

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-1-00

BILL NO. AB 111

OR
SUBJECT _____

Ellen Henningsen

(NAME)

Department of Justice

(Street Address or Route Number)

P.O. Box 7951

(City and Zip Code)

Madison 53707

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb. 1, 2000

BILL NO. AB 111

OR
SUBJECT _____

Rep. Scott Suder

(NAME)

21 North State Capitol

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. AB 111

OR
SUBJECT _____

KEVIN LEWIS

(NAME)

(Legislative Division)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/1/00

BILL NO. AB 111

OR

SUBJECT _____

State Senator

(NAME) Alberta Darling

1325 West Dean

(Street Address or Route Number)

W. Menasha, WI

(City and Zip Code)

Sally

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Vote Record

AB 111

Senate Committee on Judiciary and Consumer Affairs

Date: 3/7/2006

Moved by: _____

Seconded by: _____

AB: _____

Clearinghouse Rule: _____

AB: 111

SB: _____

Appointment: _____

AJR: _____

SJR: _____

Other: _____

A: _____

SR: _____

A/S Amdt: _____

A/S Amdt: _____

to A/S Amdt: _____

A/S Sub Amdt: _____

A/S Amdt: _____

to A/S Sub Amdt: _____

A/S Amdt: _____

to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

- Sen. Gary George, Chair
- Sen. Fred Risser
- Sen. Alice Clausing
- Sen. Joanne Huelsman
- Sen. Alberta Darling

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Assembly Bill 111

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Assembly Bill 111 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by noon Friday March 10, 2000.**

Introduction and Adoption of Substitute Amendment (LRB s0307/2):

_____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)

_____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)

_____ **Aye** (In Favor of Adoption of the Substitute Amendment)

_____ **No** (Oppose Adoption of the Substitute Amendment)

Concurrence in Assembly Bill 111 As Amended:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill as Amended)

_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill as Amended)

_____ **Aye** (In Favor of Concurrence in the Bill as Amended)

_____ **No** (Oppose Concurrence in the Bill as Amended)

Signed: Alise Clausung March 10, 2000

Please return to Sen. George's Office by noon Friday, March 10, 2000.

Senate Committee on Judiciary and Consumer Affairs
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Introduction and Adoption of Substitute Amendment (LRB s0307/2):

- Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- Aye (In Favor of Adoption of the Substitute Amendment)
- No (Oppose Adoption of the Substitute Amendment)

Concurrence in Assembly Bill 111 As Amended:

- Moved (Optional -- Please check if you wish to Move Concurrence in the Bill as Amended)
- Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill as Amended)
- Aye (In Favor of Concurrence in the Bill as Amended)
- No (Oppose Concurrence in the Bill as Amended)

Signed: James B. Huelsman

March 10, 2000

Please return to Sen. George's Office by noon Friday, March 10, 2000.

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Assembly Bill 111

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Assembly Bill 111 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by noon Friday March 10, 2000.**

Introduction and Adoption of Substitute Amendment (LRB s0307/2):

_____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)

_____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)

✓
_____ **Aye** (In Favor of Adoption of the Substitute Amendment)

_____ **No** (Oppose Adoption of the Substitute Amendment)

Concurrence in Assembly Bill 111 As Amended:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill as Amended)

_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill as Amended)

✓
_____ **Aye** (In Favor of Concurrence in the Bill as Amended)

_____ **No** (Oppose Concurrence in the Bill as Amended)

Signed: Alberta Darling March 10, 2000

Please return to Sen. George's Office by noon Friday, March 10, 2000.

MEMO

Department of Justice
Office of Crime Victim Services

To: Senate Judiciary and Consumer Affairs Committee

From: Ellen J. Henningsen
Elder Advocate

Date: February 2, 2000

Re: 1999 AB 111
Penalty Enhancer for Embezzlement from Vulnerable Adults

I am the Elder Advocate for the Department of Justice. I provide technical assistance and training in the area of preventing, investigating and prosecuting financial abuse of the elderly. I work with the issue of financial abuse of the elderly on a daily basis, and I witness the financial and emotional devastation that it causes.

