

# State of Wisconsin



1997 Assembly Bill 342

Date of enactment: **April 27, 1998**

Date of publication\*: **May 11, 1998**

## 1997 WISCONSIN ACT 181

**AN ACT to repeal** 950.04 (6), 950.04 (10), 950.045, 950.05 (title), 950.05 (1) (intro.), 950.05 (2), 950.06 (1), 950.06 (2m) and 972.14 (1) (a); **to renumber** 950.04 (2), 950.04 (3), 950.04 (5), 950.04 (7) and 950.05 (1) (a) to (i); **to renumber and amend** 906.15, 950.02 (4), 950.04 (intro.), 950.04 (1), 950.04 (2m), 950.04 (4), 950.04 (8) and 950.04 (9); **to amend** 51.37 (10) (dg), 301.046 (4) (b) (intro.), 301.048 (4m) (b) (intro.), 301.38 (2) (intro.), 301.46 (3) (b), 302.115 (2) (intro.), 303.068 (4m) (b) (intro.), 304.06 (1) (c) (intro.), 304.063 (2) (intro.), 304.09 (3), 938.02 (21), 938.24 (5), 938.27 (4m), 938.273 (2), 938.31 (2), 938.315 (2), 938.32 (1) (b) 1., 938.32 (1) (b) 2., 938.331, 938.335 (3m) (a), 938.335 (3m) (b), 938.346 (1) (d) 1., 938.346 (1m), 938.346 (3), 938.346 (4), 938.346 (5), 938.396 (1g), 938.396 (1t), 938.396 (2) (f), 938.396 (2) (fm), 938.51 (1) (intro.), 938.51 (1) (c), 938.51 (1m), 938.51 (2), 938.51 (4) (intro.), 938.51 (4) (a), 950.02 (1m), 950.055 (2) (intro.), 950.055 (3), 950.06 (title), 950.06 (2), 950.06 (4), 950.08 (title), 950.08 (3), 971.17 (4m) (b), 971.17 (6m) (b), 972.14 (3) (a), 972.14 (3) (b), 972.15 (2m), 980.11 (2) (intro.), 980.11 (2) (am) (intro.) and 980.11 (2) (bm); **and to create** 15.255 (2), 906.15 (2) (d), 938.02 (20m), 938.067 (6g), 938.24 (5m), 938.245 (1m), 938.25 (2m), 938.265, 938.296 (1) (e), 938.2965, 938.30 (4m), 938.312, 938.32 (1) (am), 938.32 (1) (b) 1m., 938.335 (3m) (am), 938.346 (1) (em), 938.346 (1) (fm), 938.346 (1) (h), 950.02 (1t), 950.02 (2m), 950.02 (3m), 950.02 (4) (a) 2., 3., 4. and 5., 950.02 (4) (b), 950.04 (1v), 950.04 (2w) (f), 950.06 (1m) (intro.), 950.08 (1) (title), 950.08 (2) (title), 950.08 (2g), (2r) and (2s), 950.09, 950.095, 950.10, 950.11, 967.10, 971.08 (1) (d), 971.095, 971.10 (3) (b) 3., 971.315, 972.14 (1) (ag) and 972.14 (2m) of the statutes; **relating to:** rights of victims of crime, granting rule-making authority and providing a penalty.

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

**SECTION 1.** 15.255 (2) of the statutes is created to read:

15.255 (2) **CRIME VICTIMS RIGHTS BOARD.** (a) There is created a crime victims rights board which is attached to the department of justice under s. 15.03.

(b) The crime victims rights board shall be composed of 5 members as follows:

1. One district attorney holding office in this state.
2. One representative of local law enforcement in this state.

3. One person who is employed or contracted by a county board of supervisors under s. 950.06 to provide services for victims and witnesses of crimes.

4. Two members, not employed in law enforcement, by a district attorney or as specified in subd. 3., who are citizens of this state.

(c) The members of the crime victims rights board specified in par. (b) 2. and 3. shall be appointed by the attorney general. One of the members specified in par. (b) 4. shall be appointed by the crime victims council and the other member shall be appointed by the governor. The member specified in par. (b) 1. shall be appointed by the Wisconsin District Attorneys' Association.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(d) The members of the crime victims rights board under par. (a) shall be appointed for 4-year terms, but no member shall serve beyond the time when the member ceases to hold the office or employment by reason of which the member was initially eligible for appointment.

(e) Notwithstanding the provisions of any statute, ordinance, local law or charter provision, membership on the crime victims rights board does not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

**SECTION 2.** 51.37 (10) (dg) of the statutes is amended to read:

51.37 (10) (dg) If the department grants a patient an extended home visit or leave under this subsection, the department shall notify do all of the following, ~~if they can be found~~, in accordance with par. (dm):

1. ~~The~~ Notify the office of the judge who committed the patient.

2. ~~The~~ Notify the office of the district attorney who participated in the commitment proceedings.

3. ~~The~~ Make a reasonable attempt to notify the victim of the crime committed by the patient or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian, after the submission of a card under par. (dx) requesting notification.

**SECTION 3.** 301.046 (4) (b) (intro.) of the statutes is amended to read:

301.046 (4) (b) (intro.) Before a prisoner is confined under sub. (1) for a violation of s. 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07, the department shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they can be found, in accordance with par. (c) and after receiving a completed card under par. (d):

**SECTION 4.** 301.048 (4m) (b) (intro.) of the statutes is amended to read:

301.048 (4m) (b) (intro.) As soon as possible after a prisoner, probationer or parolee who has violated s. 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 enters the intensive sanctions program, the department shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they can be found, in accordance with par. (c) and after receiving a completed card under par. (d):

**SECTION 5.** 301.38 (2) (intro.) of the statutes is amended to read:

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

**SECTION 6.** 301.46 (3) (b) of the statutes, as created by 1995 Wisconsin Act 440, is amended to read:

301.46 (3) (b) When a person is registered under s. 301.45 (2) or when the person informs the department of

a change in information under s. 301.45 (4), 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 under par. (d), requested to be notified about a person required to register under s. 301.45.

**SECTION 7.** 302.115 (2) (intro.) of the statutes is amended to read:

302.115 (2) (intro.) Before an inmate who is in a prison serving a sentence for a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 is released from imprisonment because he or she has reached the expiration date of his or her sentence, the department shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they can be found, in accordance with sub. (3) and after receiving a completed card under sub. (4):

**SECTION 8.** 303.068 (4m) (b) (intro.) of the statutes is amended to read:

303.068 (4m) (b) (intro.) Before an inmate who is imprisoned for a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 is released on leave under this section, the department shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they can be found, in accordance with par. (c) and after receiving a completed card under par. (d):

**SECTION 9.** 304.06 (1) (c) (intro.) of the statutes is amended to read:

304.06 (1) (c) (intro.) If an inmate applies for parole under this subsection, the parole commission shall make a reasonable attempt to notify the following, if they can be found, in accordance with par. (d):

**SECTION 10.** 304.063 (2) (intro.) of the statutes is amended to read:

304.063 (2) (intro.) Before a prisoner is released on parole under s. 302.11, 304.02 or 304.06, if applicable, for a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07, the department shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they can be found, in accordance with sub. (3) and after receiving a completed card under sub. (4):

**SECTION 11.** 304.09 (3) of the statutes is amended to read:

304.09 (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 at least 3 weeks before the hearing of the application.~~ The governor shall make a reasonable attempt to 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 12.** 906.15 of the statutes is renumbered 906.15 (1) and amended to read:

906.15 (1) At the request of a party, the judge or court commissioner shall order witnesses excluded so that they cannot hear the testimony of other witnesses, ~~and the~~. The judge or court commissioner may also make the order of his or her own motion. This section

(2) Subsection (1) does not authorize exclusion of (1) a any of the following:

(a) A party who is a natural person, or (2) an,

(b) An officer or employe of a party which is not a natural person designated as its representative by its attorney, or (3) a,

(c) A person whose presence is shown by a party to be essential to the presentation of the party's cause.

