

WISCONSIN SEX OFFENDER REGISTRATION REQUIREMENTS (2013)

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<http://docs.legis.wisconsin.gov/statutes/statutes/301/45>

301.45 Sex offender registration.

(1d) DEFINITIONS. In this section:

(a) "Employed or carrying on a vocation" means employment or vocational activity that is full-time or part-time for a continuous period of time exceeding 14 days or for an aggregate period of time

exceeding 30 days during any calendar year, whether financially compensated, volunteered or for the purpose of government or educational benefit.

(am) "Found to have committed a sex offense by another jurisdiction" means any of the following:

1. Convicted or found not guilty or not responsible by reason of mental disease or defect for a violation of a law of another state that is comparable to a sex offense.
2. Convicted or found not guilty by reason of mental disease or defect for a violation of a federal law that is comparable to a sex offense.
3. Convicted or found not guilty or not responsible by reason of mental disease or defect in the tribal court of a federally recognized American Indian tribe or band for a violation that is comparable to a sex offense.
4. Sentenced or found not guilty by reason of mental disease or defect by a court martial for a violation that is comparable to a sex offense.

(b) "Sex offense" means a violation, or 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](#), [948.051](#), [948.055](#), [948.06](#), [948.07 \(1\)](#) to [\(4\)](#), [948.075](#), [948.08](#), [948.085](#), [948.095](#), [948.11 \(2\) \(a\)](#) or **(am)**, [948.12](#), [948.13](#), or [948.30](#), of s. [940.302 \(2\)](#) if s. [940.302 \(2\) \(a\) 1. b.](#) applies, or of s. [940.30](#) or [940.31](#) if the victim was a minor and the person who committed the violation was not the victim's parent.

(c) "Student" means a person who is enrolled on a full-time or part-time basis in any public, private, or tribal educational institution, including a secondary school, a business, trade, technical or vocational school, or an institution of higher education.

(1g) WHO IS COVERED. Except as provided in subs. [\(1m\)](#) and [\(1p\)](#), a person shall comply with the reporting requirements under this section if he or she meets one or more of the following criteria:

(a) Is convicted or adjudicated delinquent on or after December 25, 1993, for a sex offense.

(b) Is in prison, a juvenile correctional facility, or a secured residential care center for children and youth or is on probation, extended supervision, parole, supervision, or aftercare supervision on or after December 25, 1993, for a sex offense.

(bm) Is in prison, a juvenile correctional facility, or a secured residential care center for children and youth or is on probation, extended supervision, 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 a sex offense.

(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 a sex offense.

(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 a sex offense.

(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 a sex offense.

(dh) Is on parole, extended supervision, or probation in this state from another state under s. [304.13 \(1m\)](#), [304.135](#), or [304.16](#) 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 sex offense.

(dj) Is a juvenile in this state on or after May 9, 2000, and is on supervision in this state from another state pursuant to the interstate compact on the placement of juveniles under s. [938.988](#) for a violation of a law of another state that is comparable to a sex offense.

(dL) Is placed on lifetime supervision under s. [939.615](#) on or after June 26, 1998.

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

(dt) Is in institutional care or on supervised release under ch. [980](#) on or after June 2, 1994.

(e) Is ordered by a court under s. [51.20 \(13\) \(ct\) 1m.](#), [938.34 \(15m\) \(am\)](#), [938.345 \(3\)](#), [971.17 \(1m\) \(b\) 1m.](#) or [973.048 \(1m\)](#) to comply with the reporting requirements under this section.

(em) Was required to register under s. [301.45 \(1\) \(a\)](#), 1997 stats., based on a finding that he or she was in need of protection or services and is ordered to continue complying with the requirements of this section by a court acting under [1999 Wisconsin Act 89](#), section [107 \(1\) \(e\)](#).

(f) On or after December 1, 2000, is registered as a sex offender in another state or is registered as a sex offender with the federal bureau of investigation under [42 USC 14072](#) and is a resident of this state, a student in this state or employed or carrying on a vocation in this state.

(g) Has been found to have committed a sex offense by another jurisdiction and, on or after December 1, 2000, is a resident of this state, a student in this state or employed or carrying on a vocation in this state. This paragraph does not apply if **10 years** have passed since the date on which the person was released from prison or placed on parole, probation, extended supervision or other supervised release for the sex offense.

(1m) EXCEPTION TO REGISTRATION REQUIREMENT; UNDERAGE SEXUAL ACTIVITY.

(a) A person is not required to comply with the reporting requirements under this section if all of the following apply:

1. The person meets the criteria under sub. [\(1g\) \(a\)](#) to [\(dd\)](#) based on any violation, or on the solicitation, conspiracy or attempt to commit any violation, of s. [948.02 \(1\)](#) or [\(2\)](#), [948.025](#), or [948.085 \(2\)](#).

1g. The violation, or the solicitation, conspiracy or attempt to commit the violation, of s. [948.02 \(1\)](#) or [\(2\)](#), [948.025](#), or [948.085 \(2\)](#) did not involve sexual intercourse, as defined in s. [948.01 \(6\)](#), either by the use or threat of force or violence or with a victim under the age of 12 years.

2. At the time of the violation, or of the solicitation, conspiracy or attempt to commit the violation, of s. [948.02 \(1\)](#) or [\(2\)](#), [948.025](#), or [948.085 \(2\)](#), the person had not attained the age of 19 years and was not more than 4 years older or not more than 4 years younger than the child.

3. It is not necessary, in the interest of public protection, to require the person to comply with the reporting requirements under this section.

(b) If a person believes that he or she is not required under par. [\(a\)](#) to comply with the reporting requirements under this section and the person is not before the court under s. [51.20 \(13\) \(ct\)](#), [938.34 \(15m\)](#), [971.17 \(1m\) \(b\)](#) or [973.048](#), the person may move a court to make a determination of whether the person satisfies the criteria specified in par. [\(a\)](#). A motion made under this paragraph shall be filed with the circuit court for the county in which the person was convicted, adjudicated delinquent or found not guilty or not responsible by reason of mental disease or defect.

(be) A person who files a motion under par. [\(b\)](#) or s. [51.20 \(13\) \(ct\) 2m.](#), [938.34 \(15m\) \(bm\)](#), [971.17 \(1m\) \(b\) 2m.](#) or [973.048 \(2m\)](#) requesting a determination of whether the person is required to comply with the reporting requirements under this section shall send a copy of the motion to the district attorney for the county in which the motion is filed. The district attorney shall make a reasonable attempt to contact the victim of the crime that is the subject of the person's motion to inform the victim of his or her right to make or provide a statement under par. [\(bv\)](#).

(bm) A court shall hold a hearing on a motion made by a person under par. [\(b\)](#) or s. [51.20 \(13\) \(ct\) 2m.](#), [938.34 \(15m\) \(bm\)](#), [971.17 \(1m\) \(b\) 2m.](#) or [973.048 \(2m\)](#) requesting a determination of whether the person is required to comply with the reporting requirements under this section. The district attorney who receives a copy of a motion under par. [\(be\)](#) may appear at the hearing.

(bv) Before deciding a motion filed under par. [\(b\)](#) or s. [51.20 \(13\) \(ct\) 2m.](#), [938.34 \(15m\) \(bm\)](#), [971.17 \(1m\) \(b\) 2m.](#) or [973.048 \(2m\)](#) requesting a determination of whether the person is required to comply with the reporting requirements under this section, the court shall allow the victim of the crime that is the subject of the motion to make a statement in court at the hearing under par. [\(bm\)](#) or to submit a

written statement to the court. A statement under this paragraph must be relevant to whether the person satisfies the criteria specified in par. (a).

(d)

1. Before deciding a motion filed by a person under par. (b) or s. [51.20 \(13\) \(ct\) 2m](#), [938.34 \(15m\) \(bm\)](#), [971.17 \(1m\) \(b\) 2m](#), or [973.048 \(2m\)](#) requesting a determination of whether the person is required to comply with the reporting requirements under this section, a court may request the person to be examined by a physician, psychologist or other expert approved by the court. If the person refuses to undergo an examination requested by the court under this subdivision, the court shall deny the person's motion without prejudice.

2. If a person is examined by a physician, psychologist or other expert under subd. 1., the physician, psychologist or other expert shall file a report of his or her examination with the court, and the court shall provide copies of the report to the person and, if he or she requests a copy, to the district attorney. The contents of the report shall be confidential until the physician, psychologist or other expert has testified at the hearing held under par. (bm). The report shall contain an opinion regarding whether it would be in the interest of public protection to have the person register under this section and the basis for that opinion.

3. A person who is examined by a physician, psychologist or other expert under subd. 1. is responsible for paying the cost of the services provided by the physician, psychologist or other expert, except that if the person is indigent the cost of the services provided by the physician, psychologist or other expert shall be paid by the county. If the person claims or appears to be indigent, the court shall refer the person to the authority for indigency determinations under s. [977.07 \(1\)](#), except that the person shall be considered indigent without another determination under s. [977.07 \(1\)](#) if the person is represented by the state public defender or by a private attorney appointed under s. [977.08](#).

(e) At the hearing held under par. (bm), the person who filed the motion under par. (b) or s. [51.20 \(13\) \(ct\) 2m](#), [938.34 \(15m\) \(bm\)](#), [971.17 \(1m\) \(b\) 2m](#), or [973.048 \(2m\)](#) has the burden of proving by clear and convincing evidence that he or she satisfies the criteria specified in par. (a). In deciding whether the person has satisfied the criterion specified in par. (a) 3., the court may consider any of the following:

1. The ages, at the time of the violation, of the person and of the child with whom the person had sexual contact or sexual intercourse.

2. The relationship between the person and the child with whom the person had sexual contact or sexual intercourse.

3. Whether the violation resulted in bodily harm, as defined in s. [939.22 \(4\)](#), to the child with whom the person had sexual contact or sexual intercourse.

4. Whether the child with whom the person had sexual contact or sexual intercourse suffered from a mental illness or mental deficiency that rendered the child temporarily or permanently incapable of understanding or evaluating the consequences of his or her actions.

5. The probability that the person will commit other violations in the future.

6. The report of the examination conducted under par. (d).

7. Any other factor that the court determines may be relevant to the particular case.

(1p) EXCEPTION TO REGISTRATION REQUIREMENT; PRIVACY-RELATED OFFENSES.

(a) If a person is covered under sub. (1g) based solely on an order that was entered under s. [938.34 \(15m\) \(am\)](#) or [973.048 \(1m\)](#) in connection with a delinquency adjudication or a conviction for a violation of s. [942.08 \(2\) \(b\)](#), (c), or (d), the person is not required to comply with the reporting requirements under this section if the delinquency adjudication is expunged under s. [938.355 \(4m\) \(b\)](#) or if the conviction is expunged under s. [973.015 \(2\)](#).

(b) If a person is covered under sub. (1g) based solely on an order that was entered under s. [51.20 \(13\) \(ct\) 1m](#), [938.34 \(15m\) \(am\)](#), [938.345 \(3\) \(a\)](#), [971.17 \(1m\) \(b\) 1m](#), or [973.048 \(1m\)](#) in connection with a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. [942.09](#), and the court provided in the order that the person be released from the requirement to comply with the reporting

requirements under this section upon satisfying the conditions of the court order under s. [51.20 \(13\) \(ct\) 1m.](#) or the dispositional order under subch. [VI of ch. 938](#), upon the termination or expiration of a commitment order under s. [971.17](#), or upon successful completion of the sentence or probation as provided under s. [973.048 \(1m\) \(b\)](#), whichever is applicable, and the person satisfies the conditions of the court order under s. [51.20 \(13\) \(ct\) 1m.](#) or the dispositional order under subch. [VI of ch. 938](#), the commitment order under s. [971.17](#) is terminated or expires, or the person successfully completes the sentence or probation, whichever is applicable, the person is no longer required to comply with the reporting requirements under this section.

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

(a) The department shall maintain a registry of all persons subject to sub. [\(1g\)](#). 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.

3m.

a. Any sex offense that was dismissed as part of a plea agreement if the sentencing court ordered that the offender be subject to the registration requirements of this section.

b. Any sex offense that was dismissed as part of a plea agreement if the adjudicating court ordered that the juvenile be subject to the registration requirements of this section.

NOTE: Subd. 3m. is created eff. 6-1-14 by [2013 Wis. Act 283](#).

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, extended supervision 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 this section.

5. All addresses at which the person is or will be residing.

NOTE: Subd. 5. is shown as amended eff. 6-1-14 by [2013 Wis. Act 283](#). Prior to 6-1-14 it reads:

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.

6m. The name or number of every electronic mail account the person uses, the Internet address of every Web site the person creates or maintains, every Internet user name the person uses, and the name and Internet address of every public or private Internet profile the person creates, uses, or maintains. The department may not place the information provided under this subdivision on any registry that the public may view but shall maintain the information in its records on the person. This subdivision applies only to an account, Web site, Internet address, or Internet profile the person creates, uses, or maintains for his or her personal, family, or household use.

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.

9m. For a person covered under sub. [\(1g\) \(dt\)](#), a notation concerning the treatment that the person has received for his or her mental disorder, as defined in s. [980.01 \(2\)](#).

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

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

(c) If the department of health services has supervision over a person subject to sub. (1g), that department, with the assistance of the person, shall provide the information specified in par. (a) to the department of corrections in accordance with the rules under sub. (8).

