

ASSEMBLY BILL 143 (LRB -1479)

An Act to amend 972.15 (4); and to create 972.15 (4m) of the statutes; relating to: access to presentence investigation reports.

2005

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| 03-23. | A. | Introduced by Representatives Van Roy, Krawczyk, Kerkman, Bies, Owens, Hines, Hahn, Vos, Petrowski, Hundertmark, Albers, Townsend, Gunderson and Ott ; cosponsored by Senators Cowles, A. Lasee, Lassa and Wirch. | |
| 02-28. | A. | Read first time and referred to committee on Corrections and the Courts | 101 |
| 03-23. | A. | Public hearing held. | |
| 05-04. | A. | Executive action taken. | |
| 05-05. | A. | Report passage recommended by committee on Corrections and the Courts, Ayes 9, Noes 0 | 225 |
| 05-05. | A. | Referred to committee on Rules | 225 |
| 11-01. | A. | Placed on calendar 11-8-2005 by committee on Rules. | |
| 11-08. | A. | Read a second time | 586 |
| 11-08. | A. | Ordered to a third reading | 586 |
| 11-08. | A. | Rules suspended | 586 |
| 11-08. | A. | Read a third time and passed | 586 |
| 11-08. | A. | Ordered immediately messaged | 587 |
| 11-09. | S. | Received from Assembly | 446 |
| 11-09. | S. | Read first time and referred to committee on Judiciary, Corrections and Privacy | 446 |
| 12-08. | S. | Public hearing held. | |

2006

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| 02-14. | S. | Executive action taken. | |
| 02-21. | S. | Report introduction and adoption of Senate Amendment 1 recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1 (LRB a2237) | 607 |
| 02-21. | S. | Report concurrence as amended recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1 | 607 |
| 02-21. | S. | Available for scheduling. | |
| 03-06. | S. | Placed on calendar 3-7-2006 by committee on Senate Organization. | |
| 03-07. | S. | Read a second time. | |
| 03-07. | S. | Senate amendment 1 adopted. | |
| 03-07. | S. | Ordered to a third reading. | |
| 03-07. | S. | Rules suspended. | |
| 03-07. | S. | Read a third time and concurred in as amended. | |
| 03-07. | S. | Ordered immediately messaged. | |
| 03-09. | A. | Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) | 962 |
| 03-09. | A. | Senate amendment 1 concurred in | 962 |
| 03-09. | A. | Action ordered immediately messaged | 962 |

2005
ENROLLED BILL

05en A B- 143

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-1479/1

Amendments to above (if none, write "NONE"): SAI — a 2237/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-14-06 J Miller
Date Enrolling Drafter

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2005 ASSEMBLY BILL 143

February 28, 2005 - Introduced by Representatives VAN ROY, KRAWCZYK, KERKMAN, BIES, OWENS, HINES, HAHN, VOS, PETROWSKI, HUNDERTMARK, ALBERS, TOWNSEND, GUNDERSON and OTT, cosponsored by Senators COWLES, A. LASEE, LASSA and WIRCH. Referred to Committee on Corrections and the Courts.

1 **AN ACT to amend 972.15 (4); and to create 972.15 (4m) of the statutes; relating**
2 **to: access to presentence investigation reports.**

Analysis by the Legislative Reference Bureau

Currently, a court may order the Department of Corrections (DOC) to conduct a presentence investigation of a person who has been convicted of a felony to aid the court in determining an appropriate sentence. The court must disclose the contents of a presentence investigation report to the district attorney and the defendant's attorney before sentencing. If the defendant is not represented, the court must disclose the contents of the report to the defendant before sentencing. After sentencing, the report must be kept confidential, except that DOC may use or release the report for the purpose of correctional programming, and the court may authorize release.

This bill provides that the district attorney and the defendant's attorney are entitled to a copy of the presentence investigation report. A defendant who is not represented is also entitled to a copy of the report. The bill requires that any district attorney, defendant's attorney, or defendant who receives a copy of a presentence investigation report must keep the report confidential.

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

3 **SECTION 1.** 972.15 (4) of the statutes is amended to read:

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1 972.15 (4) ~~After~~ Except as provided in sub. (4m) or (5), after sentencing, unless
2 otherwise authorized under sub. (5) or ordered by the court, the presentence
3 investigation report shall be confidential and shall not be made available to any
4 person except upon specific authorization of the court.

5 **SECTION 2.** 972.15 (4m) of the statutes is created to read:

6 972.15 (4m) The district attorney and the defendant's attorney are entitled to
7 have and keep a copy of the presentence investigation report. If the defendant is not
8 represented by counsel, the defendant is entitled to have and keep a copy of the
9 report. A district attorney, defendant's attorney, or defendant who receives a copy
10 of the report shall keep it confidential.

11

(END)

INS. 1-1

**SENATE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 143**

February 21, 2006 - Offered by COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY.

1-1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 8: delete lines 8 to 10 and substitute “represented by counsel,
3 the defendant is entitled to view the presentence investigation report but may not
4 keep a copy of the report. A district attorney or defendant’s attorney who receives
5 a copy of the report shall keep it confidential. A defendant who views the contents
6 of a presentence investigation report shall keep the information in the report
7 confidential.”.

8 (END)