The Department of Justice supports the passage of AB 111, as amended by Substitute Amendment 1. The bill sends a strong message that financial abuse of vulnerable adults is a serious crime that must be punished accordingly. However, the Department believes that the bill could be improved in a number of areas and requests that the Committee amend the bill to incorporate these suggestions.

- The bill imposes an increased penalty only on the crime of embezzlement. However, not all caretakers who commit a financial crime against vulnerable adults or against the elderly are charged with the crime of embezzlement. Caregivers might be charged with other types of theft, such as theft by person or theft by fraud. Or, caregivers might be charged with a financial crime other than theft, such as forgery or fraudulent writings. The caregivers charged with these other crimes, who are not also charged with embezzlement, will not receive the increased penalty. The deceit used and the trust betrayed are the same, regardless of which crime is committed. Therefore, **the Department suggests that the penalty be increased for all types of financial crimes that caregivers commit against their principals, not just embezzlement.**
- The victims covered by the bill are adults who fall within the definition of "vulnerable adult." The definition of "vulnerable adult" includes several types of adults. It includes incompetent adults, regardless of where they reside or what programs they participate in. Also included are adults who are residents or participants of certain facilities or programs. My understanding of the list of facilities and programs is that adults who are elderly and also competent can reside at or participate in at least some of these facilities and programs. Therefore, the bill covers all incompetent adults, and also some competent elders. Left out are competent elders who do not participate in the listed facilities or programs. These elderly are often dependent on caregivers, such as family members and neighbors, and are often the victims of financial abuse by these caregivers. But, because of the particular

definition of the term "vulnerable adult" in the bill, these victims will not be protected. If theft by a caregiver deserves additional punishment, all elderly victims of caregiver theft should be protected by the penalty enhancer. **The Department suggests that all elderly people be covered by this bill; to do so, sub-parts 1 and 2 of the definition should be retained and a new sub-part 3 should be added to include anyone age 60 or older.** (The definition of "elder person" contained in Wisconsin's Elder Abuse Reporting System, sec. 46.90, is 60 years or older).

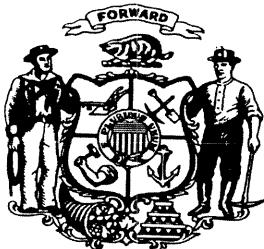
(Note: The present penalty enhancer in sec. 943.20 (3) (d) excludes the same people excluded by the bill; consideration should be given to amending that penalty enhancer as well.).

- The definition of "vulnerable adult" created by this bill is different than the definition of that term used elsewhere in the statutes. "Vulnerable adult" is used in chapters 55, 813, and 940. In all of these references, the definition used is the one found in sec. 943.20 (2) (e), Stats. That statute includes only sub-part 1 of the bill's definition. In other words, impairment, not where one resides or what programs one uses, is what makes one "vulnerable." It will create confusion to have two different definitions of the term "vulnerable adult" in the statutes. To avoid this problem, **the Department suggests that the language in sec. 943.20(3) (d) 6 be used instead of the language in the bill.** (As with sec. 943.20 (3), victims who utilize the listed facilities and services can still be covered, even if they're not included in the definition.)
- The bill covers caregivers acting under a durable power of attorney. No mention is made of powers of attorney that are not durable. It is possible that an errant caregiver might be operating under a non-durable POA. **The Department suggests that the word "durable" be removed from the definition of caregiver and that the definition of "durable power of attorney" be changed, so that all powers of attorney, non-durable and durable alike, are covered.**
- There is already what amounts to a penalty enhancer in section 943.20 (3) (d) for theft of property from a vulnerable adult when the value of the stolen property is \$2,500 or less. This bill creates a penalty enhancer for property over \$2,500 but puts it in a different chapter. It is confusing to have one penalty enhancer in sec. 943.20, and then the penalty enhancer created by this bill in another place. **The Department suggests that both penalty enhancers should be in sec. 943.20.**
- There is an easier way to create a penalty enhancer for property valued at over \$2,500 than creating the category of caregiver. The language of the current penalty enhancer in section 943.20 (3) (d) for property valued at less than \$2,500 could be utilized. That current language implicitly includes theft by caregivers. One could use the present language and then add the higher property valuation.

