



2009 ASSEMBLY BILL 934

April 6, 2010 - Introduced by Representatives M. WILLIAMS, SUDER, MURSAU, KLEEFISCH, LEMAHIEU, GUNDERSON and TOWNSEND, cosponsored by Senator DARLING. Referred to Committee on Corrections and the Courts.

1 **AN ACT to amend** 301.45 (5) (a) (intro.), 301.45 (5) (b) (intro.), 301.45 (5m) (c) and
2 973.048 (1m); and **to create** 301.45 (1g) (ed) and 973.048 (2d) of the statutes;
3 **relating to:** sex offender registry requirements following certain plea
4 agreements.

Analysis by the Legislative Reference Bureau

Under current law, a person must register with the Department of Corrections (DOC) as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect, or adjudicated delinquent on the basis of certain sex offenses. These sex offenses include sexual assault of a child and repeated sexual assault of a child (child sex offense) and first-degree, second-degree, and third-degree sexual assault. In addition, the person must register with DOC as a sex offender if he or she commits other offenses and the court determines that the underlying conduct was sexually motivated and it would be in the interest of public protection for the person to register. These offenses include fourth-degree sexual assault. Under this bill, a person over the age of 17 must register with DOC as a sex offender, without a court determination, if a child sex offense against an individual who has not attained the age of 13 years was dismissed or uncharged as part of a plea agreement for fourth-degree sexual assault.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 301.45 (1g) (ed) of the statutes is created to read:

2 301.45 **(1g)** (ed) Is ordered by a court under s. 973.048 (2d) to comply with the
3 reporting requirements under this section.

4 **SECTION 2.** 301.45 (5) (a) (intro.) of the statutes is amended to read:

5 301.45 **(5)** (a) (intro.) Except as provided in pars. (am) and (b), a person who
6 is covered under sub. (1g) (a), (b), (bm), (c), (d), (dd), (dp), (e), (ed), or (em) no longer
7 has to comply with this section when the following applicable criterion is met:

8 **SECTION 3.** 301.45 (5) (b) (intro.) of the statutes is amended to read:

9 301.45 **(5)** (b) (intro.) A person who is covered under sub. (1g) (a), (b), (bm), (c),
10 (d), (dd), (dp) ~~or~~, or (em) shall continue to comply with the requirements of this
11 section until his or her death if any of the following applies:

12 **SECTION 4.** 301.45 (5m) (c) of the statutes is amended to read:

13 301.45 **(5m)** (c) This subsection does not apply to a person who is required to
14 register as a sex offender under one or more of the criteria specified in sub. (1g) (a),
15 (b), (bm), (c), (d), (dd), (dp), (e), (ed), or (em).

16 **SECTION 5.** 973.048 (1m) of the statutes is amended to read:

17 973.048 **(1m)** Except as provided in ~~sub. subs. (2d) and~~ (2m), if a court imposes
18 a sentence or places a person on probation for any violation, or for the solicitation,
19 conspiracy, or attempt to commit any violation, under ch. 940, 944, or 948 or ss.
20 942.08 or 943.01 to 943.15, the court may require the person to comply with the
21 reporting requirements under s. 301.45 if the court determines that the underlying

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1 conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in
2 the interest of public protection to have the person report under s. 301.45.

3 **SECTION 6.** 973.048 (2d) of the statutes is created to read:

4 973.048 (2d) The court shall require the person to comply with the reporting
5 requirements under s. 301.45 if all of the following apply:

6 (a) An offense under s. 948.02 or 948.025 was uncharged or dismissed as part
7 of a plea agreement that resulted in the judgment of conviction for a violation of s.
8 940.225 (3m).

9 (b) The uncharged or dismissed offense under par. (a) was against a victim who
10 had not attained the age of 13.

11 (c) The person was at least 17 years of age when the uncharged or dismissed
12 offense under par. (a) allegedly occurred.

13 **SECTION 7. Initial applicability.**

14 (1) The treatment of section 973.048 (2d) of the statutes first applies to a
15 judgment of conviction entered on the effective date of this subsection.

16 (END)