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(FORM UPDATED: 08/11/2010)

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

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Judiciary, Corrections and Privacy...

#### 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**

\* Contents organized for archiving by: Stefanie Rose (LRB) (July 2012)

**Senate**

**Record of Committee Proceedings**

**Committee on Judiciary, Corrections and Privacy**

**Assembly Bill 172**

Relating to: the rights of adult children of crime victims.

By Representatives Molepske, Van Akkeren, Seidel, Turner, Zepnick, Cullen, Colon, Bies, Hahn, Hines, Vruwink, Grigsby, Berceau, Ott, Sheridan and M. Williams; cosponsored by Senators Hansen, Roessler and Lassa.

March 06, 2006      Referred to Committee on Judiciary, Corrections and Privacy.

April 17, 2006      **PUBLIC HEARING HELD**

Present:    (5)    Senators Zien, Roessler, Grothman, Taylor and  
                                Risser.

Absent:    (0)    None.

Appearances For

- Louis Molepske, Jr. — Representative, 71st Assembly District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Peg Lautenschlager — Attorney General, WI Attorney General

Registrations Against

- None.

April 19, 2006      **EXECUTIVE SESSION HELD**

Present:    (5)    Senators Zien, Roessler, Grothman, Taylor and  
                                Risser.

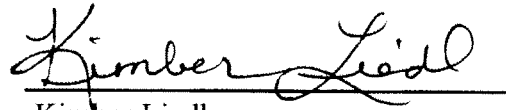
Absent:    (0)    None.

Moved by Senator Roessler, seconded by Senator Zien that  
**Assembly Bill 172** be recommended for concurrence.

Ayes:    (5)    Senators Zien, Roessler, Grothman, Taylor  
                                and Risser.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

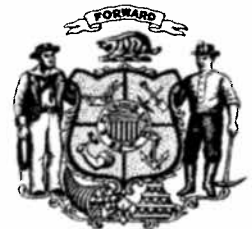
A handwritten signature in cursive script that reads "Kimber Liedl". The signature is written in black ink and is positioned above a horizontal line.

Kimber Liedl  
Committee Clerk





# WISCONSIN STATE LEGISLATURE



# PORTAGE COUNTY DISTRICT ATTORNEY THOMAS B. EAGON



Assistant District Attorneys  
**VERONICA ISHERWOOD**  
**DAVID R. KNAAPEN**

April 20, 2005

Victim-Witness  
**CARRIE DAVIES**

Chair Suder and  
Members of The Justice  
and Homeland Security Committee

RE: Support for AB172  
Rights of Crime Victims

Dear Chair Suder and Committee Members:

Please accept this letter as an indication of my solid support for Assembly Bill 172 Rights of Crimes Victims. It corrects a crack in the law that denies adult children of homicide victims the rights that the victim's parents' siblings and minor children have.

The inadvertent omission of this class of victim caused great distress for the children of an OWI homicide victim when I had to explained to them the court's ruling that under the language of the statute they are not considered victims in their mother's tragic death.

I believe this bill provides a fair and simple remedy to this glitch in the statute. Thank you for your consideration in this matter.

Sincerely,

Thomas B. Eagon  
District Attorney  
Portage County

TBE:dkg

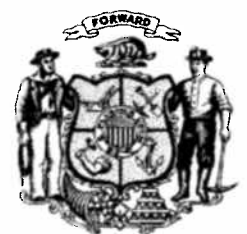
*Δ - Homicide by  
intoxicated use  
of a vehicle  
\*caused death of  
Kathleen McDougal*

*her  
daughter  
NOT  
considered  
victims*

*Teresa Bohm  
+  
Michelle  
Koshoilek*



# WISCONSIN STATE LEGISLATURE





WISCONSIN STATE REPRESENTATIVE  
**Louis J. Molepske, Jr.**  
71ST ASSEMBLY DISTRICT

March 24, 2006

The Honorable Dave Zien, Chair  
Senate Committee on Judiciary, Corrections and Privacy  
Wisconsin State Capitol  
Room 15 South  
Madison, WI  
*HAND DELIVERED*

Re: Assembly Bill 172

Dear Senator Zien: *Dave* :

I write to respectfully request your committee's consideration of Assembly Bill 172, an important victims' rights equalization bill that garnered unanimous support in the Assembly. **Currently, all victims and their close relatives are granted rights and protections under Chapter 950 "The Rights of Victims and Witnesses of Crime." Adult children (18 and older) are the only next of kin not afforded protections under Chapter 950.**

I introduced this legislation after being contacted by my local district attorney who relayed the following tragic real-life example illustrating the need for this legislation. In Portage County, a mother was killed by a drunk driver leaving behind two adult daughters as her only family. After a jury trial, the defendant was convicted and the court ordered restitution for lost wages to the daughters—as they believed was afforded by the Victim's Bill of Rights. The defendant objected, he argued that since statutes define child as "a person less than 18 years of age," and the Victim's Bill of Rights only extends to spouse, child, sibling, parent or legal guardian of a dead relative—these two adult children should be excluded from having any rights under the Victim's Bill of Rights. The court reluctantly agreed.

