



State of Wisconsin
2007 - 2008 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 702**

March 5, 2008 – Offered by Representative KLEEFISCH.

1 **AN ACT** *to renumber* 980.08 (4) (cm); *to amend* 301.48 (3) (a) 3., 301.48 (3) (d)
2 1., 980.08 (4) (g) and 980.105 (2m) (intro.); and *to create* 66.0408, 301.48 (3m)
3 and 980.08 (4) (cm) 2. of the statutes; **relating to:** prohibiting political
4 subdivisions from regulating the placement of sex offenders, residency
5 restrictions on certain sex offenders, the placement of persons on supervised
6 release, and providing a penalty.

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

7 **SECTION 1.** 66.0408 of the statutes is created to read:
8 **66.0408 Local regulation of sex offenders.** (1) In this section:
9 (a) “Political subdivision” means a city, village, town, or county.
10 (b) “Sex offender” means a person who is a registered sex offender under s.
11 301.45.

1 **(2)** (a) A political subdivision may not enact an ordinance or adopt a resolution
2 that affects the placement of a sex offender.

3 (b) If a political subdivision has in effect on the effective date of this paragraph
4 [revisor inserts date], an ordinance or resolution that is inconsistent with par. (a),
5 the ordinance or resolution does not apply and may not be enforced.

6 **SECTION 2.** 301.48 (3) (a) 3. of the statutes, as created by 2005 Wisconsin Act
7 431, is amended to read:

8 301.48 **(3)** (a) 3. Immediately alert the department and the local law
9 enforcement agency having jurisdiction over the exclusion or inclusion zone if the
10 person stays in any exclusion zone for any longer period than the time needed to
11 travel through the zone to get to another destination ~~or~~, if the person leaves any
12 inclusion zone, or, if the person is subject to the residency restriction under sub. (3m),
13 if it appears that the person is violating sub. (3m).

14 **SECTION 3.** 301.48 (3) (d) 1. of the statutes, as created by 2005 Wisconsin Act
15 431, is amended to read:

16 301.48 **(3)** (d) 1. The department of corrections has been alerted under par. (a)
17 3. that the person being tracked has improperly stayed in an exclusion zone or
18 improperly left an inclusion zone or, if the person is subject to sub. (3m), that it
19 appears the person has violated sub. (3m).

20 **SECTION 4.** 301.48 (3m) of the statutes is created to read:

21 301.48 **(3m)** RESIDENCY RESTRICTIONS. (a) A person who is subject to lifetime
22 tracking for committing a level 1 child sex offense or is subject to lifetime tracking
23 under sub. (2) (b) may not have a residence that is less than 500 feet from the grounds
24 of an elementary school.

25 (b) Whoever intentionally violates par. (a) is guilty of a Class I felony.

1 **SECTION 5.** 980.08 (4) (cm) of the statutes is renumbered 980.08 (4) (cm) 1.

2 **SECTION 6.** 980.08 (4) (cm) 2. of the statutes is created to read:

3 980.08 (4) (cm) 2. If the person is placed in his or her county of residence, the
4 court shall order placement of the person in the person's city, village, or town of
5 residence, as determined by the department under s. 980.105 (2m).

6 **SECTION 7.** 980.08 (4) (g) of the statutes is amended to read:

7 980.08 (4) (g) The court shall review the plan submitted by the department
8 under par. (cm). If the details of the plan adequately meet the treatment needs of the
9 individual and the safety needs of the community and comply with s. 301.48 (3m) (a),
10 then the court shall approve the plan and determine that supervised release is
11 appropriate. If the details of the plan do not adequately meet the treatment needs
12 of the individual or the safety needs of the community, then the court shall determine
13 that supervised release is not appropriate or direct the preparation of another
14 supervised release plan to be considered by the court under this paragraph. If the
15 details of the plan do not comply with s. 301.48 (3m) (a), the court shall direct the
16 preparation of another supervised release plan to be considered by the court under
17 this paragraph.

18 **SECTION 8.** 980.105 (2m) (intro.) of the statutes, as created by 2005 Wisconsin
19 Act 431, is amended to read:

20 980.105 (2m) (intro.) The department shall determine a person's city, village,
21 or town of residence for the purposes of s. 980.08 ~~(5)~~ (4) (cm) 2. by doing all of the
22 following:

23 **SECTION 9. Initial applicability.**

24 (1) The treatment of section 980.08 (4) (g) of the statutes, the renumbering and
25 amendment of section 980.08 (4) (cm), of the statutes and the creation of section

1 980.08 (4) (cm) 2. of the statutes first apply to plans for supervised release that are
2 not approved by the court on the effective date of this subsection.

3 (END)