In conclusion, the Department of Justice supports AB 111 but recommends that changes be made to improve it.

AB111

State of Wisconsin



GARY R. GEORGE
SENATOR

TO: Staff to Members, Senate Committee on Judiciary and Consumer Affairs

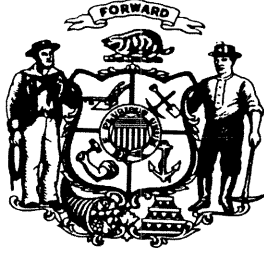
FROM: Dan Rossmiller, Clerk
Senate Committee on Judiciary and Consumer Affairs

RE: Proposed Amendments to Bills That Have Previously Received a Public Hearing
in the Senate Committee on Judiciary and Consumer Affairs and May Receive
Executive Action Next Week

DATE: February 25, 2000

Attached please find a list of the of proposed amendments and proposed substitute amendments to bills that have previously received a public hearing that I would like to discuss with you on February 28, 2000.

State of Wisconsin



GARY R. GEORGE
SENATOR

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk
Senate Committee on Judiciary and Consumer Affairs

RE: Paper Ballot on Bills That Have Previously Received a Public Hearing in the
Senate Committee on Judiciary and Consumer Affairs and on Which There
Appears to be a Consensus In Favor

DATE: March 9, 2000

Attached please find paper ballots as well as proposed amendments and proposed substitute amendments to bills that have previously received a public hearing. Included are: AB 62; AB 72; AB 111; AB 533; and SB 63. These are bills that I reviewed and discussed with your staff yesterday (March 8, 2000).

A substitute amendment is being drafted to address concerns raised about the way the offense is defined in SB 213 and the penalty structure set up in the original bill. After we have reviewed the substitute amendment with the author of the bill, we will forward a copy to your office along with a paper ballot on SB 213.

Note: Please return the paper ballots by noon tomorrow (Friday, March 10, 2000)

Assembly Bill 45

Relating to: a hotline in the department of justice for the reporting of information regarding dangerous weapons in public schools.

By Representatives Kelso, Colon, Gunderson, Hahn, Hutchison, Jensen, Kedzie, Lassa, F. Lasee, Ladwig, M. Lehman, Musser, Owens, Ryba, Seratti, Spillner, Sinicki, Suder, Sykora, Urban, Vrakas, Powers and Huebsch; cosponsored by Senators Darling, Risser and Roessler.

Risser?

Agreed Upon Amendment Pending: At the request of DOJ an amendment (LRBa1436/1) was prepared to expand the scope of things reportable through this hotline to include threats to damage school premises or harm persons on school grounds. Rep. Kelso, the author of the bill has signed off on the amendment.

Assembly Bill 111

Relating to: committing theft against certain persons and providing a penalty.

By Representatives Suder, Albers, Ainsworth, Freese, Handrick, Hoven, Huebsch, Kelso, Ladwig, F. Lasee, Montgomery, Musser, Nass, Olsen, Plale, Powers, Turner and Vrakas; cosponsored by Senators Darling, Fitzgerald, Lazich, Roessler, Welch and Zien.

Substitute Amendment Pending: At the request of DOJ and its Elder Law Advocate a substitute amendment (LRBs0307/1) was prepared to broaden the bill to address all forms of financial crimes against the elderly. The substitute amendment:

1. Covers all financial crimes (e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.)
2. Protects all elderly people, regardless of capacity, place of residence or participation in programs.
3. Makes definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940).
4. Includes all Powers of Attorney, whether durable or non-durable.

*?
Darling
will*

Rep. Suder, the author of the bill, expresses no objection to the substance of the changes.

Assembly Bill 318

Relating to: the controlled substance methamphetamine and providing penalties.

