



## 1995 SENATE BILL 112

March 15, 1995 - Introduced by Senators PETAK, BUETTNER, SCHULTZ, DARLING, HUELSMAN, COWLES and DRZEWIECKI, cosponsored by Representatives SERATTI, BAUMGART, WOOD, WIRCH, PLACHE, LADWIG, PORTER, KLUSMAN, GREEN, SCHNEIDERS, MUSSER, OTT, LORGE, UNDERHEIM, BRANDEMUEHL, GOETSCH, DUFF, LEHMAN, FREESE, GARD, DOBYNS, HAHN, SILBAUGH, AINSWORTH, WALKER, LAZICH, ZIEGELBAUER, OTTE, GROTHMAN, GUNDERSON, HUEBSCH and HOVEN. Referred to Committee on Judiciary.

- 1     **AN ACT to amend** 950.045; and **to create** 301.38 of the statutes; **relating to:**  
2     notifying victims and witnesses about prisoner escapes.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the department of corrections (DOC) must make a reasonable effort to notify the applicable victims and witnesses whenever a prisoner is about to be released on parole or placed in community residential confinement or the intensive sanctions program. This bill similarly requires DOC to make a reasonable effort to notify the applicable victims and witnesses whenever a prisoner escapes from prison. Under the bill, DOC designs and prepares notification cards and distributes them to district attorneys throughout the state. District attorneys make the cards available to victims and witnesses. If a victim or witness wants to be notified if an escape occurs, he or she fills out a notification card and sends it to DOC.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3     **SECTION 1.** 301.38 of the statutes is created to read:  
4     **301.38 Notification of victims and witnesses when prisoner escapes.**  
5     (1) In this section:  
6         (a) "Member of the family" means spouse, child, sibling, parent or legal  
7     guardian.

1 (b) "Victim" means a person against whom a crime has been committed.

2 (2) If a prisoner escapes from a Type 1 prison, the department shall make a  
3 reasonable effort to notify all of the following persons, if they can be found, in  
4 accordance with sub. (3) and after receiving a completed card under sub. (4):

5 (a) The victim of the crime committed by the prisoner or, if the victim died as  
6 a result of the crime, an adult member of the victim's family or, if the victim is younger  
7 than 18 years old, the victim's parent or legal guardian.

8 (b) Any witness who testified against the prisoner in any court proceeding  
9 involving the offense.

10 (3) The department shall make a reasonable effort to notify the person by  
11 telephone as soon as possible after the escape.

12 (4) The department shall design and prepare cards for any person specified in  
13 sub. (2) to send to the department. The cards shall have space for any such person  
14 to provide his or her name, telephone number and mailing address, the name of the  
15 applicable prisoner and any other information that the department determines is  
16 necessary. The department shall provide the cards, without charge, to district  
17 attorneys. District attorneys shall provide the cards, without charge, to persons  
18 specified in sub. (2). These persons may send completed cards to the department.  
19 All department records or portions of records that relate to telephone numbers and  
20 mailing addresses of these persons are not subject to inspection or copying under s.  
21 19.35 (1).

22 **SECTION 2.** 950.045 of the statutes is amended to read:

23 **950.045 (title) Victims; application for parole or pardon; releases;**  
24 **escapes; corrections programs.** Victims of crimes have the right to provide  
25 written statements concerning parole applications under s. 304.06 (1) (e), to have

1 direct input in the parole decision-making process under s. 304.06 (1) (em) and to  
2 provide written statements concerning pardon applications under s. 304.10 (2).  
3 Victims of crimes have the right to be notified by district attorneys under s. 971.17  
4 (4m) regarding conditional releases under s. 971.17. Victims of crimes have the right  
5 to be notified by the department of corrections under s. 301.046 (4) regarding  
6 community residential confinements, under s. 301.048 (4m) regarding participation  
7 in the intensive sanctions program, under s. 301.38 regarding escapes from a Type  
8 1 prison and under s. 304.063 regarding parole releases.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to notification provided on the effective date of this  
11 subsection, regardless of the date on which the prisoner was convicted.

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(END)