.45 (8), 971.17 (1m), 971.17 (4m) (b) and 971.17 (6m) (b); **to amend** 51.20 (13) (cr), 51.375 (1) (a) and (d), 165.76 (2) (b) 3., 165.76 (3), 165.765 (1), 165.765 (2) (a), 165.77 (2) (b), 165.77 (3), 301.132 (1) (c), 938.185 (3), 938.34 (15) (title), 938.34 (15) (a) 1., 938.34 (15) (a) 2., 942.06 (1), 942.06 (2), 950.045, 971.17 (4m) (title), 971.17 (4m) (c), 971.17 (4m) (d), 971.17 (6m) (title), 971.17 (6m) (c), 971.17 (6m) (d), 971.19 (9), 973.047 (title), 973.047 (1) (a), 973.047 (1) (b), 980.11 (title), 980.11 (2) (intro.), 980.11 (3) and 980.11 (4); **to repeal and recreate** 165.76 (3), 165.765 (1), 165.765 (2) (a), 165.77 (2) (b), 165.77 (3) and 950.045; and **to create** 20.410 (1) (gc), 20.435 (6) (gs), 48.396 (2) (f), 51.20 (13) (ct), 51.30 (3) (d), 51.30 (4) (b) 24., 51.375, 165.76 (1) (d), 165.76 (1) (e), 165.76 (2) (b) 3m., 165.76 (2) (b) 4., 165.76 (2) (b) 6., 165.8285, 301.132, 301.45 (1) (bm), 301.45 (1) (dd), 301.45 (1) (dh), 301.45 (1) (dp), 301.45 (1) (dt), 301.45 (2) (a), 301.45 (2) (b), 301.45 (2) (d), 301.45 (2) (e), 301.45 (3) (a) 1m., 301.45 (3) (a) 2m., 301.45 (3) (a) 3g., 301.45 (3) (a) 3r., 301.45 (3) (b) 1m., 301.45 (3) (b) 3., 301.45 (3) (b) 3m., 301.45 (4m), 301.45 (5) (a) 1m., 301.45 (5) (a) 2m., 301.45 (5) (a) 3m., 301.45 (5) (b), 301.45 (6) (c), 301.45 (9), 301.46, 304.137, 938.34 (15m), 938.396 (2) (em), 939.646, 942.06 (2m) and (2q), 971.17 (1m) (b), 971.17 (4m) (b) 2., 971.17 (6m) (b) 2., 973.048, 980.063 and 980.11 (2) (bm) of the statutes; **relating to:** sex offender registration requirements, the release to certain persons of information concerning sex offenders required to register, requiring persons who are found to be sexually violent persons to provide biological specimens for deoxyribonucleic acid analysis, administering lie detector tests to sex offenders, granting rule-making authority, making appropriations and providing a penalty.

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

**SECTION 1.** 20.410 (1) (gc) of the statutes is created to read:

20.410 (1) (gc) *Sex offender honesty testing.* All moneys received from probation and parole clients who are required to pay for polygraph examinations, as pre-

scribed by rule in accordance with s. 301.132 (3), for expenditures related to the lie detector test program for probationers and parolees under s. 301.132.

**SECTION 1m.** 20.435 (6) (gs) of the statutes is created to read:

20.435 (6) (gs) *Sex offender honesty testing.* All moneys received from persons who are required to pay for polygraph examinations, as prescribed by rule in accord-

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ance with s. 51.375 (3), for expenditures related to the lie detector test program for persons under s. 51.375.

**SECTION 2.** 48.396 (2) (f) of the statutes is created to read:

48.396 (2) (f) Upon request of the department of corrections to review court records for the purpose of obtaining information concerning a child required to register under s. 301.45, the court shall open for inspection by authorized representatives of the department of corrections the records of the court relating to any child who has been found in need of protection or services for an offense specified in s. 301.45 (1) (a). The department of corrections may disclose information that it obtains under this paragraph as provided under s. 301.46.

**SECTION 3.** 51.20 (13) (cr) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

51.20 (13) (cr) If the subject individual is before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have committed a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require the individual to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis and to comply with the reporting and testing requirements of s. 175.45.

**SECTION 4.** 51.20 (13) (ct) of the statutes is created to read:

51.20 (13) (ct) 1. If the subject individual is before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have committed a violation, or to have solicited, conspired or attempted to commit a violation, of s. 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the subject individual was not the victim's parent, the court shall require the individual to comply with the reporting requirements under s. 301.45.

2. Except as provided in subd. 1., if the subject individual is before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have committed any violation, or to have solicited, conspired or attempted to commit any violation, of ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the subject individual to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the subject individual report under s. 301.45.

**SECTION 5.** 51.30 (3) (d) of the statutes is created to read:

51.30 (3) (d) The department of corrections shall have access to the files and records of court proceedings under this chapter concerning an individual required to register under s. 301.45. The department of corrections may disclose information that it obtains under this paragraph as provided under s. 301.46.

**SECTION 6.** 51.30 (4) (b) 24. of the statutes is created to read:

51.30 (4) (b) 24. To the department of corrections for the purpose of obtaining information concerning a person required to register under s. 301.45. The department of corrections may disclose information that it receives under this subdivision as provided under s. 301.46.

**SECTION 7.** 51.375 of the statutes is created to read:

**51.375 Honesty testing of sex offenders.** (1) In this section:

(a) "Community placement" means conditional transfer into the community under s. 51.35 (1) or conditional release under s. 971.17.

(b) "Lie detector" has the meaning given in s. 111.37 (1) (b).

(c) "Polygraph" has the meaning given in s. 111.37 (1) (c).

(d) "Sex offender" means a person committed to the department who meets any of the criteria specified in s. 175.45 (1), regardless of whether he or she is required to register under s. 175.45 (3).

(2) The department may require, as a condition of a community placement, that a sex offender submit to a lie detector test when directed to do so by the department.

(3) The department shall promulgate rules establishing a lie detector test program for sex offenders who are in a community placement. The rules shall provide for assessment of fees upon persons committed to the department to partially offset the costs of the program.

**SECTION 8.** 51.375 (1) (a) and (d) of the statutes, as created by 1995 Wisconsin Act .... (this act), are amended to read:

51.375 (1) (a) "Community placement" means conditional transfer into the community under s. 51.35 (1) or conditional release under s. 971.17, parole from a commitment for specialized treatment under ch. 975 or conditional release under ch. 980.

(d) "Sex offender" means a person committed to the department who meets any of the criteria specified in s. 175.45 (1), regardless of whether he or she is required to register under s. 175.45 (3) 301.45 (1).

**SECTION 9.** 165.76 (1) (d) of the statutes is created to read:

165.76 (1) (d) Is found to be a sexually violent person under ch. 980 on or after June 2, 1994.

**SECTION 10.** 165.76 (1) (e) of the statutes is created to read:

165.76 (1) (e) Is on parole or probation in this state from another state under s. 304.13 or 304.135 on or after the effective date of this paragraph .... [revisor inserts date], for a violation of the law of another state that the department of corrections determines, under s. 304.137, is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

**SECTION 11.** 165.76 (2) (b) 3. of the statutes is amended to read:

165.76 (2) (b) 3. If the person has been committed to the department of health and social services under s. 51.20 or 971.17 or found to be a sexually violent person under ch. 980, he or she shall provide the specimen under par. (a) as directed by the department of health and social services.

**SECTION 12.** 165.76 (2) (b) 3m. of the statutes is created to read:

165.76 (2) (b) 3m. If the person is on parole or probation in this state from another state under s. 304.13 or 304.135, he or she shall provide the specimen under par. (a) at the office of a county sheriff as soon as practicable after entering this state, as directed by his or her probation and parole agent.