(3) The judge or court commissioner may direct that all such excluded and non-excluded witnesses be kept separate until called and may prevent them from communicating with one another until they have been examined or the hearing is ended.

**SECTION 13.** 906.15 (2) (d) of the statutes is created to read:

906.15 (2) (d) A victim, as defined in s. 950.02 (4), in a criminal case or a victim, as defined in s. 938.02 (20m), in a delinquency proceeding under ch. 938, unless the judge or court commissioner finds that exclusion of the victim is necessary to provide a fair trial for the defendant or a fair fact-finding hearing for the juvenile. The presence of a victim during the testimony of other witnesses may not by itself be a basis for a finding that exclusion of the victim is necessary to provide a fair trial for the defendant or a fair fact-finding hearing for the juvenile.

**SECTION 14.** 938.02 (20m) of the statutes is created to read:

938.02 (20m) (a) "Victim" means any of the following:

1. A person against whom a delinquent act has been committed.

2. If the person specified in subd. 1. is a child, a parent, guardian or legal custodian of the child.

3. If a person specified in subd. 1. is physically or emotionally unable to exercise the rights granted under this chapter, s. 950.04 or article I, section 9m, of the Wisconsin constitution, a person designated by the person specified in subd. 1. or a family member, as defined in s. 950.02 (3), of the person specified in subd. 1.

4. If a person specified in subd. 1. is deceased, any of the following:

a. A family member, as defined in s. 950.02 (3), of the person who is deceased.

b. A person who resided with the person who is deceased.

5. If a person specified in subd. 1. has been determined to be incompetent under ch. 880, the guardian of the person appointed under ch. 880.

(b) "Victim" does not include a juvenile alleged to have committed the delinquent act.

**SECTION 15.** 938.02 (21) of the statutes is amended to read:

938.02 (21) "Victim-witness coordinator" means a person employed or contracted by the county board of supervisors under s. 950.06 to enforce the rights of victims and witnesses of crimes and to provide services for those the victims and witnesses of crimes or a person employed or contracted by the department of justice to provide the services specified in s. 950.08.

**SECTION 16.** 938.067 (6g) of the statutes is created to read:

938.067 (6g) Provide information and notices to and confer with victims as required under s. 938.346 (1m).

**SECTION 17.** 938.24 (5) of the statutes is amended to read:

938.24 (5) The intake worker shall request that a petition be filed, enter into a deferred prosecution agreement or close the case within 40 days or sooner of receipt of referral information. Before entering into a deferred prosecution agreement, the intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed or a deferred prosecution agreement is entered into, the district attorney, corporation counsel or other official under s. 938.09 shall receive written notice of such action. If the case is closed, the known victims of the juvenile's alleged act shall receive notice as provided under sub. (5m), if applicable.

In addition, if a deferred prosecution agreement is entered into placing a juvenile in a youth village program as described in s. 118.42, the judge or juvenile court commissioner shall receive written notice of such action and, on receipt of that notice, shall enter an order requiring compliance with that agreement. A notice of deferred prosecution of an alleged delinquency case shall include a summary of the facts surrounding the allegation and a list of prior intake referrals and dispositions. If a law enforcement officer has made a recommendation concerning the juvenile, the intake worker shall forward this recommendation to the district attorney under s. 938.09. Notwithstanding the requirements of this section, the district attorney may initiate a delinquency petition under s. 938.25 within 20 days after notice that the case has been closed or that a deferred prosecution agreement has been entered into. The judge shall grant appropriate relief as provided in s. 938.315 (3) with respect to any such petition which is not referred or filed within the time limits

specified within this subsection. Failure to object if a petition is not referred or filed within a time limit specified in this subsection waives that time limit.

**SECTION 18.** 938.24 (5m) of the statutes is created to read:

938.24 (5m) If a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12) and the intake worker decides to close the case, the intake worker shall make a reasonable attempt to inform all of the known victims of the juvenile's act that the case is being closed at that time.

**SECTION 19.** 938.245 (1m) of the statutes is created to read:

938.245 (1m) If a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12), an intake worker shall, as soon as practicable but in any event before entering into a deferred prosecution agreement under sub. (1), offer all of the victims of the juvenile's alleged act who have requested the opportunity an opportunity to confer with the intake worker concerning the proposed deferred prosecution agreement. The duty to confer under this subsection does not limit the obligation of the intake worker to perform his or her responsibilities under this section.

**SECTION 20.** 938.25 (2m) of the statutes is created to read:

938.25 (2m) If a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12) and the district attorney or corporation counsel decides not to file a petition, the district attorney or corporation counsel shall make a reasonable attempt to inform all of the known victims of the juvenile's act that a petition will not be filed against the juvenile at that time.

**SECTION 21.** 938.265 of the statutes is created to read:

**938.265 Consultation with victims.** In a case in which the juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12), the district attorney or corporation counsel shall, as soon as practicable but in any event before the plea hearing under s. 938.30, offer all of the victims of the juvenile's alleged act who have requested the opportunity an opportunity to confer with the district attorney or corporation counsel concerning the possible outcomes of the proceeding against the juvenile, including potential plea agreements and recommendations that the district attorney or corporation counsel may make concerning dispositions under s. 938.34 or 938.345. The duty to confer under this section does not limit the obligation of the district attorney or corporation counsel to exercise his or her discretion concerning the handling of the proceeding against the juvenile.

**SECTION 22.** 938.27 (4m) of the statutes is amended to read:

938.27 (4m) The district attorney or corporation counsel shall make a reasonable attempt to contact any

known victim or alleged victim of a juvenile's act or alleged act ~~and any known family member of a homicide victim or alleged homicide victim~~ to inform them of the right to receive notice of any hearing under this chapter involving the juvenile. If a victim, or ~~alleged victim or family member of a homicide victim or of an alleged homicide victim~~ indicates that he or she wishes to receive notice of any hearing under this chapter involving the juvenile, the district attorney or corporation counsel shall make a reasonable attempt to notify, under s. 938.273, that victim, or ~~alleged victim or family member~~ of any hearing under this chapter involving the juvenile. Any failure to comply with this subsection is not a ground for an appeal of a judgment or dispositional order or for any court to reverse or modify a judgment or dispositional order.

**SECTION 23.** 938.273 (2) of the statutes is amended to read:

938.273 (2) Service of summons or notice required by this subchapter may be made by any suitable person under the direction of the court. Notification of the victim or alleged victim of a juvenile's act ~~or of a family member of a homicide victim or of an alleged homicide victim~~ under s. 938.27 (4m) shall be made by the district attorney or corporation counsel.

**SECTION 24.** 938.296 (1) (e) of the statutes is created to read:

938.296 (1) (e) "Victim" has the meaning given in s. 938.02 (20m) (a) 1.

