

2009 DRAFTING REQUEST

Bill

Received: **03/06/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notification of release

Instructions:

07 AB 537 but add in that if a person is moved to a community supervised release (intent is to include move to halfway houses) LRB 2315

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>
/?	phurley 05/04/2009	bkraft 05/05/2009		_____			S&L
	phurley 05/05/2009	bkraft 05/05/2009		_____			
/1			phenry 05/05/2009	_____	mbarman 05/05/2009	lparisi 10/20/2009	S&L
/2	phurley	bkraft	mduchek	_____	cduerst	cduerst	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/22/2009	10/23/2009	10/23/2009 _____		10/23/2009	10/23/2009	

FE Sent For:

*at
intro*

<END>

2009 DRAFTING REQUEST

Bill

Received: **03/06/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notification of release

Instructions:

07 AB 537 but add in that if a person is moved to a community supervised release (intent is to include move to halfway houses) LRB 2315

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>
/?	phurley 05/04/2009	bkraft 05/05/2009		_____			S&L
	phurley 05/05/2009	bkraft 05/05/2009		_____			
/1			phenry 05/05/2009	_____	mbarman 05/05/2009	lparisi 10/20/2009	S&L
/2	phurley	bkraft	mduchek	_____	cduerst		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/22/2009	10/23/2009	10/23/2009	_____	10/23/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **03/06/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notification of release

Instructions:

07 AB 537 but add in that if a person is moved to a community supervised release (intent is to include move to halfway houses) LRB 2315

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>
/?	phurley 05/04/2009 phurley 05/05/2009	bkraft 05/05/2009 bkraft 05/05/2009		_____			S&L
/1			phenry 05/05/2009	_____	mbarman 05/05/2009	lparisi 10/20/2009	

1/2 bjk 10/23 *10/23* *[Signature]*

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **03/06/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notification of release

Instructions:

07 AB 537 but add in that if a person is moved to a community supervised release (intent is to include move to halfway houses) LRB 2315

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>
/?	phurley 05/04/2009	bkraft 05/05/2009		_____			S&L
	phurley 05/05/2009	bkraft 05/05/2009		_____			
/1			phenry 05/05/2009	_____	mbarman 05/05/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 03/06/2009

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Anthony Staskunas (608) 266-0620

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Correctional System - prisons

Extra Copies:

Submit via email: YES

Requester's email: Rep.Staskunas@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notification of release

Instructions:

07 AB 537 but add in that if a person is moved to a community supervised release (intent is to include move to halfway houses) LRB 2315 4-1-09 x/L: ↑ so that notice matches what victims get, including petitions

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

1?	phurley	1bjk ^{5/5}	S 15 Ph	5 15 Ph/mo			
----	---------	---------------------	---------------	------------------	--	--	--

FE Sent For:

<END>



State of Wisconsin
2007 - 2008 LEGISLATURE

FROM
2007
2315/1

2321/1

LRB-2315/D

PJH:rs

(bjk)

rmnr

2007 ASSEMBLY BILL 537

5-4-09

SA
x-ref

Inserts

October 16, 2007 - Introduced by Representatives GUNDRUM, STASKUNAS, TOWNSEND, TURNER, MUSSER, NASS, A. OTT, SHERIDAN, MURSAU, BIES, LEMAHIEU, NERISON, HRAYCHUCK, NYGREN, KRUSICK, GUNDERSON and VAN ROY, cosponsored by Senators SULLIVAN, LEHMAN, LAZICH, ROESSLER and KANAVAS. Referred to Committee on Corrections and Courts.

regan

- 1 AN ACT *to create* 301.38 (2) (c), 302.105 (2) (c), 303.068 (4m) (b) 3., 971.17 (4m)
- 2 (b) 3. and 971.17 (6m) (b) 3. of the statutes; **relating to:** notifying a law
- 3 enforcement agency when certain persons are released from the custody of the
- 4 Department of Corrections.

