

WISCONSIN SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

14,887 as of March 26, 2003.

1. WHO IS REQUIRED TO REGISTER?

A person who, on or after December 25, 1993:

- (1) is convicted or adjudicated delinquent for a sex offense;
- (2) is in prison, a secured correctional facility, a secured childcare institution, or a secured group home for a sex offense;
- (3) is on probation, extended supervision, parole, supervision, or aftercare supervision for a sex offense;
- (4) is in prison, a secured correctional facility, a secured childcare institution, or a secured group home for a violation, or for the solicitation, conspiracy, or attempt to commit a violation of a Wisconsin law that is comparable to a sex offense;
- (5) is on probation, extended supervision, parole, supervision, or aftercare supervision for a violation, or for the solicitation, conspiracy, or attempt to commit a violation of a Wisconsin law that is comparable to a sex offense;
- (6) is found not guilty or not responsible by reason of mental disease or defect and is committed for a sex offense;
- (7) is in institutional care or on conditional transfer or conditional release for a sex offense;
- (8) is in institutional care or on conditional transfer or conditional release for a violation, or for the solicitation, conspiracy, or attempt to commit a violation of a Wisconsin law that is comparable to a sex offense;
- (9) is on parole, extended supervision, or probation in Wisconsin from another state 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; or
- (10) is in institutional care under, or on parole from, a commitment for specialized treatment,

is required to register.

(Wis. Stat. § 301.45(1g))

In addition, a person who:

- (1) is placed on lifetime supervision on or after June 26, 1998;
- (2) is in institutional care or on conditional release on or after June 2, 1994;
- (3) is ordered by a court to comply with registration requirements;
- (4) was required to register under 1997 laws based on a finding that he or she was in need of protection or services and is ordered by a court to continue complying with the registration requirements;
- (5) 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 and is a resident of

Wisconsin, a student in Wisconsin, or is employed or carrying on a vocation in Wisconsin; or

- (6) has been found to have committed a sex offense by another jurisdiction and, on or after December 1, 2000, is a resident of Wisconsin, a student in Wisconsin, or is employed or carrying on a vocation in Wisconsin.

(Wis. Stat. § 301.45(1g))

2. WHAT DOES “SEX OFFENSE” MEAN?

“Sex offense” means a violation, or the solicitation, conspiracy, or attempt to commit one of the following offenses:

- (1) sexual exploitation by a therapist;
- (2) sexual assault;
- (3) sexual assault of a minor;
- (4) sexual assault of a student by a school instructional staff person;
- (5) engaging in repeated acts of sexual assault of the same minor;
- (6) incest;
- (7) incest with a minor;
- (8) sexual exploitation of a minor;
- (9) causing a minor to view or listen to sexual activity;
- (10) child enticement;
- (11) use of a computer to facilitate a child-sex offense;
- (12) soliciting a minor for prostitution;
- (13) exposing a minor to harmful material or harmful descriptions or narratives;
- (14) possession of child pornography;
- (15) being a child-sex offender who works with children;
- (16) abduction of a minor, if the offender was not a parent of the victim;
- (17) false imprisonment, if the offender was not a parent of the victim; or
- (18) kidnapping, if the victim was a minor and the offender was not a parent of the victim.

(Wis. Stat. § 301.45(1d)(b))

3. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

A juvenile who is adjudicated delinquent on or after December 25, 1993, for a sex offense may be required to register.

(Wis. Stat. § 301.45(1g)(a))

A juvenile who is in Wisconsin after May 9, 2000, and is on supervision in Wisconsin from another state for a violation of a law of another state that is comparable to a sex offense is required to register.

(Wis. Stat. § 301.45(1g)(dj))

4. WHEN AND WHERE DOES AN OFFENDER REGISTER?

Registration must take place:

- (1) within 10 days after the offender:
 - (a) is placed on probation, supervision, aftercare supervision, conditional release, or supervised release;
 - (b) enters Wisconsin to take up residence or begin school, employment, or his or her vocation, if he or she is registered as a sex offender in another state or is registered as a sex offender with the Federal Bureau of Investigation;

- (c) enters Wisconsin to take up residence or begin school, employment, or his or her vocation, if he or she has been found to have committed a sex offense in another jurisdiction; or
- (d) is sentenced or receives a disposition;
- (2) before the offender:
 - (a) is released, if he or she is being released from a prison sentenced and placed on parole or extended supervision; or
 - (b) enters Wisconsin, if he or she is on parole, extended supervision, probation, or other supervision from another state; or
- (3) no later than 10 days before the offender:
 - (a) is terminated or discharged from commitment; or
 - (b) is released from prison, if he or she is being released because he or she has reached the expiration date of his or her sentence.