**SECTION 25.** 938.2965 of the statutes is created to read:

**938.2965 Waiting area for victims and witnesses.**

(1) In this section, "witness" has the meaning given in s. 950.02 (5).

(2) If an area is available and use of the area is practical, a county shall provide a waiting area for a victim or witness to use during hearings under this chapter that if separate from any area used by the juvenile, the juvenile's relatives and witnesses for the juvenile. If a separate waiting area is not available or its use is not practical, a county shall provide other means to minimize the contact between the victim or witness and the juvenile, the juvenile's relatives and witnesses for the juvenile during hearings under this chapter.

**SECTION 26.** 938.30 (4m) of the statutes is created to read:

938.30 (4m) Before accepting a plea under sub. (4) in a proceeding in which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12), the court shall inquire of the district attorney or corporation counsel whether he or she has complied with s. 938.265 and whether he or she has complied with s. 938.27 (4m), whether any of the known victims requested notice of the date, time and place of the plea hearing and, if so, whether the district attorney or

corporation counsel provided to the victim notice of the date, time and place of the hearing.

**SECTION 27.** 938.31 (2) of the statutes is amended to read:

938.31 (2) The hearing shall be to the court. If the hearing involves a child victim, as defined in s. 938.02 (20m) (a) 1., or a child witness, as defined in s. 950.02 (5), the court may order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10) and, with the district attorney, shall comply with s. 971.105. At the conclusion of the hearing, the court shall make a determination of the facts. If the court finds that the juvenile is not within the jurisdiction of the court or the court finds that the facts alleged in the petition or citation have not been proved, the court shall dismiss the petition or citation with prejudice.

**SECTION 28.** 938.312 of the statutes is created to read:

**938.312 Notice of dismissal.** If a petition alleges that a juvenile is delinquent under s. 938.12 or in need of protection or services under s. 938.13 (12) and the petition is dismissed or does not otherwise result in a consent decree or dispositional order, the district attorney or corporation counsel shall make a reasonable attempt to inform each known victim of the juvenile's alleged act that the petition has been dismissed or will not result in a consent decree or dispositional order.

**SECTION 29.** 938.315 (2) of the statutes is amended to read:

938.315 (2) A continuance may be granted by the court only upon a showing of good cause in open court or during a telephone conference under s. 807.13 on the record and only for so long as is necessary, taking into account the request or consent of the representative of the public under s. 938.09 or the parties, the interests of the victims and the interest of the public in the prompt disposition of cases.

**SECTION 30.** 938.32 (1) (am) of the statutes is created to read:

938.32 (1) (am) Before entering into a consent decree in a case in which the juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12), the district attorney or corporation counsel shall, as soon as practicable but in any event before agreeing to the consent decree, offer all of the victims of the juvenile's alleged act who have requested the opportunity an opportunity to confer with the district attorney or corporation counsel concerning the proposed consent decree. The duty to confer under this paragraph does not limit the obligation of the district attorney or corporation counsel to exercise his or her discretion concerning the handling of the proceeding against the juvenile.

**SECTION 31.** 938.32 (1) (b) 1. of the statutes is amended to read:

938.32 (1) (b) 1. Before entering into a consent decree in a proceeding in which a juvenile is alleged to be

delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12), the court shall determine whether a victim of the juvenile's act wants to make a statement to the court. If a victim wants to make a statement, the court shall allow a the victim ~~or a family member of a homicide victim~~ to make a statement in court or to submit a written statement to be read to the court. The court may allow any other person to make or submit a statement under this subdivision. Any statement made under this subdivision must be relevant to the consent decree.

**SECTION 32.** 938.32 (1) (b) 1m. of the statutes is created to read:

938.32 (1) (b) 1m. Before entering into a consent decree in a proceeding in which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12), the court shall inquire of the district attorney or corporation counsel whether he or she has complied with par. (am), whether he or she has complied with subd. 2. and whether he or she has complied with s. 938.27 (4m), whether any of the known victims requested notice of the date, time and place of any hearing to be held on the consent decree and, if so, whether the district attorney provided to the victim notice of the date, time and place of the hearing.

**SECTION 33.** 938.32 (1) (b) 2. of the statutes is amended to read:

938.32 (1) (b) 2. Before entering into a consent decree in a proceeding in which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12), the district attorney or corporation counsel shall make a reasonable attempt to contact any known victim ~~or family member of a homicide victim~~ to inform that person of the right to make a statement under subd. 1. Any failure to comply with this subdivision is not a ground for discharge of the juvenile, parent, guardian or legal custodian from fulfilling the terms and conditions of the consent decree.

**SECTION 34.** 938.331 of the statutes is amended to read:

**938.331 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. 938.33 (1) shall attempt to determine the economic, physical and psychological effect of the delinquent act on the victim, as defined in s. 938.02 (20m) (a) 1. and 4. 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, as defined in s. 938.02 (20m) (a) 1., 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 35.** 938.335 (3m) (a) of the statutes is amended to read:

938.335 (3m) (a) Before imposing a disposition in a proceeding in which a juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of protection or services under s. 938.13 (12), the court shall determine whether a victim of the juvenile's act wants to make a statement to the court. If a victim wants to make a statement, the court shall allow a the victim or a family member of a homicide victim to make a statement in court or to submit a written statement to be read to the court. The court may allow any other person to make or submit a statement under this paragraph. Any statement made under this paragraph must be relevant to the disposition.

**SECTION 36.** 938.335 (3m) (am) of the statutes is created to read:

938.335 (3m) (am) Before imposing a disposition in a proceeding in which a juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of protection or services under s. 938.13 (12), the court shall inquire of the district attorney or corporation counsel whether he or she has complied with par. (b) and whether he or she has complied with s. 938.27 (4m), whether any of the known victims requested notice of the date, time and place of the dispositional hearing and, if so, whether the district attorney or corporation counsel provided to the victim notice of the date, time and place of the hearing.

**SECTION 37.** 938.335 (3m) (b) of the statutes is amended to read:

938.335 (3m) (b) After a finding that a juvenile is delinquent under s. 938.12 or is found to be in need of protection or services under s. 938.13 (12), the district attorney or corporation counsel shall make a reasonable attempt to contact any known victim or family member of a homicide victim to inform that person of the right to make a statement under par. (a). Any failure to comply with this paragraph is not a ground for an appeal of a dispositional order or for any court to reverse or modify a dispositional order.

**SECTION 38.** 938.346 (1) (d) 1. of the statutes is amended to read:

938.346 (1) (d) 1. Information regarding any decision to close a case under s. 938.24 (5m), any deferred prosecution agreement under s. 938.245, any decision not to file a petition under s. 938.25 (2m), any consent decree under s. 938.32 or any dispositional order under ss. 938.34 to 938.345. The information may not include reports under s. 938.295 or 938.33 or any other information that deals with sensitive personal matters of the juvenile and the juvenile's family and that does not directly relate to the act or alleged act committed against the victim. This subdivision does not affect the right of a victim to attend any hearing that the victim is permitted to attend under s. 938.299 (1) (am).

**SECTION 39.** 938.346 (1) (em) of the statutes is created to read:

938.346 (1) (em) The right to confer, if requested, with an intake worker regarding deferred prosecution agreements under s. 938.245 (1m) or with a district attorney or corporation counsel under s. 938.265 regarding the possible outcomes of the proceedings and under s. 938.32 (1) (am) regarding consent decrees.