By Representatives Kreibich, Rhoades, Brandemuehl, Urban, Suder, Klusman, Freese, Ladwig, Ainsworth, Nass, Musser, Seratti, M. Lehman, Stone, Albers, Pettis, Gunderson, Kelso, Skindrud, Kedzie, Olsen, Huebsch, Petrowski, Gronemus, Vrakas, Kestell, Montgomery and Ward; cosponsored by Senators Clausing, Moen, Zien, Panzer, Roessler, Darling, Huelsman, Schultz, Rude and Farrow.

*no
problems*

No Amendments Pending.

Assembly Bill 391

Relating to: disposable earning exempt from garnishment.

no problems

By Representatives Gunderson, Musser, Townsend, Turner, Sykora, Hahn, Petrowski, Hundertmark, Spillner, Gronemus, Kelso, Albers and Powers; cosponsored by Senator Darling.

No Amendments Pending.

Assembly Bill 533

Relating to: authorizing the appointment of assistant district attorneys to provide restorative justice services; authorizing counties and the department of corrections to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders; inmate rehabilitation; creating the office of government-sectarian facilitation; establishing a grant program for a neighborhood organization incubator; distributing funding for alcohol and other drug abuse services; and making appropriations.

*Risser
philosophy
objection
to everything
but
restorative
justice*

Joint Legislative Council.

No Amendments Pending. Concern About Church-State Separation Issues. Bill contains appropriation. Must go the Joint Finance.

Assembly Bill 562

Relating to: creating a southeast Wisconsin crime abatement task force.
By the Committee on Criminal Justice.

Risser o.k.

Two Amendments Pending: One amendment (LRBa1434/1), at the request of Reps. Krug and Riley adds the Chief of Police of the City of Milwaukee as a member of the task force. The other amendment (LRBa1427/1) at the request of the State Bar of Wisconsin adds to the task force a member of the State Bar's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha).

*Duelsman
?*

Assembly Bill 614

Relating to: unauthorized duplication of a recording, unauthorized recording of a performance, failure to disclose manufacturer of a recording, unauthorized use of a recording device in a movie theater and providing a penalty.

*no
problems*

By Representatives Pettis, Kestell, Jensen, Coggs, Underheim, Klusman, Sykora, Albers, Olsen, Nass, Ward, Handrick, Vrakas, Staskunas, Kreibich, Walker, Musser, Kaufert and Bock; cosponsored by Senators George, Rosenzweig, Panzer, Breske and Grobschmidt.

No Amendments Pending.

Senate Bill 106

Relating to: court-appointed special advocates for children and juveniles in need of protection or services.

By Senators Wirch, Plache, Huelsman, Burke, Darling, Clausing, Rosenzweig, Erpenbach and Roessler; cosponsored by Representatives Steinbrink, Kreuser, Porter, Ladwig, Kelso, Turner, Coggs, Brandemuehl, Sykora, Reynolds, Meyer, La Fave, Johnsrud and Ryba.

*no
problems*

Agreed Upon Substitute Amendment Pending. (LRBs0270/4). Sen. Wirch's office has worked out a compromise with all the concerned groups, including organizations that currently operate CASA programs.

Senate Bill 110

Relating to: prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection or services and providing a penalty.

By Senators Moen, Drzewiecki, Breske, Farrow, Erpenbach, Rude, Baumgart, Huelsman, Schultz and Roessler; cosponsored by Representatives Musser, Huebsch, Plale, Pettis, Seratti, Ryba, Sykora, Gronemus, Ziegelbauer, Ainsworth, Ladwig, F. Lasee and Albers, by request of the Local 219, Jackson Correctional Institution Officers.

*no
problems*

Two amendments pending. The first one (LRB a1180/1) by request of the State Laboratory or Hygiene expands the scope of bodily substances covered under the bill. The second one (LRBa1298/1) by request of the committee members , reduces the maximum penalty from five years, consecutive to the current prison term, to 2 years, consecutive to the current prison term.

dis tribute

Senate Bill 172

Relating to: discharge or other retaliation or discrimination against an employe of a health care facility or a health care provider who reports a violation of the law or a violation of a clinical or ethical standard by the health care facility or health care provider or by an employe of the health care facility or health care provider and providing a penalty.