Analysis by the Legislative Reference Bureau

~~Current law requires that a victim of a crime or the victim's family, if the victim was killed, be notified when the person who committed the crime is released from a correctional facility, released from extended supervision or parole, or conditionally or permanently released from a mental health facility.~~

~~Under this bill, if the victim was a law enforcement officer and was killed, the law enforcement agency that employed the victim and the head of the bargaining unit that represented the victim must also be notified when the person who committed the crime is released from a correctional facility, released from extended supervision or parole, or conditionally or permanently released from a mental health facility.~~

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

Insert
analysis

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

ASSEMBLY BILL 537

Insert 7

① SECTION 1. 301.38 (2) (c) of the statutes is created to read:

2 301.38 (2) (c) If the prisoner was convicted of an offense under s. 940.01, 940.02,
3 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
4 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
5 which the officer served and the head of the collective bargaining unit, if any, for that
6 law enforcement agency.

7 SECTION 2. 302.105 (2) (c) of the statutes is created to read:

8 302.105 (2) (c) If the inmate was convicted of an offense under s. 940.01, 940.02,
9 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
10 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
11 which the officer served and the head of the collective bargaining unit, if any, for that
12 law enforcement agency.

Insert 2

⑬ SECTION 3. 303.068 (4m) (b) 3. of the statutes is created to read:

14 303.068 (4m) (b) 3. If the inmate was convicted of an offense under s. 940.01,
15 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
16 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
17 which the officer served and the head of the collective bargaining unit, if any, for that
18 law enforcement agency.

Insert 3

⑰ SECTION 4. 971.17 (4m) (b) 3. of the statutes is created to read:

20 971.17 (4m) (b) 3. If the defendant was charged with an offense under s. 940.01,
21 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
22 enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency
23 on which the officer served and the head of the collective bargaining unit, if any, for
24 that law enforcement agency.

⑲ SECTION 5. 971.17 (6m) (b) 3. of the statutes is created to read:

Insert 4

ASSEMBLY BILL 537

1 971.17 (6m) (b) 3. If the defendant was charged with an offense under s. 940.01,
 2 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
 3 enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency
 4 on which the officer served and the head of the collective bargaining unit, if any, for
 5 that law enforcement agency.

Insert 4

6

(END)

9 (#) ΔΔ

Section (#)

Initial applicability

offenses that are committed on the effective date of this subsection.

This act first applies to

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2321/?ins

.....

INSERT ANALYSIS:

Under current law, when a person who committed a crime petitions for release from a correctional facility, escapes from a correctional facility, is released from extended supervision or parole, petitions for a pardon, is placed into a community setting, or is conditionally or permanently released from a mental health facility, the victim of the person's crime is notified. If the victim of the crime was killed, the victim's family receives notification. If the notification relates to a petition for early release, sentence modification, or a pardon, the victim or the victim's family may testify against the person's petition.

Under this bill, if the victim was a law enforcement officer and was killed by the person, the law enforcement agency that employed the victim and the head of the bargaining unit that represented the victim must be notified under the same circumstances as a victim or the family of the victim. The bill affords the law enforcement agency and the head of the bargaining unit the same opportunities to testify against the person's petition for early release, sentence modification, or a pardon.

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

INSERT 1:

> SECTION 1. 51.37 (10) (dg) 4. of the statutes is created to read:

51.37 (10) (dg) 4. ^eIf the patient committed an offense described in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency on which the officer served and the head of the collective bargaining unit, if any, for that law enforcement agency.

SECTION 2. 51.37 (10) (dm) of the statutes is amended to read:

> 51.37 (10) (dm) ⁹1. The notice under par. (dg) shall inform the offices and person under par. (dg) 1. to ~~3.~~ ^{4.} of the patient's name and of the date the patient will begin the home visit or leave. The department shall provide notice under this paragraph for a patient's first extended home visit or leave and, upon request, for subsequent extended home visits or leaves.

2. The department shall send the notice, postmarked at least 7 days before the patient begins the extended home visit or leave, to the last-known address of the offices and person under par. (dg) 1. to ~~3.~~ 4.

3. If the notice is for a first extended home visit or leave, the notice shall inform the offices and person under par. (dg) 1. to ~~3.~~ 4. that notification of subsequent extended home visits or leaves will be provided only upon request.