**SECTION 40.** 938.346 (1) (fm) of the statutes is created to read:

938.346 (1) (fm) All of the following:

1. The right to a separate waiting area as provided under s. 938.2965.
2. The right to have his or her interest considered concerning continuances in the case under s. 938.315 (2)
3. The right to have victim impact information included in a court report under s. 938.33 and to have the person preparing the court report attempt to contact the victim, as provided under s. 938.331.
4. The right to employer intercession services under s. 950.04 (1v) (bm).

**SECTION 41.** 938.346 (1) (h) of the statutes is created to read:

938.346 (1) (h) All of the following:

1. The right to be accompanied by a service representative, as provided under s. 895.73.
2. The right to restitution, as provided under ss. 938.245, 938.32 (1t) and 938.34 (5).
3. The right to compensation, as provided under ch. 949.
4. The right to a speedy disposition of the case under s. 950.04 (1v) (k).
5. The right to have personal property returned, as provided under s. 950.04 (1v) (s).
6. The right to complain to the department of justice concerning the treatment of crime victims, as provided under s. 950.08 (3), and to request review by the crime victims rights board of the complaint, as provided under s. 950.09 (2).

**SECTION 42.** 938.346 (1m) of the statutes is amended to read:

938.346 (1m) The intake worker shall make a reasonable attempt to provide notice of the information specified in sub. (1) (a), (b) and (c) and (h), the information specified in sub. (1) (d) relating to a deferred prosecution agreement under s. 938.245, the information specified in sub. (1) (em) relating to the right to confer, if requested, on deferred prosecution agreements and the information specified in sub. (3) if the inquiry is terminated without a deferred prosecution agreement before the filing of a petition juvenile's case is closed. The district attorney or corporation counsel shall make a reasonable attempt to provide notice of the information specified in sub. (1) (e), (f), (fm) and (g), the information specified in sub. (1) (d) relating to a consent decree under s. 938.32 or a disposi-

tional order under ss. 938.34 to 938.345, the information specified in sub. (1) (em) relating to the right to request an opportunity to confer, if requested, on amendment of petitions, consent decrees and disposition recommendations and the information under sub. (3) if he or she decides not to file a petition or the proceeding is terminated without a consent decree or dispositional order after the filing of a petition.

**SECTION 43.** 938.346 (3) of the statutes is amended to read:

938.346 (3) If an inquiry ~~or proceeding~~ is closed, ~~dismissed by an intake worker~~ or otherwise does not result in a deferred prosecution agreement, the intake worker shall make a reasonable attempt to inform each known victim of the juvenile's alleged act as provided in s. 938.24 (5m). If a district attorney or corporation counsel decides not to file a petition or if, after a petition is filed, a proceeding is dismissed or otherwise does not result in a consent decree or dispositional order, a district attorney or corporation counsel shall make a reasonable attempt shall be made to inform each known victim of the juvenile's alleged act that the inquiry or proceeding has been terminated as provided in s. 938.25 (2m) or 938.312, whichever is applicable.

**SECTION 44.** 938.346 (4) of the statutes is amended to read:

938.346 (4) If the victim, as defined in s. 938.02 (20m) (a) 1., is a child, the notice under this section shall be given to the child's parents, guardian or legal custodian.

**SECTION 45.** 938.346 (5) of the statutes is amended to read:

938.346 (5) Chief judges and circuit judges shall establish by policy and rule procedures for the implementation of this section. ~~The Subject to subs. (1m) and (3), the policies and rules shall specify when, how and by whom the notice under this section shall be provided to victims and with whom victims may confer regarding deferred prosecution agreements, amendment of petitions, consent decrees and disposition recommendations.~~

**SECTION 46.** 938.396 (1g) of the statutes is amended to read:

938.396 (1g) If requested by the victim-witness coordinator, a law enforcement agency shall disclose to the victim-witness coordinator any information in its records relating to the enforcement of rights under the constitution, this chapter and s. 950.04 or the provision of services under s. ~~950.05~~ 950.06 (1m). The victim-witness coordinator may use the information only for the purpose of enforcing those rights and providing those services and may make that information available only as necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights and services to which they are entitled under the constitution, this chapter and ch. 950.

**SECTION 47.** 938.396 (1t) of the statutes is amended to read:

938.396 (1t) If a juvenile who has been ordered to make restitution for any injury, loss or damage caused by the juvenile and if the juvenile has failed to make that restitution within one year after the entry of the order, the ~~victim's insurer of the victim, as defined in s. 938.02 (20m) (a) 1.~~ may request a law enforcement agency to disclose to the insurer any information in its records relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents, and the law enforcement agency may, subject to official agency policy, disclose to the victim's insurer that information. The insurer may use and further disclose the information only for the purpose of investigating a claim arising out of the juvenile's act.

**SECTION 48.** 938.396 (2) (f) of the statutes is amended to read:

938.396 (2) (f) Upon request of the victim-witness coordinator to review court records for the purpose of enforcing rights under the constitution, this chapter and s. 950.04 and providing services under s. ~~950.05~~ 950.06 (1m), the court shall open for inspection by the victim-witness coordinator the records of the court relating to the enforcement of those rights or the provision of those services. The victim-witness coordinator may use any information obtained under this paragraph only for the purpose of enforcing those rights and providing those services and may make that information available only as necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m), receive the rights and services to which they are entitled under the constitution, this chapter and ch. 950.

**SECTION 49.** 938.396 (2) (fm) of the statutes is amended to read:

938.396 (2) (fm) Upon request of a ~~victim's an~~ insurer of the victim, as defined in s. 938.02 (20m) (a) 1., the court shall disclose to an authorized representative of the requester the amount of restitution, if any, that the court has ordered a juvenile to make to the victim.

**SECTION 50.** 938.51 (1) (intro.) of the statutes is amended to read:

938.51 (1) (intro.) At least 15 days prior to the date of release of a juvenile from a secured correctional facility or a secured child caring institution and at least 15 days prior to the release of a juvenile from the supervision of the department or a county department, the department or county department having supervision over the juvenile shall make a reasonable attempt to do all of the following:

**SECTION 51.** 938.51 (1) (c) of the statutes is amended to read:

938.51 (1) (c) Notify, ~~if the victim died as a result of the juvenile's delinquent act and, if the criteria under par. (b) are met, an adult member of the victim's family or, if~~

the victim is younger than 18 years old and if the criteria under par. (b) are met, the victim's parent or legal guardian of the juvenile's release.

**SECTION 52.** 938.51 (1m) of the statutes is amended to read:

938.51 (1m) The department or county department having supervision over a juvenile shall determine the local agencies that it will notify under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's intended residence specified in the juvenile's aftercare supervision plan or, if those methods do not indicate the community in which the juvenile will reside following release from a secured correctional facility, from a secured child caring institution or from the supervision of the department or county department, the community in which the juvenile states that he or she intends to reside.

**SECTION 53.** 938.51 (2) of the statutes is amended to read:

938.51 (2) The department shall design and prepare cards for any person specified in sub. (1) (b), (c) or (d) to send to the department or county department having supervision over the juvenile. The cards shall have space for any such person to provide his or her name, telephone number and mailing address, the name of the applicable juvenile and any other information that the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in sub. (1) (b) to (d). These persons may send completed cards to the department or county department having supervision over the juvenile. All department and county department records or portions of records that relate to telephone numbers and mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1).

