

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/22/00

BILL NO. SB214

SUBJECT _____

(NAME) Debbie Spibel
Senator BURB Office
(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: FEB. 22, 2000

BILL NO. 214

SUBJECT _____

(NAME) Jon Reddin
MIW. Co. DA's OFFICE
(Street Address or Route Number)
821 W. STONE ST.

(City and Zip Code) MILWAUKEE, WI

(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: 2/22/00

BILL NO. SB 214

SUBJECT Warren Right Among

(NAME) Michael E. Nieskas
423 730 Wise Ave
(Street Address or Route Number)
WAUNE WI, 53402

(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
Room 109-LL One East Main
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/22/06
BILL NO. SB-214
OR
SUBJECT RIGHT OF VICTIM

TO MAKE A STATEMENT
SENTENCING OR HEARING
KITTY KOCOL
(NAME)

OFFICE OF VICTIM SERVICES
(Street Address or Route Number)
WISCONSIN DEPARTMENT OF JUSTICE

(City and Zip Code)
CRIME VICTIMS COUNCIL OF
(Representing) WISCONSIN

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: 2/22/06
BILL NO. SB 214
OR
SUBJECT _____

JoAnna Richard
(NAME)

123 W. Washington
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

DOJ, Attorney's Office
(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: 2.22.00
BILL NO. SB214
OR
SUBJECT _____

RAY DALL'OSTO
(NAME)

(Street Address or Route Number)

(City and Zip Code)

State Bar of WI - Criminal Law Section
(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: 2-22-00

BILL NO. SB214

OR
SUBJECT _____

Cory Mason
(NAME)

(Street Address or Route Number)

(City and Zip Code)

State Bar of Wisconsin (General Law Section)
(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

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-22-00

BILL NO. SB 214

OR
SUBJECT _____

Senator Bob Wirth
(NAME) 310-South

(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 Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Senate Bill 214

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 Senate Bill 214 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 Wednesday March 1, 2000.**

Passage of Senate Bill 214:

_____ Moved (Optional -- Please check if you wish to Move
Passage of the Bill)

_____ Seconded (Optional -- Please check if you wish to Second
Passage of the Bill)

_____ ✓ Aye (In Favor of Passage of the Bill)

_____ No (Oppose Passage of the Bill)

Signed: Albert Darling

March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Senate Bill 214

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Passage of Senate Bill 214:

_____ Moved (Optional -- Please check if you wish to Move
Passage of the Bill)

_____ Seconded (Optional -- Please check if you wish to Second
Passage of the Bill)

 ✓ Aye (In Favor of Passage of the Bill)

_____ No (Oppose Passage of the Bill)

Signed: SEN. JOANNE B. HUBBSMAN (By PHOENIX) March 1, 2000
RAS

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Senate Bill 214

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Passage of Senate Bill 214:

_____ Moved (Optional -- Please check if you wish to Move
Passage of the Bill)

_____ Seconded (Optional -- Please check if you wish to Second
Passage of the Bill)

_____ Aye (In Favor of Passage of the Bill)

_____ No (Oppose Passage of the Bill)

Signed: Alice Clausen March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

Senate Committee on Judiciary and Consumer Affairs
Request for Paper Ballot Executive Action on 1999 Senate Bill 214

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Passage of Senate Bill 214:

_____ Moved (Optional -- Please check if you wish to Move
Passage of the Bill)

_____ Seconded (Optional -- Please check if you wish to Second
Passage of the Bill)

 X Aye (In Favor of Passage of the Bill)

_____ No (Oppose Passage of the Bill)

Signed: _____

Ynd A. Rosen

March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

SB 214

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. Clausing'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. Leraan 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. Clausen'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. Clausen 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.

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
problem*

No Amendments Pending.

Assembly Bill 391

Relating to: disposable earning exempt from garnishment.

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

no problems

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.

Joint Legislative Council.

*Risser
philosophical
objection
to everythg
but
restorative
justice*

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).

*Quelisma
?*

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.

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
problems*

No Amendments Pending.

Senate Bill 106

Relating to: court-appointed special advocates for children and juveniles in need of protection or services. *no problems*

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.

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. *distributed*

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.