**SECTION 13.** 165.76 (2) (b) 4. of the statutes is created to read:

165.76 (2) (b) 4. If subsd. 1. to 3m. do not apply, the department of justice shall specify in its order the time and procedure for the person to provide the specimen under par. (a).

**SECTION 14.** 165.76 (2) (b) 6. of the statutes is created to read:

165.76 (2) (b) 6. Notwithstanding subd. 3m., for a person who is subject to sub. (1) (e) and who is on parole or probation in this state from another state on the effective date of this subdivision .... [revisor inserts date], the department of justice and the department of corrections shall cooperate to have these persons provide specimens under par. (a) before July 1, 2000.

**SECTION 15.** 165.76 (3) of the statutes is amended to read:

165.76 (3) If a person is required to submit a biological specimen under s. 48.34 (15), 51.20 (13) (cr), 971.17 (1m) ~~or (a)~~, 973.047 or 980.063, he or she shall comply with that requirement and is not required to comply with this section.

**SECTION 16.** 165.76 (3) of the statutes, as affected by 1995 Wisconsin Acts 77 and .... (this act), is repealed and recreated to read:

165.76 (3) If a person is required to submit a biological specimen under s. 51.20 (13) (cr), 938.34 (15), 971.17 (1m) (a), 973.047 or 980.063, he or she shall comply with that requirement and is not required to comply with this section.

**SECTION 17.** 165.765 (1) of the statutes is amended to read:

165.765 (1) Whoever intentionally fails to comply with a requirement to submit a biological specimen under s. 48.34 (15), 165.76 ~~or~~, 973.047 or 980.063 may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 18.** 165.765 (1) of the statutes, as affected by 1995 Wisconsin Acts 77 and .... (this act), is repealed and recreated to read:

165.765 (1) Whoever intentionally fails to comply with a requirement to submit a biological specimen under

s. 165.76, 938.34 (15), 973.047 or 980.063 may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 19.** 165.765 (2) (a) of the statutes is amended to read:

165.765 (2) (a) Any physician, registered nurse, medical technologist, physician assistant or person acting under the direction of a physician who obtains a biological specimen under s. 48.34 (15), 165.76 ~~or~~, 973.047 or 980.063 is immune from any civil or criminal liability for the act, except for civil liability for negligence in the performance of the act.

**SECTION 20.** 165.765 (2) (a) of the statutes, as affected by 1995 Wisconsin Acts 77 and .... (this act), is repealed and recreated to read:

165.765 (2) (a) Any physician, registered nurse, medical technologist, physician assistant or person acting under the direction of a physician who obtains a biological specimen under s. 165.76, 938.34 (15), 973.047 or 980.063 is immune from any civil or criminal liability for the act, except for civil liability for negligence in the performance of the act.

**SECTION 21.** 165.77 (2) (b) of the statutes is amended to read:

165.77 (2) (b) Paragraph (a) does not apply to specimens received under s. 48.34 (15), 51.20 (13) (cr), 165.76, 971.17 (1m) ~~or (a)~~, 973.047 or 980.063.

**SECTION 22.** 165.77 (2) (b) of the statutes, as affected by 1995 Wisconsin Acts 77 and .... (this act), is repealed and recreated to read:

165.77 (2) (b) Paragraph (a) does not apply to specimens received under s. 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) (a), 973.047 or 980.063.

**SECTION 23.** 165.77 (3) of the statutes is amended to read:

165.77 (3) If the laboratories receive a human biological specimen under s. 48.34 (15), 51.20 (13) (cr), 165.76, 971.17 (1m) ~~or (a)~~, 973.047 or 980.063, the laboratories shall analyze the deoxyribonucleic acid in the specimen. The laboratories shall maintain a data bank based on data obtained from deoxyribonucleic acid analysis of those specimens. The laboratories may compare the data obtained from one specimen with the data obtained from other specimens. The laboratories may make data obtained from any analysis and comparison available to law enforcement agencies in connection with criminal or delinquency investigations and, upon request, to any prosecutor, defense attorney or subject of the data. The data may be used in criminal and delinquency actions and proceedings. In this state, the use is subject to s. 972.11 (5). The laboratories shall destroy specimens obtained under this subsection after analysis has been completed and the applicable court proceedings have concluded.

**SECTION 24.** 165.77 (3) of the statutes, as affected by 1995 Wisconsin Acts 77 and .... (this act), is repealed and recreated to read:

165.77 (3) If the laboratories receive a human biological specimen under s. 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) (a), 973.047 or 980.063, the laboratories shall analyze the deoxyribonucleic acid in the specimen. The laboratories shall maintain a data bank based on data obtained from deoxyribonucleic acid analysis of those specimens. The laboratories may compare the data obtained from one specimen with the data obtained from other specimens. The laboratories may make data obtained from any analysis and comparison available to law enforcement agencies in connection with criminal or delinquency investigations and, upon request, to any prosecutor, defense attorney or subject of the data. The data may be used in criminal and delinquency actions and proceedings. In this state, the use is subject to s. 972.11 (5). The laboratories shall destroy specimens obtained under this subsection after analysis has been completed and the applicable court proceedings have concluded.

**SECTION 25.** 165.8285 of the statutes is created to read:

**165.8285 Transaction information for management of enforcement system; department of corrections records.** (1) The department of justice shall, through the transaction information for management of enforcement system, provide local law enforcement agencies with access to the registry of sex offenders maintained by the department of corrections under s. 301.45.

(2) The department of justice shall provide the department of corrections with access to the transaction information for management of enforcement system administrative message process.

(3) Beginning on the effective date of this subsection .... [revisor inserts date], the department of justice and the department of corrections shall cooperate in using the transaction information for management of enforcement system, and in developing or using any other computerized or direct electronic data transfer system, in anticipation of the transfer of the sex offender registry from the department of justice to the department of corrections under 1995 Wisconsin Act .... (this act) and for the purpose of providing access to or disseminating information from the sex offender registry under s. 301.45.

**SECTION 26.** 175.45 (title) of the statutes is renumbered 301.45 (title).

**SECTION 27.** 175.45 (1) (intro.) of the statutes is renumbered 301.45 (1) (intro.).

**SECTION 28.** 175.45 (1) (a) of the statutes is renumbered 301.45 (1) (a) and amended to read:

301.45 (1) (a) Is convicted, adjudicated delinquent or found in need of protection or services on or after December 25, 1993, for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1) or (2) or (3), 944.06, 948.02 (1) or (2) or 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the

victim was a minor and the person was not the victim's parent.

**SECTION 29.** 175.45 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 77, is renumbered 301.45 (1) (b) and amended to read:

301.45 (1) (b) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or on probation, parole, supervision or aftercare supervision on or after December 25, 1993, for any violation, for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1) or (2) or (3), 944.06, 948.02 (1) or (2) or 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent.

**SECTION 30.** 175.45 (1) (c) of the statutes is renumbered 301.45 (1) (c) and amended to read:

301.45 (1) (c) Is found not guilty or not responsible by reason of mental disease or defect on or after December 25, 1993, and committed under s. 51.20 or 971.17 for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1) or (2) or (3), 944.06, 948.02 (1) or (2) or 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent.

**SECTION 31.** 175.45 (1) (d) of the statutes is renumbered 301.45 (1) (d) and amended to read:

301.45 (1) (d) Is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 on or after December 25, 1993, for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1) or (2) or (3), 944.06, 948.02 (1) or (2) or 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent.

**SECTION 32.** 175.45 (1) (e) of the statutes, as affected by 1995 Wisconsin Act 77, is renumbered 301.45 (1) (e) and amended to read:

301.45 (1) (e) Is ordered by a court under s. 51.20 (13) ~~(cr)~~ (ct), 938.34 ~~(15)~~ (15m), 971.17 (1m) (b) 2, or 973.047 ~~973.048~~ to comply with the reporting requirements under this section.