(d) A person subject to sub. (1g) who is not under the supervision of the department of corrections or the department of health 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 services in obtaining that item of information. A circuit court and the department of health services shall assist the department of corrections when requested to do so under this paragraph.

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

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

1m. If the person is being released from a prison sentence and placed on parole or extended supervision, before he or she is released.

2. If the person is on parole, extended supervision, probation, or other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or 938.988, before the person enters this state.

2m. If the person is registered as a sex offender in another state or is registered as a sex offender with the federal bureau of investigation under 42 USC 14072, within 10 days after the person enters this state to take up residence or begin school, employment or his or her vocation.

2t. If the person has been found to have committed a sex offense by another jurisdiction and subd. 2m. does not apply, within 10 days after the person enters this state to take up residence or begin school, employment or his or her vocation.

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

(f) The department may require a person covered under sub. (1g) to provide the department with his or her fingerprints, a recent photograph of the person and any other information required under par. (a) that the person has not previously provided. The department may require the person to report to a place designated by the department, including an office or station of a law enforcement agency, for the purpose of obtaining the person's fingerprints, the photograph or other information.

(g) The department may send a person subject to sub. (1g) a notice or other communication requesting the person to verify the accuracy of any information contained in the registry. A person subject to sub. (1g) who receives a notice or communication sent by the department under this paragraph shall, no later than 10 days after receiving the notice or other communication, provide verification of the accuracy of the information to the department in the form and manner specified by the department.

(h) The department shall notify any person who is subject to sub. (1g) of the prohibition under s. 948.14.

(3) ANNUAL REGISTRATION REQUIREMENTS.

(a) A person covered under sub. (1g) is subject to the annual registration requirements under par. (b) as follows:

1. If the person has been placed on probation or supervision, he or she is subject to this subsection upon being placed on probation or supervision.

1m. If the person is on parole, extended supervision, probation, or other supervision from another state under s. [304.13 \(1m\)](#), [304.135](#), [304.16](#), or [938.988](#), he or she is subject to this subsection upon entering this state.

1r. If the person is registered as a sex offender in another state or is registered as a sex offender with the federal bureau of investigation under [42 USC 14072](#), within 10 days after the person enters this state to take up residence or begin school, employment or his or her vocation.

1t. If the person has been found to have committed a sex offense by another jurisdiction and subd. [1r.](#) does not apply, within 10 days after the person enters this state to take up residence or begin school, employment or his or her vocation.

2. If the person has been sentenced to prison or placed in a juvenile correctional facility or a secured residential care center for children and youth, he or she is subject to this subsection upon being released on parole, extended supervision, or aftercare supervision.

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.

3. If the person has been committed under s. [51.20](#) or [971.17](#), he or she is subject to this subsection 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 \(6\)](#).

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](#).

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 \(2\)](#), 1997 stats., or s. [980.08](#) or, if he or she was not placed on supervised release, before being discharged under s. [980.10](#), 2003 stats., or s. [980.09 \(4\)](#).

4. If subd. [1.](#), [1m.](#), [1r.](#), [1t.](#), [2.](#), [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.

(b)

1. Except as provided in subd. [1m.](#), a person who is subject to par. [\(a\)](#) shall notify the department 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. If the registrant is a person under the age of 18, the department may also annually notify the registrant's parent, guardian or legal custodian of the registrant's need to comply with this requirement.

1m. A person who is subject to **lifetime registration under sub. (5) (b) 2. or (5m) (b) 4.** 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. If the registrant subject to this subdivision is a person under the age of 18, the department may also notify the registrant's parent, guardian or legal custodian every 90 days of the registrant's need to comply with this requirement.

2. The department shall notify a person who is being released from prison in this state because he or she has reached the expiration date of his or her sentence and who is covered under sub. [\(1g\)](#) of the need to comply with the requirements of this section. Also, probation, extended supervision, and parole agents, aftercare agents, and agencies providing supervision shall notify any client who is covered under sub. [\(1g\)](#) of the need to comply with the requirements of this section at the time that the client is placed on probation, extended supervision, parole, supervision, or aftercare supervision or, if the client is on probation, extended supervision, parole, or other supervision from another state under s. [304.13 \(1m\)](#), [304.135](#), [304.16](#), or [938.988](#), when the client enters this state.

3. The department of health services shall notify a person who is being placed on conditional release, supervised 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. [\(1g\)](#) of the need to comply with the requirements of this section.

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. [\(1g\)](#) to read and sign a form stating that he or she has been informed of the requirements of this section.

4. It is not a defense to liability under sub. [\(6\) \(a\)](#) or [\(ag\)](#) that the person subject to sub. [\(1g\)](#) was not required to read and sign a form under subd. [3m.](#), was not provided with a form to read and sign under subd. [3m.](#) or failed or refused to read or sign a form under subd. [3m.](#) It is not a defense to liability under sub. [\(6\) \(a\)](#) or [\(ag\)](#) that the person subject to sub. [\(1g\)](#) did not receive notice under this paragraph from the department of health services, the department of corrections, a probation, extended supervision and parole agent, an aftercare agent or an agency providing supervision.

(4) UPDATED INFORMATION. In addition to the requirements under sub. [\(3\)](#), a person who is covered under sub. [\(1g\)](#) shall update information under sub. [\(2\) \(a\)](#) as follows:

(a) Except as provided in par. [\(b\)](#), whenever any of the information under sub. [\(2\) \(a\)](#) changes, the person shall provide the department with the updated information within 10 days after the change occurs.

(b) If the person is on parole or extended supervision and the person knows that any of the information under sub. [\(2\) \(a\) 5.](#) will be changing, the person shall provide the department with the updated information before the change in his or her address occurs. If the person is on parole or extended supervision and any of the information under sub. [\(2\) \(a\) 5.](#) changes but the person did not know before the change occurred that his or her address would be changing, the person shall provide the department with the updated information within 24 hours after the change in his or her address occurs.

(4m) INFORMATION CONCERNING A MOVE TO OR SCHOOLING OR EMPLOYMENT IN ANOTHER STATE. In addition to the requirements under subs. [\(3\)](#) and [\(4\)](#), a person who is covered under sub. [\(1g\)](#) and who is changing his or her residence from this state to another state, is becoming a student in another state or is to be employed or carrying on a vocation in another state shall, no later than **10 days before** he or she moves out of this state, begins school or begins employment or his or her vocation, notify the department that he or she is changing his or her residence from this state, is beginning school in another state or is beginning employment or the carrying on of a vocation in another state. The person shall also inform the department of the state to which he or she is moving his or her residence, the state in which he or she will be in school or the state in which he or she will be employed or carrying on a vocation. Upon receiving notification from a person under this subsection, the department shall do all of the following:

(a) Inform the person whether the state to which the person is moving, the state in which the person will be in school or the state in which the person will be employed or carrying on a vocation 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.

(b) Inform the agency responsible for sex offender registration in the state to which the person is moving, in which the person will be in school or in which the person will be employed or carrying on a vocation that the person is moving to the state, beginning school in the state or beginning employment or carrying on a vocation in the state, and provide the agency of the other state with all of the information specified in sub. [\(2\) \(a\)](#).

(4r) RESTRICTION ON CERTAIN REGISTRANTS ESTABLISHING OR CHANGING RESIDENCE. No person covered under sub. [\(1g\)](#) who is on parole or extended supervision may establish a residence or change his or her residence unless he or she has complied with all of the applicable requirements of subs. [\(2\) \(e\)](#), [\(3\) \(b\)](#) and [\(4\) \(b\)](#).

(5) RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX OFFENSE IN THIS STATE.

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

1. If the person has been placed on probation or supervision for a sex offense, 15 years after discharge from the probation or supervision imposed for the sex offense.

2. If the person has been sentenced to prison for a sex offense or placed in a juvenile correctional facility or a secured residential care center for children and youth for a sex offense, 15 years after discharge from parole, extended supervision, or aftercare supervision for the sex offense.

2m. If the person has been sentenced to prison for a sex offense and is being released from prison because he or she has reached the expiration date of the sentence for the sex offense, 15 years after being released from prison.

3. If the person has been committed to the department of health services under s. 51.20 or 971.17 and is in institutional care or on conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 for a sex offense, 15 years after termination of the commitment for the sex offense under s. 971.17 (5) or discharge from the commitment for the sex offense under s. 51.35 (4) or 971.17 (6).

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.

4. If subd. 1., 2., 2m., 3. or 3m. does not apply, 15 years after the date of conviction for the sex offense or 15 years after the date of disposition of the sex offense, whichever is later.

(am)

1. Except as provided in subd. 2., a person who is covered under sub. (1g) (dL) shall continue to comply with the requirements of this section until his or her death.

2. A person who is covered under sub. (1g) (dL) is not required to comply with the requirements of this section if a court orders that the person is no longer required to comply under s. 939.615 (6) (i).

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

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 a sex offense, or for a violation, or the solicitation, conspiracy or attempt to commit a violation, of a federal law, a military law, a tribal law or a law of any state that is comparable to a sex offense. A conviction or finding of not guilty or not responsible by reason of mental disease or defect that has been reversed, set aside or vacated is not a conviction or finding for purposes of determining under this subdivision whether a person has been convicted on 2 or more separate occasions.

1m. The person has been convicted or found not guilty or not responsible by reason of mental disease or defect for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085 (2). A conviction or finding of not guilty or not responsible by reason of mental disease or defect that has been reversed, set aside or vacated is not a conviction or finding for purposes of this subdivision.

2. The person has been found to be a sexually violent person under ch. 980, regardless of whether the person has been discharged under s. 980.10, 2003 stats., or s. 980.09 (4) from the sexually violent person commitment, except that the person no longer has to comply with this section if the finding that the person is a sexually violent person has been reversed, set aside or vacated.

3. The court that ordered the person to comply with the reporting requirements of this section under s. 51.20 (13) (ct), 938.34 (15m), 938.345 (3), 971.17 (1m) (b) or 973.048 also ordered the person to comply with the requirements until his or her death.

(5m) RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX OFFENSE IN ANOTHER JURISDICTION.

(a) Except as provided in pars. (b) and (c), a person who is covered under sub. (1g) (dh), (dj), (f) or (g) no longer has to comply with this section when the following applicable criterion is met:

1. If the person is on parole, extended supervision, probation, or other supervision from another state under s. 304.13 (1m), 304.135, 304.16, or 938.988, 15 years after discharge from that parole, extended supervision, probation, or other supervision or the period of time that the person is in this state, whichever is less.

2. If the person is registered as a sex offender in another state or is registered as a sex offender with the federal bureau of investigation under 42 USC 14072, whichever of the following is less:

a. The period of time that the person is a resident of this state, a student in this state or employed or carrying on a vocation in this state.

b. The period of time that the person is registered as a sex offender in another state or with the federal bureau of investigation, or 10 years from the date on which the person was released from prison or placed on parole, probation, extended supervision or other supervised release for the sex offense which subjects the person to the requirements of this section, whichever is greater.

3. If the person has been found to have committed a sex offense by another jurisdiction and subd. 2. does not apply, whichever of the following is less:

a. The period of time that the person is a resident of this state, a student in this state or employed or carrying on a vocation in this state.

b. Ten years from the date on which the person was released from prison or placed on parole, probation, extended supervision or other supervised release for the sex offense that subjects the person to the requirements of this section.

(b) A person who is covered under sub. (1g) (dh), (dj), (f) or (g) shall continue to comply with the requirements of this section for as long as the person is a resident of this state, a student in this state or employed or carrying on a vocation in this state if one or more of the following apply:

1. The person is registered as a sex offender in another state or is registered as a sex offender with the federal bureau of investigation under 42 USC 14072 and the person is required to register with that other state or with the federal bureau of investigation until his or her death.

2. The person has been convicted or found not guilty or not responsible by reason of mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085, or for the solicitation, conspiracy or attempt to commit a violation, of a federal law, a military law, a tribal law or a law of any state that is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085. A conviction or finding of not guilty or not responsible by reason of mental disease or defect that has been reversed, set aside or vacated is not a conviction or finding for purposes of this subdivision.

3. 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 a sex offense or for a violation, or the solicitation, conspiracy or attempt to commit a violation, of a federal law, military law, tribal law or law of any state that is comparable to a sex offense. A conviction or finding of not guilty or not responsible by reason of mental disease or defect that has been reversed, set aside or vacated is not a conviction or finding for purposes of determining under this subdivision whether a person has been convicted on 2 or more separate occasions.

4. A determination has been made as provided under 42 USC 14071 (a) (2) (A) or (B) that the person is a sexually violent predator, or lifetime registration by the person is required under measures approved by the attorney general of the United States under 42 USC 14071 (a) (2) (C).

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

(6) PENALTY.

(a) Whoever knowingly fails to comply with any requirement to provide information under subs. (2) to (4) is subject to the following penalties:

1. Except as provided in subd. [2.](#), the person is guilty of a Class H felony.

2. The person may be fined not more than \$10,000 or imprisoned for not more than 9 months or both if all of the following apply:

a. The person was ordered under s. [51.20 \(13\) \(ct\) 1m.](#), [938.34 \(15m\) \(am\)](#), [938.345 \(3\)](#), [971.17 \(1m\) \(b\) 1m.](#), or [973.048 \(1m\)](#) to comply with the reporting requirements under this section based on a finding that he or she committed or solicited, conspired, or attempted to commit a misdemeanor.

b. The person was not convicted of knowingly failing to comply with any requirement to provide information under subs. [\(2\)](#) to [\(4\)](#) before committing the present violation.