**SECTION 54.** 938.51 (4) (intro.) of the statutes is amended to read:

938.51 (4) (intro.) If a juvenile escapes in violation of s. 946.42 (3), as soon as possible after the department or county department having supervision over the juvenile discovers that escape, that department or county department shall make a reasonable effort attempt to notify by telephone all of the following persons:

**SECTION 55.** 938.51 (4) (a) of the statutes is amended to read:

938.51 (4) (a) Any known victim of the act for which the juvenile was found delinquent, if the criteria under sub. (1) (b) are met; ~~an adult member of the victim's family, if the victim died as a result of the juvenile's delinquent act and if the criteria under sub. (1) (b) are met; or the victim's parent or guardian, if the victim is younger than 18 years old and if the criteria under sub. (1) (b) are met.~~

**SECTION 56.** 950.02 (1m) of the statutes is amended to read:

950.02 (1m) "Crime" means an act committed in this state which, if committed by a competent adult, would constitute a crime, as defined in s. 939.12, ~~or which, if committed by a responsible child, would constitute a delinquent act under ch. 938.~~

**SECTION 57.** 950.02 (1t) of the statutes is created to read:

950.02 (1t) "Custodial agency" means any person authorized to arrest or take into actual physical custody an individual who is alleged to have committed a crime. "Custodial agency" includes a law enforcement agency, a sheriff, superintendent or other keeper of a jail and a person authorized to take custody of a juvenile under s. 938.19 or 938.20 (4).

**SECTION 58.** 950.02 (2m) of the statutes is created to read:

950.02 (2m) "District attorney" means any of the following:

(a) The district attorney or other person authorized to prosecute a criminal case or a delinquency proceeding under ch. 938.

(b) A person designated by a person specified in par. (a) to perform the district attorney's duties under this chapter.

**SECTION 59.** 950.02 (3m) of the statutes is created to read:

950.02 (3m) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

**SECTION 60.** 950.02 (4) of the statutes is renumbered 950.02 (4) (a) (intro.) and amended to read:

950.02 (4) (a) (intro.) "Victim" means a any of the following:

1. A person against whom a crime has been committed.

**SECTION 61.** 950.02 (4) (a) 2., 3., 4. and 5. of the statutes are created to read:

950.02 (4) (a) 2. If the person specified in subd. 1. is a child, a parent, guardian or legal custodian of the child.

3. If a person specified in subd. 1. is physically or emotionally unable to exercise the rights granted under s. 950.04 or article I, section 9m, of the Wisconsin constitution, a person designated by the person specified in subd. 1. or a family member of the person specified in subd. 1.

4. If a person specified in subd. 1. is deceased, any of the following:

a. A family member of the person who is deceased.

b. A person who resided with the person who is deceased.

5. If a person specified in subd. 1. has been determined to be incompetent under ch. 880, the guardian of the person appointed under ch. 880.

**SECTION 62.** 950.02 (4) (b) of the statutes is created to read:

950.02 (4) (b) "Victim" does not include the person charged with or alleged to have committed the crime.

**SECTION 63.** 950.04 (intro.) of the statutes is renumbered 950.04 (2w) (intro.) and amended to read:

950.04 (2w) (title) RIGHTS OF WITNESSES. (intro.) Victims and witnesses Witnesses of crimes have the following rights:

**SECTION 64.** 950.04 (1) of the statutes is renumbered 950.04 (2w) (a) and amended to read:

950.04 (2w) (a) ~~To be informed by local law enforcement agencies and request information from~~ the district attorney of about 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. 304.09 (3).~~

**SECTION 65.** 950.04 (1v) of the statutes is created to read:

950.04 (1v) **RIGHTS OF VICTIMS.** Victims of crimes have the following rights:

(a) To have his or her interest considered when the court is deciding whether to grant a continuance in the case, as provided under ss. 938.315 (2) and 971.10 (3) (b) 3.

(b) To attend court proceedings in the case, subject to ss. 906.15 and 938.299 (1). The court may require the victim to exercise his or her right under this paragraph using telephone or live audiovisual means, if available, if the victim is under arrest, incarcerated, imprisoned or otherwise detained by any law enforcement agency or is admitted or committed on an inpatient basis to a treatment facility under ch. 51, 971 or 980, and the victim does not have a person specified in s. 950.02 (4) (a) 3. to exercise the victim's right under this paragraph.

(bm) To be provided with appropriate intercession services to ensure that employers of victims will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employe's loss of pay and other benefits resulting from court appearances.

(c) To be accompanied by a service representative, as provided under s. 895.73.

(d) To request an order for, and to be given the results of, testing to determine the presence of a sexually transmitted disease or of any strain of human immunodeficiency virus, of antigen or nonantigen products of any strain of human immunodeficiency virus, or of an antibody of any strain of human immunodeficiency virus, as provided under ss. 938.296 or 968.38.

(e) To be provided a waiting area under ss. 938.2965 and 967.10.

(em) To have his or her interests considered by the court in determining whether to exclude persons from a preliminary hearing, as provided under s. 970.03 (4).

(f) To have the parole commission make a reasonable attempt to notify the victim of applications for parole, as provided under s. 304.06 (1).

(g) To have reasonable attempts made to notify the victim of hearings or court proceedings, as provided under ss. 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

(i) To have, at his or her request, the opportunity to consult with intake workers, district attorneys and corporation counsel in cases under ch. 938, as provided under ss. 938.245 (1m), 938.265 and 938.32 (1) (am).

(j) To have, at his or her request, the opportunity to consult with the prosecution in a case brought in a court of criminal jurisdiction, as provided under s. 971.095 (2).

(k) To a speedy disposition of the case in which they are involved as a victim in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.

(L) To have the district attorney or corporation counsel, whichever is applicable, make a reasonable attempt to contact the victim concerning the victim's right to make a statement, as provided under ss. 938.32 (1) (b) 2., 938.335 (3m) (b) and 972.14 (3) (b).

(m) To provide statements concerning sentencing, disposition or parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1., 938.335 (3m) (a) and 972.14 (3) (a).

(n) To have direct input in the parole decision-making process, as provided by the rules promulgated under s. 304.06 (1) (em).

(o) To have information concerning the impact of a delinquent act on the victim included in a court report under s. 938.33 and to have the person preparing the court report attempt to contact the victim, as provided under s. 938.331.

(p) To have the person preparing a presentence investigation under s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15 (2m).

(q) To restitution, as provided under ss. 938.245 (2) (a) 5., 938.32 (1t), 938.34 (5), 938.345, 943.212, 943.23 (6), 943.245, 943.51 and 973.20.

(r) To a judgment for unpaid restitution, as provided under ss. 895.035 (2m) and 973.09 (3) (b).

(rm) To compensation, as provided under ch. 949.

(s) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.

(t) To receive information from law enforcement agencies, as provided under s. 950.08 (2g).

(u) To receive information from district attorneys, as provided under s. 950.08 (2r).

(um) To have district attorneys make a reasonable attempt to notify the victim under s. 971.17 (4m) regarding conditional releases under s. 971.17.

(v) To have the department of corrections make a reasonable attempt to notify the victim under s. 301.046 (4) regarding community residential confinements, under s. 301.048 (4m) regarding participation in the intensive sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under s. 301.46 (3) regarding persons registered under s. 301.45, under s. 302.115 regarding release upon expiration of certain sentences, under s. 304.063 regarding parole releases, and under s. 938.51 regarding release or escape of a juvenile from correctional custody.