**SECTION 33.** 175.45 (2) (title) of the statutes is renumbered 301.45 (2) (title) and amended to read:

301.45 (2) (title) WHAT INFORMATION MUST BE PROVIDED, BY WHOM AND WHEN.

**SECTION 34.** 175.45 (2) of the statutes is renumbered 301.45 (2) (c) and amended to read:

301.45 (2) (c) ~~A~~ If the department of health and family services has supervision over a person subject to sub. (1), that department, with the assistance of the person, shall provide the information about his or her home address, place of school enrollment, place of employ-

ment and employment duties specified in par. (a) to the department of justice corrections in accordance with the rules under sub. (8).

**SECTION 35.** 175.45 (3) (title) of the statutes is renumbered 301.45 (3) (title).

**SECTION 36.** 175.45 (3) (a) (intro.) of the statutes is renumbered 301.45 (3) (a) (intro.).

**SECTION 37.** 175.45 (3) (a) 1. of the statutes is renumbered 301.45 (3) (a) 1. and amended to read:

301.45 (3) (a) 1. If the person has been placed on probation or supervision, he or she is subject to this subsection ~~after he or she is discharged from~~ upon being placed on probation or supervision.

**SECTION 38.** 175.45 (3) (a) 2. of the statutes, as affected by 1995 Wisconsin Act 77, is renumbered 301.45 (3) (a) 2. and amended to read:

301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured correctional facility or a secured child caring institution, he or she is subject to this subsection ~~after he or she is discharged from~~ upon being released on parole or aftercare supervision.

**SECTION 39.** 175.45 (3) (a) 3. of the statutes is renumbered 301.45 (3) (a) 3. and amended to read:

301.45 (3) (a) 3. If the person has been committed under s. 51.20 or 971.17, he or she is subject to this subsection ~~after upon being placed on conditional release under s. 971.17 or on a conditional transfer under s. 51.35 (1) or, if he or she was not placed on conditional release or on a conditional transfer, before~~ he or she is terminated under s. 971.17 (5) or discharged under s. 51.35 (4) or 971.17 (6).

**SECTION 40.** 175.45 (3) (a) 4. of the statutes is renumbered 301.45 (3) (a) 4. and amended to read:

301.45 (3) (a) 4. If subd. 1., 1m., 2. or 2m., 3., 3g. or 3r. does not apply, the person is subject to this subsection after he or she is sentenced or receives a disposition.

**SECTION 41.** 175.45 (3) (b) of the statutes is renumbered 301.45 (3) (b) 1. and amended to read:

301.45 (3) (b) 1. ~~A-~~ Except as provided in subd. 1m., a person who is subject to par. (a) shall notify the department of justice once each calendar year, as directed by the department, of his or her current information specified in sub. (2) (a). The department shall annually notify registrants of their need to comply with this requirement.

2. The department shall notify a person who is being released from prison because he or she has reached the expiration date of his or her sentence and who is covered under sub. (1) of the need to comply with this section. Also, probation and parole agents, aftercare agents and agencies providing supervision shall notify any client who is covered under sub. (1) of ~~this requirement prior to the client's expected date of discharge from~~ the need to comply with this section at the time the client is placed on probation, parole, supervision or aftercare supervision or, if the client is on probation or parole from another

state under s. 304.13 or 304.135, when the client enters this state.

4. Failure to receive this notice under this paragraph from the department of health and family services, the department of corrections, a probation and parole agent, an aftercare agent or an agency providing supervision is not a defense to liability under sub. (6).

**SECTION 42.** 175.45 (4) of the statutes is renumbered 301.45 (4) and amended to read:

301.45 (4) UPDATED INFORMATION. In addition to the requirements under sub. (3), whenever any of the information under sub. (2) (a) changes, the person shall provide the department of justice with the updated information within ~~14 10~~ days after the change occurs.

**SECTION 43.** 175.45 (5) of the statutes, as affected by 1995 Wisconsin Act 77, is renumbered 301.45 (5) (a), and 301.45 (5) (a) (intro.) and 4., as renumbered, are amended to read:

301.45 (5) (a) (intro.) ~~A-~~ Except as provided in par. (b), a person who is covered under sub. (1) no longer has to comply with this section when the following applicable criterion is met:

4. If ~~par. (a), (b) or (c) subd. 1., 1m., 2., 2m., 3. or 3m.~~ does not apply, 15 years after the date of conviction or disposition.

**SECTION 44.** 175.45 (6) of the statutes is renumbered 301.45 (6), and 301.45 (6) (a), as renumbered, is amended to read:

301.45 (6) (a) Whoever intentionally fails to comply with any requirement to provide information under subs. (2) to (4) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. Subject to s. 971.19 (9), a district attorney or, upon the request of a district attorney, the department of justice may prosecute a violation of this subsection. If the department of justice corrections determines that there is probable cause to believe that a person has intentionally failed to comply with any requirement to provide information under subs. (2) to (4), the department shall forward a certified copy of all pertinent departmental information to the applicable district attorney. The department shall certify the copy in accordance with s. 889.08.

**SECTION 45.** 175.45 (7) (title) of the statutes is renumbered 301.45 (7) (title) and amended to read:

301.45 (7) (title) ~~DEPARTMENT OF JUSTICE; INFORMATION~~ INFORMATION MAINTENANCE AND EXPUNGEMENT

**SECTION 46.** 175.45 (7) (a) of the statutes is renumbered 301.45 (7) (a) and amended to read:

301.45 (7) (a) The department of justice shall maintain information provided under sub. (2). The department shall keep the information confidential except as provided in s. 301.46 and except as needed for law enforcement purposes.

**SECTION 47.** 175.45 (7) (b) of the statutes is renumbered 301.45 (7) (b).

**SECTION 48.** 175.45 (7) (c) of the statutes is renumbered 301.45 (7) (c), and 301.45 (7) (c) (intro.), as renumbered, is amended to read:

301.45 (7) (c) (intro.) A person who has provided about whom information is maintained in the registry under sub. (2) may request expungement of all pertinent departmental information in the registry on the grounds that his or her conviction, delinquency adjudication, finding of need of protection or services or commitment has been reversed, set aside or vacated. The department shall purge all of that information if the department receives all of the following:

**SECTION 49.** 175.45 (8) of the statutes is renumbered 301.45 (8) and amended to read:

301.45 (8) RULES. The department of justice shall promulgate rules necessary to carry out its duties under this section.

**SECTION 50.** 175.45 (9) of the statutes, as affected by 1995 Wisconsin Act 27, is repealed.

**SECTION 51.** 301.132 of the statutes is created to read:

**301.132 Honesty testing of sex offenders. (1)** In this section:

(a) “Lie detector” has the meaning given in s. 111.37 (1) (b).

(b) “Polygraph” has the meaning given in s. 111.37 (1) (c).

(c) “Sex offender” means a person in the custody of the department who meets any of the criteria specified in s. 175.45 (1), regardless of whether he or she is required to register under s. 175.45 (3).

(2) The department may require, as a condition of probation or parole, that a probationer or parolee who is a sex offender submit to a lie detector test when directed to do so by the department.

(3) The department shall promulgate rules establishing a lie detector test program for probationers and parolees who are sex offenders. The rules shall provide for assessment of fees upon probationers and parolees to partially offset the costs of the program.

**SECTION 52.** 301.132 (1) (c) of the statutes, as created by 1995 Wisconsin Act ... (this act), is amended to read:

301.132 (1) (c) “Sex offender” means a person in the custody of the department who meets any of the criteria specified in s. 175.45 (1), regardless of whether he or she is required to register under s. 175.45 (3) 301.45 (1).