History: 1975 c. 430; 1977 c. 418 ss. 360 to 362, 929 (55); 1977 c. 428 ss. 80, 81, 115; 1977 c. 447; 1977 c. 449 s. 497; 1979 c. 32, 117, 175, 221; 1983 a. 27, 359, 474; 1985 a. 29 ss. 1075 to 1077, 3200 (56), 3202 (23); 1985 a. 176; 1987 a. 307, 394; 1989 a. 31, 359; 1991 a. 39, 269; 1995 a. 27 s. 9126 (19); 1995 a. 292; 1997 a. 181, 283; 2001 a. 16 s. 4034zj; 2001 a. 103; 2007 a. 20 s. 9121 (6) (a).

SECTION 3. 51.37 (10) (dx) of the statutes is amended to read:

51.37 (10) (dx) The department shall design and prepare cards for persons specified in par. (dg) 3. and 4. to send to the department. The cards shall have space for these persons to provide their names and addresses, the name of the applicable patient and any other information the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (dg) 3.

> and 4. ^Δ These persons may send completed cards to the department. All departmental records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1).

History: 1975 c. 430; 1977 c. 418 ss. 360 to 362, 929 (55); 1977 c. 428 ss. 80, 81, 115; 1977 c. 447; 1977 c. 449 s. 497; 1979 c. 32, 117, 175, 221; 1983 a. 27, 359, 474; 1985 a. 29 ss. 1075 to 1077, 3200 (56), 3202 (23); 1985 a. 176; 1987 a. 307, 394; 1989 a. 31, 359; 1991 a. 39, 269; 1995 a. 27 s. 9126 (19); 1995 a. 292; 1997 a. 181, 283; 2001 a. 16 s. 4034zj; 2001 a. 103; 2007 a. 20 s. 9121 (6) (a).

SECTION 4. 301.046 (4) (b) 3. of the statutes is created to read:

301.046 (4) (b) 3. If the prisoner was convicted of an offense under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on which the officer served and the head of the collective bargaining unit, if any, for that law enforcement agency.

SECTION 5. 301.048 (4m) (b) 3. of the statutes is created to read:

> 301.048 (4m) (b) 3. ^AIf the prisoner was convicted of an offense under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on which the officer served and the head of the collective bargaining unit, if any, for that law enforcement agency.

INSERT 2:

SECTION 6. 302.113 (9g) (g) 1. of the statutes is amended to read:

302.113 (9g) (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4) and includes, if the inmate was convicted of an offense under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the person killed was a law enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on which the officer served and the head of the collective bargaining unit, if any, for that law enforcement agency.

> that law enforcement agency. *plain period*

History: 1997 a. 283; 2001 a. 16, 109; 2003 a. 33; 2005 a. 42.

SECTION 7. 302.114 (6) (a) of the statutes is amended to read:

302.114 (6) (a) In this subsection, "victim" has the meaning given in s. 950.02 (4) and includes, if the inmate was convicted of an offense under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the person killed was a law enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on which the officer served and the head of the collective bargaining unit, if any, for that

> law enforcement agency. *plain period*

History: 1997 a. 283; 2001 a. 16, 109; 2005 a. 42.

INSERT 3:

SECTION 8. 304.06 (1) (c) 4. of the statutes is created to read:

> 304.06 (1) (c) 4. ^AIf the inmate was convicted of an offense under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law

enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on which the officer served and the head of the collective bargaining unit, if any, for that law enforcement agency.

SECTION 9. 304.06 (1) (d) 1. of the statutes is amended to read:

304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons under par. (c) 1. to ~~3.~~ 4. of the manner in which they may provide written statements under this subsection, shall inform persons under par. (c) 3. or 4. of the manner in which they may attend interviews or hearings and make statements under par. (eg) and shall inform persons under par. (c) 3. or 4. who are or who represented, pursuant to par. (c) 4., victims, or family members of victims, of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 of the manner in which they may have direct input in the parole decision-making process under par. (em). The parole commission shall provide notice under this paragraph for an inmate's first application for parole and, upon request, for subsequent applications for parole.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

SECTION 10. 304.06 (1) (d) 4. of the statutes is amended to read:

304.06 (1) (d) 4. If the notice is for a first application for parole, the notice shall inform the offices and persons under par. (c) 1. to ~~3.~~ 4. that notification of subsequent applications for parole will be provided only upon request.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

SECTION 11. 304.06 (1) (e) of the statutes is amended to read:

304.06 (1) (e) The parole commission shall permit any office or person under par. (c) 1. to ~~3.~~ 4. to provide written statements. The parole commission shall give consideration to any written statements provided by any such office or person and

received on or before the date specified in the notice. This paragraph does not limit the authority of the parole commission to consider other statements or information that it receives in a timely fashion.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

SECTION 12. 304.06 (1) (eg) of the statutes is amended to read:

304.06 (1) (eg) The parole commission shall permit any person under par. (c) 3. or 4. to attend any interview or hearing on the parole application of an applicable inmate and to make a statement at that interview or hearing.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

SECTION 13. 304.06 (1) (em) of the statutes is amended to read:

304.06 (1) (em) The parole commission shall promulgate rules that provide a procedure to allow any person who is a victim, or a family member of a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 and to allow a person specified under par. (c) 4. to have direct input in the parole decision-making process.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

SECTION 14. 304.06 (1) (f) of the statutes is amended to read:

304.06 (1) (f) The parole commission shall design and prepare cards for persons specified in par. (c) 3. and 4. to send to the commission. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the parole commission determines is necessary. The parole commission shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par.

> (c) 3. and 4. These persons may send completed cards to the parole commission. All commission records or portions of records that relate to mailing addresses of these

persons are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a person specified in par. (c) 3. is made a part of the documentary record considered in connection with a parole hearing under this section, the parole commission shall obliterate from the statement all references to the mailing addresses of the person. A person specified in par. (c) 3. who attends an interview or hearing under par. (eg) may not be required to disclose at the interview or hearing his or her mailing addresses.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

SECTION 15. 304.063 (2) (c) of the statutes is created to read:

304.063 (2) (c) If the prisoner was convicted of an offense under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on which the officer served and the head of the collective bargaining unit, if any, for that law enforcement agency.

SECTION 16. 304.09 (2) (d) of the statutes is created to read:

> 304.09 (2) (d) If the ~~prisoner~~ ^{convict} was convicted of an offense under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on which the officer served and the head of the collective bargaining unit, if any, for that law enforcement agency.

SECTION 17. 304.09 (3) of the statutes is amended to read:

304.09 (3) The notice shall inform the persons under sub. (2) of the manner in which they may provide written statements or participate in any applicable hearing. The applicant shall serve notice on the persons under sub. (2) (a) and (b) at least 3 weeks before the hearing of the application. The governor shall make a reasonable

attempt to serve notice on the ~~person~~ persons under sub. (2) (c) and (d) at least 3 weeks before the hearing of the application. The notice shall be published at least once each week for 2 successive weeks before the hearing in a newspaper of general circulation in the county where the offense was committed. If there is no such newspaper, the notice shall be posted in a conspicuous place on the door of the courthouse of the county for 3 weeks before the hearing and published once each week for 2 consecutive weeks before the hearing in a newspaper published in an adjoining county. Publication as required in this subsection shall be completed by a date designated by the governor. The date shall be a reasonable time prior to the hearing date.

History: 1983 a. 364; 1989 a. 31 s. 1708; Stats. 1989 s. 304.09; 1997 a. 181.

SECTION 18. 304.10 (2) of the statutes is amended to read:

> 304.10 (2) When a victim ^e~~or~~ member of the victim's family, or person specified in s. 304.09 (2) (d) receives notice under s. 304.09 (3), he or she may provide the governor with written statements indicating his or her views regarding the application and stating any circumstances within his or her knowledge in aggravation or extenuation of the applicant's guilt. Upon receipt of any such statement, the governor shall place the statement with the other pardon application papers.

History: 1983 a. 364; 1989 a. 31 s. 1709; Stats. 1989 s. 304.10; 1991 a. 269, 316; 1995 a. 224.

INSERT 4:

SECTION 19. 971.17 (4m) (c) of the statutes is amended to read:

971.17 (4m) (c) The notice under par. (b) shall inform the department of corrections and the ~~person~~ persons under par. (b) 1. and 3. of the defendant's name and conditional release date. The district attorney shall send the notice, postmarked

no later than 7 days after the court orders the conditional release under this section, to the department of corrections and to the last-known ~~address~~ addresses of the ~~person~~ persons under par. (b) 1. and 3.

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50; 2005 a. 277, 431; 2007 a. 20 ss. 3875, 9121 (6) (a); 2007 a. 116.