(w) To have the department of corrections make a reasonable attempt to notify the victim under s. 303.068 (4m) regarding leave granted to qualified inmates under 303.068.

(x) To have the department of health and family services make a reasonable attempt to notify the victim under s. 971.17 (6m) regarding termination or discharge under s. 971.17 and under s. 51.37 (10) regarding home visits under s. 51.37 (10).

(xm) To have the department of health and family services make a reasonable attempt to notify the victim under s. 980.11 regarding supervised release under s. 980.06 and discharge under s. 980.09 or 980.10.

(y) To have reasonable attempts made to notify the victim concerning actions taken in a juvenile proceeding, as provided under ss. 938.24 (5m), 938.25 (2m), 938.312 and 938.346.

(ym) To have the governor make a reasonable attempt to notify the victim of a pardon application, as provided under s. 304.09 (2) and (3).

(z) To make a written statement concerning pardon applications, as provided under s. 304.10 (2).

(zm) To request information from a district attorney concerning the disposition of a case involving a crime of which he or she was a victim, as provided under s. 971.095 (6).

(zx) To complain to the department of justice concerning the treatment of crime victims, as provided under s. 950.08 (3), and to request review by the crime victims rights board of the complaint, as provided under s. 950.09 (2).

**SECTION 66.** 950.04 (2) of the statutes is renumbered 950.04 (2w) (b).

**SECTION 67m.** 950.04 (2m) of the statutes is renumbered 950.04 (1v) (pm) and amended to read:

950.04 (1v) (pm) 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 68.** 950.04 (2w) (f) of the statutes is created to read:

950.04 (2w) (f) To be provided a waiting area under ss. 938.2965 and 967.10.

**SECTION 69.** 950.04 (3) of the statutes is renumbered 950.04 (2w) (c).

**SECTION 70.** 950.04 (4) of the statutes is renumbered 950.04 (2w) (d) and amended to read:

950.04 (2w) (d) To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services.

**SECTION 71.** 950.04 (5) of the statutes is renumbered 950.04 (2w) (e).

**SECTION 72.** 950.04 (6) of the statutes is repealed.

**SECTION 73.** 950.04 (7) of the statutes is renumbered 950.04 (2w) (fm).

**SECTION 74.** 950.04 (8) of the statutes is renumbered 950.04 (2w) (g) and amended to read:

950.04 (2w) (g) To be provided with appropriate intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employe's loss of pay and other benefits resulting from court appearances.

**SECTION 75.** 950.04 (9) of the statutes is renumbered 950.04 (2w) (h) and amended to read:

950.04 (2w) (h) To be entitled to a speedy disposition of the case in which they are involved as a victim or witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.

**SECTION 76.** 950.04 (10) of the statutes is repealed.

**SECTION 77.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 440, is repealed.

**SECTION 78.** 950.05 (title) of the statutes is repealed.

**SECTION 79.** 950.05 (1) (intro.) of the statutes is repealed.

**SECTION 80.** 950.05 (1) (a) to (i) of the statutes are renumbered 950.06 (1m) (a) to (i).

**SECTION 81.** 950.05 (2) of the statutes is repealed.

**SECTION 82.** 950.055 (2) (intro.) of the statutes is amended to read:

950.055 (2) ADDITIONAL SERVICES. (intro.) In addition to all rights afforded to victims and witnesses under s. 950.04 and services provided under s. ~~950.05~~ 950.06 (1m), counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:

**SECTION 83.** 950.055 (3) of the statutes is amended to read:

950.055 (3) PROGRAM RESPONSIBILITY. In each county, the county board is responsible for ~~the enforcement of rights and~~ the provision of services under this section. A county may seek reimbursement for services provided under this section as part of its program plan

submitted to the department under s. 950.06. To the extent possible, counties shall utilize volunteers and existing public resources for the provision of these services.

**SECTION 84.** 950.06 (title) of the statutes is amended to read:

**950.06** (title) **Responsibility Reimbursement for rights and services.**

**SECTION 85.** 950.06 (1) of the statutes is repealed.

**SECTION 86.** 950.06 (1m) (intro.) of the statutes is created to read:

950.06 (1m) (intro.) To be eligible for reimbursement under this section for the provision of services to victims and witnesses, a county shall provide all of the following services to victims and witnesses:

**SECTION 87.** 950.06 (2) of the statutes is amended to read:

950.06 (2) The costs of ~~enforcing rights under s. 950.04 and providing services under s. 950.05 sub. (1m)~~ shall be paid for by the county, but the county is eligible to receive reimbursement from the state for not more than 90% of the costs incurred in providing those services under s. 950.05. ~~For costs incurred on or after January 1, 1982, the county is eligible to receive funding from the state for not more than 90% of the costs incurred in providing services under s. 950.05.~~ The department shall determine the level of services for which a county may be reimbursed. The county board shall file a claim for reimbursement with the department. The department shall reimburse the counties from the appropriations under s. 20.455 (5) (c) and (g) on a semiannual basis for services provided. ~~If a county has a program plan approved after July 2, 1983, the department may reimburse the county only for services provided on or after January 1, 1984.~~

**SECTION 88.** 950.06 (2m) of the statutes is repealed.

**SECTION 89.** 950.06 (4) of the statutes is amended to read:

950.06 (4) If the county seeks reimbursement under sub. (2), the county board shall submit a program plan to the department for its approval. The county is eligible for reimbursement under sub. (2) only if the department has approved the plan. The program plan shall describe the level of services to victims and witnesses that the county intends to provide; the personnel or agencies responsible for related administrative programs and individual services; proposed staffing for the program; proposed education, training and experience requirements for program staff and the staff of agencies providing related administrative programs and individual services; the county's budget for implementing the program and other information the department determines to be necessary for its review. The plan shall provide that the district attorney, local law enforcement agencies and the courts shall make available to the person or agency responsible for administering the program all reports or files, except reports or files which are required by statute to be kept confidential, if the reports or files are required by the per-

son or agency to carry out program responsibilities. Each year, the county board shall submit a report to the department on the operation of the plan, including ~~the enforcement of rights under s. 950.04 and the provision of services under s. 950.05 sub. (1m).~~

**SECTION 90.** 950.08 (title) of the statutes is amended to read:

**950.08** (title) **Hotline, information Information and mediation services.**

**SECTION 91.** 950.08 (1) (title) of the statutes is created to read:

950.08 (1) (title) DUTIES OF DEPARTMENT; TOLL-FREE TELEPHONE NUMBER.

**SECTION 92.** 950.08 (2) (title) of the statutes is created to read:

950.08 (2) (title) DUTIES OF DEPARTMENT; GENERAL INFORMATIONAL PROGRAM.

**SECTION 93.** 950.08 (2g), (2r) and (2s) of the statutes are created to read:

950.08 (2g) INFORMATION TO BE PROVIDED BY LAW ENFORCEMENT AGENCIES. No later than 24 hours after a law enforcement agency has initial contact with a victim of a crime that the law enforcement agency is responsible for investigating, the law enforcement agency shall make a reasonable attempt to provide to the victim written information on all of the following:

(a) A list of the rights of victims under s. 950.04 (1v).

(b) The availability of compensation under ch. 949 and the address and telephone number at which to contact the department for information concerning compensation under ch. 949.