(ag) Whoever intentionally violates sub. [\(4r\)](#) is subject to the following penalties:

1. Except as provided in subd. [2.](#), the person is guilty of a Class H felony.

2. The person may be fined not more than \$10,000 or imprisoned for not more than 9 months or both if all of the following apply:

a. The person was ordered under s. [51.20 \(13\) \(ct\) 1m.](#), [938.34 \(15m\) \(am\)](#), [938.345 \(3\)](#), [971.17 \(1m\) \(b\) 1m.](#), or [973.048 \(1m\)](#) to comply with the reporting requirements under this section based on a finding that he or she committed or solicited, conspired, or attempted to commit a misdemeanor.

b. The person was not convicted of another offense under sub. [\(4r\)](#) before committing the present violation.

(am) Whoever knowingly fails to keep information confidential as required under sub. [\(7\)](#) may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(bm) Subject to s. [971.19 \(9\)](#), a district attorney or, upon the request of a district attorney, the department of justice may prosecute a knowing failure to comply with any requirement to provide information under subs. [\(2\)](#) to [\(4\)](#). If the department of corrections determines that there is probable cause to believe that a person has knowingly failed to comply with any requirement to provide information under subs. [\(2\)](#) to [\(4\)](#) or has intentionally violated sub. [\(4r\)](#), 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](#).

(c) Notwithstanding par. [\(a\)](#), a person who first became subject to subs. [\(2\)](#) to [\(4\)](#) under [1995 Wisconsin Act 440](#) 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 May 31, 1997, shall be allowed until January 1, 1998, to comply with the requirements under subs. [\(2\)](#) to [\(4\)](#).

(d) Notwithstanding par. [\(a\)](#), a person who first became subject to subs. [\(2\)](#) to [\(4\)](#) under [1999 Wisconsin Act 89](#) 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 May 31, 2000, shall be allowed until January 1, 2001, to comply with the requirements under subs. [\(2\)](#) to [\(4\)](#).

(6m) NOTICE TO OTHER JURISDICTIONS CONCERNING NONCOMPLIANCE. If the department has reasonable grounds to believe that a person who is covered under sub. [\(1g\) \(f\)](#) or [\(g\)](#) is residing in this state, is a student in this state or is employed or carrying on a vocation in this state and that the person is not complying with the requirements of this section, the department shall notify the state agency responsible for the registration of sex offenders in any state in which the person is registered that it believes the person is not complying with the requirements of this section. If the person is registered with the federal bureau of investigation under [42 USC 14072](#), the department shall notify the federal bureau of investigation that it believes the person is not complying with the requirements of this section.

(7) INFORMATION MAINTENANCE AND EXPUNGEMENT.

(a) The department shall maintain information provided under sub. (2). The department shall keep the information confidential except as provided in ss. [301.03 \(14\)](#) and [301.46](#), except as needed for law enforcement purposes and except to provide, in response to a request for information under s. [49.22 \(2m\)](#) made by the department of children and families or a county child support agency under s. [59.53 \(5\)](#), the name and all residential addresses of an individual registered under this section, the name and address of the individual's employer and financial information related to the individual.

NOTE: Par. (a) is shown as amended eff. 6-1-14 by [2013 Wis. Act 283](#). Prior to 6-1-14 it reads:

(a) The department shall maintain information provided under sub. (2). The department shall keep the information confidential except as provided in ss. [301.03 \(14\)](#) and [301.46](#), except as needed for law enforcement purposes and except to provide, in response to a request for information under s. [49.22 \(2m\)](#) made by the department of children and families or a county child support agency under s. [59.53 \(5\)](#), the name and address of an individual registered under this section, the name and address of the individual's employer and financial information related to the individual.

(b) The department shall not charge a fee for providing information under this subsection.

(c) A person about whom information is maintained in the registry under sub. (2) may request expungement of all pertinent information in the registry if any of the following applies:

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

2m. A court has determined under sub. (1m) (b) that the person is not required to comply with the reporting requirements under this section.

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

1. The person's written request for expungement.

2. A certified copy of the court order reversing, setting aside or vacating the conviction, delinquency adjudication, finding of need of protection or services or commitment or a certified copy of the court's determination under sub. (1m) (b).

(e) The department shall purge all of the information maintained in the registry under sub. (2) concerning a person to whom sub. (1p) (a) applies if any of the following occurs:

1. The department receives notice under s. [938.355 \(4m\) \(b\)](#) that a court has expunged the record of the person's delinquency adjudication for the violation described in sub. (1p) (a).

2. The department issues a certificate of discharge under s. [973.015 \(2\)](#).

3. The department receives a certificate of discharge issued under s. [973.015 \(2\)](#) by the detaining authority.

(f) The department shall purge all of the information maintained in the registry under sub. (2) concerning a person to whom sub. (1p) (b) applies when any of the following occurs:

1. If the person was ordered by a court under s. [51.20 \(13\) \(ct\) 1m.](#) to comply with the reporting requirements under this section, when the department receives notice under s. [51.20 \(13\) \(ct\) 1m. b.](#) that the person has satisfied conditions of the court order.

2. If the person was ordered by a court under s. [938.34 \(15m\) \(am\)](#) to comply with the reporting requirements under this section, when the department receives notice under s. [938.34 \(15m\) \(am\) 2.](#) that the juvenile has satisfied the conditions of the dispositional order.

3. If the person was ordered by a court under s. [938.345 \(3\) \(a\)](#) to comply with the reporting requirements under this section, when the department receives notice under s. [938.345 \(3\) \(d\)](#) that the juvenile has satisfied the conditions of the dispositional order.

4. If the person was ordered by a court under s. [971.17 \(1m\) \(b\) 1m.](#) to comply with the reporting requirements under this section, when the department receives notice under s. [971.17 \(6m\) \(b\) 2.](#) that the commitment order under s. [971.17](#) is terminated or has expired.

5. If the person was ordered by a court under s. [973.048 \(1m\)](#) to comply with the reporting requirements under this section, when the person successfully completes the sentence or probation as provided under s. [973.048 \(1m\) \(b\)](#).

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

(9) COOPERATION. The department of health services, the department of children and families, the department of transportation and all circuit courts shall cooperate with the department of corrections in obtaining information under this section.

(10) ANNUAL FEE. The department may require a person who must register as a sex offender to pay an annual fee to partially offset its costs in monitoring persons who must register as sex offenders. The department shall establish any such fee by rule, but the fee may not exceed \$100.

History: [1993 a. 98, 227](#); [1995 a. 440 ss. 26 to 49, 53 to 74](#); Stats. 1995 s. 301.45; [1997 a. 3, 35, 130, 191, 237, 283](#); [1999 a. 9, 89, 156, 186](#); [2001 a. 38, 96, 109](#); [2003 a. 50, 53](#); [2005 a. 25, 253, 277, 344, 432, 434](#); [2007 a. 20 ss. 3130 to 3132, 9121 \(6\) \(a\)](#); [2007 a. 80, 96, 116](#); [2009 a. 131, 137, 180, 302](#); [2013 a. 283](#).

Cross-reference: See also chs. [DOC 332](#) and [Jus 8](#), Wis. adm. code.

That sub. (1m) allows minors found delinquent because of sexual contact to be excused from sex offender registration, but not juveniles convicted of false imprisonment, does not render it unconstitutional. Sub. (1m) creates a narrow exception for sex offenders in cases of factually consensual sexual contact between 2 minors. In contrast, false imprisonment is never consensual and never a crime solely because of age. *State v. Joseph E.G.* [2001 WI App 29, 240 Wis. 2d 481, 623 N.W.2d 137, 99-3248](#). Sections 301.45 and 301.46 do not occupy the field in regulating the dissemination of sex offender registration information and do not prohibit a probation agent from requiring a probationer to inform the probationer's immediate neighbors of his or her status as a convicted sex offender, which was not unreasonable. *State ex rel. Kaminski v. Schwarz*, [2001 WI 94, 245 Wis. 2d 310, 630 N.W.2d 164, 99-3040](#).

Sex-offender registration as a condition of probation for bail-jumping was not authorized by s. 973.09 (1) (a). Bail jumping is not one of the offenses enumerated in the sex-offender registration statutes, ss. 301.45 or 973.048, that permit or require registration, and read-in, but dismissed, sexual assault charges do not bring a case within s. 973.048. *State v. Martel*, [2003 WI 70, 262 Wis. 2d 483, 664 N.W.2d 69, 02-1599](#).

Mandatory sex offender registration for juveniles under sub. (1m) is not criminal punishment. If a provision is not criminal punishment, there is no constitutional right to a jury trial. Sub. (1m) does not violate the guarantees of substantive due process or equal protection. *State v. Jeremy P.* [2005 WI App 13, 278 Wis. 2d 366, 692 N.W.2d 311, 04-0360](#).

The sex offender registry scheme under this section did not violate constitutional guarantees of equal protection or due process as applied to the defendant when the underlying crime of which he was convicted, false imprisonment of a minor, lacked a sexual element. The purpose of the statute is to protect the public, specifically children, not to identify individuals guilty of a crime with a sexual element. Because not all defendants convicted of crimes lacking sexual elements pose an inherent danger to children, not all criminal defendants will be required to register. It is reasonable to exempt parents convicted of falsely imprisoning their own children from the reporting requirement. *State v. Smith*, [2009 WI App 16, 316 Wis. 2d 165, 762 N.W.2d 856, 08-1011](#).

A person convicted of false imprisonment of a minor is required to register as a sex offender. Although the complaint in this case contained no allegation that the false imprisonment entailed anything sexual, the registration requirements of this section, as applied to the defendant, are constitutional because requiring registration is rationally related to a legitimate governmental interest. *State v. Smith*, [2010 WI 16, 323 Wis. 2d 377, 780 N.W.2d 90, 08-1011](#).

To calculate the disparity of ages required in sub. (1m) (a) 2. in determining if an actor is exempt from registering as a sex offender, the time between the birth dates of the two parties is to be determined. Sub. (1m) (a) 2. was not unconstitutionally vague as applied to the defendant. *State v. Parmley*, [2010 WI App 79, 325 Wis. 2d 769; 785 N.W.2d 655, 09-1210](#).

This section evidences a legislative intent to include out-of-state sex offenses. By its express language, sub. (1g) includes only those out-of-state offenses that are comparable to a Wisconsin sex offense. Sub. (6) (a) 2. includes out-of-state misdemeanors that are comparable to a sex offense. *State v. Freland*, [2011 WI App 80, 334 Wis. 2d 772, 800 N.W.2d 18, 10-0496](#).

A registrant cannot be convicted of violating sub. (6) for failing to report the address at which he or she will be residing when he or she is unable to provide this information. A registrant is unable to provide the required information when that information does not exist, despite the registrant's reasonable attempt to provide it. However, homeless registrants are not exempt from registration requirements and homelessness is not a defense to failing to comply with the registration requirements. Under sub. (2) (f), the DOC may require a registrant to report to a police station to provide any required information that the person has not previously provided. *State v. Dinkins*, [2012 WI 24, 339 Wis. 2d 78, 810 N.W.2d 787, 09-1643](#).

The fee element of this section, sub. (10), as applied to the plaintiffs whose convictions preceded the enactment of the statute authorizing the fee, was unconstitutional. Though denominated a fee and intended to offset the costs of monitoring sex offenders, the annual assessment bears a striking resemblance to a fine. Although the state had a non-punitive purpose for wanting to collect money, to single out only individuals who have prior convictions for sexual assaults as the sole source of such funds can only be seen as punitive. Since no such fee was authorized at the time of plaintiffs' convictions, imposing it on them at a later date appears to violate the ex post facto clause. *Doe v. Raemisch*, [895 F. Supp. 2d 897](#) (2012).

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301.46 Access to information concerning sex offenders.

(1) DEFINITIONS. In this section:

(a) "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.

(b) "Sex offense" has the meaning given in s. [301.45 \(1d\) \(b\)](#).

(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.

3m.

a. Any sex offense that was dismissed as part of a plea agreement if the sentencing court ordered that the offender be subject to the registration requirements of s. [301.45](#).

b. Any sex offense that was dismissed as part of a plea agreement if the adjudicating court ordered that the juvenile be subject to the registration requirements of s. [301.45](#).

NOTE: Subd. 3m. is created eff. 6-1-14 by [2013 Wis. Act 283](#).

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, extended supervision 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. All addresses at which the person is residing.

NOTE: Subd. 5. is shown as amended eff. 6-1-14 by [2013 Wis. Act 283](#). Prior to 6-1-14 it reads:

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.

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 to an entity in the police chief's community or the sheriff's county that is entitled to request information under sub. (4), to any person requesting information under sub. (5) or to members of the general public 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 in a state correctional institution 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 a sex offense or for a violation of a law of this state that is comparable to a sex offense, 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 in a state correctional institution 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 a sex offense or for a violation of a law of this state that is comparable to a sex offense, 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 and through or to which the person will be regularly traveling. 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.

(ap) If the subject of the notification under par. (a) or (am) changes his or her residential address, 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 may be in an electronic form or in the form of a written bulletin and 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.

(at)

1. Paragraphs (a) and (am) do not apply to a person if a court has determined under s. [301.45 \(1m\)](#) that the person is not required to comply with the reporting requirements under s. [301.45](#).