**SECTION 53.** 301.45 (1) (bm) of the statutes is created to read:

301.45 (1) (bm) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or on probation, parole, supervision or aftercare supervision on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or

948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim’s parent.

**SECTION 54.** 301.45 (1) (dd) of the statutes is created to read:

301.45 (1) (dd) Is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim’s parent.

**SECTION 55.** 301.45 (1) (dh) of the statutes is created to read:

301.45 (1) (dh) Is on parole or probation in this state from another state under s. 304.13 or 304.135 on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of the law of another state that is comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim’s parent.

**SECTION 56.** 301.45 (1) (dp) of the statutes is created to read:

301.45 (1) (dp) Is in institutional care under, or on parole from, a commitment for specialized treatment under ch. 975 on or after December 25, 1993.

**SECTION 57.** 301.45 (1) (dt) of the statutes is created to read:

301.45 (1) (dt) Is in institutional care or on conditional release under ch. 980 on or after June 2, 1994.

**SECTION 58.** 301.45 (2) (a) of the statutes is created to read:

301.45 (2) (a) The department shall maintain a registry of all persons subject to sub. (1). The registry shall contain all of the following with respect to each person:

1. The person’s name, including any aliases used by the person.

2. Information sufficient to identify the person, including date of birth, gender, race, height, weight and hair and eye color.

3. The statute the person violated that subjects the person to the requirements of this section, the date of conviction, adjudication or commitment, and the county or, if the state is not this state, the state in which the person was convicted, adjudicated or committed.

4. Whichever of the following is applicable:

a. The date the person was placed on probation, supervision, conditional release, conditional transfer or supervised release.

b. The date the person was or is to be released from confinement, whether on parole or otherwise, or discharged or terminated from a sentence or commitment.

c. The date the person entered the state.

d. The date the person was ordered to comply with s. 301.45.

5. The address at which the person is or will be residing.

6. The name of the agency supervising the person, if applicable, and the office or unit and telephone number of the office or unit that is responsible for the supervision of the person.

7. A description of any motor vehicle that the person owns or that is registered in the person's name. The information provided under this paragraph shall include a description of the vehicle, including make, model, license number and any other information which the department may reasonably require for proper identification of the vehicle.

8. The name and address of the place at which the person is or will be employed.

9. The name and location of any school in which the person is or will be enrolled.

10. The most recent date on which the information in the registry was updated.

**SECTION 59.** 301.45 (2) (b) of the statutes is created to read:

301.45 (2) (b) If the department has supervision over a person subject to sub. (1), the department shall enter into the registry under this section the information specified in par. (a) concerning the person.

**SECTION 60.** 301.45 (2) (d) of the statutes is created to read:

301.45 (2) (d) A person subject to sub. (1) who is not under the supervision of the department of corrections or the department of health and family services shall provide the information specified in par. (a) to the department of corrections in accordance with the rules under sub. (8). If the person is unable to provide an item of information specified in par. (a), the department of corrections may request assistance from a circuit court or the department of health and family services in obtaining that item of information. A circuit court and the department of health and family services shall assist the department of corrections when requested to do so under this paragraph.

**SECTION 61.** 301.45 (2) (e) of the statutes is created to read:

301.45 (2) (e) The department of health and family services shall provide the information required under par. (c) or the person subject to sub. (1) shall provide the information required under par. (d) in accordance with whichever of the following is applicable:

1. Within 10 days after the person being placed on parole, probation, supervision, aftercare supervision, conditional release or supervised release.

2. If the person is on parole or probation from another state under s. 304.13 or 304.135, within 10 days after the person enters this state.

3. No later than 10 days before the person is terminated or discharged from a commitment.

4. If the person is being released from prison because he or she has reached the expiration date of his or her sentence, no later than 10 days before being released from prison.

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

**SECTION 62.** 301.45 (3) (a) 1m. of the statutes is created to read:

301.45 (3) (a) 1m. If the person is on parole or probation from another state under s. 304.13 or 304.135, he or she is subject to this subsection upon entering this state.

**SECTION 63.** 301.45 (3) (a) 2m. of the statutes is created to read:

301.45 (3) (a) 2m. If the person has been sentenced to prison and is being released from prison because he or she has reached the expiration date of his or her sentence, before being released from prison.

**SECTION 64.** 301.45 (3) (a) 3g. of the statutes is created to read:

301.45 (3) (a) 3g. If the person has been committed for specialized treatment under ch. 975, he or she is subject to this subsection upon being released on parole under s. 975.10 or, if he or she was not released on parole, before being discharged from the commitment under s. 975.09 or 975.12.

**SECTION 65.** 301.45 (3) (a) 3r. of the statutes is created to read:

301.45 (3) (a) 3r. If the person has been committed under ch. 980, he or she is subject to this subsection upon being placed on supervised release under s. 980.06 (2) or 980.08 or, if he or she was not placed on supervised release, before being discharged under s. 980.09 or 980.10.

**SECTION 66.** 301.45 (3) (b) 1m. of the statutes is created to read:

301.45 (3) (b) 1m. A person who is subject to par. (a) because he or she is covered under sub. (1) (dt) shall notify the department once each 90 days, as directed by the department, of his or her current information specified in sub. (2) (a). Every 90 days, the department shall notify registrants subject to this subdivision of their need to comply with this requirement.

**SECTION 67.** 301.45 (3) (b) 3. of the statutes is created to read:

301.45 (3) (b) 3. The department of health and family services shall notify a person who is being placed on conditional release, conditional transfer or parole, or is being terminated or discharged from a commitment, under s. 51.20, 51.35 or 971.17 or ch. 975 or 980 and who is covered under sub. (1) of the need to comply with this section.

**SECTION 68.** 301.45 (3) (b) 3m. of the statutes is created to read:

301.45 (3) (b) 3m. After notifying a person under subd. 2. or 3. of the need to comply with this section, the person who is providing the notification shall require the person who is covered under sub. (1) to read and sign a form stating that he or she has been informed of the requirements of this section.

**SECTION 69.** 301.45 (4m) of the statutes is created to read:

301.45 (4m) INFORMATION CONCERNING A MOVE TO ANOTHER STATE. In addition to the requirements under subs. (3) and (4), a person who is covered under sub. (1) and who is changing his or her residence from this state to another state shall, no later than 10 days before he or she moves out of this state, notify the department that he or she is changing his or her residence from this state and inform the department of the state to which he or she is moving his or her residence. Upon receiving notification from a person under this subsection, the department shall inform the person whether the state to which the person is moving has sex offender registration requirements to which the person may be subject and, if so, the name of the agency to contact in that state for information concerning those requirements.

**SECTION 70.** 301.45 (5) (a) 1m. of the statutes is created to read:

301.45 (5) (a) 1m. If the person is on parole or probation from another state under s. 304.13 or 304.135, 15 years after discharge from that parole or probation.

**SECTION 70m.** 301.45 (5) (a) 2m. of the statutes is created to read:

301.45 (5) (a) 2m. If the person has been sentenced to prison and is being released from prison because he or she has reached the expiration date of his or her sentence, 15 years after being released from prison.

**SECTION 71.** 301.45 (5) (a) 3m. of the statutes is created to read:

301.45 (5) (a) 3m. If the person has been committed for specialized treatment under ch. 975, 15 years after discharge from the commitment under s. 975.09 or 975.12.

**SECTION 72.** 301.45 (5) (b) of the statutes is created to read:

301.45 (5) (b) A person who is covered under sub. (1) shall continue to comply with the requirements of this section until his or her death if any of the following apply:

1. The person has, on 2 or more separate occasions, been convicted or found not guilty or not responsible by reason of mental disease or defect for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not

the victim's parent, or for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of a law of this state or any other state that is comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent. A conviction that has been reversed, set aside or vacated is not a conviction for purposes of determining under this subdivision whether a person has been convicted on 2 or more separate occasions.