(c) The address and telephone number of the intake worker, corporation counsel or district attorney whom the victim may contact to obtain information concerning the rights of victims and to request notice of court proceedings under ss. 938.27 (4m) and (6), 938.273 (2), 938.299 (1) (am) and 938.335 (3m) (b) or ss. 971.095 (3) and 972.14 (3) (b), whichever is applicable, and to request the opportunity to confer under ss. 938.245 (1m), 938.265 or 938.32 (1) (am) or s. 971.095 (2), whichever is applicable.

(d) The address and telephone number of the custodial agency that the victim may contact to obtain information concerning the taking into custody or arrest of a suspect in connection with the crime of which he or she is a victim.

(e) The address and telephone number of the custodial agency that the victim may contact for information concerning release under s. 938.20 or 938.21 or ch. 969, whichever is appropriate, of a person arrested or taken into custody for the crime of which he or she is a victim.

(f) Suggested procedures for the victim to follow if he or she is subject to threats or intimidation arising out of his or her cooperation with law enforcement and prosecution efforts relating to a crime of which he or she is a victim.

(g) The address and telephone number at which the victim may contact the department or any local agency that provides victim assistance in order to obtain further information about services available for victims, including medical services.

**(2r) INFORMATION TO BE PROVIDED BY A DISTRICT ATTORNEY IN CRIMINAL CASES.** AS SOON AS PRACTICABLE, but in no event later than 10 days after the initial appearance under s. 970.01 or 24 hours before a preliminary examination under s. 970.03, whichever is earlier, of a person charged with a crime in a court of criminal jurisdiction, a district attorney shall make a reasonable attempt to provide to each victim of the crime written information on all of the following:

(a) A brief statement of the procedure for prosecuting a crime.

(b) A list of the rights of victims under s. 950.04 (1v) and information about how to exercise those rights.

(c) The person or agency to notify if the victim changes his or her address and wants to continue to receive notices and services under s. 950.04 or 971.095 (3).

(d) The availability of compensation under ch. 949, including information concerning eligibility for compensation and the procedure for applying for compensation.

(e) The person to contact for further information about a case involving the prosecution of a crime of which he or she is a victim.

**(2s) INFORMATION CONCERNING JUVENILE CASES.** Notification of a victim of an act committed by a juvenile concerning the rights of victims under ch. 938 shall be provided as specified in s. 938.346.

**SECTION 94.** 950.08 (3) of the statutes is amended to read:

950.08 (3) (title) DUTIES OF DEPARTMENT: MEDIATION. The department may receive complaints, seek to mediate complaints and, with the consent of the involved parties, actually mediate complaints regarding the treatment of crime victims and witnesses by public officials, employees or agencies or under crime victim and witness assistance programs. The department may act as a liaison between crime victims or witnesses and others when seeking to mediate these complaints and may request a written response regarding the complaint from the subject of a complaint. If asked by the department to provide a written response regarding a complaint, the subject of a complaint shall respond to the department's request within a reasonable time.

**SECTION 95.** 950.09 of the statutes is created to read:

**950.09 Crime victims rights board.** (1) In this section, "board" means the crime victims rights board.

(2) At the request of one of the involved parties, the board may review a complaint made to the department under s. 950.08 (3) regarding a violation of the rights of a crime victim. A party may not request the board to review a complaint under this subsection until the depart-

ment has completed its action on the complaint under s. 950.08 (3). In reviewing a complaint under this subsection, the board may not begin any investigation or take any action specified in pars. (a) to (d) until the board first determines that there is probable cause to believe that the subject of the complaint violated the rights of a crime victim. Based on its review of a complaint under this subsection, the board may do any of the following:

(a) Issue private and public reprimands of public officials, employees or agencies that violate the rights of crime victims provided under this chapter, ch. 938 and article I, section 9m, of the Wisconsin constitution.

(b) Refer to the judicial commission a violation or alleged violation by a judge of the rights of crime victims provided under this chapter, ch. 938 and article I, section 9m, of the Wisconsin constitution.

(c) Seek appropriate equitable relief on behalf of a victim if such relief is necessary to protect the rights of the victim. The board may not seek to appeal, reverse or modify a judgment of conviction or a sentence in a criminal case.

(d) Bring civil actions to assess a forfeiture under s. 950.11. Notwithstanding s. 778.06, an action or proposed action authorized under this paragraph may be settled for such sum as may be agreed upon between the parties. In settling actions or proposed actions, the board shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Forfeiture actions brought by the board shall be brought in the circuit court for the county in which the violation is alleged to have occurred.

(3) In addition to its powers under sub. (2), the board may issue reports and recommendations concerning the securing and provision of crime victims rights and services.

(4) Actions of the board are not subject to approval or review by the attorney general.

(5) The board shall promulgate rules establishing procedures for the exercise of its powers under this section.

**SECTION 96.** 950.095 of the statutes is created to read:

**950.095 Confidentiality of complaints.** (1) (a) The records of the department relating to a complaint made under s. 950.08 (3) are confidential unless the subject of the complaint waives the right to confidentiality in writing to the department.

(am) Before a finding of probable cause under s. 950.09 (2), a complaint referred to the crime victims rights board under s. 950.09 (2) is confidential unless the subject of the complaint waives the right to confidentiality in writing to the crime victims rights board.

(b) If a complaint becomes known to the public before the completion of action by the department under s. 950.08 (3) or a finding of probable cause by the crime victims rights board under s. 950.09 (2), the department or

the crime victims rights board, whichever is applicable, may issue statements in order to confirm that a complaint has been made or is being reviewed, to clarify the procedural aspects of actions taken under ss. 950.08 (3) and 950.09 (2), to explain the right of the subject of the complaint to respond to the complaint, to state that the subject of the complaint denies the allegations, if applicable, to state that action under ss. 950.08 (3) and 950.09 (2) has been completed and no basis for the complaint was found or to correct public misinformation.

(1m) In investigating a complaint made under s. 950.08 (3) or being reviewed under s. 950.09 (2), the department or the crime victims rights board, whichever is applicable, shall do all of the following:

(a) Act to avoid unnecessary embarrassment to and publicity for the subject of the complaint.

(b) Request any person contacted for information not to disclose that an investigation is being conducted or the nature of any inquiries made by the department or the crime victims rights board.

(2) This section does not preclude the department or the crime victims rights board from doing any of the following:

(a) Informing the person who made the complaint of the outcome of any action by the department or review by the crime victims rights board.

(b) Referring to the judicial commission information relating to alleged misconduct by or an alleged disability of a judge or court commissioner.

(c) Referring to an appropriate law enforcement authority information relating to possible criminal conduct or otherwise cooperating with a law enforcement authority in matters of mutual interest.

(d) Referring to an attorney disciplinary agency information relating to the possible misconduct or incapacity of an attorney or otherwise cooperating with an attorney disciplinary agency in matters of mutual interest.

(e) Disclosing to the chief justice or director of state courts information relating to matters affecting the administration of the courts.

**SECTION 97.** 950.10 of the statutes is created to read:

**950.10 Limitation on liability; grounds for appeal.** (1) No cause of action for money damages may arise against the state, any political subdivision of the state or any employe or agent of the state or a political subdivision of the state for any act or omission in the performance of any power or duty under this chapter or under article I, section 9m, of the Wisconsin constitution or for any act or omission in the performance of any power or duty under ch. 938 relating to the rights of, services for or notices to victims.

(2) A failure to provide a right, service or notice to a victim under this chapter or ch. 938 or under article I, section 9m, of the Wisconsin constitution is not a ground for an appeal of a judgment of conviction or sentence and

is not grounds for any court to reverse or modify a judgment of conviction or sentence.