2. Paragraph (ap) does not apply if the agency with jurisdiction determines that notification is not necessary in the interest of public protection and that the person did not commit a sex offense with the use or threat of force or violence.

NOTE: Par. (at) is shown as affected eff. 6-1-14 by [2013 Wis. Act 283](#). Prior to 6-1-14 it reads:

(at) Paragraphs (a) and (am) do not apply to a person if a court has determined under s. [301.45 \(1m\)](#) that the person is not required to comply with the reporting requirements under s. [301.45](#).

(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. [\(2\) \(b\)](#).

1m. Notice that, beginning on June 1, 2001, information concerning persons registered under s. [301.45](#) will be available on the Internet site established by the department under sub. [\(5n\)](#).

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 to an entity in the police chief's community or the sheriff's county that is entitled to request information under sub. [\(4\)](#), to any person requesting information under sub. [\(5\)](#) or to members of the general public 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, domestic partner under ch. [770](#), 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 make a reasonable attempt to 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. and 10.](#) or, if applicable, the updated information.

(d) The department of health 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 or a tribal school, as defined in s. [115.001 \(15m\)](#).

2. A child 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. [938.22](#).

6. A 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. [48.48 \(17\) \(b\)](#) or [48.57 \(2\)](#).

8m. The department of justice.

9. The department of public instruction.

10. The department of health services.

10m. The department of children and families.

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.

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).

(d) The department shall coordinate with the department of health services the sharing of address information of persons regarding whom notification bulletins are issued under sub. (2m) (a) or (am).

(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 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 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, subject to par. (c), or the police chief or sheriff shall 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.

3. The most recent date on which the information under s. [301.45](#) was updated.

4. Any other information concerning the person that the department or the police chief or sheriff determines is appropriate.

(bm) The department shall provide on the Internet site required under sub. [\(5n\)](#) the following information concerning persons registered under s. [301.45](#):

1. If the person is a sexually violent person, as defined in s. [980.01 \(7\)](#), a notice, written in red letters, of that status.

2. A current color photograph of the person, if available, and a physical description including sex, race, height, weight, eye color, and hair color.

3. The person's name and any aliases the person uses, indicating for each name and each alias all addresses at which the person is residing.

NOTE: Subd. 3. is shown as amended eff. 6-1-14 by [2013 Wis. Act 283](#). Prior to 6-1-14 it reads:

3. The person's name and home address.

4. Whether the person has responded to the last contact letter from the department.

5. The crime committed for which the person must register.

5m.

a. Any sex offense that was dismissed as part of a plea agreement if the sentencing court ordered that the offender be subject to the registration requirements of s. [301.45](#).

b. Any sex offense that was dismissed as part of a plea agreement if the adjudicating court ordered that the juvenile be subject to the registration requirements of s. [301.45](#).

NOTE: Subd. 5m. is created eff. 6-1-14 by [2013 Wis. Act 283](#).

6. Any conditions of the person's supervised release, except for any condition that may reveal the identity of the victim of the crime that the person committed for which he or she must register.

7. The date, time, and place of any scheduled hearings for supervised release or discharge under ch. [980](#).

8. The name and court of the judge who authorized supervised release or discharge for the person.

9. The most recent date on which the information was updated.

(c) The department may not provide any of the following under par. [\(a\)](#) or [\(bm\)](#):

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.

(5n) INTERNET ACCESS.

(a) No later than June 1, 2001, the department shall provide access to information concerning persons registered under s. [301.45](#) by creating and maintaining an Internet site and by any other means that the department determines is appropriate. The information provided through the Internet site shall be organized in a manner that allows a person using the Internet site to obtain the information that the department is required to provide the person under sub. [\(2\)](#), [\(2m\)](#), [\(3\)](#), [\(4\)](#) or [\(5\)](#) and other information that the department determines is necessary to protect the public. The department shall keep the information provided on the Internet site and in other means used to allow access to the information secure against unauthorized alteration.

(b) For Internet access provided to law enforcement agencies under this subsection, the department shall provide the means for a law enforcement agency to easily identify changes that have occurred in the residence, employment, or place of school attendance of a person registered under s. [301.45](#).

(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 \(5\)](#) or [\(5m\)](#) 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 under 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](#).

History: [1995 a. 440](#); [1997 a. 6, 27, 130, 181, 237, 283](#); [1999 a. 89](#); [2001 a. 16](#); [2003 a. 188](#); [2005 a. 5, 431](#); [2007 a. 20](#) ss. [3132r, 3133, 9121 \(6\) \(a\)](#); [2009 a. 28, 180, 185, 302](#); [2013 a. 283](#).

Cross-reference: See also s. [DOC 332.01](#), Wis. adm. code.

Sections 301.45 and 301.46 do not occupy the field in regulating the dissemination of sex offender registration information and do not prohibit a probation agent from requiring a probationer to inform the probationer's immediate neighbors of his or her status as a convicted sex offender, which was not unreasonable. State ex rel. Kaminski v. Schwarz, [2001 WI 94](#), [245 Wis. 2d 310, 630 N.W.2d 164, 99-3040](#).

301.47 Sex offender name changes prohibited.

(1) In this section, "sex offender" means a person who is subject to s. [301.45 \(1g\)](#) but does not include a person who, as a result of a proceeding under s. [301.45 \(1m\)](#), is not required to comply with the reporting requirements of s. [301.45](#).

(2) A sex offender may not do any of the following before he or she is released, under s. [301.45 \(5\)](#) or [\(5m\)](#), from the reporting requirements of s. [301.45](#):

(a) Change his or her name.

(b) Identify himself or herself by a name unless the name is one by which the person is identified with the department.

(3) Whoever intentionally violates sub. (2) is subject to the following penalties:

(a) Except as provided in par. (b), the person is guilty of a Class H felony.

(b) The person may be fined not more than \$10,000 or imprisoned for not more than 9 months or both if all of the following apply:

1. The person was ordered under s. [51.20 \(13\) \(ct\) 1m.](#), [938.34 \(15m\) \(am\)](#), [938.345 \(3\)](#), [971.17 \(1m\) \(b\) 1m.](#), or [973.048 \(1m\)](#) to comply with the reporting requirements under s. [301.45](#) based on a finding that he or she committed or solicited, conspired, or attempted to commit a misdemeanor.

2. The person was not convicted of another offense under this section before committing the present violation.

(4) The department shall make a reasonable attempt to notify each person required to comply with the reporting requirements under s. [301.45](#) of the prohibition in sub. (2), but neither the department's failure to make such an attempt nor the department's failure to notify a person of that prohibition is a defense to a prosecution under this section.

History: [2003 a. 52, 320](#).

301.475 Sex offenders to notify schools.

(1) A person who is required to comply with the reporting requirements under s. [301.45 \(1g\)](#) may not be on any school premises, as defined in s. [948.61 \(1\) \(c\)](#), unless the school district administrator or his or her designee, if the premises are affiliated with a public school, or the governing body of the school, if the premises are affiliated with a private school or charter school, has been notified of the specific date, time, and place of the visit and of the person's status as a registered sex offender.

(2)

(a) Except as provided in par. [\(b\)](#), whoever knowingly violates sub. [\(1\)](#) is guilty of a misdemeanor and subject to a fine of not more than \$10,000 or imprisonment not to exceed 9 months, or both.

(b) Whoever knowingly violates sub. [\(1\)](#) as a 2nd or subsequent offense is guilty of a Class H felony.

(3) Subsection [\(1\)](#) does not apply to the following:

(a) A person who is on the school premises to vote if an election is being held that day and the person's polling place is on the school premises.

(b) A person who is on the school premises to attend an event or activity that is not sponsored by the school.

(c) A person whose child is enrolled at the school if the person notifies the school district administrator or his or her designee, if the premises are affiliated with a public school, or the governing body of the school, if the premises are affiliated with a private school or charter school, that he or she is a registered sex offender and that he or she has a child enrolled at the school. The notification must occur as follows:

1. Except as provided in subs. [2.](#), [3.](#), and [4.](#), at the beginning of each academic school year.

2. If the child is not enrolled at the beginning of the academic school year, when the child is first enrolled.

3. If the person is not subject to the reporting requirements under s. [301.45 \(1g\)](#) at the beginning of the academic school year or when the child is first enrolled, when the person first becomes subject to the reporting requirements under s. [301.45 \(1g\)](#).

4. If subd. [1.](#), [2.](#), or [3.](#) does not apply but the person is otherwise subject to the prohibition under sub. [\(1\)](#), when the person becomes subject to the prohibition under sub. [\(1\)](#).

(d) A student who is enrolled at the school if the department, county department, licensed child welfare agency, or other person supervising the student under a dispositional order under s. [938.34](#), whichever is appropriate, works with the school district administrator or his or her designee, if the premises are affiliated with a public school, or with the governing body of the school, if the premises are affiliated with a private school or charter school, to ensure the safety of the students attending the school with the student.

(3m) Unless sub. [\(3\) \(d\)](#) applies to a county department, licensed child welfare agency, or other person supervising a student under a dispositional order under s. [938.34](#), the department shall work with a school district administrator or his or her designee or a governing body of a school, whichever is appropriate, as provided in sub. [\(3\) \(d\)](#), to ensure that a student who is required to comply with the reporting requirements under s. [301.45 \(1g\)](#) is not prohibited under sub. [\(1\)](#) from being on the premises of the school at which he or she is enrolled and to ensure the safety of the other students attending the school.

(4) The department shall make a reasonable attempt to notify each person required to comply with the reporting requirements under s. [301.45 \(1g\)](#) of the prohibition under sub. [\(1\)](#), but neither the department's failure to make such an attempt nor the department's failure to notify a person of that prohibition is a defense to prosecution under this section.

(5) It is an affirmative defense to a prosecution under this section that the defendant was traveling directly to the office of the school district administrator or his or her designee, if the premises are affiliated with a public school, or to the governing body of the school, if the premises are affiliated with a

private school or charter school, to comply with sub. (1). A defendant who raises this affirmative defense has the burden of proving the defense by a preponderance of the evidence.

(6) The school district administrator or his or her designee, if the premises are affiliated with a public school, or the governing body of the school, if the premises are affiliated with a private school or charter school, is immune from any civil or criminal liability for any good faith act or omission in connection with any notice given under sub. (1).

History: [2013 a. 88](#).

301.48 Global positioning system tracking and residency requirement for certain sex offenders.

(1) DEFINITIONS. In this section:

(a) "Exclusion zone" means a zone in which a person who is tracked using a global positioning system tracking device is prohibited from entering except for purposes of traveling through it to get to another destination.

(b) "Global positioning system tracking" means tracking using a system that actively monitors and identifies a person's location and timely reports or records the person's presence near or at a crime scene or in an exclusion zone or the person's departure from an inclusion zone. "Global positioning system tracking" includes comparable technology.

(c) "Inclusion zone" means a zone in which a person who is tracked using a global positioning system tracking device is prohibited from leaving.

(cm) "Level 1 child sex offense" means a violation of s. [948.02](#) or [948.025](#) in which any of the following occurs:

1. The actor has sexual contact or sexual intercourse with an individual who is not a relative of the actor and who has not attained the age of 13 years and causes great bodily harm, as defined in s. [939.22 \(14\)](#), to the individual.

2. The actor has sexual intercourse with an individual who is not a relative of the actor and who has not attained the age of 12 years.

(cn) "Level 2 child sex offense" means a violation of s. [948.02](#) or [948.025](#) in which any of the following occurs:

1. The actor has sexual intercourse, by use or threat of force or violence, with an individual who is not a relative of the actor and who has not attained the age of 16 years.

2. The actor has sexual contact, by use or threat of force or violence, with an individual who has not attained the age of 16 years and who is not a relative of the actor, and the actor is at least 18 years of age when the sexual contact occurs.

(d) "Lifetime tracking" means global positioning system tracking that is required for a person for the remainder of the person's life. "Lifetime tracking" does not include global positioning system tracking under sub. (2) (d), regardless of how long it is required.

(dm) "Passive positioning system tracking" means tracking using a system that monitors, identifies, and records a person's location.

(dr) "Relative" means a son, daughter, brother, sister, first cousin, 2nd cousin, nephew, niece, grandchild, or great grandchild, or any other person related by blood, marriage, or adoption.

(e) "Serious child sex offense" means a level 1 child sex offense or a level 2 child sex offense.

(f) "Sex offense" means any of the following:

1. A sex offense, as defined in s. [301.45 \(1d\) \(b\)](#).

2. A crime under federal law or the law of any state that is comparable to a crime described in subd. [1](#).

(fm) "Sexual contact" has the meaning given in s. [948.01 \(5\)](#).

(g) "Sexual intercourse" means vulvar penetration as well as cunnilingus, fellatio, or anal intercourse between persons or any intrusion of any inanimate object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(2) WHO IS COVERED.

(a) Except as provided in subs. (2m), (6), (7), and (7m), the department shall maintain lifetime tracking of a person if any of the following occurs with respect to the person on or after January 1, 2008:

1. A court places the person on probation for committing a level 1 child sex offense.

1m. The person is convicted for committing a level 2 child sex offense and the court places the person on probation for committing the level 2 child sex offense.

2. The department releases the person to extended supervision or parole while the person is serving a sentence for committing a level 1 child sex offense.