**STATE BAR
of WISCONSIN**

5302 Eastpark Blvd.
P.O. Box 7158
Madison, WI 53707-7158

MEMORANDUM

To: Members of the Senate Judiciary and Consumer Affairs Committee
From: Ray Dall'Osto, State Bar of Wisconsin Criminal Law Section Chair
Date: February 22, 2000
Re: SB214—the notice to victims of crimes.

The Criminal Law Section of the State Bar of Wisconsin **strongly supports SB214**, which would allow prosecutors to give notice to a victim of the right to make a statement at sentencing or disposition.

An unforeseen consequence of the current notification law has been to unnecessarily delay cases by requiring an extra court appearance after a guilt finding but before sentencing. The vast majority of misdemeanor cases and most felony cases go to sentencing right after a plea.

This notice requirement has added to court congestion by requiring an extra hearing just to make sure the victim is notified. By adding an extra court hearing, the result has been increased costs for prosecutor time, public defender time, bailiff time, court staff, etc.

We can and should trust the prosecutor's office to adequately notify victims so that they can be present without requiring the extra superfluous hearing that a strict reading of current law appears to require.

THE CRIMINAL LAW SECTION URGES YOUR SUPPORT OF SB214

If you have any questions or concerns you would like to address to our membership (which includes prosecutors, judges, and defense attorneys) feel free to contact Cory Mason, Government Relations Coordinator at the State Bar of Wisconsin at 1-800/444-9404 x6128, email at 'cmason@wisbar.org', or Attorney Ray Dall'Osto, Chair of the Criminal Law Section at 414'271-1440, email at 'dallosto@execpc.com.'





OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin

Thomas A. Schulz
Alexander G. Sklenarz
Freddie E. Matesic
William J. Molitor
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Steven V. Licata
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Jane Carroll
Paul Tiffin
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Maria Dixon
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William P. Pipp
Audrey Skwierawski
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Jayne Davis Dewire
Allison M. Ritter
Kevin R. Shomin
Kelly L. Hedge
Jennifer Rypel
Beth D. Zirgibel
Shannon Carrick Schmidt
Rebecca F. Dallet
Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Catherine B. Scherer
Julius Kim
Jeffrey J. Attenburg
Rachael Gossens
Deborah L. Mills
Patti Wabitsch
Kent L. Lovem
Paul R. Sander
Roy L. Williams
Nelson W. Phillips, III
Bradford J. Logsdon
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Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mark D. Bensen
Mary M. Sowinski
Kathryn K. Samer
Cynthia J. Sauer
Jeanette Corbett
Jeffrey P. Greipp
Thomas C. Binger
Heidi Bisswurm
David Maas

February 21, 2000

Victim's Name
Victim's Address
Milwaukee, State Zip Code

RE: State of Wisconsin vs. Defendant's Name
Charge:
Date of Incident:

Dear Mr. Last Name of Victim:

The Milwaukee County District Attorney Office has issued a criminal complaint charging the above-named defendant (s). You're named as the victim in this incident.

Being a victim of a crime can be a difficult experience. You may have questions about the criminal court process, your rights and responsibilities as a crime victim in that process, and the services that are available to assist you.

With this letter I have enclosed an insert (grey) describing the Right of Crime Victims and the services that are available through the Victim/Witness Services Unit of our office. Also included is a brochure (blue) that answers some common questions about the criminal court process and the Crime Victim Compensation program.

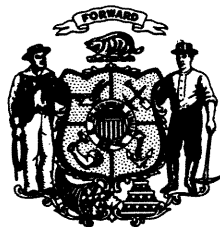
At any court appearance while this case is open or pending, the defendant's attorney may request the court to reduce the defendant's bail. This may often be done without prior notice.

Please review the enclosed materials, which will assist you in exercising your rights. Also, it is very important that you notify me of any changes in your address and/or phone number so that I can keep you informed of the progress of the case and contact you about upcoming court appearances.

If you have any questions or concerns, please feel free to contact me at 278-xxxx.

Sincerely,

Specialist Name
Victim/Witness Services
Enclosures
gr



BRIAN BURKE

WISCONSIN STATE SENATOR

Senate Chair, Joint Committee on Finance

**Testimony of Senator Brian Burke
Senate Bill 214
Senate Committee on Judiciary and Consumer Affairs
February 22, 2000**

Crime can devastate the lives of its victims. In its aftermath, victims often feel like outsiders looking in as the state proceeds against the alleged perpetrator.

Last session, the legislature passed a bill enabling victims to play a more active role in the state's case and ensuring they are well-informed about the criminal proceedings. After obtaining a conviction, prosecutors must now make a reasonable attempt to provide a known victim notice of his or her right to make a statement at sentencing. District attorney offices have been challenged to provide this victim notification with no additional resources while managing increasing caseloads.

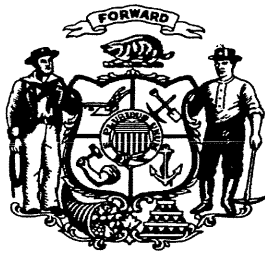
Compliance with this new requirement burdens an already congested court system, delaying justice and raiding taxpayers' pocketbooks. In many cases, courts adjourn and reconvene for the sentencing phase so the victim can be properly notified. Meanwhile, the defendant remains in custody taking up scarce jail space and taxpayers foot the bill.

Senate Bill 214 remedies this problem by allowing prosecutors to notify victims at any time during the proceedings of their right to make a sentencing statement. This honors the spirit of the law while avoiding costly pitfalls.

I urge the committee to act favorably on Senate Bill 214.

SB214

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.

How Will My Claim Be Considered?

After all of the information contained in your application is verified, you will be notified if you are eligible for compensation. The time that it takes to arrive at this decision varies considerably, depending upon the complexity of the claim. One important factor is your help in sending the Department the information it needs to arrive at a decision.

You will be sent a copy of the decision in writing. If your claim is denied, the reason will be explained to you, along with the appeal procedure.

Attorney Fees

You do not need an attorney to file a claim. If you do choose to hire an attorney, the allowed fee will be deducted from your award.

How And Where To File A Claim

Write:

Crime Victim Compensation
P.O. Box 7951
Madison WI 53707-7951

Telephone:

Toll-Free 1-800-446-6564
Madison Area 608-264-9497
V/TTY 608-267-8902

Financial Help for Victims of Crime



Wisconsin Department of Justice
Crime Victim Compensation Program



The concept
of crime
victim
compensation
is a
time-honored
one: that
of making up
for wrong.

Who Is Eligible?

- An innocent victim who suffers injury from a crime.
- A dependent or legal representative of an innocent victim who has been killed as a result of a crime.
- A person who is injured while aiding a crime victim or helping a police officer.
- A person who suffers a reaction from the death of a family or household member.
- Persons who are injured in automobile accidents caused by drunk drivers.



What Compensation May Be Paid?

Up to \$40,000 for any one injury or death, including:

- Medical, hospital, surgical, pharmacy, and mental health counseling expenses.
- Lost wages.
- Loss of support to a dependent of a crime victim who is killed.
- Reasonable replacement costs of clothing or bedding held as evidence by the police, prosecutor, or crime lab—up to \$300.
- Reasonable replacement value for property held as evidence and made unusable by crime lab testing—up to \$200.
- Reasonable and necessary costs for securing and cleaning a crime scene—up to \$1,000.
- Cost of homemaker services.

An additional \$2,000 may be paid for reasonable funeral expenses.

No property loss or damage is covered other than those described above.

The State of Wisconsin pays only those out-of-pocket expenses that are not paid or payable by a private or group insurance plan, public funds, or any other source, including the offender. If you receive monies from the offender or a third party through restitution or any civil action, you must re-pay the state for any monies paid out on your behalf.

What Are The Requirements?

- The victim's conduct must not have caused or contributed to the crime that led to the injury or death.
- The victim must not have committed a crime that led to the injury or death.
- The victim must cooperate with law enforcement officials in their investigation and prosecution of the crime.
- The applicant must cooperate with the Wisconsin Department of Justice in supplying information for the claim.
- If the victim was injured in a car accident caused by a drunk driver, the victim must have been:
 - a pedestrian or a passenger in the other car.
 - a child passenger in the offender's car.
 - unaware that the driver was under the influence of alcohol or an illegal drug.

What Must I Do To Be Eligible?

- The crime must have been reported to a law enforcement agency within 5 days of the crime.
- The applicant must file a claim within 1 year of the date of the crime. This may be waived in certain circumstances.
- The victim must be current with court-ordered child support or maintenance payments.

IS PARKING AVAILABLE?

Parking is available in the MacArthur Square Parking Structure, an underground facility with entrances on Seventh and Ninth Streets, between Wells and State Street. A parking structure on the corner of Ninth and State is also available. **(THE PRICES MAY VARY). Validation for parking is not available.**

HOW DO I GET MY PROPERTY RETURNED IF IT HAS BEEN RECOVERED BY THE POLICE?

Recovered property may be needed as evidence if a case goes to trial. You will be notified by the police when your property is no longer needed. Some readily identifiable items (e.g., television set) may be returned promptly.

Please contact your Victim/Witness Specialist for assistance with the return of property.

WHAT IF THE OFFENDER'S ATTORNEY OR INVESTIGATOR ASKS TO TALK TO ME?

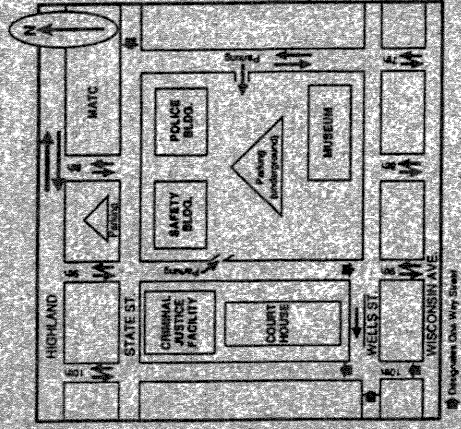
As a witness, you are expected to be an impartial spokesperson for the facts as you know them. You are a witness for the truth. The decision to speak with the defense attorney or investigator is yours to make. If you do not wish to engage in such discussion, you are not required to do so. If you do engage in such discussion, you should be aware that your statements may be used in court. If you have any questions about this or other issues, please contact our office.

WHAT IS CRIME VICTIM COMPENSATION?

Injured victims who have medical expenses or lost wages as a result of a crime, that are not covered by any insurance or public funds, may be eligible to have these losses reimbursed under the State of Wisconsin Victim Compensation Act. Information and applications are available by calling Victim/Witness Services.

BUS ROUTES:

Wells Street #10
Wisconsin Avenue . #12, 20, 23, 30, 31 and #10
Westbound State Street #71



WHERE DO I GO IF I NEED MORE HELP?

If you have questions or need assistance in exercising your rights, please call the Victim/Witness Specialist listed on this brochure.

PLEASE CALL OUR OFFICE IF YOU CHANGE YOUR ADDRESS OR PHONE NUMBER. IT IS VERY IMPORTANT THAT WE ARE ABLE TO REACH YOU IF THERE ARE ANY CHANGES IN THE CASE.

IF YOU ARE SUBPOENAED TO COURT, PLEASE BRING YOUR SUBPOENA WITH YOU.

CASE # _____
YOUR SPECIALIST'S NAME AND PHONE NUMBER

VICTIM/WITNESS

Victim/Witness Services are available to

INFORMATION

help victims and witnesses involved in the

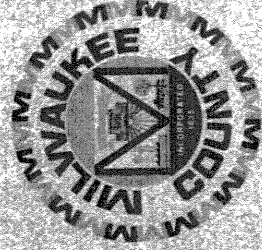
BROCHURE

Milwaukee County Criminal Court Process



Victim/Witness Services
(414) 278-4667

Milwaukee County
District Attorney's Office
E. Michael McCann,
District Attorney



WHAT IF I AM A VICTIM OR WITNESS OF A CRIMINAL OFFENSE?

A major purpose of the Criminal Justice Process is to protect citizens from criminal acts and to help citizen/victims. Your cooperation is very important. As a victim of a crime, you are afforded many rights. These rights are identified within this brochure. To help you with any problems you may have as a result of this offense, exercising your rights or the court process, Victim/Witness Services are available.

Some commonly asked questions are:

WHAT IS THE DIFFERENCE BETWEEN A MISDEMEANOR AND FELONY?

A Misdemeanor is a crime that may be punishable by jail for one year or less.

A Felony is a crime that may be punishable by prison generally for a term more than a year.

WHAT IS A PRELIMINARY HEARING?

A preliminary hearing is a probable cause hearing. Probable cause means the assistant district attorney must establish through witness testimony, that a crime was committed and the person charged committed the crime. If probable cause is determined, the case will proceed to the trial court. If not, the case is dismissed.

WHAT IS A CRIMINAL COMPLAINT?

A criminal complaint is a formal document prepared by the assistant district attorney based on the police reports. It lists the charge(s) and some of the evidence against the defendant. The complaint is filed with the Clerk of Courts office.

WHO IS A DEFENDANT?

A defendant is the person accused of or charged with a criminal offense. This is the person alleged to have committed a particular crime.

WHAT IS A PLEA NEGOTIATION?

A plea agreement is a way to resolve a case without a trial. In some cases, the victim may wish a negotiation to avoid testifying at trial. Plea agreements are worked out between the assistant district attorney, the defense attorney, and the defendant. In some cases, the defendant may wish to or may agree to plead guilty to the charge, or to a lesser charge or one or some of the charges,

hoping for consideration by the court of less exposure to a jail or prison sentence. The victim has the right upon request to discuss with the District Attorney's Office the prosecution of the case, possible outcomes including potential plea agreements, and sentencing recommendations. If you wish to exercise this right, please make such request promptly.

IF I AM A VICTIM OR WITNESS OF A CRIME HOW CAN I FIND OUT ABOUT A CASE IN WHICH I AM INVOLVED?

Victim/Witness Services in the District Attorney's Office will contact you with information about the time and place of upcoming court hearings. As a crime victim, you have a right to appear at any hearing; however, please let your Victim/Witness Specialist know if you wish to exercise this right. You have a right to make a statement to the court (Victim Impact Statement). You also have the right to obtain information about the outcome of the case. If you want further information about your case, you will need to keep in contact with your Victim/Witness Specialist whose name and number appears on the back of this brochure.

WHAT IS A VICTIM IMPACT STATEMENT?

A Victim Impact Statement is your way to let the court know how the crime has affected you (emotionally, physically and financially). You can do this in person, in writing or both. You can go to court at the disposition/sentencing and tell the court how the crime has impacted your life and/or you can return the **Victim Impact Statement** in the enclosed envelope. The Victim Impact Statement will be shared with the judge, the offender's attorney and the district attorney. On this form, you should only discuss the effect that the criminal activity had on you and/or your family. **DO NOT** discuss the facts of the incident. **TO ENSURE THAT THE VICTIM IMPACT STATEMENT IS GIVEN TO THE COURT PRIOR TO THE SENTENCING, PLEASE RETURN IT AS SOON AS POSSIBLE IN THE ENVELOPE PROVIDED.**

DO I HAVE TO GO TO COURT?

The only time you are required to go to court is when you receive a subpoena. You are a witness because you have seen, heard or know something

about a crime that has been committed. You may not think that you know about the case is very important, but it may turn out to be essential. As a subpoenaed victim/witness, your cooperation is extremely important to our community.

WHAT IS A SUBPOENA?

A subpoena provides information about a court appearance which you are required to attend. It will tell you where and when to appear.

WHAT SHOULD I DO IF I RECEIVE A SUBPOENA?

If you receive a subpoena, please call your Victim/Witness Specialist. The phone number appears on the right side of your subpoena. The Victim/Witness Specialist is available to assist you by making plans for your appearance and discussing any transportation needs you may have.

CAN I REQUEST RESTITUTION?

You have a right to request restitution (out-of-pocket expenses). Your Victim/Witness Specialist will provide you with information to exercise this right and have the information presented to the court. We cannot guarantee you will receive restitution.

IF I AM SUBPOENAED TO COURT, WILL I BE PAID FOR MY TIME SPENT AS A WITNESS?

For each day you are subpoenaed to court and appear, you have the right to apply for and receive a witness fee. In order to receive your witness fee(s), you must give your subpoena to your Victim/Witness Specialist. You should receive your witness fee(s) four to six weeks after the disposition/sentencing of the case.

WHERE DO I GO IF I WANT TO APPEAR IN COURT OR IF I RECEIVE A SUBPOENA?

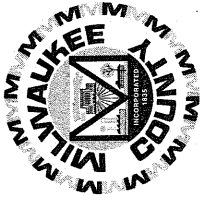
If you receive a subpoena, report to the witness waiting room located in Room 300 of the Safety Building. The Safety Building is located at 821 West State Street. You must use the MacArthur Square entrance (directly behind the Milwaukee Public Museum). If you are appearing without being subpoenaed, please contact your Victim/Witness Specialist prior to appearing.

**THE MILWAUKEE COUNTY
DISTRICT ATTORNEY'S OFFICE**

is committed to ensuring that

**CRIME VICTIMS AND WITNESSES
and
FAMILY MEMBERS OF HOMICIDE VICTIMS**

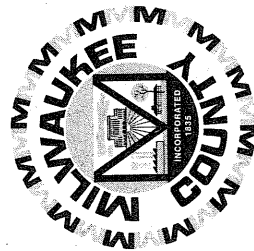
*are treated with fairness, courtesy,
dignity, and respect throughout their
involvement in the criminal justice
process.*



Victim/Witness Services are available to assist crime victims and witnesses with problems they may have as a result of the crime or the criminal justice process.

A Victim/Witness Specialist is assigned to each case and is available to:

- Provide crime victims with a contact person between them and all elements of the criminal and juvenile justice systems.
- Act as an advocate and assist with problems victims and witnesses may have as a result of the victimization and/or due to their participation in the criminal or juvenile justice process.
- Help in understanding the criminal justice process.
- Provide information and assistance in applying for Crime Victim Compensation, if a crime victim is injured during the crime or has other reimbursable expenses.



278-4667

VICTIM/WITNESS SERVICES

Milwaukee County
District Attorney Office

**E. Michael McCann,
District Attorney**

RIGHTS OF CRIME VICTIMS

As a crime victim, or family member of a homicide victim, you have a right:

- * To receive information from the investigating law enforcement agency about your rights as a crime victim.
- * To be notified of the criminal charges issued by the District Attorney's Office, and the procedure for prosecuting those charges.
- * To information concerning **CRIME VICTIM COMPENSATION** and assistance in applying for it (ask a Victim/Witness Specialist for this information).
- * To request an opportunity to communicate with the District Attorney about the case and possible outcomes.
- * To request that reasonable attempts be made to notify you of upcoming court proceedings.
- * To attend court proceedings in the case.
- * To a separate waiting area.
- * To have someone accompany you to court.
- * To have your employer contacted to minimize your loss of pay and benefits resulting from your attending court appearances.
- * To a speedy disposition of the case.
- * To have your interest considered when the court is deciding to allow a delay in the case.
- * To have your property returned to you as soon as it is no longer needed as evidence.
- * In certain cases, to request an order by the judge for an offender to submit to a test for sexually transmitted diseases or HIV.

- * In certain sexual assault cases, to have the interests of the victim considered by the court in determining whether to exclude persons from a preliminary hearing.

- * To restitution for monetary losses resulting from the crime, and to a judgment for any unpaid restitution.

- * To have reasonable efforts made after conviction to inform you of your right to make a statement to the judge at sentencing.

- * To have the person preparing the pre-sentence report make reasonable efforts to contact you.

- * To make a Victim Impact Statement to the judge at sentencing.

- * To have reasonable efforts made to notify you of the conditional release of a defendant committed as a result of being found not guilty by reason of mental disease or defect, of their discharge and of home visits.

- * To request information about the outcome of a case.

- * To have reasonable efforts made to notify you of applications for parole by the offender.

- * To have input in the parole decision-making process.

- * To have reasonable efforts made to notify you when certain defendants are released or discharged, or when they escape.

- * To contact the Department of Justice about any concerns you may have about your treatment as a crime victim.

It is important that you contact the Victim/Witness Specialist assigned to this case for information about how to exercise these rights.