2. The person has been found to be a sexually violent person under ch. 980.

**SECTION 73.** 301.45 (6) (c) of the statutes is created to read:

301.45 (6) (c) Notwithstanding pars. (a) and (b), a person who first became subject to subs. (2) to (4) under 1995 Wisconsin Act ... (this act) and who was in prison or a secured correctional facility or a secured child caring institution, in institutional care, or on probation, parole, supervision, aftercare supervision, corrective sanctions supervision, conditional transfer or conditional release during the period beginning on December 25, 1993, and ending on the day before the effective date of this paragraph ... [revisor inserts date], shall be allowed until the first day of the 7th month beginning after the effective date of this paragraph ... [revisor inserts date], to comply with the requirements under subs. (2) to (4).

**SECTION 74.** 301.45 (9) of the statutes is created to read:

301.45 (9) COOPERATION. The department of health and family services, the department of industry, labor and job development, the department of transportation and all circuit courts shall cooperate with the department of corrections in obtaining information under this section.

**SECTION 75.** 301.46 of the statutes is created to read:

**301.46 Access to information concerning sex offenders.** (1) DEFINITIONS. In this section "agency with jurisdiction" means the state agency with the authority or duty to confine or supervise a person or release or discharge a person from confinement.

(2) ACCESS FOR LAW ENFORCEMENT AGENCIES. (a) When a person is registered with the department under s. 301.45 (2), the department shall immediately make the information specified in par. (b) 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. The department shall make information available under this paragraph through a direct electronic data transfer system.

(b) The department shall make all of the following information available under par. (a):

1. The person's name, including any aliases used by the person.



2. Information sufficient to identify the person, including date of birth, gender, race, height, weight and hair and eye color.

3. The statute the person violated, the date of conviction, adjudication or commitment, and the county or, if the state is not this state, the state in which the person was convicted, adjudicated or committed.

4. Whichever of the following is applicable:

a. The date the person was placed on probation, supervision, conditional release, conditional transfer or supervised release.

b. The date the person was released from confinement, whether on parole or otherwise, or discharged or terminated from a sentence or commitment.

c. The date the person entered the state.

d. The date the person was ordered to comply with s. 301.45.

5. The address at which the person is residing.

6. The name of the agency supervising the person, if applicable, and the office or unit and telephone number of the office or unit that is responsible for the supervision of the person.

7. A description of any motor vehicle that the person owns or that is registered in the person's name, including the information provided by the person under s. 301.45 (2) (a) 7.

8. The name and address of the place at which the person is employed.

9. The name and location of any school in which the person is enrolled.

10. The most recent date on which the information under s. 301.45 was updated.

(c) When a person who is registered under s. 301.45 (2) updates information under s. 301.45 (4), the department shall immediately make the updated 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. The department shall make the updated information available under this paragraph through a direct electronic data transfer system.

(d) In addition to having access to information under pars. (a) and (c), a police chief or sheriff may request that the department provide the police chief or sheriff with information concerning any person registered under s. 301.45.

(e) A police chief or sheriff may provide any of the information to which he or she has access under this subsection, other than information specified in subs. (4) (ag) and (5) (c), to an entity in the police chief's community or the sheriff's county that is entitled to request information under sub. (4) or to any person requesting information under sub. (5) if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

**(2m) BULLETINS TO LAW ENFORCEMENT AGENCIES.** (a) If an agency with jurisdiction confines a person under s.

301.046, provides a person entering the intensive sanctions program under s. 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases a person from confinement or institutional care, and the person has, on one occasion only, been convicted or found not guilty or not responsible by reason of mental disease or defect for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent, or a law of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or that is comparable to s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent, the agency with jurisdiction may notify the police chief of any community and the sheriff of any county in which the person will be residing, employed or attending school if the agency with jurisdiction determines that such notification is necessary to protect the public. Notification under this paragraph may be in addition to providing access to information under sub. (2) or to any other notification that an agency with jurisdiction is authorized to provide.

(am) If an agency with jurisdiction confines a person under s. 301.046, provides a person entering the intensive sanctions program under s. 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases a person from confinement or institutional care, and the person has been found to be a sexually violent person under ch. 980 or has, on 2 or more separate occasions, been convicted or found not guilty or not responsible by reason of mental disease or defect for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11 or a law of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11, the agency with jurisdiction shall notify the police chief of any community and the sheriff of any county in which the person will be residing, employed or attending school. Notification under this paragraph shall be in addition to providing access to information under sub. (2) and to any other notification that an agency with jurisdiction is authorized to provide.

(b) The notification under par. (a) or (am) shall be in the form of a written bulletin to the police chief or sheriff that contains all of the following:

1. The information specified in sub. (2) (b).

2. Any other information that the agency with jurisdiction determines is necessary to assist law enforcement officers or to protect the public. Information under this subdivision may include a photograph of the person,

other identifying information and a description of the person's patterns of violation.

(c) A police chief or sheriff who receives a bulletin under this subsection may provide any of the information in the bulletin, other than information specified in subs. (4) (ag) and (5) (c), to an entity in the police chief's community or the sheriff's county that is entitled to request information under sub. (4) or to any person requesting information under sub. (5) if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

(3) NOTIFICATION OF VICTIMS. (a) In this subsection:

1. "Member of the family" means spouse, child, parent, sibling or legal guardian.

2. "Victim" means a person against whom a crime has been committed.

(b) When a person is registered under s. 301.45 (2) or when the person informs the department of a change in information under s. 301.45 (4), the department shall notify the victim or a member of the victim's family who has, according to the records of the department or the information provided under par. (d), requested to be notified about a person required to register under s. 301.45.

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

(d) The department of health and family services shall provide the department with access to the names of victims or the family members of victims who have completed cards requesting notification under s. 971.17 (6m) or 980.11.

(e) In addition to receiving the notice provided under par. (c), a person who receives notice under par. (b) may request that the department provide him or her with any of the information specified in sub. (2) (b) concerning the person required to register under s. 301.45.

(4) ACCESS TO INFORMATION FOR AGENCIES AND ORGANIZATIONS OTHER THAN LAW ENFORCEMENT AGENCIES. (a) Any of the following entities may request, in a form and manner specified by the department, information from the department concerning persons registered under s. 301.45:

1. A public or private elementary or secondary school.

2. A day care provider that holds a license under s. 48.65, that is certified under s. 48.651, that holds a probationary license under s. 48.69 or that is established or contracted for under s. 120.13 (14).

3. A child welfare agency licensed under s. 48.60.

4. A group home licensed under s. 48.625.

5. A shelter care facility licensed under s. 48.48.

6. A foster home or treatment foster home licensed under s. 48.62.

7. A county department under s. 46.21, 46.215, 46.22, 46.23, 51.42 or 51.437.

8. An agency providing child welfare services under s. 48.57 (2).

8m. The department of justice.

9. The department of public instruction.

10. The department of health and family services.

11. A neighborhood watch program authorized under s. 60.23 (17m) or by the law enforcement agency of a city or village.

12. An organized unit of the Boy Scouts of America, the Boys' Clubs of America, the Girl Scouts of America or Camp Fire Girls.

13. The personnel office of a sheltered workshop, as defined in s. 104.01 (6).

14. Any other community-based public or private, nonprofit organization that the department determines should have access to information under this subsection in the interest of protecting the public.

(ag) The department may not provide any of the following in response to a request under par. (a):

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

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

(am) Subject to par. (ag), an entity may make a request under par. (a) for information concerning a specific person registered under s. 301.45.

