



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa0557/1  
JEO:kmg:jf

**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 186**

May 20, 1997 - Offered by Senators ADELMAN, DARLING, JAUCH, GEORGE and PANZER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 2: before "notification" insert "sex offender registration  
3 requirements and".

4 **2.** Page 1, line 4: delete lines 4 and 5 and substitute:

5 "SECTION 1b. 51.20 (13) (ct) 1. of the statutes, as created by 1995 Wisconsin Act  
6 440, is renumbered 51.20 (13) (ct) 2m. and amended to read:

7 51.20 (13) (ct) 2m. If the subject individual is before the court on a petition filed  
8 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a  
9 violation, or to have solicited, conspired or attempted to commit a violation, of s.  
10 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,  
11 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor  
12 and the subject individual was not the victim's parent, the court shall require the

1 individual to comply with the reporting requirements under s. 301.45 unless the  
2 court determines, after a hearing on a motion made by the individual, that the  
3 individual is not required to comply under s. 301.45 (1m), in which case subd. 3.  
4 applies.

5 **SECTION 1d.** 51.20 (13) (ct) 2. of the statutes, as created by 1995 Wisconsin Act  
6 440, is renumbered 51.20 (13) (ct) 1m. and amended to read:

7 51.20 (13) (ct) 1m. Except as provided in ~~subd. 1.~~ subds. 2m. and 3., if the  
8 subject individual is before the court on a petition filed under a court order under s.  
9 938.30 (5) (c) 1. and is found to have committed any violation, or to have solicited,  
10 conspired or attempted to commit any violation, of ch. 940, 944 or 948 or ss. 943.01  
11 to 943.15, the court may require the subject individual to comply with the reporting  
12 requirements under s. 301.45 if the court determines that the underlying conduct  
13 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest  
14 of public protection to have the subject individual report under s. 301.45.

15 **SECTION 1g.** 51.20 (13) (ct) 3. of the statutes is created to read:

16 51.20 (13) (ct) 3. If the court determines under subd. 2m. that the subject  
17 individual is not required to comply with the reporting requirements under s. 301.45,  
18 the court may order the subject individual to comply with the reporting requirements  
19 if the court determines that it would be in the interest of public protection to have  
20 the subject individual report under s. 301.45.

21 **SECTION 1j.** 301.45 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act  
22 440, is amended to read:

23 301.45 (1) WHO IS COVERED. (intro.) ~~A~~ Except as provided in sub. (1m), a person  
24 shall comply with the reporting requirements under this section if he or she meets  
25 any of the following criteria:

1           **SECTION 1m.** 301.45 (1) (e) of the statutes, as affected by 1995 Wisconsin Act  
2 440, is amended to read:

3           301.45 (1) (e) Is ordered by a court under sub. (1m) (d) or s. 51.20 (13) (ct) 1m.  
4 or 3., 938.34 (15m) (am) or (c), 971.17 (1m) (b) ~~2. 1m. or 3.~~ or 973.048 (1m) or (3) to  
5 comply with the reporting requirements under this section.

6           **SECTION 1p.** 301.45 (1m) of the statutes is created to read:

7           301.45 (1m) EXCEPTION TO REGISTRATION REQUIREMENT.

8           (b) A person is not required to comply with the reporting requirements under  
9 this section if a court determines that all of the following apply:

10           1. The person meets the criteria under sub. (1) (a) to (dt) based on any violation,  
11 or on the solicitation, conspiracy or attempt to commit any violation, of s. 948.02 (1)  
12 or (2) or 948.025 or of a law of another state that is comparable to s. 948.02 (1) or (2)  
13 or 948.025.

14           2. At the time of the violation, or of the solicitation, conspiracy or attempt to  
15 commit the violation, of s. 948.02 (1) or (2) or 948.025 or of a law of another state that  
16 is comparable to s. 948.02 (1) or (2) or 948.025, the person was not more than 4 years  
17 older or not more than 4 years younger than the child.