(Wis. Stat. § 301.45(2)(e))

Registration takes place with either the Department of Corrections or Department of Health and Family Services, whichever has supervision over the offender.

(Wis. Stat. §§ 301.45(2)(c)-(d))

5. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Registration includes the following information about the offender:

- (1) his or her name, including any aliases used;
- (2) information sufficient to identify him or her, including:
 - (a) date of birth;
 - (b) sex;
 - (c) race;
 - (d) height and weight; and
 - (e) hair and eye color;
- (3) the statute he or she violated that subjects him or her to registration;
- (4) his or her date of conviction, adjudication, or commitment;
- (5) the county or, if the state is not Wisconsin, the state in which he or she was convicted, adjudicated, or committed;
- (6) whichever of the following is applicable:
 - (a) the date he or she was placed on probation, supervision, conditional release, conditional transfer, or supervised release;
 - (b) the date he or she 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 he or she entered Wisconsin; and
 - (d) the date he or she was ordered to comply with registration requirements;
- (7) the address at which he or she will be residing;
- (8) the name of the agency supervising him or her, if applicable, and the office or unit and telephone number of the office or unit that is responsible for supervising him or her;
- (9) the name and address of the place at which he or she will be employed;
- (10) the name and location of any school in which he or she will be enrolled;
- (11) if he or she is in institutional care or on custodial release, a notation concerning the treatment that he or she has received for his or her mental disorder;
- (12) the most recent date on which the information provided has been updated;
- (13) his or her photograph; and
- (14) his or her fingerprints.

(Wis. Stat. §§ 301.45(2)(a), (3))

6. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

Whenever an offender's registration information changes, he or she must provide the Department of Corrections with the updated information within 10 days after the change occurs.

(Wis. Stat. § 301.45(4)(a))

If an offender is on parole or extended supervision and plans to move to a new residence, he or she must provide the Department of Corrections with the new address before the change occurs.

(Wis. Stat. § 301.45(4)(b))

7. WHAT HAPPENS IF AN OFFENDER MOVES FROM WISCONSIN TO ANOTHER STATE?

If an offender is changing his or her residence from Wisconsin to another state, is becoming a student in another state, or is to be employed or carrying on a vocation in another state, he or she must notify the Department of Corrections of the change no later than 10 days before making the change. The offender must also inform the appropriate agency in the state to which he or she is moving, is becoming a student, or is employed or carrying on a vocation.

(Wis. Stat. § 301.45(4m))

The Wisconsin Department of Corrections is responsible for providing information to the agency responsible for sex-offender registration in the new state of the offender's move or change, and must provide the agency of the other state with the offender's registration information.

(Wis. Stat. § 301.45(4m)(b))

8. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO WISCONSIN REQUIRED TO REGISTER?

If a person is, on or after December 1, 2000, registered as a sex offender in another state or is registered as a sex offender with the Federal Bureau of Investigation and is a resident of Wisconsin, he or she must register in Wisconsin.

(Wis. Stat. § 301.45(1g)(f))

If a person has been found to have committed a sex offense by another jurisdiction and, on or after December 1, 2000, is a resident of Wisconsin, he or she must register in Wisconsin.

(Wis. Stat. § 301.45(1g)(g))

9. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN WISCONSIN?

If a person is, on or after December 1, 2000, registered as a sex offender in another state or is registered as a sex offender with the Federal Bureau of Investigation and is a student, or is employed or carrying on a vocation in Wisconsin, he or she must register.

(Wis. Stat. § 301.45(1g)(f))

If a person has been found to have committed a sex offense by another jurisdiction and, on or after December 1, 2000, is a student or is employed or carrying on a vocation in Wisconsin, he or she must register.

(Wis. Stat. § 301.45(1g)(g))

10. IS REGISTRATION A LIFETIME REQUIREMENT?

An offender who:

- (1) is subject to lifetime supervision;
- (2) has, on two or more separate occasions, been convicted or found not guilty/responsible by reason of mental disease or defect for a sex offense or for a violation of, or the solicitation, conspiracy, or attempt to commit a violation of federal, military, tribal, or state law of another state that is comparable to a sex offense;
- (3) has been convicted or found not guilty/responsible by reason of a mental disease or defect for a violation or for the solicitation, conspiracy, or attempt to commit:
 - (a) sexual assault;
 - (b) sexual assault of a minor; or
 - (c) engaging in repeated acts of sexual assault of the same minor;
- (4) has been found to be a sexually violent predator; or
- (5) who has been ordered by the court to comply with registration requirements for life,

must register for life.

(Wis. Stat. §§ 301.45(5)(am), (5)(b))

If an offender has been placed on probation or supervision for a sex offense, he or she must register for 15 years after discharge from the probation or supervision.