(ar) Subject to par. (ag), an entity specified in par. (a) 11. may request the names of and information concerning all persons registered under s. 301.45 who reside, are employed or attend school in the entity's community, district, jurisdiction or other applicable geographical area of activity.

(b) In response to a request under par. (a), the department shall, subject to par. (ag), provide all of the following information:

1. The name of the person who has registered under s. 301.45, including any aliases the person has used.

2. The date of the person's conviction or commitment, and the county or, if the state is not this state, the state in which the person was convicted or committed.

3. The make, model and license number of any motor vehicle that the person owns or that is registered in the person's name.

4. The most recent date on which the information under s. 301.45 was updated.

(c) On the request of a police chief or a sheriff, the department shall provide the police chief or sheriff with a list of entities in the police chief's community or the sheriff's county that have requested information under par. (a) for use by the police chief or sheriff under sub. (2) (e) or (2m) (c).

(5) ACCESS TO INFORMATION FOR GENERAL PUBLIC. (a) The department or a police chief or sheriff may provide the information specified in par. (b) concerning a specific person required to register under s. 301.45 to a person who is not provided notice or access under subs. (2) to (4) if, in the opinion of the department or the police chief or sheriff, providing the information is necessary to protect the public and if the person requesting the information does all of the following:

1. Submits a written request for information in a form and manner prescribed by the department or the police chief or sheriff. The department or a police chief or sheriff may require that a person state, in his or her written request under this subdivision, his or her purpose for requesting the information.

2. Specifies by name the person about whom he or she is requesting the information.

4. Provides any other information the police chief or sheriff considers necessary to determine accurately whether the person specified in subd. 2. is registered under s. 301.45.

(b) If the department or a police chief or sheriff provides information under par. (a), the department or police chief or sheriff shall, subject to par. (c), provide all of the following concerning the person specified in the request under par. (a) 2.:

1. The date of the person's conviction or commitment, and the county or, if the state is not this state, the state in which the person was convicted or committed.

2. The make, model and license number of any motor vehicle that the person owns or that is registered in the person's name.

3. The most recent date on which the information under s. 301.45 was updated.

(c) The department or a police chief or sheriff may not provide any of the following under par. (a):

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

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

(6) PERIOD OF NOTIFICATION OF AND ACCESS TO INFORMATION. (a) Except as provided in par. (b), the department or an agency with jurisdiction may provide notice of or access to information under subs. (2) to (5) concerning a person registered under s. 301.45 only during the period under s. 301.45 (5) for which the person is required to comply with s. 301.45.

(b) The department or an agency with jurisdiction may provide access to any information collected under s. 301.45, regardless of whether the person is still required to be registered, to a law enforcement agency for law enforcement purposes.

(7) IMMUNITY. A person acting under this section is immune from civil liability for any good faith act or omission regarding the release of information authorized un-

der this section. The immunity under this subsection does not extend to a person whose act or omission constitutes gross negligence or involves reckless, wanton or intentional misconduct.

(8) RULES. The department shall promulgate rules necessary to carry out its duties under this section.

(9) EFFECT ON OPEN RECORDS REQUESTS. This section does not prohibit the department from providing to a person, in response to that person's request under s. 19.35 to inspect or copy records of the department, information that is contained in the sex offender registry under s. 301.45 concerning a person who is in the custody or under the supervision of the department if that information is also contained in records of the department, other than the sex offender registry, that are subject to inspection or copying under s. 19.35.

SECTION 76. 304.137 of the statutes is created to read:

**304.137 Determination concerning submission of human biological specimen.** If the department accepts supervision of a probationer or parolee from another state under s. 304.13 or 304.135, the department shall determine whether the violation of law for which the person is on probation or parole is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025. If the department determines that a person on probation or parole from another state violated a law that is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the department shall direct the probationer or parolee to provide a biological specimen under s. 165.76.

SECTION 77. 938.185 (3) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.185 (3) Venue for a proceeding under s. 938.12 or 938.13 (12) based on an alleged violation of s. 175.45 301.45 (6) may be in the juvenile's county of residence at the time that the petition is filed or, if the juvenile does not have a county of residence in this state at the time that the petition is filed, any county in which the juvenile has resided while subject to s. 175.45 301.45.

SECTION 78. 938.34 (15) (title) of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.34 (15) (title) DEOXYRIBONUCLEIC ACID ANALYSIS AND REPORTING REQUIREMENTS.

SECTION 79. 938.34 (15) (a) 1. of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a violation of s. 940.225, 948.02 (1) or (2) or 948.025, the court shall require the juvenile to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. ~~If the violation is of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require the juvenile to comply with the reporting requirements under s. 175.45. If the violation is of s. 940.225 (3) or (3m), the court may require the juvenile to comply with the reporting requirements under s. 175.45 if the court determines that the underlying conduct was seriously sexually assaultive in nature and that~~

it would be in the interest of public protection to have the juvenile report under s. 175.45.

**SECTION 80.** 938.34 (15) (a) 2. of the statutes, as created by 1995 Wisconsin Act 77, is amended to read:

938.34 (15) (a) 2. Except as provided in subd. 1., if the juvenile is adjudicated delinquent on the basis of any violation under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the juvenile to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. ~~The court may require the juvenile to comply with the reporting requirements under s. 175.45 if the court determines that the underlying conduct was seriously sexually assaultive in nature and that it would be in the interest of public protection to have the juvenile report under s. 175.45.~~

**SECTION 81.** 938.34 (15m) of the statutes is created to read:

938.34 (15m) SEX OFFENDER REPORTING REQUIREMENTS. (a) If the child is adjudicated delinquent on the basis of a violation, or the solicitation, conspiracy or attempt to commit a violation, of s. 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the child was not the victim's parent, the court shall require the person to comply with the reporting requirements under s. 301.45.

(b) Except as provided in par. (a), if the child is adjudicated delinquent on the basis of any violation, or the solicitation, conspiracy or attempt to commit any violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the child to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the child report under s. 301.45.

**SECTION 82.** 938.396 (2) (em) of the statutes is created to read:

938.396 (2) (em) Upon request of the department to review court records for the purpose of obtaining information concerning a child required to register under s. 301.45, the court shall open for inspection by authorized representatives of the department the records of the court relating to any child who has been adjudicated delinquent or found not responsible by reason of mental disease or defect for an offense specified in s. 301.45 (1) (a). The department may disclose information that it obtains under this paragraph as provided under s. 301.46.

**SECTION 83.** 939.646 of the statutes is created to read:

**939.646 Penalty; crimes committed using information obtained from the sex offender registry.** If a person commits a crime using information that was disclosed to him or her under s. 301.46, the penalties may be increased as follows:

(1) In case of a misdemeanor, the maximum fine prescribed by law for the crime may be increased by not

more than \$1,000 and the maximum term of imprisonment prescribed by law for the crime may be increased by not more than 6 months. This subsection does not change the status of the crime from a misdemeanor to a felony.

(2) In case of a felony, the maximum term of imprisonment prescribed by law for the crime may be increased by not more than 5 years.

**SECTION 84.** 942.06 (1) of the statutes is amended to read:

942.06 (1) ~~No~~ Except as provided in sub. (2m), no person may require or administer a polygraph, voice stress analysis, psychological stress evaluator or any other similar test purporting to test honesty without the prior written and informed consent of the subject.

**SECTION 85.** 942.06 (2) of the statutes is amended to read:

942.06 (2) ~~No~~ Except as provided in sub. (2q), no person may disclose that another person has taken a polygraph, voice stress analysis, psychological stress evaluator or any other similar test purporting to test honesty and no person may disclose the results of such a test to any person except the person tested, without the prior written and informed consent of the subject.