By Senators George, Robson, Baumgart, Burke, Cowles, Darling, Grobschmidt, Moen, Plache, Roessler and Rosenzweig; cosponsored by Representatives Underheim, Carpenter, Albers, Black, Bock, Boyle, Coggs, Colon, Cullen, Goetsch, Hahn, Hebl, Kelso, Kreuser, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Miller, Musser, Olsen, Pettis, Plouff, Pocan, Richards, Sinicki, Staskunas, Walker, Wasserman, Waukau and Ziegelbauer.

Agreed Upon Substitute Amendment Pending. (LRBs???)?. Senators Robson and Clausing and Representative Underheim convened a meeting with representatives of hospitals and health care worker unions to work out a compromise that all parties have apparently accepted. The compromise is being drafted as a substitute amendment to both the Assembly and Senate versions of the bill.

Senate Bill 214

Relating to: notice to a victim of the right to make a statement at sentencing or disposition.

By Senator Burke; cosponsored by Representative Huber.

No Amendments Pending.

Senate Bill 284

Relating to: contracts with persons who take depositions.

By Senators George, Rude, Breske, Cowles and Rosenzweig; cosponsored by Representatives Walker, Huebsch, Hebl, Staskunas, M. Lehman, Albers, Goetsch, J. Lehman, Hahn, Colon, Richards and Cullen.

*no
problem*

No Amendments Pending. This bill was voted upon at the February 1, 2000 executive session but was not reported out of committee.

Senate Bill 395

Relating to: policies concerning treatment and conduct of persons detained during a sexually violent person commitment proceeding and person committed for treatment after being found to be a sexually violent person.

By Senator George; cosponsored by Representative Huebsch. By Request of the Department of Health and Family Services.

*Risser
?*

Agreed Upon Substitute Amendment Pending: (LRB s0315/1) As substantiated by testimony at the 2-22-2000 hearing, the substitute addresses the concerns of both DHFS and DOJ.

AB 111

February 22, 2000 Judiciary Committee Hearing

Special Testimony Requests

Elected Officials

- Sen. Baumgart and his DA (Robert Wells/Sheboygan Co.) want to testify first about his bill SB 213.
- Rep. Ladwig wants to testify next about her bill AB 72.
- Rep. Goetsch wants to testify next about his bills AB 562 and AB 84.

Others

- Sen. Clausung's office contacted us to let us know that Johnnie Smith from the DEA will be testifying on AB 318. He has some time constraints and has to leave by 10:00 am. They wanted to know if you could make arrangements so that he can get his testimony in before he has to leave?

Bills On the Hearing Agenda

Here is the order of bills, the likely witnesses and a brief comment about amendments I know of :

AB 614 (Your bill on piracy and bootlegging of recorded material)

Don Valdez V.P. Anti-piracy Legislation RIAA will probably testify with a multimedia show-and-tell presentation.

I am not aware of any amendments although Sen. Risser is apparently concerned about how the new penalties under the bill will mesh with Truth-In-Sentencing given the fact that we haven't adopted the code reclassification yet.

SB 395 (The DHFS bill on sexually violent persons commitment rules)

Dr. Thomalla (PhD.) is likely to testify for DHFS. I don't know whether Sec. LEEAN will testify or not. I don't know

There is a substitute amendment (LRB s0315/1) that has been prepared to reflect the agreement between the DHFS and the DOJ. It is ready to be introduced.

AB 174 (Rep. Kreuser's bill to allow of-duty peace officers to carry concealed weapons)

Rep. Kreuser will testify. He may have a local law enforcement official testify on behalf of his drug or gang task force folks.

I am not aware of any amendments.

AB 562 (Rep. Goetsch's committee bill to establish a Southeast Wisconsin crime abatement task force)

Rep. Goetsch will testify. (See note above)

There are two amendments.

- 1) Reps. Riley and Krug asked us to add the City of Milwaukee Chief of Police as a member of the Task Force. The first amendment (LRB 1379/1) does this.
- 2) The State Bar Criminal Law Section asked us to add to the task force a member of the State Bar of Wisconsin's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha). This second amendment has been requested but has not yet been received at the time of this writing.