INSERT 5:

SECTION 20. 971.17 (6m) (c) of the statutes is amended to read:

971.17 (6m) (c) The notice under par. (b) shall inform the department of corrections and the ~~person~~ persons under par. (b) 1. and 3. of the defendant's name and termination or discharge date. The department of health services shall send the notice, postmarked at least 7 days before the defendant's termination or discharge date, to the department of corrections and to the last-known ~~address~~ addresses of the ~~person~~ persons under par. (b) 1. and 3.

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50; 2005 a. 277, 431; 2007 a. 20 ss. 3875, 9121 (6) (a); 2007 a. 116.

SECTION 21. 971.17 (6m) (d) of the statutes is amended to read:

971.17 (6m) (d) The department of health services shall design and prepare cards for persons specified in par. (b) 1. and 3. to send to the department. The cards shall have space for these persons to provide their names and addresses, the name of the applicable defendant and any other information the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (b) 1. and 3. These persons may send completed cards to the department. All departmental records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1), except as needed to comply with a request under sub. (4m) (d) or s. 301.46 (3) (d).

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50; 2005 a. 277, 431; 2007 a. 20 ss. 3875, 9121 (6) (a); 2007 a. 116.

Parisi, Lori

From: Kelly, Tom
Sent: Tuesday, October 20, 2009 3:12 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2321/1 Topic: Notification of release

Please Jacket LRB 09-2321/1 for the ASSEMBLY.



2009 BILL

SA
X-ref

regen

1 **AN ACT to amend** 51.37 (10) (dm), 51.37 (10) (dx), 302.113 (9g) (g) 1., 302.114 (6)
2 (a), 304.06 (1) (d) 1., 304.06 (1) (d) 4., 304.06 (1) (e), 304.06 (1) (eg), 304.06 (1)
3 (em), 304.06 (1) (f), 304.09 (3), 304.10 (2), 971.17 (4m) (c), 971.17 (6m) (c) and
4 971.17 (6m) (d); and **to create** 51.37 (10) (dg) 4., 301.046 (4) (b) 3., 301.048 (4m)
5 (b) 3., 301.38 (2) (c), 302.105 (2) (c), 303.068 (4m) (b) 3., 304.06 (1) (c) 4., 304.063
6 (2) (c), 304.09 (2) (d), 971.17 (4m) (b) 3. and 971.17 (6m) (b) 3. of the statutes;
7 **relating to:** notifying a law enforcement agency when certain persons are
8 released from the custody of the Department of Corrections.

Analysis by the Legislative Reference Bureau

Under current law, when a person who committed a crime petitions for release from a correctional facility, escapes from a correctional facility, is released from extended supervision or parole, petitions for a pardon, is placed into a community setting, or is conditionally or permanently released from a mental health facility, the victim of the person's crime is notified. If the victim of the crime was killed, the victim's family receives notification. If the notification relates to a petition for early release, sentence modification, or a pardon, the victim or the victim's family may testify against the person's petition.

Under this bill, if the victim was a law enforcement officer and was killed by the person, the law enforcement agency that employed the victim and the head of the

BILL

bargaining unit that represented the victim must be notified under the same circumstances as a victim or the family of the victim. The bill affords the law enforcement agency and the head of the bargaining unit the same opportunities to testify against the person's petition for early release, sentence modification, or a pardon.

For further information see the *state and local* 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:

1 **SECTION 1.** 51.37 (10) (dg) 4. of the statutes is created to read:

2 51.37 (10) (dg) 4. If the patient committed an offense described in s. 940.01,
3 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
4 enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency
5 on which the officer served and the head of the collective bargaining unit, if any, for
6 that law enforcement agency.

7 **SECTION 2.** 51.37 (10) (dm) of the statutes is amended to read:

8 51.37 (10) (dm) 1. The notice under par. (dg) shall inform the offices and ~~person~~
9 persons under par. (dg) 1. to ~~3.~~ 4. of the patient's name and of the date the patient
10 will begin the home visit or leave. The department shall provide notice under this
11 paragraph for a patient's first extended home visit or leave and, upon request, for
12 subsequent extended home visits or leaves.