2m. The person is convicted for committing a level 2 child sex offense and the department releases the person to extended supervision or parole while the person is serving the sentence for committing the level 2 child sex offense.

3. The department releases the person from prison upon the completion of a sentence imposed for a level 1 child sex offense.

3m. The person is convicted for committing a level 2 child sex offense and the department releases the person from prison upon the completion of the sentence imposed for the level 2 child sex offense.

4. A court that found the person not guilty of a serious child sex offense by reason of mental disease or mental defect places the person on conditional release.

5. A court that found the person not guilty of a serious child sex offense by reason of mental disease or mental defect discharges the person under s. 971.17 (6). This subdivision does not apply if the person was on conditional release immediately before being discharged.

6. The court places a person on lifetime supervision under s. 939.615 for committing a serious child sex offense and the person is released from prison.

7. A police chief or a sheriff receives a notification under s. 301.46 (2m) (am) regarding the person.

8. The department makes a determination under sub. (2g) that global positioning system tracking is appropriate for the person.

(b) Except as provided in subs. (7) and (7m), the department shall maintain lifetime tracking of a person if any of the following occurs with respect to the person on or after January 1, 2008:

1. A court places the person on supervised release under s. 980.08 (6m).

2. A court discharges the person under s. 980.09 (4). This subdivision does not apply if the person was on supervised release immediately before being discharged.

3. The department of health services places the person on parole or discharges the person under ch. 975. This subdivision does not apply unless the person's commitment was based on his or her commission of a serious child sex offense.

(d) If, on or after January 1, 2008, a person is being placed on probation, extended supervision, parole, or lifetime supervision for committing a sex offense and par. (a) or (b) does not apply, the department may have the person tracked using a global positioning system tracking device, or passive positioning system tracking, as a condition of the person's probation, extended supervision, parole, or lifetime supervision.

(2g) DEPARTMENT DETERMINATION. If a person who committed a serious child sex offense, or a person under supervision under the interstate corrections compact for a serious child sex offense, is not subject to lifetime tracking under sub. (2), the department shall assess the person's risk using a standard risk assessment instrument to determine if global positioning system tracking is appropriate for the person.

(2m) PASSIVE POSITIONING SYSTEM TRACKING. If a person who is subject to lifetime tracking under sub. [\(2\) \(a\) 1.](#), [1m.](#), [2.](#), [2m.](#), [3.](#), or [3m.](#) completes his or her sentence, including any probation, parole, or extended supervision, the department may use passive positioning system tracking instead of maintaining lifetime tracking.

(3) FUNCTIONS AND OPERATION OF TRACKING PROGRAM.

(a) Except as provided in sub. [\(2m\)](#), the department shall implement a continuous global positioning tracking system to electronically monitor the whereabouts of persons who are subject to this section. The system shall do all of the following:

1. Use field monitoring equipment that supports cellular communications with as large a coverage area as possible and shall automatically provide instantaneous information regarding the whereabouts of a person who is being monitored, including information regarding the person's presence in an exclusion zone established under par. [\(c\)](#) or absence from an inclusion zone established under par. [\(c\)](#).

2. Use land line communications equipment to transmit information regarding the location of persons who are subject to this section when they are in areas in which no commercial cellular service is available.

3. Immediately alert the department and the local law enforcement agency having jurisdiction over the exclusion or inclusion zone if the person stays in any exclusion zone for any longer period than the time needed to travel through the zone to get to another destination or if the person leaves any inclusion zone.

(b) The department shall contract with a vendor using a competitive process under s. [16.75](#) to provide staff in this state to install, remove, and maintain equipment related to global positioning system tracking and passive positioning system tracking for purposes of this section. The term of the contract may not exceed 3 years.

(c) For each person who is subject to global positioning system tracking under this section, the department shall create individualized exclusion and inclusion zones for the person, if necessary to protect public safety. In creating exclusion zones, the department shall focus on areas where children congregate, with perimeters of 100 to 250 feet, and on areas where the person has been prohibited from going as a condition of probation, extended supervision, parole, conditional release, supervised release, or lifetime supervision. In creating inclusion zones for a person on supervised release, the department shall consider s. [980.08 \(9\)](#).

(d) If a person who is on supervised release or conditional release is being tracked, the department shall notify the department of health services, upon request, of any tracking information for the person under any of the following circumstances:

1. The department of corrections has been alerted under par. [\(a\) 3.](#) that the person being tracked has improperly stayed in an exclusion zone or improperly left an inclusion zone.

2. The person being tracked fails to make a payment to the department under sub. [\(4\) \(b\)](#).

(4) COSTS.

(a) The department shall determine all of the following for each person tracked:

1. The cost of global positioning system tracking or passive positioning system tracking for the person.

2. How much of the cost under subd. [1.](#) the person is able to pay based on the factors listed in par. [\(d\)](#).

(b) If required by the department, a person who is subject to global positioning system tracking or passive positioning system tracking shall pay for the cost of tracking up to the amount calculated for the person under par. [\(a\) 2.](#) The department shall collect moneys paid by the person under this paragraph and credit those moneys to the appropriation under s. [20.410 \(1\) \(gk\)](#).

(c) The department of health services shall pay for the cost of tracking a person to whom sub. (2) (a) 4. or 5. or (b) applies while the person is on conditional release or supervised release to the extent that the cost is not covered by payments made by the person under par. (b).

(d) In determining how much of the costs the person is able to pay, the department may consider the following:

1. The person's financial resources.
2. The present and future earning ability of the person.
3. The needs and earning ability of the person's dependents.
4. Any other costs that the person is required to pay in conjunction with his or her supervision by the department or the department of health services.
5. Any other factors that the department considers appropriate.

(6) OFFENDER'S PETITION TO TERMINATE LIFETIME TRACKING.

(a) Subject to par. (b), a person who is subject to lifetime tracking may file a petition requesting that lifetime tracking be terminated. A person shall file a petition requesting termination of lifetime tracking with the circuit court for the county in which the person was convicted or found not guilty or not responsible by reason of mental disease or defect.

(b)

1. A person may not file a petition requesting termination of lifetime tracking if he or she has been convicted of a crime that was committed during the period of lifetime tracking.

2. A person may not file a petition requesting termination of lifetime tracking earlier than 20 years after the date on which the period of lifetime tracking began. If a person files a petition requesting termination of lifetime tracking at any time earlier than 20 years after the date on which the period of lifetime tracking began, the court shall deny the petition without a hearing.

3. A person described in sub. (2) (b) may not file a petition requesting termination of lifetime tracking.

(c) Upon receiving a petition requesting termination of lifetime tracking, the court shall send a copy of the petition to the district attorney responsible for prosecuting the serious sex offense that was the basis for the order of lifetime tracking. Upon receiving the copy of the petition, the district attorney shall conduct a criminal history record search to determine whether the person has been convicted of a criminal offense that was committed during the period of lifetime tracking. No later than 30 days after the date on which he or she receives the copy of the petition, the district attorney shall report the results of the criminal history record search to the court and may provide a written response to the petition.

(d) After reviewing a report submitted under par. (c) concerning the results of a criminal history record search, the court shall do whichever of the following is applicable:

1. If the report indicates that the person filing the petition has been convicted of a criminal offense that was committed during the period of lifetime tracking, the court shall deny the person's petition without a hearing.

2. If the report indicates that the person filing the petition has not been convicted of a criminal offense that was committed during the period of lifetime tracking, the court shall order the person to be examined under par. (e), shall notify the department that it may submit a report under par. (f) and shall schedule a hearing on the petition to be conducted as provided under par. (g).

(e) A person filing a petition requesting termination of lifetime tracking who is entitled to a hearing under par. (d) 2. shall be examined by a person who is either a physician or a psychologist licensed under ch. 455 and who is approved by the court. The physician or psychologist who conducts an examination under this paragraph shall prepare a report of his or her examination that includes his or her opinion of whether the person petitioning for termination of lifetime tracking is a danger to the public. The physician or psychologist shall file the report of his or her examination with the court within 60 days after completing the examination, and the court shall provide copies of the report to the person filing the

petition and the district attorney. The contents of the report shall be confidential until the physician or psychologist testifies at a hearing under par. (g). The person petitioning for termination of lifetime tracking shall pay the cost of an examination required under this paragraph.

(f) After it receives notification from the court under par. (d) 2., the department may prepare and submit to the court a report concerning a person who has filed a petition requesting termination of lifetime tracking. If the department prepares and submits a report under this paragraph, the report shall include information concerning the person's conduct while on lifetime tracking and an opinion as to whether lifetime tracking of the person is still necessary to protect the public. When a report prepared under this paragraph has been received by the court, the court shall, before the hearing under par. (g), disclose the contents of the report to the attorney for the person who filed the petition and to the district attorney. When the person who filed the petition is not represented by an attorney, the contents shall be disclosed to the person.

(g) A hearing on a petition requesting termination of lifetime tracking may not be conducted until the person filing the petition has been examined and a report of the examination has been filed as provided under par. (e). At the hearing, the court shall take evidence it considers relevant to determining whether lifetime tracking should be continued because the person who filed the petition is a danger to the public. The person who filed the petition and the district attorney may offer evidence relevant to the issue of the person's dangerousness and the continued need for lifetime tracking.

(h) The court may grant a petition requesting termination of lifetime tracking if it determines after a hearing under par. (g) that lifetime tracking is no longer necessary to protect the public.

(i) If a petition requesting termination of lifetime tracking is denied after a hearing under par. (g), the person may not file a subsequent petition requesting termination of lifetime tracking until at least 5 years have elapsed since the most recent petition was denied.

(7) DEPARTMENT'S PETITION TO TERMINATE LIFETIME TRACKING.

(a) The department may file a petition requesting that a person's lifetime tracking be terminated if the person is permanently physically incapacitated. The petition shall include affidavits from 2 physicians that explain the nature of the person's permanent physical incapacitation.

(b)

1. The department shall file a petition under par. (a) with the circuit court for the county in which the person was convicted or found not guilty or not responsible by reason of mental disease or defect or, in the case of a person described in sub. (2) (b), the circuit court for the county in which the person was found to be a sexually violent person.

2. The department shall send a copy of a petition filed under subd. 1. to the district attorney responsible for prosecuting the serious sex offense that was the basis for the order of lifetime tracking or, in the case of a person described in sub. (2) (b), the agency that filed the petition under s. 980.02.

(c) Upon its own motion or upon the motion of the party to whom the petition was sent under par. (b) 2., the court may order that the person to whom the petition relates be examined by a physician who is approved by the court. The physician who conducts an examination under this paragraph shall prepare a report of his or her examination that includes his or her opinion of whether the person is permanently physically incapacitated. The physician shall file the report of his or her examination with the court within 60 days after completing the examination, and the court shall provide copies of the report to the department and the party to whom the petition was sent under par. (b) 2. The contents of the report shall be confidential until the physician testifies at a hearing under par. (d). The department shall pay the cost of an examination required under this paragraph.

(d) The court shall conduct a hearing on a petition filed under par. (b) 1., but if the court has ordered a physical examination under par. (c), the hearing may not occur until after the examination is complete and a report of the examination has been filed as provided under par. (c). At the hearing, the court shall take evidence it considers relevant to determining whether the person to whom the petition relates is

permanently physically incapacitated so that he or she is not a danger to the public. The department and the party to whom the petition was sent under par. [\(b\) 2.](#) may offer relevant evidence regarding that issue.

(e) The court may grant a petition filed under par. [\(b\) 1.](#) if it determines after a hearing under par. [\(d\)](#) that the person to whom the petition relates is permanently physically incapacitated so that he or she is not a danger to the public.

(7m) TERMINATION IF PERSON MOVES OUT OF STATE. If a person who is subject to being tracked under this section moves out of state, the department shall terminate the person's tracking. If the person returns to the state, the department shall reinstate the person's tracking except as provided under sub. [\(6\)](#) or [\(7\)](#).

History: [2005 a. 431](#); [2007 a. 20](#) ss. [3134m](#) to [3165m](#), [9121 \(6\) \(a\)](#); [2007 a. 96](#); [2009 a. 28, 180](#).

301.49 Global positioning system tracking for persons who violate certain orders or injunctions.

(1) DEFINITIONS. In this section:

(a) "Exclusion zone" means a zone in which a person who is tracked using a global positioning system tracking device is prohibited from entering.

(am) "Exclusion zone violation" means entry into an exclusion zone except for purposes of traveling through an exclusion zone to get to another destination, unless the person is prohibited by the department from making such entry.

(b) "Global positioning system tracking" means tracking using a system that actively monitors and identifies a person's location and timely reports or records the person's presence in an exclusion zone. "Global positioning system tracking" includes comparable technology.

(c) "Petitioner" means the person who petitioned for the restraining order or injunction that was issued under s. [813.12](#) or [813.125](#).

(d) "Restraining order or injunction" means an order or an injunction issued pursuant to s. [813.12](#) or [813.125](#).

(2) WHO IS COVERED; DURATION OF COVERAGE.

(a) The department shall maintain global positioning system tracking of a person who is not in jail or in prison and who is ordered by a court to submit to monitoring under s. [813.129](#) for the duration of the person's period of probation.

(b) The department shall maintain global positioning system tracking of a person who is subject to global positioning system tracking as a condition of extended supervision.

(3) FUNCTIONS AND OPERATION OF TRACKING PROGRAM.