(Wis. Stat. § 301.45(5)(a)(1))

If an offender has been sentenced to prison for a sex offense or placed in a secured correctional facility, a secured childcare institution, or a secured group home for a sex offense, he or she must register for 15 years after discharge from parole, extended supervision, or aftercare supervision.

(Wis. Stat. § 301.45(5)(a)(2))

If an offender 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, he or she must register for 15 years after being released.

(Wis. Stat. § 301.45(5)(a)(2m))

If an offender is committed to the Department of Health and Family Services and is in institutional care or on conditional transfer for a sex offense, he or she must register for 15 years after termination of the commitment or discharge from commitment.

(Wis. Stat. § 301.45(5)(a)(3))

If an offender has been committed for specialized treatment, he or she must register for 15 years after discharge from the commitment.

(Wis. Stat. § 301.45(5)(a)(3m))

All other offenders must register for 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.

(Wis. Stat. § 301.45(5)(a)(4))

11. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

For a first offense, an offender who knowingly fails to comply with any registration requirement will be fined no more than \$10,000, imprisoned for no more than nine months, or will be both fined and imprisoned. For a second or subsequent offense, the offender will be guilty of a Class H felony.

(Wis. Stat. § 301.45(6)(a))

A district attorney or, upon the request of a district attorney, the Department of Justice, may prosecute a knowing failure to comply with registration requirements.

(Wis. Stat. § 301.45(6)(bm))

12. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

Any of the following entities may request information from the Department of Corrections concerning registered offenders:

- (1) a public or private elementary or secondary school;
- (2) a daycare provider that holds a license or probationary license, is certified, or is established or contracted;
- (3) a licensed child-welfare agency;
- (4) a licensed group home;
- (5) a licensed shelter-care facility;
- (6) a licensed foster home or treatment foster home;
- (7) a county department;
- (8) an agency providing child-welfare services;
- (9) the Department of Justice;
- (10) the Department of Public Instruction;
- (11) the Department of Health and Family Services;
- (12) an authorized neighborhood watch program;
- (13) an organized unit of the Boy Scouts of America, the Boys [& Girls] Clubs of America, the Girl Scouts of America, or Camp Fire Girls;
- (14) the personnel office of a sheltered workshop; and
- (15) any other community-based public or private, nonprofit organization that the Department of Corrections determines should have access to information in the interest of protecting the public.

(Wis. Stat. § 301.46(4)(a))

The Department of Corrections must provide:

- (1) the name of the offender who has registered, including any aliases used;
- (2) the date of the offender's conviction or commitment;
- (3) the county or state in which the offender was convicted; and
- (4) the most recent date on which the offender's registration information was updated.

(Wis. Stat. § 301.46(4)(b))

The Department of Corrections may not provide information concerning a registered juvenile offender or juvenile proceedings of an adult registered offender to members of the public.

(Wis. Stat. §§ 301.46(4)(ag), (5)(c))

A police chief or sheriff may provide any information to which he or she has access, except information concerning a registered juvenile offender or juvenile proceedings of a adult registered offender, to members of the public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

(Wis. Stat. §§ 301.46(2)(e), (5)(c))

Information may also be provided to members of the public if, in the opinion of the Department of Corrections, police chief, or sheriff, providing the information is necessary to protect the public interest, 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, police chief, or sheriff;
- (2) specifies by name the offender about whom he or she is requesting the information; and

- (3) provides any other information the police chief or sheriff considers necessary to determine accurately whether the specified offender is registered.

(Wis. Stat. § 301.46(5)(b))

The Department of Corrections, police chief, or sheriff must provide to members of the public:

- (1) the date of the offender's conviction or commitment;
- (2) the county state in which the offender was convicted or committed;
- (3) the most recent date on which the offender's registration information was updated; and any other information concerning the offender that the department, police chief, or sheriff determines is appropriate.

(Wis. Stat. § 301.46(5)(b))

13. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Wisconsin Department of Corrections maintains a searchable online sex-offender registry. The "Registrant Search" is available at <http://offender.doc.state.wi.us/public/search/search.jsp>.

The web site can be searched by offender name and offender location.

Information available includes the offender's:

- (1) name and any aliases used;
- (2) sex;
- (3) race;
- (4) age;
- (5) height and weight;
- (6) hair and eye color;
- (7) photograph, and date taken;
- (8) offense requiring registration;
- (9) conviction date;
- (10) conviction county and state;
- (11) custody/supervision information;
- (12) beginning and ending date for registration; and
- (13) compliance status.

14. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

According to the Wisconsin Department of Corrections' web site,

It is not the intent of the Legislature that this [registration] information be used to injure, harass, or commit a criminal act against persons named in the registry, their families, or employers. Anyone who takes any criminal action against these registrants, including vandalism of property, verbal or written threats of harm or physical assault against these registrants, their families or employers is subject to criminal prosecution.