**SECTION 86.** 942.06 (2m) and (2q) of the statutes are created to read:

942.06 (2m) Subsection (1) does not apply to any of the following:

(a) An employe or agent of the department of corrections who conducts a lie detector test of a probationer or parolee under the rules promulgated under s. 301.132.

(b) An employe or agent of the department of health and family services who conducts a lie detector test of a person under the rules promulgated under s. 51.375.

(2q) Subsection (2) does not apply to any of the following:

(a) An employe or agent of the department of corrections who discloses, to any of the following, the fact that a probationer or parolee has had a lie detector test under the rules promulgated under s. 301.132 or the results of such a lie detector test:

1. Another employe or agent of the department of corrections.

2. Another agency or person, if the information disclosed will be used for purposes related to correctional programming or care and treatment.

(b) An employe or agent of the department of health and family who discloses, to any of the following, the fact that a person has had a lie detector test under the rules promulgated under s. 51.375 or the results of such a lie detector test:

1. Another employe or agent of the department of health and family services.

2. Another agency or person, if the information disclosed will be used for purposes related to programming or care and treatment for the person.

**SECTION 87.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 74, is amended to read:

**950.045 Victims; application for parole or pardon; releases; escapes; corrections programs.** Victims of crimes have the right to provide written statements concerning parole applications under s. 304.06 (1) (e), to have direct input in the parole decision-making process under s. 304.06 (1) (em) and to provide written statements concerning pardon applications under s. 304.10 (2). Victims of crimes have the right to be notified by district attorneys under s. 971.17 (4m) regarding conditional releases under s. 971.17. Victims of crimes have the right to be notified by the department of health and social services under s. 971.17 (6m) regarding terminations or discharges under s. 971.17. Victims of crimes have the right to be notified by the department of corrections under s. 301.046 (4) regarding community residential confinements, under s. 301.048 (4m) regarding participation in the intensive sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under s. 302.115 regarding the expiration of sentences and under s. 304.063 regarding parole releases. Victims of acts of sexual violence have the right to be notified by district attorneys or the department of justice under s. 980.11 regarding supervised releases under s. 980.06 and discharges under s. 980.09 or 980.10.

**SECTION 88.** 950.045 of the statutes, as affected by 1995 Wisconsin Act ... (this act), is repealed and recreated to read:

**950.045 Victims; application for parole or pardon; releases; escapes; corrections programs.** Victims of crimes have the right to provide written statements concerning parole applications under s. 304.06 (1) (e), to have direct input in the parole decision-making process under s. 304.06 (1) (em) and to provide written statements concerning pardon applications under s. 304.10 (2). Victims of crimes have the right to be notified by district attorneys under s. 971.17 (4m) regarding conditional releases under s. 971.17. Victims of crimes have the right to be notified by the department of health and family services under s. 971.17 (6m) regarding terminations or discharges under s. 971.17. Victims of crimes have the right to be notified by the department of corrections under s. 301.046 (4) regarding community residential confinements, under s. 301.048 (4m) regarding participation in the intensive sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under s. 302.115 regarding the expiration of sentences and under s. 304.063 regarding parole releases. Victims of acts of sexual violence have the right to be notified by the department of health and family services under s. 980.11 regarding supervised releases under s. 980.06 and discharges under s. 980.09 or 980.10. Victims have the right to be notified of the registration of a person and the update of information regarding that person under s. 301.46.

**SECTION 89.** 971.17 (1m) of the statutes is renumbered 971.17 (1m) (a) and amended to read:

971.17 (1m) (a) If the defendant under sub. (1) is found not guilty by reason of mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis ~~and to comply with the reporting requirements of s. 175.45.~~

**SECTION 90.** 971.17 (1m) (b) of the statutes is created to read:

971.17 (1m) (b) 1. If the defendant under sub. (1) is found not guilty by reason of mental disease or defect for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the defendant was not the victim's parent, the court shall require the defendant to comply with the reporting requirements under s. 301.45.

2. Except as provided in subd. 1., if the defendant under sub. (1) is found not guilty by reason of mental disease or defect for any violation, or for the solicitation, conspiracy or attempt to commit any violation, of ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the defendant to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the defendant report under s. 301.45.

**SECTION 91.** 971.17 (4m) (title) of the statutes is amended to read:

971.17 (4m) (title) NOTICE ~~TO~~ VICTIMS ABOUT CONDITIONAL RELEASE.

**SECTION 92.** 971.17 (4m) (b) of the statutes is renumbered 971.17 (4m) (b) (intro.) and amended to read:

971.17 (4m) (b) (intro.) If the court conditionally releases a defendant under this section, the district attorney shall notify all of the following person, ~~if he or she can be found~~, in accordance with par. (c): the

1. The victim of the crime committed by the defendant or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian.

**SECTION 93.** 971.17 (4m) (b) 2. of the statutes is created to read:

971.17 (4m) (b) 2. The department of corrections.

**SECTION 94.** 971.17 (4m) (c) of the statutes is amended to read:

971.17 (4m) (c) The notice under par. (b) shall inform the department of corrections and the person under par. (b) 1. of the defendant's name and conditional release date. The district attorney shall send the notice, post-marked no later than 7 days after the court orders the con-

ditional release under this section, to the department of corrections and to the last-known address of the person under par. (b) 1.

**SECTION 95.** 971.17 (4m) (d) of the statutes is amended to read:

971.17 (4m) (d) Upon request, the department of health and social services shall assist district attorneys in obtaining information regarding persons specified in par. (b) 1.

**SECTION 96.** 971.17 (6m) (title) of the statutes is amended to read:

971.17 (6m) (title) NOTICE TO VICTIMS ABOUT TERMINATION OR DISCHARGE.

**SECTION 97.** 971.17 (6m) (b) of the statutes is renumbered 971.17 (6m) (b) (intro.) and amended to read:

971.17 (6m) (b) (intro.) If the court orders that the defendant's commitment is terminated under sub. (5) or that the defendant be discharged under sub. (6), the department of health and social services shall notify the all of the following:

1. If the person has submitted a card under par. (d) requesting notification, the victim of the crime committed by the defendant, or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian, after the submission of a card under par. (d) requesting notification.

**SECTION 98.** 971.17 (6m) (b) 2. of the statutes is created to read:

971.17 (6m) (b) 2. The department of corrections.

**SECTION 99.** 971.17 (6m) (c) of the statutes is amended to read:

971.17 (6m) (c) The notice under par. (b) shall inform the department of corrections and the person under par. (b) 1, of the defendant's name and termination or discharge date. The department of health and social services shall send the notice, postmarked at least 7 days before the defendant's termination or discharge date, to the department of corrections and to the last-known address of the person under par. (b) 1.

**SECTION 100.** 971.17 (6m) (d) of the statutes is amended to read:

971.17 (6m) (d) The department of health and social services shall design and prepare cards for persons specified in par. (b) 1, to send to the department. The cards shall have space for these persons to provide their names and addresses, the name of the applicable defendant and any other information the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (b) 1. These persons may send completed cards to the department. All departmental records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1),

except as needed to comply with a request under sub. (4m) (d) or s. 301.46 (3) (d).

**SECTION 101.** 971.19 (9) of the statutes is amended to read:

971.19 (9) In an action under s. ~~175.45~~ 301.45 (6), the defendant may be tried in the defendant's county of residence at the time that the complaint is filed or, if the defendant does not have a county of residence in this state at the time that the complaint is filed, any county in which he or she has resided while subject to s. ~~175.45~~ 301.45.

