

FORM SUMMARY

Name of Form: Petition for Exemption under §948.13(2m), Wis. Stats.

Form Number: CR-231

Statutory Reference: §948.13(2m), Wisconsin Statutes

Benchbook Reference:

Purpose of Form: To petition for an exemption from §948.13(2) which prohibits a person convicted of engaging in repeated sexual assault of the same child under §948.025(1) from engaging in an occupation or working as a volunteer involving primary and direct work or interaction with children 15 and under.

Who Completes It: Petitioner.

Distribution of Form: Court; copies to Petitioner and District Attorney; DA to notify victim of Petitioner's crime.

Accompanying Forms: Notice of hearing.

New Form/Modification: Modified; last update 11/19.

Modifications: Added remote notary statement pursuant to 2049 WI Act 125.

Comments: 1997 Act 130 amended §948.13(2) and created (2m) to provide an exemption and a procedure to request exemption from prohibitions against a person convicted of multiple sexual assaults of the same person from engaging in direct and primary contact with children age 15 and under through an occupation or in volunteer work. While the statute provides that a hearing "may" be held, RMC recommends that such a hearing be scheduled and noticed. The court may also order an examination of the petitioner. Notice to the district attorney who prosecuted petitioner is required, and the DA is required to notify the victim. The victim is allowed to make a statement at the hearing or in writing. The petitioner must prove he or she was 18 or younger at the time of the commission of the offenses, that the victim was at least 13 but not yet 16, and within 4 years of petitioner's age at the time of commission and that the prohibition is not necessary to protect the public.

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.