Besides restitution, other rights afforded by the Victim's Bill of Right Include:

- The right to attend proceedings in the case
- The right to notification of hearings or court proceedings
- The right to consult with district attorneys in the case
- The right to make a statement at a pre-sentencing hearing.
- The right to petition for restitution.
- The right to speak at parole hearings.

DISTRICT:  
1557 Church Street  
Stevens Point, WI 54481  
(715) 342-8985  
Rep.Molepske@legis.state.wi.us

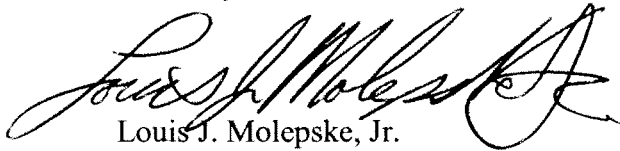
STATE CAPITOL:  
P.O. Box 8953  
Madison, WI 53708-8953  
Toll-free: 888-534-0071 or (608)267-9649  
FAX: (608) 282-3671



As I am sure you agree, it is inconsistent, if not absurd to have an adult siblings and not adult children of crime victims granted rights under the Crime Victim's Bill of Rights. In other words, if God forbid, my parents were killed as the result of a crime, my aunts, uncles, and grandparents would be afforded all those basic rights afforded to victims families—but I would not.


I thank you in advance for your consideration of this important legislation.

Sincerely,



Louis J. Molepske, Jr.  
State Representative  
71<sup>st</sup> Assembly District

Thank you!



## 2005 ASSEMBLY BILL 172

March 8, 2005 – Introduced by Representatives MOLEPSKE, VAN AKKEREN, SEIDEL, TURNER, ZEPNICK, CULLEN, COLON, BIES, HAHN, HINES, VRUWINK, GRIGSBY, BERCEAU, OTT, SHERIDAN and M. WILLIAMS, cosponsored by Senators HANSEN, ROESSLER and LASSA. Referred to Committee on Criminal Justice and Homeland Security.

1 AN ACT *to amend* 950.02 (1) and 950.02 (3) of the statutes; **relating to:** the rights  
2 of adult children of crime victims.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, a victim of a crime has a variety of rights, including the right to notice of court proceedings, the right to make a statement in connection with a sentencing, dispositional, or parole hearing, and the right to restitution. Family members have those rights if the victim is deceased or is physically or emotionally unable to exercise his or her own rights as a victim. Current law defines “family member” to include a spouse, child, sibling, parent, or legal guardian, but in this context “child” does not include a person who is 18 years or older. Thus, adult children of a deceased victim or of a victim who is otherwise unable to exercise his or her own rights do not have rights as crime victims.

This bill amends the definition of “family member” so that it includes adult children. Under the bill, an adult child would have the same rights as a minor child in cases in which the victim is deceased or is otherwise unable to exercise his or her own rights.

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

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



ASSEMBLY BILL 172

An Act to amend 950.02 (1) and 950.02 (3) of the statutes; relating to: the rights of adult children of crime victims. (FE)

2005

03-08-05. A. Introduced by Representatives Molepske, Van Akkeren, Seidel, Turner, Zepnick, Cullen, Colon, Bies, Hahn, Hines, Vruwink, Grigsby, Berceau, Ott, Sheridan and M. Williams; cosponsored by Senators Hansen, Roessler and Lassa.

03-08-05. A. Read first time and referred to committee on Criminal Justice and Homeland Security 108

03-14-05. A. Fiscal estimate received.

03-14-05. A. Fiscal estimate received.

04-20-05. A. Public hearing held.

05-18-05. A. Executive action taken.