**SECTION 98.** 950.11 of the statutes is created to read:

**950.11 Penalties.** A public official, employe or agency that intentionally fails to provide a right specified under s. 950.04 (1v) to a victim of a crime may be subject to a forfeiture of not more than \$1,000.

**SECTION 99.** 967.10 of the statutes is created to read:

**967.10 Waiting area for victims and witnesses.** (1)

In this section:

(a) "Victim" has the meaning given in s. 950.02 (4).

(b) "Witness" has the meaning given in s. 950.02 (5).

(2) If an area is available and use of the area is practical, a county shall provide a waiting area for a victim or witness to use during court proceedings that is separate from any area used by the defendant, the defendant's relatives and defense witnesses. If a separate waiting area is not available or its use is not practical, a county shall provide other means to minimize the contact between the victim or witness and the defendant, the defendant's relatives and defense witnesses during court proceedings.

**SECTION 100.** 971.08 (1) (d) of the statutes is created to read:

971.08 (1) (d) Inquire of the district attorney whether he or she has complied with s. 971.095 (2).

**SECTION 101.** 971.095 of the statutes is created to read:

**971.095 Consultation with and notices to victim.**

(1) In this section:

(a) "District attorney" has the meaning given in s. 950.02 (2m).

(b) "Victim" has the meaning given in s. 950.02 (4).

(2) In any case in which a defendant has been charged with a crime, the district attorney shall, as soon as practicable, offer all of the victims in the case who have requested the opportunity an opportunity to confer with the district attorney concerning the prosecution of the case and the possible outcomes of the prosecution, including potential plea agreements and sentencing recommendations. The duty to confer under this subsection does not limit the obligation of the district attorney to exercise his or her discretion concerning the handling of any criminal charge against the defendant.

(3) At the request of a victim, a district attorney shall make a reasonable attempt to provide the victim with notice of the date, time and place of scheduled court proceedings in a case involving the prosecution of a crime of which he or she is a victim and any changes in the date, time or place of a scheduled court proceeding for which the victim has received notice. This subsection does not apply to a proceeding held before the initial appearance to set conditions of release under ch. 969.

(4) If a person is arrested for a crime but the district attorney decides not to charge the person with a crime, the district attorney shall make a reasonable attempt to

inform all of the victims of the act for which the person was arrested that the person will not be charged with a crime at that time.

(5) If a person is charged with committing a crime and the charge against the person is subsequently dismissed, the district attorney shall make a reasonable attempt to inform all of the victims of the crime with which the person was charged that the charge has been dismissed.

(6) A district attorney shall make a reasonable attempt to provide information concerning the disposition of a case involving a crime to any victim of the crime who requests the information.

**SECTION 102.** 971.10 (3) (b) 3. of the statutes is created to read:

971.10 (3) (b) 3. The interests of the victim, as defined in s. 950.02 (4).

**SECTION 103.** 971.17 (4m) (b) of the statutes, as affected by [1995 Wisconsin Act 440](#), is amended to read:

971.17 (4m) (b) If the court conditionally releases a defendant under this section, the district attorney shall notify do all of the following in accordance with par. (c):

1. The Make a reasonable attempt to notify the victim of the crime committed by the defendant or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian.

2. The Notify the department of corrections.

**SECTION 104.** 971.17 (6m) (b) of the statutes, as affected by [1995 Wisconsin Act 440](#), is amended to read:

971.17 (6m) (b) If the court orders that the defendant's commitment is terminated under sub. (5) or that the defendant be discharged under sub. (6), the department of health and family services shall notify do all of the following in accordance with par. (c):

1. If the person has submitted a card under par. (d) requesting notification, make a reasonable attempt to notify the victim of the crime committed by the defendant, or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian.

2. The Notify the department of corrections.

**SECTION 105.** 971.315 of the statutes is created to read:

**971.315 Inquiry upon dismissal.** Before a court dismisses a criminal charge against a person, the court shall inquire of the district attorney whether he or she has complied with s. 971.095 (2).

**SECTION 106.** 972.14 (1) (a) of the statutes is repealed.

**SECTION 107.** 972.14 (1) (ag) of the statutes is created to read:

972.14 (1) (ag) "Crime considered at sentencing" means any crime for which the defendant was convicted and any read-in crime, as defined in s. 973.20 (1g) (b).

**SECTION 108.** 972.14 (2m) of the statutes is created to read:

972.14 (2m) Before pronouncing sentence, the court shall inquire of the district attorney whether he or she has complied with s. 971.095 (2) and with sub. (3) (b), whether any of the victims of a crime considered at sentencing requested notice of the date, time and place of the sentencing hearing and, if so, whether the district attorney provided to the victim notice of the date, time and place of the sentencing hearing.

**SECTION 109.** 972.14 (3) (a) of the statutes is amended to read:

972.14 (3) (a) Before pronouncing sentence, the court shall also determine whether a victim of a crime considered at sentencing wants to make a statement to the court. If a victim wants to make a statement, the court shall allow a the victim or family member of a homicide victim to make a statement in court or to submit a written statement to be read in court. The court may allow any other person to make or submit a statement under this paragraph. Any statement under this paragraph must be relevant to the sentence.

**SECTION 110.** 972.14 (3) (b) of the statutes is amended to read:

972.14 (3) (b) After a conviction, if the district attorney knows of a victim or family member of a homicide or felony murder victim of a crime to be considered at sentencing, the district attorney shall make a reasonable attempt to contact that person to inform him or her of the right to make or provide a statement under par. (a). Any failure to comply with this paragraph is not a ground for an appeal of a judgment of conviction or for any court to reverse or modify a judgment of conviction.

**SECTION 111.** 972.15 (2m) of the statutes is amended to read:

972.15 (2m) The person preparing the presentence investigation report shall make a reasonable 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 112.** 980.11 (2) (intro.) of the statutes, as affected by [1995 Wisconsin Act 440](#), is amended to read:

980.11 (2) (intro.) If the court places a person on supervised release under s. 980.06 or discharges a person under s. 980.09 or 980.10, the department shall notify do all of the following:

**SECTION 113.** 980.11 (2) (am) (intro.) of the statutes, as affected by [1995 Wisconsin Act 440](#), is amended to read:

980.11 (2) (am) (intro.) Whichever Make a reasonable attempt to notify whichever of the following persons

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is appropriate, if he or she can be found, in accordance with sub. (3):

**SECTION 114.** 980.11 (2) (bm) of the statutes, as created by [1995 Wisconsin Act 440](#), is amended to read:

980.11 (2) (bm) ~~The~~ Notify the department of corrections.

**SECTION 115. Nonstatutory provisions.**

(1) INITIAL APPOINTMENTS TO THE CRIME VICTIMS RIGHTS BOARD. Notwithstanding section 15.255 (2) of the statutes, as created by this act, the initial members of the crime victims rights board shall be appointed by the first day of the 4th month beginning after the effective date of this subsection for the following terms:

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(a) The district attorney, the representative of local law enforcement and the member specified under section 15.255 (2) (b) 4. of the statutes, as created by this act, who is appointed by the crime victims council, for terms expiring on May 1, 2001.

(b) The member specified under section 15.255 (2) (b) 4. of the statutes, as created by this act, who is appointed by the governor and the person who is employed or contracted by a county board of supervisors, for terms expiring on May 1, 2003.

**SECTION 116. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.