(a) The department shall implement a continuous global positioning tracking system to electronically monitor the whereabouts of persons who are subject to this section. The system shall do all of the following:

1. Use field monitoring equipment that supports cellular communications with as large a coverage area as possible and shall automatically provide instantaneous information regarding the whereabouts of a person who is being monitored, including information regarding the person's presence in an exclusion zone established under par. [\(c\)](#).

2. Use land line communications equipment to transmit information regarding the location of persons who are subject to this section when they are in areas in which no commercial cellular service is available.

3. Immediately alert the department if the person commits an exclusion zone violation. The department shall immediately notify the law enforcement agency having jurisdiction over the exclusion zone and the petitioner of any exclusion zone violation.

(b) The department shall contract with a vendor using a competitive process as described under s. [16.75](#) to provide staff in this state to install, remove, and maintain equipment related to global positioning system tracking for purposes of this section. The term of the contract may not exceed 3 years.

(c) For each person who is subject to global positioning system tracking under this section, the department shall create an individualized exclusion zone for the person, as necessary to protect the petitioner. In creating an exclusion zone, the department shall consider input from the petitioner and shall include any location that the person is ordered to avoid or enjoined from entering under the restraining order or injunction that the person violated or is alleged to have violated.

(4) TERMINATION IF PERSON MOVES OUT OF STATE. Notwithstanding sub. (2), if a person who is subject to being tracked under this section moves out of state, the department shall terminate the person's tracking. If the person returns to the state during the duration of the restraining order or injunction, the department shall immediately reinstate the person's tracking.

(5) COSTS.

(a) The department shall determine all of the following for each person tracked:

1. The cost of global positioning system tracking for the person.

2. How much of the cost under subd. 1. the person is able to pay based on the factors listed in par. (c).

(b) If required by the department, a person who is subject to global positioning system tracking shall pay for the cost of tracking up to the amount calculated for the person under par. (a) 2. The department shall collect moneys paid by the person under this paragraph and credit those moneys to the appropriation account under s. [20.410 \(1\) \(gL\)](#).

(c) In determining how much of the costs the person is able to pay, the department may consider the following:

1. The person's financial resources.

2. The present and future earning ability of the person.

3. The needs and earning ability of the person's dependents.

4. Any other factors that the department considers appropriate.

(6) NOTICE. The department shall provide all of the following to each petitioner:

(a) Notice when the person who is ordered by a court to submit to monitoring under s. [813.129](#) is released from incarceration.

(b) The exclusion zones that the person must avoid and the amount of time that the person is allowed to remain in an exclusion zone before the department and law enforcement receive an alert.

(c) An explanation of the failure rates associated with global positioning system tracking programs and an explanation of situations in which a person may not be detected by the tracking program.

History: [2011 a. 266](#).

301.50 Notification of intent to chaperone sex offenders.

(1) In this section, "substantial parental relationship" means the acceptance and exercise of significant responsibility for the daily supervision, education, protection, and care of the child. In evaluating whether an individual has had a substantial parental relationship with the child, factors that may be considered include, but are not limited to, whether the individual has expressed concern for or interest in the support, care, or well-being of the child; whether the individual has neglected or refused to provide care or support for the child; and whether, with respect to an individual who is or may be the father of the child, the individual has expressed concern for or interest in the support, care, or well-being of the mother during her pregnancy.

(2) The department shall design a form to be signed by any individual who intends to be a chaperone for sex offenders. The form must include a place for the individual's signature as well as a statement that the individual has, unless par. (a), (b), or (c) applies, informed, in writing, or has made a good faith effort to inform, any individual with whom the individual who intends to be a chaperone has a child in common, whether through blood, marriage, or adoption, of his or her intent to chaperone a sex offender. The individual does not have to inform an individual with whom he or she has a child in common if any of the following applies:

(a) The child in common is over the age of 18.

(b) The individual who intends to be a chaperone is not the child's parent or has not had a substantial parental relationship with the child.

(c) The individual who has a child in common with the individual who intends to be a chaperone is not the child's parent or has not had a substantial parental relationship with the child.

(3) The department is immune from any civil liability for any good faith act or omission of the department in connection with the requirements under this section.

History: [2009 a. 257](#).

Chapter Jus 8

SEX OFFENDER REGISTRATION

http://docs.legis.wi.gov/code/admin_code/jus/8/01

Jus 8.01 Purpose. This chapter is promulgated under s. [301.45 \(8\)](#), Stats., to specify the procedures for carrying out the sex offender registration requirements under s. [301.45](#), Stats.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#).

Jus 8.02 Applicability. This chapter applies to any person who meets any of the criteria listed in s. [301.45 \(1g\)](#), Stats.

Note: Section 175.45 (1), Stats., as created by [1993 Wis. Act 98](#) and renumbered to s. 301.45 (1g), Stats., by [1995 Wis. Act 440](#), is entitled "who is covered" and reads as follows:

A person shall comply with the reporting requirements under this section if he or she meets any of the following criteria:

- (a) Is convicted, adjudicated delinquent or found in need of protection or services on or after December 25, 1993, for any violation of s. [940.225 \(1\)](#) or [\(2\)](#), [948.02 \(1\)](#) or [\(2\)](#) or [948.025](#)[, Stats.].
- (b) Is in prison or a secured correctional facility or on probation, parole, supervision or aftercare supervision on or after December 25, 1993, for any violation of s. [940.225 \(1\)](#) or [\(2\)](#) or [948.02 \(1\)](#) or [\(2\)](#) [Stats.].
- (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](#)[, Stats.] for any violation of s. [940.225 \(1\)](#) or [\(2\)](#) or [948.02 \(1\)](#) or [\(2\)](#)[, Stats.].
- (d) Is in institutional care or on conditional transfer under s. [51.35 \(1\)](#)[, Stats.,] or conditional release under s. [971.17](#)[, Stats.,] on or after December 25, 1993, for any violation of s. [940.225 \(1\)](#) or [\(2\)](#) or [948.02 \(1\)](#) or [\(2\)](#)[, Stats.].
- (e) Is ordered by a court under s. [48.34 \(15\)](#) , [51.20 \(13\)](#) (cr) or [973.047](#)[, Stats.,] to comply with the reporting requirements under this section.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#).

Jus 8.03 Definitions. In this chapter:

(1) "Department" means the Wisconsin department of justice.

(2) "Registrant" means any sex offender required to register with the department under s. [301.45 \(3\)](#), Stats., and s. [Jus 8.04 \(1\)](#).

(3) "Sex offender" means any person who meets any of the criteria in s. [301.45 \(1g\)](#), Stats.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#).

Jus 8.04 Registration requirements.

(1) PERSONS REQUIRED TO REGISTER. A sex offender who meets any of the following conditions shall each year provide the department the registration information required under sub. [\(2\)](#):

(a) Is released from probation, supervision, parole, or aftercare supervision or is directly discharged from prison at the end of a sentence or released from department of health services, department of

corrections or county custody at the end of a sentence under circumstances provided for in s. [301.45 \(3\) \(a\) 1., 2., or 4.](#), Stats.

(b) Is terminated from an order of commitment as provided for in s. [971.17 \(5\)](#), Stats., or is discharged under s. [51.35 \(4\)](#) or [971.17 \(6\)](#), Stats.

(c) If neither par. (a) nor par. (b) applies, is sentenced or receives a disposition as provided for under s. [301.45 \(3\) \(a\) 4.](#), Stats.

(2) INFORMATION REQUIRED. Each registrant shall provide the department all the following registration information about the registrant:

(a) Full name, all aliases used, and all names or aliases previously used, including all names or aliases the registrant has ever used or that others have ever used to refer to or to identify the registrant whether or not they were legal aliases or legal names.

(b) Date of birth.

(c) Precise, current street address or rural location of the registrant's place of residence, place of any employment, and place of any school registrant is attending.

(d) Telephone number for registrant at home, work, and any school registrant is attending.

(e) Name of each of registrant's employers.

(f) Employment duties.

(g) Name of immediate supervisor at each place of employment.

(h) Any other information the department determines is reasonably necessary for identifying or locating the registrant.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; correction in (1) (a) made under s. 13.93 (2m) (b) 6., Stats., [Register, July, 1997, No. 499](#); corrections made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#); correction in (1) (a) made under s. 13.92 (4) (b) 6., Stats., [Register March 2013 No. 687](#).

Jus 8.05 Time for registration.

(1) FIRST TIME REGISTRATION. A registrant shall provide the department all information required under s. [Jus 8.04 \(2\)](#) no later than **14 calendar days** after the registrant first meets any condition specified in s. [Jus 8.04 \(1\)](#)

(2) ANNUAL REGISTRATION. A registrant **shall each calendar year** provide the department all information required under s. [Jus 8.04 \(2\)](#). The registrant shall provide the information no later than the last day of the month of the anniversary date of the registrant's having first met any condition specified in s. [Jus 8.04 \(1\)](#).

(3) UPDATED REGISTRATION. If any information required under s. [Jus 8.04 \(2\)](#) changes for a registrant at any time during a calendar year, the registrant shall notify the department. The registrant shall provide the department with the currently correct information **within 14 calendar days after any change occurs.**

(4) NON-SEX OFFENSES. A registrant shall meet the requirements of this chapter even if the registrant remains subject to imprisonment, probation, parole or other form of supervision or custody for another non-sex offender offense.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95.

Jus 8.06 Method of registration. To meet the registration requirements of s. [301.45](#), Stats., and this chapter, a registrant shall fully complete the registration form approved by the department and available to the registrant for registration purposes. The registrant shall mail the fully completed registration form to the department using the following address: Wisconsin Department of Justice, Division of Criminal Investigation, 123 West Washington Avenue, P.O. Box 7857, Madison, Wisconsin 53707.

Note: The form used under this section is available from the department at the following address: Division of Criminal Investigation, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin 53701-7857. The form as developed includes one portion for acknowledging notification as required under s. [Jus 8.08\(1\)](#) and another portion for registration under this section. A copy of the form with the acknowledgment portion completed is to be sent to the department by the notifying

person or agency, and the original form with the acknowledgment portion and the registration portion completed is to be sent to the department by the registrant.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#).

Jus 8.07 Notice of first time registration.

(1) METHOD OF NOTICE .

(a) Each probation or parole agent for a prospective registrant, each agent or agency providing supervision or aftercare supervision for a prospective registrant, and each agent or agency having legal or physical custody, care or commitment responsibility over a prospective registrant shall notify the prospective registrant that the prospective registrant shall provide the department all the information required under s. [Jus 8.04 \(2\)](#).

(b) If par. (a) does not apply because a prospective registrant is not on probation or parole or subject to supervision, aftercare supervision, custody, care or commitment, the prospective registrant shall, nonetheless, still be notified as required under s. [973.048 \(1m\)](#), Stats., by the court having jurisdiction that the prospective registrant shall provide the department all the information required under s. [Jus 8.04 \(2\)](#).

(2) TIME AND CONTENT OF NOTICE. Notice under sub. (1) shall be given within 30 days before the date on which a prospective registrant first meets a condition listed in s. [Jus 8.04 \(1\)](#) and shall include providing the prospective registrant the registration form required under s. [Jus 8.06](#) and orally informing the prospective registrant as follows:

(a) That the prospective registrant shall fully complete and mail the form to the department within 14 days after the prospective registrant first meets any condition listed in s. [Jus 8.04 \(1\)](#).

(b) That after the registrant meets the requirements of par. (a), the registrant shall also register **annually each year for the next 15 years** no later than the last day of the month of the anniversary date of the registrant's first having met a condition listed in s. [Jus 8.04 \(1\)](#).

(3) MULTIPLE NOTIFICATIONS. If multiple persons or agencies are obligated to notify a single prospective registrant at the same time under this section, those persons or agencies may discharge their mutual notification obligations by having one person or agency give the required notification.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#).

Jus 8.08 Matters related to registration.

(1) EVIDENCE OF NOTICE. Each person, agency or court that notifies a prospective registrant under s. [Jus 8.07 \(1\)](#) shall provide written documentation to the department showing that notice was given.

(2) NOTICE OF ANNIVERSARY DATE. The department shall each year by notice mailed to the registrant's most current available mailing address attempt to notify each registrant of the registrant's legal obligation under s. [301.45](#), Stats., and this chapter to register annually.

(3) REGISTRATION NO LONGER REQUIRED. A registrant need not register after 15 or more years have passed as set forth in s. [301.45 \(5\)](#), Stats.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#).

Jus 8.09 Use of registration information.

(1) DEFINITION. In this section, "law enforcement purposes" includes investigation, crime prevention or protection of the public.

(2) USE. The department may use registration information provided to it under s. [301.45](#), Stats., or this chapter for law enforcement purposes. The department may provide registration information to other law enforcement agencies and others to be used for law enforcement purposes. Law enforcement agencies having registration information gathered under s. [301.45](#), Stats., or this chapter may share that information with other law enforcement agencies and others for law enforcement purposes.

(3) CONFIDENTIALITY. Except for law enforcement purposes, registration information provided to the department or to other law enforcement agencies under s. [301.45](#), Stats., or this chapter shall remain confidential.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#).

Jus 8.10 Cooperation. The department of corrections, department of health services, clerks of court for the circuit courts, other county officials, private providers having supervision or custody of prospective registrants and all other persons required to act under s. [301.45](#), Stats., or this chapter shall cooperate fully with the department to meet the requirements of this chapter and s. [301.45](#), Stats.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; correction made under s. 13.93 (2m) (b) 6., Stats., [Register, July, 1997, No. 499](#); corrections made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#); correction made under s. 13.92 (4) (b) 6., Stats., [Register March 2013 No. 687](#).

