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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on Corrections and the Courts...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Assembly

### Record of Committee Proceedings

#### Committee on Corrections and the Courts

##### Assembly Bill 143

Relating to: access to presentence investigation reports.

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.

February 28, 2005      Referred to Committee on Corrections and the Courts.

March 23, 2005      **PUBLIC HEARING HELD**

Present:    (9)      Representatives Bies, Gundrum, Underheim,  
   Suder, LeMahieu, Pope-Roberts, Wasserman,  
   Seidel and Parisi.  
Absent:    (1)      Representative Owens.

##### Appearances For

- Tanya Hein — Rep. Karl Van Roy
- John Zakowski — Brown County District Attorney
- Pat Hitt — Brown County District Attorney

##### Appearances Against

- None.

##### Appearances for Information Only

- None.

##### Registrations For

- Michelle Mettner — Association of State Prosecutors
- Robert Cowles — Sen., 2nd Senate District

##### Registrations Against

- None.

May 4, 2005

**EXECUTIVE SESSION HELD**

Present:    (9)      Representatives Bies, Gundrum, Underheim,  
   Owens, Suder, LeMahieu, Pope-Roberts,  
   Wasserman and Seidel.  
Absent:    (1)      Representative Parisi.

Moved by Representative Gundrum, seconded by Representative Underheim that **Assembly Bill 143** be recommended for passage.

Ayes: (9) Representatives Bies, Gundrum, Underheim, Owens, Suder, LeMahieu, Pope-Roberts, Wasserman and Seidel.

Noes: (0) None.

Absent: (1) Representative Parisi.

PASSAGE RECOMMENDED, Ayes 9, Noes 0

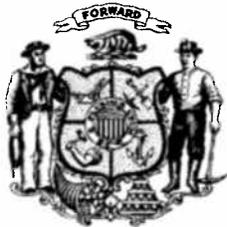
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Andrew Nowlan  
Committee Clerk





# WISCONSIN STATE LEGISLATURE



# **Assembly Republican Majority**

## **Bill Summary**

**Contact:** Andrew Nowlan, Office of Rep. Garey Bies

### **AB 143: Access to Presentence Investigation Reports**

Relating to: Access to presentence investigation reports.

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.

**Date:** November 8<sup>th</sup>, 2005

### **BACKGROUND**

Under current law, 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.

### **SUMMARY OF AB 143**

Under 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.

### **AMENDMENTS**

There were no amendments offered in Committee.

### **FISCAL EFFECT**

A fiscal estimate was not prepared for AB 143.

### **PROS**

1. Much work for DAs could be eliminated if they were to be allowed access to presentence reports for individuals reentering criminal justice system.
2. More information available to the DAs will help the DAs in their duties.
3. Will create efficiencies in the criminal justice system.

### **CONS**

1. The potential, however slight, for an individual's presentence report to be improperly utilized by an unscrupulous DA.

### **SUPPORTERS**

Rep. Karl Van Roy, author; Sen. Robert Cowles, lead co-sponsor; Association of State Prosecutors, Brown County District Attorney's Office.

### **OPPOSITION**

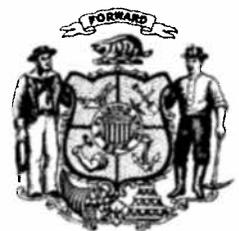
Nobody appeared or registered in opposition to AB 143.

### **HISTORY**

Assembly Bill 143 was introduced on 2-28-2005, and referred to the Assembly Committee on Corrections and the Courts. A public hearing was held on 3-23-2005. On 5-04-2005, the Committee voted 9-0 [Rep. Parisi Absent] to recommend passage of AB 143.



# WISCONSIN STATE LEGISLATURE



AB 143

Efficiencies in the criminal justice system.

PSR is basically a background file on defendant on everything up to the point prior to sentencing.

Used in helping to determine what the appropriate sent.

Prosecutors want to be able to keep copies of files to help when indiv come thru system again for new charges etc.

Bill allow prosecutors, Defense attys & w/rep defendants keep a copy

DAs - Would save a great deal of work if an individual comes back thru the system and the DA has access to the presentence report. A waste to have this info sealed away.

↳ seal away medical records never to be accessed by patients or doctors?

More info available to the DAs will allow the DAs to be better equipped to do the right thing.