SB 533 (The Leg. Council bill on Restorative Justice and faith-based approaches to crime reduction.)

I would expect there will be testimony from several sources. The Interfaith Conference has, for example, expressed support for the restorative justice provisions.

I am not aware of any proposed amendments.

SB 214 (Sen Burke's bill re: When a victim must be given notice of the right to make a statement at sentencing.)

Jon Reddin, Deputy DA for Milwaukee County and Mike Nieskes, Deputy DA for Racine County will be testifying on SB 214.

I am not aware of any proposed amendments.

AB 318 (Sen. Clausing's bill on Methamphetamine penalties.)

Johnnie Smith from the DEA will be testifying on AB 318. I am not sure whether DOJ will have anybody testify or not. I expect Sen. Clausing may testify.

I am not aware of any proposed amendments.

AB 391 (Garnishment technical correction)

Rep. Gunderson's staffer will probably testify.

I am not aware of any proposed amendments.

SB 213 (Sen. Baumgart's bill on inducing or causing self-mutilation by a child.)

Sen. Baumgart and his DA (Robert Wells/Sheboygan Co.) will testify. (See note above)

I am not aware of any proposed amendments.

AB 72 (Rep. Ladwig's bill on disclosure of juvenile records by a juvenile or municipal court).

Rep. Ladwig will testify. (See note above.)

The State Bar Children and the Law Section recommends an amendment to Sect. 5 of the bill to specify that a GAL and the attorney of record can view the juvenile's record in cases where a juvenile or municipal court asks another juvenile or municipal court for records for purposes of any other proceeding.

AB 84 (Rep. Goetsch's bill on factors to be considered when sentencing a person convicted of committing a crime.)

Rep. Goetsch will testify. (See note above.)

In response to a request from the Judicial Conference an amendment has been drafted to delete the material in Assembly Substitute Amendment 1 to AB 84 at page 2, line 14. This would delete the factor "(j) The length of pretrial detention of the person, if applicable." I don't know whether this is advisable or not. I always assumed that judges considered time served when sentencing.

Bills From Previous Hearings On Which We Can Take Executive Action

AB 45 (Rep. Kelso's bill to create a Dangerous Weapons in Schools Hotline)

In response to a request from the Atty. Gen./Department of Justice we have drafted an amendment (LRB a1436/1) that basically adds threats to harm persons or damage school property to the list of items that may be reported. Rep. Kelso is o.k. with the bill with the change and so is DOJ.

AB 111 (Rep. Suder's bill on Embezzlement from Vulnerable (elderly) Adults)

In response to a request from the Elder Advocate in the Department of Justice we have drafted a substitute amendment (LRB s0307/1) that expands the bill to cover all financial crimes (e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.) against all elderly people regardless of capacity, place of residence or

participation in programs. It also makes the definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940) and includes all Powers of Attorney, whether durable or non-durable.

Rep. Suder the author of the bill doesn't object to the substance of the substitute amendment but argues that adopting the amendment will kill the bill procedurally. He thinks the bill won't be able to go through both houses before the end of March.

SB 106 (Sen. Wirch's CASA bill)

Sen. Wirch's office has worked with Legal Aid of Milwaukee to craft a compromise that everybody seems to be happy with. A substitute amendment (LRB s270/3) reflects the compromise.)

SB 110 (Sen. Moen's bill on Prisoner's Throwing Bodily Substances)

There are two simple amendments.

The first one (LRB a1180/1) is at the request of the State Hygiene Lab and expands the list of bodily substances covered by the bill.

The second one (LRB a1298/1) reduces the maximum penalty under the bill from 5 years to 2 years, consecutive to the current sentence.

SB 284 (Your court reporter's bill)

No amendments as far as I know. We had voted on this at the last exec. session but haven't yet reported the bill out of committee.

In deference to you as chair, Sen. Huelsman will let the bill come out of committee and maybe try to amend it on the floor.

I hope this is helpful.