Jus 8.11 Compliance and penalties.

(1) A registrant shall, under s. [301.45 \(2\)](#), Stats., acknowledge receipt of notice as requested, shall register in accordance with this chapter and shall, under s. [301.45 \(3\) \(b\)](#), Stats., notify the department once each calendar year as directed by the department under this chapter.

(2) Refusal to accept notice provided under s. [Jus 8.07](#) or [8.08 \(2\)](#) or to sign a written acknowledgment that notice was given may subject the registrant to liability under s. [301.45 \(6\)](#), Stats.

(3) Penalties for failing to register or notify the department as required by this chapter may be imposed under s. [301.45 \(6\)](#), Stats. A lack of the notice provided for under s. [Jus 8.07](#) or [8.08 \(2\)](#) is not a defense to liability under s. [301.45 \(6\)](#), Stats.

(4) Penalties for knowingly failing to keep information gathered under this chapter confidential, except as released for use under s. [Jus 8.09](#), may be imposed under s. [301.45 \(6\)](#), Stats.

Note: The legislature has authorized penalties for violating this chapter. Statutory authority for those penalties is found in s. [301.45 \(2\)](#), [\(3\) \(b\)](#) and [\(8\)](#), Stats.

History: Cr. [Register, June, 1995, No. 474](#), eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., [Register September 2001 No. 549](#).

Chapter **DOC 332**

SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION REQUIREMENTS

http://docs.legis.wi.gov/code/admin_code/doc/332/01

DOC 332.01 Applicability. This chapter interprets ss. [301.45](#) and [301.46](#), Stats.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.015 Authority and applicability of lie detector testing. Sections [DOC 332.15](#) to [332.18](#) are promulgated under the authority of s. [301.132 \(3\)](#), Stats., to establish a lie detector program for probationers and parolees who are sex offenders. The rules apply to the department and to probationers and parolees who are sex offenders.

History: Emerg. cr. eff. 12-15-97; cr. [Register, June, 1998, No. 510](#), eff. 7-1-98.

DOC 332.02 Definition. Unless otherwise indicated in this chapter:

(1) "Department" means the department of corrections.

(2) "Lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator or other similar device, whether mechanical or electrical, that is used, or the results of which are used, to render a diagnostic opinion about the honesty or dishonesty of an individual.

(3) "Lie detector examination process" means the entire process of lie detector testing, including completion of any preliminary questionnaires, pretest questions, baseline questions, and the actual lie detector testing.

(4) "Offender" means a probationer or parolee.

(5) "Polygraph" means an instrument that fulfills all of the following requirements:

(a) Records continuously, visually, permanently and simultaneously any changes in cardiovascular, respiratory, and electro-dermal patterns as minimum instrumentation standards.

(b) Is used, or the results of which are used, to render a diagnostic opinion about the honesty or dishonesty of an individual.

(6) "Probation and parole agent" or "agent" means an employee of the department who is assigned the duties and responsibilities of an agent under chs. [DOC 328](#), [331](#) and [333](#).

(7) "Sex offender" means a person in the custody of the department who meets any of the criteria specified in s. [301.45 \(1g\)](#), Stats.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98; emerg. cr. (6) to (11), eff. 12-15-97; cr. (2) to (7), [Register, June, 1998, No. 510](#), eff. 7-1-98; correction in (7) made under s. 13.93 (2m) (b) 7., Stats., [Register December 2006 No. 612](#).

DOC 332.03 Persons required to register. Any person meeting the reporting prerequisites specified at s. [301.45 \(1g\)](#), Stats., shall register with the department of corrections sex offender registry.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98; correction made under s. 13.93 (2m) (b) 7., Stats., [Register December 2006 No. 612](#).

DOC 332.04 Maintenance of registry.

(1) The department shall maintain a registry of all persons subject to registration requirements.

(2) Persons subject to registration shall complete, sign, and submit a form designated by the department that requires:

(a) All of the information specified at s. [301.45 \(2\) \(a\)](#), Stats., and;

(b) Any other information that the department deems necessary to aid law enforcement or furthers the interests of public protection. Information under this paragraph shall only be made available to the department and law enforcement.

(3) The department shall expunge registry information concerning any person only when the department receives either:

(a) The information specified at s. [301.45 \(7\) \(d\) 1.](#) and [2.](#), Stats., or;

(b) A death certificate from the bureau of vital statistics concerning the person registered.

(4) The department may request the assistance of any county, circuit court, the department of health services, the department of transportation, or the department of workforce development in obtaining registry information.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98; correction in (3) (a) made under s. 13.93 (2m) (b) 7., Stats., [Register December 2006 No. 612](#); correction in (4) made under s. 13.92 (4) (b) 6., Stats., [Register June 2009 No. 642](#).

DOC 332.05 Registration timelines. When a person subject to registration is on supervision the supervising department or agency shall provide all of the information required under s. [DOC 332.04 \(2\)](#), to the department of corrections in accordance with s. [301.45 \(2\) \(e\)](#), Stats.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.06 Registration frequency, duration, verification, and updating.

(1) Persons subject to registration shall continue to provide information **annually or at 90 day intervals as required** by s. [301.45 \(3\)](#), Stats., on the designated department form until released from the registration obligation as provided at s. [301.45 \(5\)](#), Stats.

(2) Persons shall update information in accordance with the following:

(a) Unless par. (b) applies, whenever information required by s. [DOC 332.04 \(2\)](#), changes the person shall notify the department of the **change within 10 days** by registering the change with the department's 1-888 telephonic registration system or by completing, signing, and submitting the designated **DOC** form.

(b) Persons on supervision to the department shall provide advance written notification to the department of any changes in employment, residence, school enrollment and vehicle information or in the case of emergency within 72 hours of the change by contacting the supervising agent.

(3) A person who is subject to registration and who is moving from this state to another state must comply with s. [301.45 \(4m\)](#), Stats.

(4) Persons subject to registration who receive any notice from the department requesting verification of registry information shall verify the accuracy of registry information and provide any updated information within 10 days of the receipt of the notice by signing and returning a confirmation receipt and designated form to the department.

(5) Failure to receive notice of registration requirements under s. [301.45 \(3\) \(b\)](#), Stats., is not a defense to liability under s. [301.45 \(6\)](#), Stats.

(6) In addition to penalties provided at s. [301.45 \(6\)](#), Stats., failure to comply with registration requirements, including but not limited to signing the registration form, verifying information, updating information, or providing true and accurate information when the person is on probation, parole, supervised release, conditional discharge, or aftercare supervision is a violation of that supervision.

(7) The department shall notify the district attorney in the county where the offender resides of any intentional non-compliance with the obligation to register, update registry information or verify registry information.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.07 Access to registry information.

(1) The department shall allow access to registry information to law enforcement agencies in accordance with s. [301.46 \(2\)](#) and [\(6\) \(b\)](#), Stats.

(2) In addition to the information provided to law enforcement agencies under sub. [\(1\)](#) the department may provide law enforcement with any other information concerning persons subject to registration.

(3) The department shall provide access to registry information to agencies and organizations other than law enforcement in accordance with s. [301.46 \(4\)](#), Stats.

(4) The department shall provide access to registry information to victims in accordance with s. [301.46 \(3\)](#), Stats.

(5) The department may provide access to registry information to the general public in accordance with s. [301.46 \(5\)](#), Stats.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.08 Period of access to registry.

(1) Except as provided in sub. [\(2\)](#), the department may continue to provide access to registry information concerning persons subject to registration only until the person is released from registration requirements under s. [301.45 \(5\)](#), Stats.

(2) The department may provide registry access to law enforcement agencies regardless of whether the person is still subject to registration requirements.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.09 Bulletins to law enforcement. The department shall provide bulletins to law enforcement agencies in accordance with s. [301.46 \(2m\)](#), Stats.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.10 Notification of victims.

(1) In this section:

(a) "Member of the family" has the meaning given at s. [301.46 \(3\) \(a\) 1.](#), Stats.

(b) "Victim" has the meaning given at s. [301.46 \(3\) \(a\) 2.](#), Stats.

(2) Victims and family members may request information concerning persons registered by either:

(a) Obtaining a victim identification number and contacting the department's 1-800 telephone information system or;

(b) Completing and submitting to the department the form designated to request written notifications.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98; correction made under s. 13.93 (2m) (b) 7., Stats., [Register, February, 1998, No. 506](#).

DOC 332.11 Access to registry by community entities.

(1) The department shall provide access to community entities specified at s. [301.46 \(4\) \(a\)](#), Stats., that request information about a specific person registered under s. [DOC 332.04](#). Entities requesting information under this paragraph shall be provided information when the entity does all of the following:

(a) Submits a request to the department's 1-800 telephonic information access system.

(b) Specifies by name the person about whom information is requested and;

(c) Provides the date of birth, and either the social security number or drivers license number of the person about whom information is requested.

(2) A neighborhood watch program authorized under s. [60.23 \(17m\)](#), Stats., or by the law enforcement agency of a city or village may request the names and information concerning all persons registered under this chapter who reside, are employed or attend school in the entity's community, district, jurisdiction or other geographical area of activity. Requests for information under this subsection shall be in writing on the form designated by the department.

(3) In response to a request under sub. (1) or (2), the department shall provide all of the information specified at s. [301.46 \(4\) \(b\)](#), Stats.

(4) Information provided by the department under this section shall not include any information specified at s. [301.46 \(4\) \(ag\)](#), Stats.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.12 Access to registry by general public.

(1) The department may in the interest of public protection provide information to a person not provided access to registry information under other sections when the person requests information and when the person does all of the following:

(a) Submits a request to the department's 1-800 telephonic information access system or files a written request for information on the form designated by the department.

(b) Specifies by name the person about whom information is requested and;

(c) Provides the date of birth, and either the social security number or drivers license number of the person about whom information is requested.

(2) When the department grants access to information in response to a request under sub. (1), all of the information specified at s. [301.46 \(5\) \(b\)](#), Stats., shall be provided:

(3) In response to a request under sub. (1), the department shall not provide any information specified at s. [301.46 \(5\) \(c\)](#), Stats.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.13 Misuse of registry information. Persons who commit crimes using information that is disclosed under the provisions of this chapter are subject to the penalty provided for the crime committed and any increased penalty provided under s. 939.646, Stats.

Note: Section 939.646, Stats., was repealed eff. 2-1-03.

History: Cr. [Register, February, 1998, No. 506](#), eff. 3-1-98.

DOC 332.15 Lie detector requirement. The department may require an offender who is a sex offender to submit to the lie detector examination process in accordance with s. [DOC 332.17](#) as a condition of supervision.

History: Emerg. cr., eff. 12-15-97; cr. [Register, June, 1998, No. 510](#), eff. 7-1-98.

DOC 332.16 Purpose of lie detector program.

(1) The department may use the lie detector examination process as a supervision tool for offenders who are sex offenders. Testing may be used to achieve any of the following in supervising an offender who is a sex offender:

- (a) Disclosing offense pattern information for treatment purposes.
 - (b) Holding the offender accountable for behaviors which occur while on supervision.
 - (c) Verifying the accuracy of self-reporting.
 - (d) Assisting in the monitoring and early identification of rule violations and other criminal behavior.
 - (e) Providing a deterrent to re-offending.
 - (f) Identifying the offenders who need more intensive supervision or treatment.
 - (g) Providing more information for purposes of assessment, treatment and monitoring.
- (2) The department may not use the lie detector examination process as a punishment or sanction.

History: Emerg. cr. eff. 12-15-97; cr. [Register, June, 1998, No. 510](#), eff. 7-1-98.

DOC 332.17 Operation of lie detector program.

(1) SELECTION OF PARTICIPANTS. Upon the approval of an agent's supervisor, an agent may require an offender who is a sex offender to participate in the lie detector program. The agent may require an offender who is a sex offender to submit to the lie detector examination process based on the following:

(a) For an offender who is a sex offender and who is currently in prison but nearing the release date on mandatory or discretionary parole:

- 1. The offender's criminal record of sexual offenses.
- 2. The offender's adjustment under previous supervision.
- 3. The offender's participation in offense-related programming while incarcerated or institutionalized.
- 4. The offender's motivation or refusal to participate in continued programming in the community.

(b) For an offender who is a sex offender and who is currently on probation or parole:

- 1. The offender's criminal record of sexual offenses.
- 2. The offender's adjustment under supervision, including recent rules violations or recent consideration for alternatives to revocation.
- 3. The offender's compliance with current programming.

(2) NOTICE.

(a) An agent shall provide an offender who is a sex offender and who is selected to participate in the lie detector examination process written notice of the lie detector program requirements. The department may require an offender who is a sex offender to participate in the lie detector examination process without the offender's informed consent.

(b) An agent shall provide written notice to an offender who is a sex offender and who is required to take a lie detector test. The notice shall include the following:

- 1. Date, time, and location of the scheduled test.
- 2. Instructions to complete any preliminary questionnaires.

(3) LIE DETECTOR TEST QUESTIONS.

(a) The lie detector examiner shall determine the questions to be asked during the lie detector examination process and shall consult with the agent in determining the questions to be asked. If the offender who is a sex offender is receiving treatment, the examiner or agent may consult with the treatment provider regarding development of questions to be asked during the lie detector examination process.

