

BRIAN BURKE

WISCONSIN STATE SENATOR

Senate Chair, Joint Committee on Finance

Testimony of Senator Brian Burke

Senate Bill 92

**Senate Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform
December 18, 2001**

Crime can devastate the lives of its victims, leaving them feeling vulnerable and powerless. In its aftermath, victims often see themselves as "outsiders looking in" as the state proceeds against the alleged perpetrator.

In the 1999-2000 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 92 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 92.

WDAA

Vince Biskupic, President
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Wisconsin District Attorneys Association

Sandy Williams, President Elect
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 Scott Horne, 1st Vice President
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 Ruth Bachman, ADA Rep.
 Patrick Kenney, ADA Rep.
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December 11, 2001

Via fax @ (608) 266-7381

Senator Gary R. George
 State Capitol
 P.O. Box 7882, #40 South
 Madison, WI 53707-7882

RE: Senate Bill 92

Dear Senator George:


On March 15, 2001, Senate Bill 92 was introduced by Senators Burke, Grobschmidt, Huelsman, Roessler, and Rosenzweig; and cosponsored by Representatives Huber, Gronemus, Richards, Staskunas, and Stone at the request of the Wisconsin District Attorneys Association. It has been referred to the Senate Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

We are respectfully requesting that Senate Bill 92 be scheduled for a hearing. This bill revises the prosecutor's obligation to provide a victim notice of his or her right to make a statement with respect to the time at which that obligation must be met. The bill eliminates the requirement that the notice be provided after a conviction or after the court finds a juvenile delinquent. Under this bill, the prosecutor may provide the victim notice of his or her right at anytime during the proceedings.

Present law provides that the victim must be notified after conviction or after a delinquency finding even if the victim has already expressed an opinion regarding the disposition of the matter. Present law has led to delays in hundreds of cases that could otherwise proceed to disposition immediately following adjudication.

In a normal court hearing, this involves an additional appearance for a judge, prosecutor, and more often than not, a public defender. This bill will save valuable public resources and permit courts to proceed to sentencing when the prosecutor is already aware of the victim's wishes regarding disposition.

Thank you for your attention to this request.

Sincerely,

 Vince Biskupic
 President - WDAA

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TOTAL P.01