05-19-05. A. Report passage recommended by committee on Criminal Justice and Homeland Security, Ayes 11, Noes 0 250

05-19-05. A. Referred to committee on Rules 250

2006

02-28-06. A. Made a special order of business at 10:22 A.M. on 3-2-2006 pursuant to Assembly Resolution 49 862

03-02-06. A. Read a second time 895

03-02-06. A. Ordered to a third reading 895

03-02-06. A. Rules suspended 895

03-02-06. A. Read a third time and passed 895

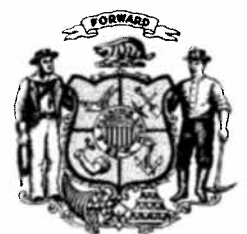
03-02-06. A. Ordered immediately messaged 895

03-06-06. S. Received from Assembly 692

03-06-06. S. Read first time and referred to committee on Judiciary, Corrections and Privacy 692



# WISCONSIN STATE LEGISLATURE





WISCONSIN STATE REPRESENTATIVE  
**Louis J. Molepske, Jr.**  
71ST ASSEMBLY DISTRICT

**Written Testimony of Representative Louis J. Molepske, Jr.  
Assembly Bill 172—Rights of Adult Children of Crime Victims  
Senate Committee on Judiciary, Corrections and Privacy  
April 17, 2006**

Good afternoon, Chairman Zien and members of the Senate Committee on Judiciary, Corrections and Privacy. I appreciate the opportunity to speak about Assembly Bill 172, an important victims' rights equalization bill that garnered unanimous support in the Assembly.

Currently, all victims and their close relatives are granted rights and protections under Chapter 950 "The Rights of Victims and Witnesses of Crime." Adult children (18 and older) are the only next of kin not afforded protections under Chapter 950.

I introduced this legislation after being contacted by my local district attorney who relayed the following tragic real-life example illustrating the need for this legislation. In Portage County, a mother was killed by a drunk driver leaving behind two adult daughters as her only family. After a jury trial, the defendant was convicted and the court ordered restitution for lost wages to the daughters—as they believed was afforded by the Victim's Bill of Rights. The defendant objected, he argued that since statutes define child as "a person less than 18 years of age," and the Victim's Bill of Rights only extends to spouse, child, sibling, parent or legal guardian of a dead relative—these two adult children should be excluded from having any rights under the Victim's Bill of Rights. The court reluctantly agreed.

Besides restitution, other rights afforded by the Victim's Bill of Right include:

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- The right to petition for restitution.
- The right to speak at parole hearings.

As I am sure you agree, it is inconsistent, if not absurd to have an adult siblings and not adult children of crime victims granted rights under the Crime Victim's Bill of Rights. In other words, if God forbid, my parents were killed as the result of a crime, my aunts, uncles, and grandparents would be afforded all those basic rights afforded to victims families—but I would not.

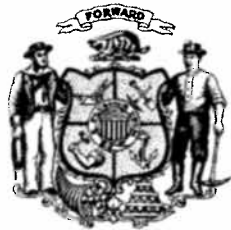
Again, thank you for your consideration on this important legislation. I would welcome any questions you may have at this time.

DISTRICT:  
1557 Church Street  
Stevens Point, WI 54481  
(715) 342-8985  
Rep.Molepske@legis.state.wi.us

STATE CAPITOL:  
P.O. Box 8953  
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# WISCONSIN STATE LEGISLATURE



