



2005 SENATE BILL 59

February 15, 2005 – Introduced by Senators DARLING, KEDZIE, LEIBHAM, ROESSLER, KANAVAS, REYNOLDS and STEPP, cosponsored by Representatives FRISKE, BIES, GARD, GUNDRUM, GIELOW, GRONEMUS, KLEEFISCH, KAUFERT, KERKMAN, JENSEN, LEMAHIEU, NISCHKE, MONTGOMERY, AINSWORTH, LOTHIAN, MUSSER, HINES, VAN ROY, VOS, PETROWSKI, OWENS, NASS, OTT, LAMB, STRACHOTA, KRAWCZYK, M. WILLIAMS, PETTIS, NERISON and MOULTON. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to repeal* 301.46 (5) (c); *to amend* 301.46 (2) (e), 301.46 (2m) (c), 301.46
2 (4) (ag) (intro.) and 301.46 (5) (b) (intro.); and *to create* 938.78 (2) (h) of the
3 statutes; **relating to:** individuals registered as sex offenders based upon a
4 juvenile delinquency adjudication.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits sexual assault or a sex offense involving a child must register with the Department of Corrections (DOC) as a sex offender. Information from the sex offender registry is available to police chiefs and sheriffs, who may provide that information on their own initiative to certain organizations (including schools, day care providers, and certain government agencies), individuals, and the public generally, if they determine that doing so is necessary to protect the public. In addition, organizations may request information regarding specific registrants from DOC, while individuals may request such information from either DOC or a police chief or sheriff. Current law, however, prohibits DOC and local law enforcement officers from disseminating information concerning a registrant who is a child or concerning a juvenile delinquency case in which the registrant was involved.

Under this bill, a police chief or sheriff may provide information from the sex offender registry concerning a registrant who is a child or concerning a delinquency case in which the registrant was involved to an organization, an individual, or the general public if the police chief or sheriff believes that doing so is necessary to protect the public. DOC may also do so in response to a request for information

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regarding a specific registrant if it believes that doing so is necessary to protect the public.

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

1 **SECTION 1.** 301.46 (2) (e) of the statutes is amended to read:

2 301.46 **(2)** (e) A police chief or sheriff may provide any of the information to
3 which he or she has access under this subsection, ~~other than information specified~~
4 ~~in subs. (4) (ag) and (5) (e)~~, to an entity in the police chief's community or the sheriff's
5 county that is entitled to request information under sub. (4), to any person requesting
6 information under sub. (5) or to members of the general public if, in the opinion of
7 the police chief or sheriff, providing that information is necessary to protect the
8 public.

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

10 301.46 **(2m)** (c) A police chief or sheriff who receives a bulletin under this
11 subsection may provide any of the information in the bulletin, ~~other than~~
12 ~~information specified in subs. (4) (ag) and (5) (e)~~, to an entity in the police chief's
13 community or the sheriff's county that is entitled to request information under sub.
14 (4), to any person requesting information under sub. (5) or to members of the general
15 public if, in the opinion of the police chief or sheriff, providing that information is
16 necessary to protect the public.

17 **SECTION 3.** 301.46 (4) (ag) (intro.) of the statutes is amended to read:

18 301.46 **(4)** (ag) (intro.) The department may not provide any of the following
19 information in response to a request under par. (a) unless it determines that doing
20 so is necessary to protect the public:

21 **SECTION 4.** 301.46 (5) (b) (intro.) of the statutes is amended to read:

