

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1-25-2000

BILL NO. SB 284

SUBJECT \_\_\_\_\_

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(Please Print Plainly)

DATE: January 25, 2000

BILL NO. 284

SUBJECT \_\_\_\_\_

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(Please Print Plainly)

DATE: January 25, 2000

BILL NO. SB 284

SUBJECT \_\_\_\_\_

Carmelo A Puglisi

(NAME)

1224 N 2355th Rd, Deerfield

(Street Address or Route Number)

Menasha 53186

(City and Zip Code)

American Family Insurance & the Wisconsin Insurance Affiance

(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

Colleen Reed

(NAME)

3501 MILLCREST AVE

(Street Address or Route Number)

Menasha 53211

(City and Zip Code)

Colleen Reed Reporting/WCRA

(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:

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State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

Edward Johnson

(NAME)

130 E. Beutel Rd.

(Street Address or Route Number)

Port Washington, WI 53074

(City and Zip Code)

Wisconsin Court Reporters Association

(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:

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P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/25/00

BILL NO. SB 284

OR  
SUBJECT \_\_\_\_\_

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/25/2002

BILL NO. SB 284

OR  
SUBJECT \_\_\_\_\_

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/24/00

BILL NO. SB 284

OR  
SUBJECT \_\_\_\_\_

James E. Hoag  
(NAME)

10 E. Doty St., Suite 500  
(Street Address or Route Number)

Madison, WI 53703  
(City and Zip Code)

Wis. Court Reporters Assoc.  
(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:

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

Amy Boyer  
(NAME)

10 E. Doty St. #500  
(Street Address or Route Number)

Madison 53703  
(City and Zip Code)

WI Court Reporters Assn.  
(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:

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

Eric Engelwood  
(NAME)

44 E. Mifflin St  
(Street Address or Route Number)

Madison  
(City and Zip Code)

Wis. Insurance Alliance  
(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:

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

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/25/00

BILL NO. 99 SB 284

OR

SUBJECT Contracting with

Court Reporters

Renard J McCaster

(NAME)

600 American Plwy

(Street Address or Route Number)

Madison WI 53783

(City and Zip Code)

American Family Ins  
(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:

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

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/25/00

BILL NO. SB 284

OR

SUBJECT \_\_\_\_\_

Nancy M. Rottier

(NAME)

44 E. M. Hill St.

(Street Address or Route Number)

Madison 53703

(City and Zip Code)

Wis Academy of Trial Lawyers  
(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



# Wisconsin Court Reporters Association

## WISCONSIN COURT REPORTERS ASSOCIATION POSITION PAPER

### SENATE BILL 284

Senate Bill 284 amends the rules of civil procedures to specifically prohibit parties in litigation from entering into contracts with members of the court reporting profession.

**The goal of this legislation is to preserve the integrity and impartiality of the judicial system by preserving the neutral and impartial role of court reporters, deposition officers and officers of the court.**

Court Reporters are responsible for the preparation and protection of the official verbatim record. More and more, major litigation payors are entering into contracting arrangements with court reporting firms. These contracting arrangements give the appearance of partiality by contracting court reporters that undermines the integrity of the judicial system as a fair and neutral mechanism for resolving disputes.

The Wisconsin Court Reporters Association (WCRA) is opposed to the above mentioned contracting arrangements. WCRA supports legislation which prevents contractual relationships between court reporters and parties litigant. The impartiality of the judicial system is the very basis of our Rule of Law. Trust in this foundation erodes when the antagonists in litigation – the parties – are directly paying the bills of the allegedly impartial. These arrangements create the appearance of partiality and should be prohibited.

Other organizations that support this initiative include: National Court Reporters Association (NCRA); the Wisconsin Academy of Trial Lawyers (WATL); Association of Trial Lawyers of America (ATLA); American Judges Association; Citizens for Impartial Justice; and the Center for Law in the Public Interest.

The WCRA believes that, as officers of the court, we must do our part to ensure the public's faith in our judicial system and we respectfully urge your help to remove the perception of partiality of deposition officers by supporting Senate Bill 284.

PRESIDENT  
Kevin Lonergan, Appleton  
PRESIDENT-ELECT  
M. Angela Dentice, Brookfield  
VICE-PRESIDENT  
Keith R. Clifford, Madison  
SECRETARY  
Susan Rosenberg, Milwaukee  
TREASURER  
Bruce R. Bachhuber, Green Bay  
IMMEDIATE PAST PRESIDENT  
Randall E. Reinhardt, Milwaukee



EXECUTIVE DIRECTOR  
Jane E. Garrott  
44 E. Mifflin Street, Suite 103  
Madison, Wisconsin 53703-2897  
Telephone: 608/257-5741  
Fax: 608/255-9285

January 25, 2000

The Honorable Gary R. George  
Chair, Senate Judiciary Committee  
Room 118 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707

RE: Senate Bill 284, Contracts With Persons Who Take Depositions

Dear Senator George:

Please accept this letter as our testimony on Senate Bill 284, relating to contracts with persons who take depositions. Our organization is supportive of SB 284 and hopes your committee recommends its passage to the Senate.

SB 284 would restrict private contracts between persons who take depositions and parties with an interest in the litigation. As officers of the court, persons who take depositions have a primary obligation to the court and to the integrity of the court system. All parties are entitled to be secure in the knowledge they are being treated fairly during the court process.

Private contracts between court reporters and parties in interest make it difficult to maintain the impartiality and the appearance of impartiality that is the central ingredient in the public's faith in our court system. This bill is a logical extension of the current statute that prohibits court reporters from taking depositions in actions where they are related to or have a business relationship with one of the parties in interest.

Besides the appearance of impartiality is the real problem of court reporters providing special services or exclusive services for one party. While our members

The Honorable Gary R. George  
January 25, 2000  
Page Two

do not report this happening often in Wisconsin, we are nevertheless concerned about this potential problem. We understand the most likely problem would be expedited transcripts for one side that might give that party an advantage. It would be very difficult for parties to know when they are being disadvantaged by these special services. This bill should allow Wisconsin to restrict these practices before there are substantial abuses or significant problems in the court system.

This legislation has received support and consideration from legislatures in more than a dozen states. The American Judges Association and many court reporters themselves also support it.

We believe Wisconsin should carefully consider this issue to preserve the integrity of our court system.

Very truly yours,



Kevin Lonergan, President  
Wisconsin Academy of Trial Lawyers

cc: Members of Judiciary & Consumer Affairs Committee



January 25, 2000

To: The Senate Committee on Judiciary and Consumer Affairs

From: Attorney Carmelo A. Puglisi

On behalf of: American Family Mutual Insurance Company  
The Wisconsin Insurance Alliance

Re: Opposition to 1999 SB 284

Mr Chairman and Members of the Senate Committee on Judiciary and Consumer Affairs:

I am an attorney licensed to practice law in the State of Wisconsin. I am employed by American Family Mutual Insurance Company and I am the Managing Attorney in their Brookfield legal office. My office handles hundreds of lawsuits that arise in Milwaukee, Waukesha, Ozaukee, and Washington counties. I also represent the Wisconsin Insurance alliance. I appear in opposition to 1999 Senate Bill 284.

Senate Bill 284 seeks to ban contracting with court reporters by financially interested parties, more specifically, insurance companies and attorneys. Yet, this bill allows for the state, municipalities and agencies to contract with court reporters. This legislation is being endorsed by the court reporters' association on the ground that contracting with court reporters creates an appearance of ethical impropriety. The court reporters' association is attempting to clothe an economic issue in a suit of ethics. The bottom line is that this bill is anti-consumer and will raise the cost of litigation to all parties.

Because of the volume of lawsuits that American Family Mutual Insurance Company handles in southeastern Wisconsin, I am able to contract with a court reporting firm at a discount rate. This reduction in litigation expense helps the company keep costs down for its policy holders. Not only do insurance companies contract with court reporters, but so do plaintiffs' law firms. Deposition costs are only second to expert expenses in litigation. Deposition costs are paid by the attorneys' clients. Law firms have sought to reduce the cost of litigation to their clients by entering into agreements with court reporters for discounted rates. This legislation is supported by court reporters who do not have the contracts. This is a pocket book issue for reporters and this legislation is an attempt to shield them from the competition of the market place.

I have contracted with court reporters since 1988. In all those years, not once has anyone brought to my attention any type of ethical impropriety committed by the court reporters that do our work. I have never had a plaintiff's attorney refuse to have the contracted court reporter take the deposition. I contract with the same court reporting firm that is used Habush, Habush, Davis and Rottier, SC., a well known Wisconsin plaintiff's firm and they seem to have no concerns in using a court reporting firm that is used by an insurance company. Not only do I get a discounted rate, but I also use a reporting firm on the cutting edge of technology. Law firms for years have used certain court reporters and no others and yet, there has been no outrage over ethical issues until contracting made official long standing informal agreements.

It is interesting to note that the proposed legislation allows the state, municipalities and public agencies to contract with court reporters. Why is it that the government can reduce the cost of court reporters, but private entities cannot reduce the cost of litigation to the consuming public? Why is there no ethical dilemma when the state contracts with a court reporting firm? I submit to you that if an ethical dilemma exists with private contracting so it does with state contracting. Official court reporters for the county circuit courts are employees of the state. The state is a party to thousands of criminal prosecutions a year. In a criminal prosecution, the liberty of a criminal defendant is at stake in each trial. Any appeal is based on the transcript which is prepared by a state employee. It would seem that the appearance of ethical impropriety would be greater in a situation where the court reporter is employed by the state which is trying to incarcerate one of its citizens. Yet, I do not see the court reporters' association raising the red flag of ethics impropriety in this situation.

The court reporters' association wants it both ways. When contracting is to their economic advantage, such as in government contracting, they will protect it. When contracting is not to court reporters' association's economic advantage they will hoist the banner of ethical impropriety and march into battle. The court reporters' association also recognizes that the state would not tolerate any bill that would limit its ability to contract with court reporters and save tax dollars for its citizens, so, there is an exception for government contracting. Private contracting with court reporters seeks to reduce litigation expenses to the consumer of legal services.

An issue that is not answered by the proposed legislation is what is a contract? If a law firm conducts 50 depositions a year and uses the same court reporting firm and there is no contract between the law firm and the court reporter does the frequency of



use create a prohibited contract? What if the same court reporting firm is used for the second ,third, fourth or fifth year? Does that frequency create a prohibited contract. If those examples do not create prohibited contracts, then what about the appearance of ethical impropriety? If this legislation is passed what happens to the current contracts that private parties have with court reporting firms? Does this law unconstitutionally interfere with contract? This bill raises more questions than it answers.

Some time ago, the court reporters' association attempted to ban contracting by proposing rule changes to the Judicial Council. The Judicial Council is composed of judges and practicing attorneys. I testified at that hearing and so did members of the court reporters' association. The Judicial Council refused to ban contracting with court reporters because they viewed it as a pocket book issue and the Judicial Council did not see any ethical problems with contracting. Since the court reporters' association could not come through the front door, they are attempting to come through the back door.

Judges and practicing attorneys refused to change the law to ban private contracting because they did not see an ethical problem with it. If an ethical issue should arise in the future it should be addressed on a case by case approach by the county circuit courts. This is not an appropriate subject for legislation. The only group who will benefit by the passage of this bill is the court reporters' association. The passage of this bill will only harm the citizens and businesses of Wisconsin by increasing the cost of litigation. Therefore, I would respectfully ask this committee to take no further action on 1999 Senate Bill 284.

# Vote Record

## Senate Committee on Judiciary and Consumer Affairs

Date: 2/1/200  
Moved by: \_\_\_\_\_ Seconded by: Clawson  
AB: \_\_\_\_\_ Clearinghouse Rule: \_\_\_\_\_  
AB: \_\_\_\_\_ SB: 284 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

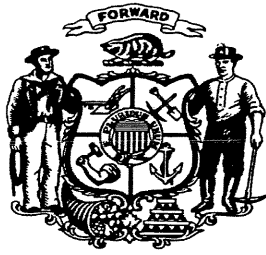
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Gary George, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Fred Risser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alice Clawson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>1</u>	_____	_____

hold for next Exec. Session  
do not report out until then

Motion Carried

Motion Failed

# 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.

### **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*  
*with*

**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.

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 Millwaukee 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).**

*Dwelsman  
?*

**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.

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.**

*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.**

SB 284

**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.