**Assembly Bill 172... relating to: the rights of adult children of crime victims. (FE)**

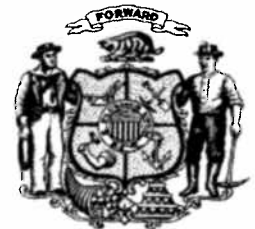
<p><b>BILL SPONSORS</b></p>	<p>Authored by Representatives Molepske, Van Akkeren, Seidel, Turner, Zepnick, Cullen, Colon, <b>Bies, Hahn, Hines, Vruwink</b>, Grigsby, Berceau, <b>Ott, Sheridan and M. Williams.</b></p> <p>Cosponsored by Senators Hansen, <b>Roessler</b> and Lassa.</p>
<p><b>BILL HISTORY</b></p>	<p>Assembly Bill 172 was introduced March 8, 2005 and referred to the Assembly Criminal Justice and Homeland Security Committee. A public hearing was held on April 20, 2005. AB 172 passed the committee on May 18, 2005 with a vote of 11-0.</p> <p>The Assembly passed the bill on March 2, 2006 on a voice vote.</p> <p>A public hearing was held on AB 172 in the Senate Committee on Judiciary, Corrections and Privacy on April 17, 2006, and an executive session was held on April 20, 2006 where the bill passed 5-0.</p>
<p><b>LRB ANALYSIS</b></p>	<p><u><b>Current Law:</b></u> Under current law, a victim of a crime has a variety of rights, including the right to notice of court proceedings, the right to make a statement in connection with a sentencing, dispositional, or parole hearing, and the right to restitution. Family members have those rights if the victim is deceased or is physically or emotionally unable to exercise his or her own rights as a victim. Current law defines "family member" to include a spouse, child, sibling, parent, or legal guardian, but in this context "child" does not include a person who is 18 years or older. Thus, adult children of a deceased victim or of a victim who is otherwise unable to exercise his or her own rights do not have rights as crime victims.</p> <p><u><b>Proposed Changes:</b></u></p> <p>This bill amends the definition of "family member" so that it includes adult children. Under the bill, an adult child would have the same rights as a minor child in cases in which the victim is deceased or is otherwise unable to exercise his or her own rights.</p> <p><u><b>Major Impact:</b></u> AB 172 grants rights to adult children of crime victims, expanding the current definition of family members to include adult children.</p>
<p><b>FISCAL EFFECT</b></p>	<p>The Dept. of Administration cites that AB 172 will increase the administrative workload on cases that are referred to District Attorneys' Offices.</p> <p>The State Public Defender states that the bill would not result in a significant fiscal impact on the agencies in the justice system.</p>
<p><b>SUPPORT</b></p>	<p><b>The following persons appeared in favor of this bill:</b></p> <ol style="list-style-type: none"> <li>1. Representative Louis Molepske, Jr.</li> </ol> <p><b>The following persons registered in favor of this bill:</b></p> <ol style="list-style-type: none"> <li>1. Wisconsin Attorney General Peg Lautenschlager</li> </ol>



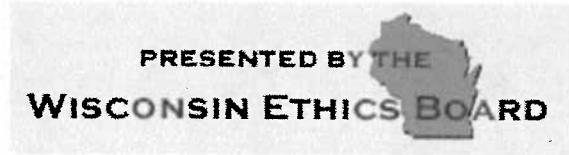
	<p><b>The following organizations registered their support for the bill with the State Ethics Board, but did not testify or register at the public hearing:</b></p> <ol style="list-style-type: none"> <li>1. Wisconsin Coalition Against Domestic Violence</li> <li>2. Wisconsin Coalition Against Sexual Assault</li> <li>3. Wisconsin Sheriffs and Deputy Sheriffs Association</li> </ol>
<b>OPPOSITION</b>	<p><b>The following people testified in opposition to this bill:</b></p> <ol style="list-style-type: none"> <li>1. None</li> </ol> <p><b>The following people registered in opposition to this bill:</b></p> <ol style="list-style-type: none"> <li>1. None</li> </ol> <p><b>The following organizations registered their opposition to the bill with the State Ethics Board, but did not testify or register at the public hearing:</b></p> <ol style="list-style-type: none"> <li>1. None</li> </ol>
<b>NEUTRAL</b>	<p><b>The following organization(s) appeared or registered for information only:</b></p> <ol style="list-style-type: none"> <li>1. None</li> </ol> <p><b>The following organization registered their intention to lobby with the State Ethics Board but did not take a position on the bill:</b></p> <ol style="list-style-type: none"> <li>1. United Council of UW Students</li> <li>2. Wisconsin Association of Local Health Departments and Boards</li> </ol>
<b>CONTACT</b>	<b>Kimber Liedl, Committee Clerk, Senate Committee on Judiciary, Corrections &amp; Privacy</b>
<b>DATE</b>	<b>April 27 2006</b>



# WISCONSIN STATE LEGISLATURE



- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Wednesday, April 26, 2006

2005-2006 legislative session

## Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

- Text, Sponsors and Analysis
- Status and Fiscal Estimate
- Lobbying Effort on this item

### Assembly Bill 172

the rights of adult children of crime victims. (FE)

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comm
◆	◆	United Council of UW Students	4/22/2005	↔	
◆	◆	Wisconsin Association of Local Health Departments and Boards	7/22/2005	?	
◆	◆	Wisconsin Coalition Against Domestic Violence	4/8/2005	↑	
◆	◆	Wisconsin Coalition Against Sexual Assault	4/18/2005	↑	
◆	◆	Wisconsin Sheriffs and Deputy Sheriffs Association	4/18/2005	↑	

Select a legislative proposal and click "go"

**House**    
**Proposal Type**     
**Proposal Number**  (enter proposal number)  
**Legislative Session**