

1983 Assembly Bill 25

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1983 Wisconsin Act 102

AN ACT to amend 48.355 (1); and to create 48.331, 950.04 (2m), 950.05 (1) (dm), 972.15 (2m) and 973.01 (4) of the statutes, relating to information pertaining to crime victims.

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

SECTION 1. 48.331 of the statutes is created to read:

**48.331 Court reports; effect on victim.** If the delinquent act would constitute a felony if committed by an adult, the person preparing the report under s. 48.33 shall attempt to determine the economic, physical and psychological effect of the delinquent act on the victim. The person preparing the report may ask any appropriate person for information. This section does not preclude the person who prepares the report from including any information for the court concerning the impact of a delinquent act on the victim. If the delinquent act would not constitute a felony but a victim has suffered bodily harm or the act involved theft or damage to property, the person preparing the report is encouraged to seek the information described in this section.

SECTION 2. 48.355 (1) of the statutes is amended to read:

48.355 (1) INTENT. In any order under s. 48.34 or 48.345 the judge shall decide on a placement and treatment finding based on evidence submitted to the judge. The disposition shall employ those means necessary to maintain and protect the child's well-being which are the least restrictive of the rights of the parent or child and which assure the care, treatment or rehabilitation of the child and the family. Wherever possible the fam-

ily unit shall be preserved and there shall be a policy of transferring custody from the parent only where there is no less drastic alternative. If information under s. 48.331 has been provided in a court report under s. 48.33, the court shall consider that information when deciding on a placement and treatment finding.

SECTION 3. 950.04 (2m) of the statutes is created to read:

950.04 (2m) To have the court provided with information pertaining to the economic, physical and psychological effect of the crime upon the victim of a felony and have the information considered by the court.

SECTION 4. 950.05 (1) (dm) of the statutes is created to read:

950.05 (1) (dm) Assistance in providing the court with information pertaining to the economic, physical and psychological effect of the crime upon the victim of a felony.

SECTION 5. 972.15 (2m) of the statutes is created to read:

972.15 (2m) The person preparing the presentence investigation report shall attempt to contact the victim to determine the economic, physical and psychological effect of the crime on the victim. The person preparing the report may ask any appropriate person for information. This subsection does not preclude the person who prepares the report from including any information for the court concerning the impact of a crime on the victim.

SECTION 6. 973.01 (4) of the statutes is created to read:

973.01 (4) If information under s. 972.15 (2m) has been provided in a presentence investigation report, the court shall consider that information when sentencing the defendant.

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