(b) The agent or examiner may consider any of the following in determining the questions to be asked during the lie detector examination process:

- 1. The offender's involvement in current offense-related programming.

2. The offender's level of denial.
3. The offender's recent pattern of rules violations.
4. The offender's noncompliance with treatment.
5. The agent's need to verify the offender's compliance with supervision, treatment or self-reporting.
6. The agent's need to document and verify the extent of the offender's sexual history.

(4) **TEST ADMINISTRATION.** The department may administer lie detector tests or contract with an outside vendor to administer the tests. The department shall establish standards for the selection of lie detector examiners.

(5) **ASSESSMENT OF FEES.** The department shall establish a schedule of fees in accordance with s. [DOC 332.18](#).

(6) **SANCTIONS.**

(a) If an offender who is a sex offender refuses to participate in any portion of the lie detector examination process or to pay a lie detector fee, the agent shall investigate the refusal as a violation of a rule or condition of supervision in accordance with ch. [DOC 331](#).

(b) If an offender who is a sex offender discloses a violation of a rule or condition of supervision during the lie detector examination process, the agent shall investigate the disclosure as a violation of a rule or condition of supervision, in accordance with ch. [DOC 331](#).

(c) If an offender who is a sex offender discloses criminal conduct during the lie detector examination process, the agent, with the approval of the agent's supervisor, shall refer the disclosure to law enforcement authorities.

(d) Revocation of probation or parole of an offender who is a sex offender may not be based solely on a finding of deception as disclosed by a lie detector test.

(7) **DISCLOSURE OF TEST INFORMATION.** The department may disclose information regarding a lie detector test or information disclosed during the lie detector test examination process of an offender who is a sex offender only to the following and only for purposes relating to correctional programming, care and treatment of the offender:

- (a) Department employees.
- (b) Department vendors.
- (c) Another agency or person.
- (d) Law enforcement agencies.

History: Emerg. cr. eff. 12-15-97; cr. [Register, June, 1998, No. 510](#), eff. 7-1-98.

DOC 332.18 Lie detector fee. The department shall establish a schedule of fees to partially offset the costs of the lie detector program for offenders who are sex offenders and who are required to take a lie detector test. The costs of the tests may vary depending on the type of test used. An offender shall also pay a \$5 administrative fee with each payment. The department shall do all of the following in establishing a fee schedule for lie detector testing and in collecting lie detector fees:

(1) **BASIS OF FEE.** Base the lie detector fee payment schedule upon the offender's ability to pay with the goal of receiving payment for the costs of administering the test and a \$5 administrative fee with each payment.

(2) **TIMING OF PAYMENTS.** Permit payment of the fee to be paid in any of the following ways:

- (a) Full payment of the fee within 30 days of the date the offender takes the lie detector test.
- (b) Quarterly payment of the fee to be paid in full within one year of the date the offender takes the lie detector test.
- (c) Monthly installment payments of the fee to continue until the fee is paid in full.

(3) **DEFERRAL OF PAYMENTS.**

(a) Except if the offender has the present ability to pay the fee, permit deferral of payment if the offender meets one or more of the following conditions, until a time when the conditions no longer exist:

1. Has used all reasonable and appropriate means to obtain employment as determined by the offender's probation and parole agent, but has been unable to obtain employment which provides the offender sufficient income to pay the lie detector fee.

2. Is a student enrolled in a full-time course of instruction. In this subdivision, "full-time course of instruction" means enrolled in an accredited course of instruction and registered for more than 9 credits in post secondary education or full-time high school or full-time junior high school, and "school" means a public school under s. [115.01 \(1\)](#), Stats., a charter school as defined in s. [115.001 \(1\)](#), Stats., or a private school as defined in s. [115.001 \(3r\)](#), Stats. The offender shall provide a release of information to verify enrollment and registration of credits. If the offender fails to provide the release of information, no deferral may be given. The educational institution shall certify to the department that the offender is enrolled and attending a full-time course work at the educational institution.

3. Is undergoing psychological, chemical or medical treatment consistent with the supervision plan approved by the department and is unable to be employed. The treatment provider shall certify the status to the department.

4. Has a statement from a licensed physician excusing the offender from work for medical reasons and the offender is unable to be employed because of the medical reasons.

(b) The agent shall make a determination concerning an offender's deferral of payment of the lie detector fee within 10 working days of determining that an offender is required to participate in the lie detector examination process or within 10 working days of a change in the offender's financial or employment status as reported in accordance with s. [DOC 328.04 \(3\) \(h\)](#).

(c) The agent's supervisor shall review all decisions made by the offender's probation and parole agent to defer payment of the lie detector fee.

(4) COLLECTION. Develop procedures for the collection of lie detector fees. The offender who is a sex offender shall pay the lie detector fees to the department according to the procedures established by the department.

(5) COPIES OF FEE SCHEDULE AND PAYMENT PROCEDURES. Provide the offender who is a sex offender with copies of the lie detector fee schedule, administrative fee requirement, and lie detector fee payment procedures.

(6) RECORD OF PAYMENTS. Record all lie detector fees paid by the offender, and on request of the offender, provide the offender with a copy of the record of payments to verify receipt of the payments.

(7) NOTICE TO OFFENDER WHEN PAYMENT IS NOT RECEIVED. Advise the offender in writing if payment of the lie detector fee has not been made in accordance with the payment schedule.

(8) POSSIBLE ACTIONS IF FEE IS NOT PAID. Take action under s. [DOC 332.17 \(6\) \(a\)](#), if an offender who is a sex offender fails to pay a lie detector fee. The department may use any of the following actions in any order when an offender who is a sex offender fails to pay the lie detector fee:

(a) Counseling.

(b) Wage assignment.

(c) Review of supervision level to determine if more restrictive sanctions are needed, including an increase in the level of supervision, electronic monitoring or detention in a jail, correctional facility, or house of correction.

(d) Issue a recommendation for revocation of parole or probation under the provisions of ch. [DOC 331](#) for the offender's willful failure to pay the lie detector fee after the agent has taken action under sub. [\(1\)](#) and has determined that the offender has the ability to pay the lie detector fee.

(e) Any other appropriate means of obtaining the lie detector fee.

History: Emerg. cr. eff. 12-15-97; cr. [Register, June, 1998, No. 510](#), eff. 7-1-98; [CR 10-126](#): am. (3) (b) [Register June 2013 No. 690](#), eff. 7-1-13.

DOC 332.19 Sex offender registration fee.

(1) APPLICABILITY. A person who is required to register as a sex offender under s. [301.45](#), Stats., shall be charged a registration fee to partially offset the costs of monitoring registrants.

(2) DEFINITIONS. In this section:

(a) "Custody" means being under the authority of the department as an inmate, a probationer, parolee, or person subject to extended supervision under s. [302.113](#), Stats.

(b) "Offender" means a person on probation, parole, or extended supervision under s. [302.113](#), Stats.

(c) "Registrant" means a person required to register as a sex offender under s. [301.45](#), Stats.

(3) FEE. The sex offender registration fee shall be \$100.00 on an annual basis.

(4) RECORDING OF REGISTRATION FEE. With reference to the sex offender registration fee under sub. [\(3\)](#), the department shall do the following:

(a) Record all registration fees paid by a registrant.

(b) Provide the registrant access to a copy of the record of payments to verify receipt of payments.

(c) Advise the registrant of nonpayment of registration fees.

(d) Audit the record of payment of registration fees.

(5) COLLECTION OF REGISTRATION FEE. In collecting the sex offender registration fee, all of the following shall occur:

(a) The department shall do the following:

1. Establish a registration fee payment schedule including all of the following:

a. A grace period for the initial registration fee payment.

b. A deadline for payment for each subsequent year of registration.

2. Approve procedures for the collection of registration fees.

3. Provide the registrant with a copy of the sex offender registration fee payment procedures.

4. Credit those moneys collected to the appropriation account under s. [20.410 \(1\) \(gd\)](#), Stats.

(b) The registrant shall pay the sex offender registration fee to the department according to the procedures established by the department.

(6) DEPARTMENT ACTION WHEN A REGISTRANT FAILS TO PAY REGISTRATION FEE. The department may use any of the following actions in any order when a registrant fails to pay the sex offender registration fee:

(a) Counseling.

(b) Wage assignment.

(c) Review of supervision or custody level to determine if more restrictive sanctions are needed, including an increase in the level of supervision, increase in the security level of custody, or electronic monitoring or detention in a jail, correctional facility or house of correction for those on probation, parole or extended supervision.

(d) Issue a recommendation for revocation of parole, probation, or extended supervision for an offender's willful failure to pay the sex offender registration fee.

(e) Any other appropriate means of obtaining the sex offender registration fee.

History: Emerg. cr. eff. 6-8-06; [CR 06-066](#): cr. [Register December 2006 No. 612](#), eff. 1-1-07; [EmR0812](#): emerg. am. (1), (3), (4) (a), (b), (c), (5) (a) 3., (b) and (6) (intro.), cr. (2) (c), eff. 5-15-08; [CR 08-045](#): am. (1), (3), (4) (a), (b), (c), (5) (a) 3., (b) and (6) (intro.), cr. (2) (c) [Register December 2008 No. 636](#), eff. 1-1-09.

DOC 332.20 Tracking fee.

(1) APPLICABILITY. A person who is subject to GPS tracking or PPS tracking under s. [301.48](#), Stats., shall be charged a fee to offset the costs of the tracking, based on the person's ability to pay.

(2) DEFINITIONS. In this section:

(a) "Global positioning system tracking" or "GPS tracking" has the meaning given in s. [301.48 \(1\) \(b\)](#), Stats.

(b) "Passive positioning system tracking" or "PPS tracking" has the meaning given in s. [301.48 \(1\) \(dm\)](#), Stats.

(c) "Tracking cost" means the monthly cost for tracking a person subject to GPS tracking or PPS tracking.

(d) "Tracking fee" means the monthly fee which a person who is subject to either GPS tracking or PPS tracking is required to pay to offset the costs of tracking.

(3) TRACKING FEE.


(a) A person who is subject to either GPS tracking or PPS tracking shall pay the tracking fee in accordance with procedures established by the department.

(b) The department shall set a tracking fee for a person who is subject to either GPS tracking or PPS tracking, based on the person's ability to pay, and shall do all of the following:

1. Determine the person's ability to pay the tracking fee. The department shall base the determination on the person's documented monthly gross household income. The department may require the person to produce financial documentation to establish household income, including tax returns, financial institution account statements, and wage information.

2. Review the determination of the person's ability to pay the tracking fee at least annually. The department may require production of financial information for each review.

3. Assess the person a tracking fee up to and including the full tracking cost, if a person fails to provide the requested financial documentation.

4. Charge a tracking fee in accordance with the following table: - [See PDF for table](#) 

5. Publish adjustments to Table DOC 332.20 in the Wisconsin administrative register.

6. Promulgate an administrative rule to make the adjustments, if the department proposes to make adjustment to the tracking fee by ten (10) percent or more. The department will not issue an emergency rule to implement the adjustments under this subsection before providing advance public notice of at least one month.

7. Establish a tracking fee schedule including all of the following:

a. A grace period for the initial tracking fee payment.

b. A deadline for receipt of each monthly tracking fee payment.

8. Approve procedures for the collection of tracking fees.

9. Provide the person who is required to pay a tracking fee with a copy of the tracking fee payment procedures.

10. Record all costs incurred as part of the tracking cost for monitoring a person on GPS tracking or PPS tracking.

11. Record all tracking fees paid by a person.

12. Provide the person with access to a copy of the record of payments to verify receipt of the payments.

13. Advise the person of nonpayment of tracking fees.

14. Credit the moneys collected to the appropriation account under s. [20.410 \(1\) \(gk\)](#), Stats.

15. Audit the record of payments of tracking fees.

(4) DEPARTMENT ACTION WHEN A PERSON ON PROBATION, PAROLE, OR EXTENDED SUPERVISION FAILS TO PAY TRACKING FEE. The department may use any of the following actions in any order when a person who is required to pay a tracking fee and who is on probation, parole, or extended supervision fails to pay the tracking fee:

(a) Counseling.

(b) Wage assignment.

(c) Review of supervision or custody level to determine if more restrictive sanctions are needed, including an increase in the level of supervision, increase in the security level of custody, or detention in a jail, correctional facility or house of correction.

(d) Issue a recommendation for revocation of parole, probation, or extended supervision for the person's willful failure to pay the tracking fee.

(e) Intercept of the person's Wisconsin income tax refund or Wisconsin lottery winnings.

(f) Any other appropriate means of obtaining the tracking fee.

(5) DEPARTMENT ACTION WHEN A PERSON NOT ON PROBATION, PAROLE OR EXTENDED SUPERVISION FAILS TO PAY TRACKING FEE. The department may use any of the following actions in any order when a person who is required to pay a tracking fee but who is not on probation, parole, or extended supervision fails to pay the tracking fee:

(a) Wage assignment.

(b) Submission of the debt to a state contracted collection agency.

(c) Intercept of the person's Wisconsin income tax refund or Wisconsin lottery winnings.

(d) Any other appropriate means of obtaining the tracking fee.

History: [EmR0832](#): emerg. cr. eff. 11-12-08; [CR 08-105](#): cr. [Register June 2009 No. 642](#), eff. 7-1-09.