**SECTION 102.** 973.047 (title) of the statutes is amended to read:

**973.047 (title) Deoxyribonucleic acid analysis and reporting requirements.**

**SECTION 103.** 973.047 (1) (a) of the statutes is amended to read:

973.047 (1) (a) If a court imposes a sentence or places a person on probation for a violation of s. 940.225, 948.02 (1) or (2) or 948.025, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. ~~If the violation is of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the court shall require the person to comply with the reporting requirements under s. 175.45. If the violation is of s. 940.225 (3) or (3m), the court may require the person to comply with the reporting requirements under s. 175.45 if the court determines that the underlying conduct was seriously sexually assaultive in nature and that it would be in the interest of public protection to have the person report under s. 175.45.~~

**SECTION 104.** 973.047 (1) (b) of the statutes is amended to read:

973.047 (1) (b) Except as provided in par. (a), if a court imposes a sentence or places a person on probation for any violation under ~~chs. ch.~~ ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. ~~The court may require the person to comply with the reporting requirements under s. 175.45 if the court determines that the underlying conduct was seriously sexually assaultive in nature and that it would be in the interest of public protection to have the person report under s. 175.45.~~

**SECTION 105.** 973.048 of the statutes is created to read:

**973.048 Sex offender reporting requirements. (1)** If a court imposes a sentence or places a person on probation for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent, the court shall require the person to comply with the reporting requirements under s. 301.45.

(2) Except as provided in sub. (1), if a court imposes a sentence or places a person on probation for any violation, or for the solicitation, conspiracy or attempt to commit any violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the person to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the person report under s. 301.45.

**SECTION 106.** 980.063 of the statutes is created to read:

**980.063 Deoxyribonucleic acid analysis requirements.** (1) (a) If a person is found to be a sexually violent person under this chapter, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

(b) The results from deoxyribonucleic acid analysis of a specimen under par. (a) may be used only as authorized under s. 165.77 (3). The state crime laboratories shall destroy any such specimen in accordance with s. 165.77 (3).

(2) The department of justice shall promulgate rules providing for procedures for defendants to provide specimens under sub. (1) and for the transportation of those specimens to the state crime laboratories for analysis under s. 165.77.

**SECTION 107.** 980.11 (title) of the statutes is amended to read:

**980.11 (title) Notice to victims concerning supervised release or discharge.**

**SECTION 108.** 980.11 (2) (intro.) of the statutes is amended to read:

980.11 (2) (intro.) If the court places a person on supervised release under s. 980.06 or discharges a person under s. 980.09 or 980.10, the ~~district attorney or~~ department of justice, ~~whichever is applicable,~~ shall notify ~~whichever~~ all of the following:

(am) Whichever of the following persons is appropriate, if he or she can be found, in accordance with sub. (3):

**SECTION 109.** 980.11 (2) (a) of the statutes is renumbered 980.11 (2) (am) 1.

**SECTION 110.** 980.11 (2) (b) of the statutes is renumbered 980.11 (2) (am) 2.

**SECTION 111.** 980.11 (2) (bm) of the statutes is created to read:

980.11 (2) (bm) The department of corrections.

**SECTION 112.** 980.11 (2) (c) of the statutes is renumbered 980.11 (2) (am) 3.

**SECTION 113.** 980.11 (3) of the statutes is amended to read:

980.11 (3) The notice under sub. (2) shall inform the department of corrections and the person under sub. (2) (am) of the name of the person committed under this chapter and the date the person is placed on supervised release or discharged. The department shall send the no-

tice, postmarked at least 7 days before the date the person committed under this chapter is placed on supervised release or discharged, to the department of corrections and to the last-known address of the person under sub. (2) (am).

**SECTION 114.** 980.11 (4) of the statutes is amended to read:

980.11 (4) The department shall design and prepare cards for persons specified in sub. (2) (am) to send to the department. The cards shall have space for these persons to provide their names and addresses, the name of the person committed under this chapter and any other information the department determines is necessary. The department shall provide the cards, without charge, to the department of justice and district attorneys. The department of justice and district attorneys shall provide the cards, without charge, to persons specified in sub. (2) (am). These persons may send completed cards to the department of health and social services. All records or portions of records of the department of health and social services that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1), except as needed to comply with a ~~written~~ request by a ~~district attorney or~~ the department of justice ~~for assistance in locating persons to be notified~~ corrections under ~~sub. (2) s. 301.46 (3) (d).~~

**SECTION 115. Nonstatutory provisions.**

(1) TRANSFER OF SEX OFFENDER REGISTRATION RESPONSIBILITIES TO THE DEPARTMENT OF CORRECTIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of justice that are primarily related to the administration by the department of sex offender registration under section 175.45, 1993 stats., as determined by the secretary of administration, shall become the assets and liabilities of the department of corrections.

(b) *Tangible personal property.* On the effective date of this paragraph, the tangible personal property, including records, of the department of justice that is primarily related to the administration by the department of sex offender registration under section 175.45, 1993 stats., as determined by the secretary of administration, is transferred to the department of corrections.

(c) *Rules.* All rules promulgated by the department of justice that are primarily related to the administration by the department of sex offender registration under section 175.45, 1993 stats., and that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of corrections.

**SECTION 116. Appropriation changes.**

(1) APPROPRIATION INCREASE; CORRECTIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$346,900 for

fiscal year 1996–97 to increase the authorized FTE positions for the department by 5.0 GPR positions on March 1, 1997, for the performance of duties relating to sex offender registration and community notification concerning sex offenders.

(2) TRANSFER OF SEX OFFENDER REGISTRATION RESPONSIBILITIES; CORRECTIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$5,200 for fiscal year 1996–97 to increase the authorized FTE positions for the department by 2.0 GPR positions on June 1, 1997, for the performance of duties relating to sex offender registration under section 175.45, 1993 stats.

**SECTION 117. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) COMMUNITY NOTIFICATION, CHANGES IN SEX OFFENDER REGISTRY AND TRANSFER OF SEX OFFENDER REGISTRY TO THE DEPARTMENT OF CORRECTIONS. The treatment of section 175.45 (2) (title) of the statutes, the amendment of sections 51.20 (13) (cr), 51.375 (1) (a) and (d), 301.132 (1) (c), 938.185 (3), 938.34 (15) (title) and (a) 1.

and 2., 971.17 (4m) (title), (c) and (d) and (6m) (title) and (c) and (d), 971.19 (9), 973.047 (title) and (1) (a) and (b) and 980.11 (title), (2) (intro.), (3) and (4) of the statutes, the renumbering of sections 175.45 (title), (1) (intro.), (3) (title) and (a) (intro.) and (7) (b) and 980.11 (2) (a), (b) and (c) of the statutes, the renumbering and amendment of sections 175.45 (1) (a), (b), (c), (d) and (e), (2), (3) (a) 1., 2., 3. and 4. and (b), (4), (5), (6), (7) (title), (a) and (c) and (8) and 971.17 (1m), (4m) (b) and (6m) (b) of the statutes, the creation of sections 48.396 (2) (f), 51.20 (13) (ct), 51.30 (3) (d) and (4) (b) 24., 301.45 (1) (bm), (dd), (dh), (dp) and (dt), (2) (a), (b), (d) and (e), (3) (a) 1m., 2m., 3g. and 3r. and (b) 1m., 3. and 3m., (4m), (5) (a) 1m., 2m. and 3m. and (b), (6) (c) and (9), 301.46, 938.34 (15m), 938.396 (2) (em), 939.646, 971.17 (1m) (b), (4m) (b) 2. and (6m) (b) 2., 973.048 and 980.11 (2) (bm) of the statutes, the repeal and recreation of section 950.045 of the statutes, the repeal of section 175.45 (9) of the statutes and SECTION 115 of this act take effect on June 1, 1997.

(2) MISCELLANEOUS. The repeal and recreation of sections 165.76 (3), 165.765 (1) and (2) (a) and 165.77 (2) (b) and (3) of the statutes takes effect on July 1, 1996, or on the day after publication, whichever is later.