

1983 Assembly Bill 860

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1983 Wisconsin Act 364

AN ACT to renumber 57.10; to amend 950.04 (1); to repeal and recreate 57.09; and to create 57.10 (2) and (3) and 950.06 (2m) of the statutes, relating to notice to and response by a victim regarding an offender's pardon application.

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

SECTION 1. 57.09 of the statutes is repealed and recreated to read:

57.09 Notice of pardon application. (1) In this section:

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

(2) The notice of the pardon application shall state the name of the convict, the crime of which he or she was convicted, the date and term of sentence and the date if known, when the application is to be heard by the governor. The notice shall be served on the following persons, if they can be found:

- (a) The judge who participated in the trial of the convict.
- (b) The district attorney who participated in the trial of the convict.
- (c) The victim or, if the victim is dead, an adult member of the victim's family.

(3) The notice shall inform the persons under sub. (2) of the manner in which they may provide written statements or participate in any applicable hearing. The applicant shall serve notice on the persons under sub. (2) (a) and (b) and the governor shall serve notice on the person under sub. (2) (c). Each such notice shall be served at least 3 weeks before the hearing of the application. The notice shall be published at least once each week for 2 successive weeks before the hearing in a newspaper of general circulation in the county where the offense was committed. If there is no such newspaper, the notice shall be posted in a conspicuous place on the door of the courthouse of the county for 3 weeks before the hearing and published once each week for 2 consecutive weeks before the hearing in a newspaper published in an adjoining county. Publication as required in this subsection shall be completed by a date designated by the governor. The date shall be a reasonable time prior to the hearing date.

SECTION 2. 57.10 of the statutes is renumbered 57.10 (1).

SECTION 3. 57.10 (2) and (3) of the statutes are created to read:

57.10 (2) When a victim or member of the victim's family receives notice under s. 57.09 (3), he or she may provide the governor with written statements indicating his or her views regarding the application and stating any circumstances within his or her knowledge in aggravation or extenuation of the applicant's guilt. Upon receipt of any such statement, the governor shall place the statement with the other pardon application papers.

(3) Notwithstanding s. 19.35, any reference to the address of a victim or a member of the victim's family which is contained in a statement or other paper accompanying a pardon application shall be closed to the public. The governor, using the procedure under s. 19.36 (6), shall delete any reference to the address in any statement or paper made public.

SECTION 4. 950.04 (1) of the statutes is amended to read:

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950.04 (1) To be informed by local law enforcement agencies and the district attorney of the final disposition of the case. If the crime charged is a felony or is specified in ch. 940, the victim shall be notified whenever the defendant or perpetrator is released from custody. The victim shall be notified of a pardon application by the governor under s. 57.09 (3).

SECTION 5. 950.06 (2m) of the statutes is created to read:

950.06 (2m) Notwithstanding subs. (1) and (2), the county is not responsible for providing or paying for the notification of pardon application described under s. 950.04 (1).
