

Wis. Stat. § 301.46 covers public and law enforcement access to sex offender information and victim notification in Wisconsin.

### **Access for Law Enforcement Agencies**

When a person is registered with the department, the department shall immediately make the information specified below 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.

The department shall make all of the following information available as outlined above:

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.
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 register.
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.
7. The name and address of the place at which the person is employed.
8. The name and location of any school in which the person is enrolled.
9. The most recent date on which the information under s. 301.45 was updated.

When a registered sex offender updates this information, 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.

In addition to having access to information outlined above, a police chief or sheriff may request that the department provide the police chief or sheriff with information concerning any registered person.

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, to any person requesting information, 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.

### **Bulletins to Law Enforcement Agencies**

Under certain conditions, when an offender is released who has, on only one occasion, 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.

The notification shall be in the form of a written bulletin to the police chief or sheriff that contains all of the following:

1. The information outlined above.
2. Notice that information concerning registered persons will be available on the Internet site established by the department.
3. 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.

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, to any person requesting information, 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.

## **Notification of victims.**

"Member of the family" means spouse, domestic partner, child, parent, sibling or legal guardian. "Victim" means a person against whom a crime has been committed.

When a person is registered or when the person informs the department of a change in information under, 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, requested to be notified about a person required to register.

This notice shall be a written notice to the victim or member of the victim's family that the person required to register and specified in the information provided has been registered or, if applicable, has provided the department with updated information.

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.

## **Access to Information for Agencies and Organizations Other Than Law Enforcement Agencies**

Any of the following entities may request, in a form and manner specified by the department, information from the department concerning registered persons:

1. A public or private elementary or secondary school or a tribal school;
2. A child care provider who holds a license or a probationary license;
3. A licensed child welfare agency;
4. A licensed group home licensed;
5. A licensed shelter care facility;
6. A licensed 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 Services;

12. The Department of Children and Families;
13. An authorized neighborhood watch program;
14. An organized unit of the Boy Scouts of America, the Boys' Clubs of America, the Girl Scouts of America or Camp Fire Girls;
15. The personnel office of a sheltered workshop; and/or
16. 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.

The department *may not* provide any of the following in response to a request:

1. Any information concerning a child who is required to register.
2. If the person required to register is an adult, any information concerning a juvenile proceeding in which the person was involved.

In response to a request by any of the agencies or entities above, the department provide all of the following information:

1. The name of the person who has registered, 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.
3. The most recent date on which the information was updated.

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 for use by the police chief or sheriff.

### **Access to Information for General Public**

The department or a police chief or sheriff may provide the registration information concerning a specific person to a person who is not provided notice or access 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.
3. Provides any other information the police chief or sheriff considers necessary to determine accurately whether the person is registered.

If the department or a police chief or sheriff provides information, the department or the police chief or sheriff shall provide all of the following concerning the person specified in the request:

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.
2. The most recent date on which the information was updated.
3. Any other information concerning the person that the department or the police chief or sheriff determines is appropriate.

The department shall provide the following information on a web site concerning registered persons:

1. If the person is a sexually violent person, 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 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.
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.
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.

The department may not provide any information concerning a child who is required to register or any information concerning a juvenile proceeding in which the person was involved on the web site.

### **Internet Access**

The department provides access to information concerning registered persons by 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, 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.

### **Period of Notification and Access to Information**

The department or an agency with jurisdiction may provide notice of or access to information concerning a registered person only during the period for which the person is required to comply with registration requirements. However, the department or an agency may, regardless of whether the person is still required to be registered, provide the person's registration information to a law enforcement agency for law enforcement purposes.

### **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.

Wisconsin is a mandatory Public Law 280 state that has retroceded criminal jurisdiction back to the Menominee Reservation.