

2005 DRAFTING REQUEST

Bill

Received: **11/29/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Louis Molepske (608) 267-9649**

By/Representing: **Marc**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - victims**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Crime victim awards; delinquent child support payments

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 01/03/2006	jdye 01/06/2006		_____			State
/1			rschluet 01/06/2006	_____	sbasford 01/06/2006	lnorthro 01/20/2006	

FE Sent For:

<END>

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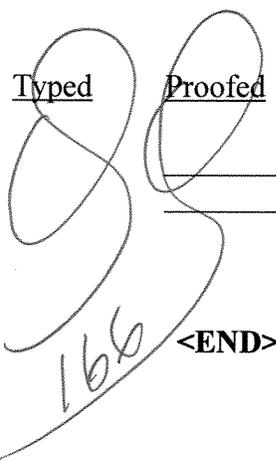
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FE Sent For:

166 <END>

Dsida, Michael

From: Christopher, Marc
Sent: Tuesday, November 29, 2005 10:51 AM
To: Dsida, Michael
Subject: Molepske Drafting Request: Per our Conversation

To: LRB-Drafting

From: Marc E. Christopher
Office of Representative Louis J. Molepske Jr.

Re: Drafting Request—Relating to Chapter 949

Date: November 29, 2005

I write to request legislation that would allow the children of homicide crime victims, to obtain benefits under the Wisconsin Crime Victims Compensation Fund—even when that parent is included on the statewide support lien docket under Wis. Stat. 49.854(2)(b).

I believe the relevant statutes that would need to be changed are 949.08(2)(g) and/or 949.05(1)(c).

We are also requesting a 3 year retroactive window from the enactment of this bill, for claims that might have previously been denied because of this law.

For your information I have included the following real-life example brought to our attention by a friend of Rep. Molepske's:

Good morning Louis,

I hope you are doing well, and still enjoying your legislative service.

I'm writing today with a suggestion for legislation. It arises out of a recent experience.

Several months ago, a childhood friend of mine (originally from Stevens Point) was killed by a drunk driver. He was divorced, and owed a significant amount of child support. The driver has been charged with Homicide by the Intoxicated Use of a Motor Vehicle, and a plea is likely very soon.

His children have applied for benefits under the Wisconsin Crime Victims Compensation Fund program. The have just been advised that their claim is being denied, because he owed child support. I could not believe that this was true, and just spoke with Carol Rewey at the Fund. She advised me that State law does indeed prohibit payments in this type of case, and indicated that they have seen a number of children victims (in homicide cases) be denied as a result of this law. She agreed with me that this is CRAZY!

The children were victimized by a father who did not pay child support, then victimized by the person who killed their father, and are now being victimized by the State. Surely this was not the intent of the drafters of this law.

I suggest legislation that would exempt the children of homicide victims from the rule denying access to the Crime Victims Compensation Fund when the deceased owed child support. Because people have up to one year to apply for fund benefits, I also suggest that the law apply retroactively to anyone who was in this situation

within one year of the bill becoming law.

Ms Rewey said that her office would be very supportive (in concept) to such a change in the law, and it seems to me to be common sense. I hope you will agree.

Please call me with any questions that you may have. My cell phone number is 608-347-6556. I am more than happy to work with your colleagues in the Assembly and Senate, as well as the Governor and Attorney General, to make this a reality.

*Thanks,
Bill*

Please call me with any questions at 7-9649.

Thank you.

*email 11/29
+ resp 11/30*

Dsida, Michael

From: Christopher, Marc
Sent: Wednesday, November 30, 2005 2:21 PM
To: Dsida, Michael
Subject: FW: Molepske Drafting Request: Per our Conversation

Hey Mike,

Just talked to Louis and he wants the bill to cover all dependents as listed in s. 949.05.

Thanks,

Marc

From: Christopher, Marc
Sent: Wednesday, November 30, 2005 9:25 AM
To: Dsida, Michael
Cc: Molepske, Louis (Legislature)
Subject: RE: Molepske Drafting Request: Per our Conversation

Mike,

That is a very good question. I am going to ask my boss what he thinks and get back to you ASAP.

Also, Rep. Molepske and I had a discussion last night about the 3 year window for claims. I think Louis wants to change that to allow any prior claim that has or might have denied as the result of this provision to bring a claim within one year of the enactment of this law.

Thanks again,

Marc

From: Dsida, Michael
Sent: Tuesday, November 29, 2005 7:25 PM
To: Christopher, Marc
Subject: RE: Molepske Drafting Request: Per our Conversation

Marc-

Under s. 949.05, if the victim dies, the award is payable to the victim's dependents -- which include "any spouse, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or parent of spouse of a deceased victim who was wholly or partially dependent upon the victim's income at the time of the victim's death." Do you want the bill to cover all of them, or just certain dependents? Take the case of a father who remarries and then fails to pay child support to the children of his first marriage. Should his second wife or the children from his second marriage be eligible for an award? (They may have benefitted from his nonpayment of child support.)

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4155/BrD
MGD: A...
jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Soon

Gen

1 AN ACT ...; relating to: awards for dependents of deceased victims of crime. ✓

Analysis by the Legislative Reference Bureau

Under current law, the Department of Justice provides awards when persons are victimized by certain crimes or when persons are injured or killed while doing or attempting to do any of the following: preventing the commission of a crime; apprehending a suspected criminal; aiding a police officer seeking to apprehend or arrest a suspected criminal; or aiding a victim of certain crimes. ✓ In a case in which the person is killed, the award may be paid to the person's dependents. Current law, however, prohibits the payments of awards under a variety of circumstances, including cases in which the victim is listed on the state's child support lien docket. This bill eliminates that prohibition on paying awards in cases in which the victim was killed.

For further information see the ✓state fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 949.08 (2) (g) ✓ of the statutes is renumbered 949.08 (2) (g) (intro.)

3 and amended to read: (intro.)

4 949.08 (2) (g) ✓ Is included on the statewide support lien docket under s. 49.854

5 (2) (b), unless ✓ the any of the following applies:

Northrop, Lori

From: Christopher, Marc
Sent: Friday, January 20, 2006 10:45 AM
To: LRB.Legal
Subject: Draft review: LRB 05-4155/1 Topic: Crime victim awards; delinquent child support payments

It has been requested by <Christopher, Marc> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-4155/1 Topic: Crime victim awards; delinquent child support payments