18           (c) If a person believes that he or she is not required under par. (b) to comply  
19 with the reporting requirements under this section and the person is not before the  
20 court under s. 51.20 (13) (ct), 938.34 (15m), 971.17 (1m) (b) or 973.048, the person  
21 may move a court to make a determination of whether par. (b) applies to the person.  
22 A motion made under this paragraph shall be filed with the circuit court for the  
23 county in which the person was convicted, adjudicated delinquent, found in need of  
24 protection or services or found not guilty or not responsible by reason of mental  
25 disease or defect, except that if the person meets the criteria of sub. (1) (dh) the person

1 shall file the motion in the circuit court for the county in which he or she resides. A  
2 court shall hold a hearing on a motion made by a person under this paragraph.

3 (d) Notwithstanding par. (b), if a court determines after a hearing under par.  
4 (c) that the person is not required to comply with the reporting requirements under  
5 this section, the court may order the person to comply with the reporting  
6 requirements if the court determines that it would be in the interest of public  
7 protection to have the person report under this section.

8 **SECTION 1r.** 301.45 (7) (c) (intro.) of the statutes, as affected by 1995 Wisconsin  
9 Act 440, is amended to read:

10 301.45 (7) (c) (intro.) A person about whom information is maintained in the  
11 registry under sub. (2) may request expungement of all pertinent information in the  
12 registry on if any of the grounds that his or her following applies:

13 1m. The person's conviction, delinquency adjudication, finding of need of  
14 protection or services or commitment has been reversed, set aside or vacated.

15 (d) The department shall purge all of that the information maintained in the  
16 registry under sub. (2) concerning a person to whom par. (c) applies if the department  
17 receives all of the following:

18 **SECTION 1t.** 301.45 (7) (c) 1. and 2. of the statutes, as affected by 1995 Wisconsin  
19 Act 440, are renumbered 301.45 (7) (d) 1. and 2., and 301.45 (7) (d) 2., as renumbered,  
20 is amended to read:

21 301.45 (7) (d) 2. A certified copy of the court order reversing, setting aside or  
22 vacating the conviction, delinquency adjudication, finding of need of protection or  
23 services or commitment or a certified copy of the court's determination under sub.  
24 (1m) (c).

25 **SECTION 1v.** 301.45 (7) (c) 2m. of the statutes is created to read:

1           301.45 (7) (c) 2m. A court has determined under sub. (1m) (c) that the person  
2 is not required to comply with the reporting requirements under this section and the  
3 court has not ordered the person to comply with the reporting requirements under  
4 sub. (1m) (d).

5           **SECTION 1x.** 301.46 (2) (e) of the statutes, as created by 1997 Wisconsin Act 440,  
6 is amended to read:".

7           **3.** Page 1, line 12: after that line insert:

8           “**SECTION 1y.** 301.46 (2m) (at) of the statutes is created to read:

9           301.46 (2m) (at) Paragraphs (a) and (am) do not apply to a person to whom s.  
10 301.45 (1m) applies unless the person is required to comply with the reporting  
11 requirements under s. 301.45 by a court acting under s. 51.20 (13) (ct) 3., 301.45 (1m)  
12 (d), 938.34 (15m) (c), 971.17 (1m) (b) 3. or 973.048 (3).”.

13           **4.** Page 2, line 18: after that line insert:

14           “**SECTION 4b.** 938.34 (15m) (a) of the statutes, as created by 1995 Wisconsin Act  
15 440, is renumbered 938.34 (15m) (bm) and amended to read:

16           938.34 (15m) (bm) If the child juvenile is adjudicated delinquent on the basis  
17 of a violation, or the solicitation, conspiracy or attempt to commit a violation, of s.  
18 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,  
19 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor  
20 and the child juvenile was not the victim’s parent, the court shall require the person  
21 juvenile to comply with the reporting requirements under s. 301.45 unless the court  
22 determines, after a hearing on a motion made by the juvenile, that the juvenile is not  
23 required to comply under s. 301.45 (1m), in which case par. (c) applies.

1           **SECTION 4e.** 938.34 (15m) (b) of the statutes, as created by 1995 Wisconsin Act  
2 440, is renumbered 938.34 (15m) (am) and amended to read:

3           938.34 **(15m)** (am) Except as provided in ~~par. (a)~~ pars. (bm) and (c), if the ~~child~~  
4 juvenile is adjudicated delinquent on the basis of any violation, or the solicitation,  
5 conspiracy or attempt to commit any violation, under ch. 940, 944 or 948 or ss. 943.01  
6 to 943.15, the court may require the ~~child~~ juvenile to comply with the reporting  
7 requirements under s. 301.45 if the court determines that the underlying conduct  
8 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest  
9 of public protection to have the ~~child~~ juvenile report under s. 301.45.

10           **SECTION 4h.** 938.34 (15m) (c) of the statutes is created to read:

11           938.34 **(15m)** (c) If the court determines under par. (bm) that the juvenile is not  
12 required to comply with the reporting requirements under s. 301.45, the court may  
13 order the juvenile to comply with the reporting requirements if the court determines  
14 that it would be in the interest of public protection to have the juvenile report under  
15 s. 301.45.

16           **SECTION 4L.** 971.17 (1m) (b) 1. of the statutes, as created by 1995 Wisconsin  
17 Act 440, is renumbered 971.17 (1m) (b) 2m. and amended to read:

18           971.17 **(1m)** (b) 2m. If the defendant under sub. (1) is found not guilty by reason  
19 of mental disease or defect for a violation, or for the solicitation, conspiracy or  
20 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02  
21 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s.  
22 940.30 or 940.31 if the victim was a minor and the defendant was not the victim's  
23 parent, the court shall require the defendant to comply with the reporting  
24 requirements under s. 301.45 unless the court determines, after a hearing on a

1 motion made by the defendant, that the defendant is not required to comply under  
2 s. 301.45 (1m), in which case subd. 3. applies.

3 **SECTION 4p.** 971.17 (1m) (b) 2. of the statutes, as created by 1995 Wisconsin Act  
4 440, is renumbered 971.17 (1m) (b) 1m. and amended to read:

5 971.17 **(1m)** (b) 1m. Except as provided in ~~subd. 1.~~ subds. 2m. and 3., if the  
6 defendant under sub. (1) is found not guilty by reason of mental disease or defect for  
7 any violation, or for the solicitation, conspiracy or attempt to commit any violation,  
8 of ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the defendant to  
9 comply with the reporting requirements under s. 301.45 if the court determines that  
10 the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that  
11 it would be in the interest of public protection to have the defendant report under s.  
12 301.45.

13 **SECTION 4r.** 971.17 (1m) (b) 3. of the statutes is created to read:

14 971.17 **(1m)** (b) 3. If the court determines under subd. 2m. that the defendant  
15 is not required to comply with the reporting requirements under s. 301.45, the court  
16 may order the defendant to comply with the reporting requirements if the court  
17 determines that it would be in the interest of public protection to have the defendant  
18 report under s. 301.45.

19 **SECTION 4u.** 973.048 (1) of the statutes, as created by 1995 Wisconsin Act 440,  
20 is renumbered 973.048 (2m) and amended to read:

21 973.048 **(2m)** If a court imposes a sentence or places a person on probation for  
22 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.  
23 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,  
24 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was  
25 a minor and the person was not the victim's parent, the court shall require the person

1 to comply with the reporting requirements under s. 301.45 unless the court  
2 determines, after a hearing on a motion made by the person, that the person is not  
3 required to comply under s. 301.45 (1m), in which case sub. (3) applies.

4 **SECTION 4y.** 973.048 (2) of the statutes, as created by 1995 Wisconsin Act 440,  
5 is renumbered 973.048 (1m) and amended to read:

6 973.048 **(1m)** Except as provided in sub. ~~(1)~~ subs. (2m) and (3), if a court  
7 imposes a sentence or places a person on probation for any violation, or for the  
8 solicitation, conspiracy or attempt to commit any violation, under ch. 940, 944 or 948  
9 or ss. 943.01 to 943.15, the court may require the person to comply with the reporting  
10 requirements under s. 301.45 if the court determines that the underlying conduct  
11 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest  
12 of public protection to have the person report under s. 301.45.

13 **SECTION 4z.** 973.048 (3) of the statutes is created to read:

14 973.048 **(3)** If the court determines under sub. (2m) that the person is not  
15 required to comply with the reporting requirements under s. 301.45, the court may  
16 order the person to comply with the reporting requirements if the court determines  
17 that it would be in the interest of public protection to have the person report under  
18 s. 301.45.”.

19 (END)