13 2. The department shall send the notice, postmarked at least 7 days before the
14 patient begins the extended home visit or leave, to the last-known ~~address~~ addresses
15 of the offices and ~~person~~ persons under par. (dg) 1. to ~~3.~~ 4.

16 3. If the notice is for a first extended home visit or leave, the notice shall inform
17 the offices and ~~person~~ persons under par. (dg) 1. to ~~3.~~ 4. that notification of
18 subsequent extended home visits or leaves will be provided only upon request.

BILL

1 **SECTION 3.** 51.37 (10) (dx) of the statutes is amended to read:

2 51.37 (10) (dx) The department shall design and prepare cards for persons
3 specified in par. (dg) 3. and 4. to send to the department. The cards shall have space
4 for these persons to provide their names and addresses, the name of the applicable
5 patient and any other information the department determines is necessary. The
6 department shall provide the cards, without charge, to district attorneys. District
7 attorneys shall provide the cards, without charge, to persons specified in par. (dg) 3.
8 and 4. These persons may send completed cards to the department. All
9 departmental records or portions of records that relate to mailing addresses of these
10 persons are not subject to inspection or copying under s. 19.35 (1).

11 **SECTION 4.** 301.046 (4) (b) 3. of the statutes is created to read:

12 301.046 (4) (b) 3. If the prisoner was convicted of an offense under s. 940.01,
13 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
14 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
15 which the officer served and the head of the collective bargaining unit, if any, for that
16 law enforcement agency.

17 **SECTION 5.** 301.048 (4m) (b) 3. of the statutes is created to read:

18 301.048 (4m) (b) 3. If the prisoner was convicted of an offense under s. 940.01,
19 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
20 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
21 which the officer served and the head of the collective bargaining unit, if any, for that
22 law enforcement agency.

23 **SECTION 6.** 301.38 (2) (c) of the statutes is created to read:

24 301.38 (2) (c) If the prisoner was convicted of an offense under s. 940.01, 940.02,
25 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law

BILL

1 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
2 which the officer served and the head of the collective bargaining unit, if any, for that
3 law enforcement agency.

4 **SECTION 7.** 302.105 (2) (c) of the statutes is created to read:

5 302.105 (2) (c) If the inmate was convicted of an offense under s. 940.01, 940.02,
6 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
7 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
8 which the officer served and the head of the collective bargaining unit, if any, for that

9 law enforcement agency.

10 **SECTION 8.** 302.113 (9g) (g) 1. of the statutes is amended to read:

11 302.113 (9g) (g) 1. In this paragraph "victim" has the meaning given in s.
12 950.02 (4) and includes, if the inmate was convicted of an offense under s. 940.01,
13 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the person killed was
14 a law enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency
15 on which the officer served and the head of the collective bargaining unit, if any, for
16 that law enforcement agency.

17 **SECTION 9.** 302.114 (6) (a) of the statutes is amended to read:

18 302.114 (6) (a) In this subsection, "victim" has the meaning given in s. 950.02
19 (4) and includes, if the inmate was convicted of an offense under s. 940.01, 940.02,
20 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the person killed was a law
21 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
22 which the officer served and the head of the collective bargaining unit, if any, for that
23 law enforcement agency.

24 **SECTION 10.** 303.068 (4m) (b) 3. of the statutes is created to read:

Handwritten annotations: "302.113 (7) (a)", "302.113 (7) (a)", "302.113 (7) (a)", "as affected by 2009 Wisconsin Act 28", "subsection", "plain".

BILL

1 303.068 (4m) (b) 3. If the inmate was convicted of an offense under s. 940.01,
2 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
3 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
4 which the officer served and the head of the collective bargaining unit, if any, for that
5 law enforcement agency.

6 **SECTION 11.** 304.06 (1) (c) 4. of the statutes is created to read:

7 304.06 (1) (c) 4. If the inmate was convicted of an offense under s. 940.01,
8 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
9 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
10 which the officer served and the head of the collective bargaining unit, if any, for that
11 law enforcement agency.

as affected by 2009 Wisconsin Act 28

12 **SECTION 12.** 304.06 (1) (d) 1. of the statutes is amended to read:

13 304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons
14 under par. (c) 1. to ~~3.~~ 4. of the manner in which they may provide written statements
15 under this subsection, shall inform persons under par. (c) 3. or 4. of the manner in
16 which they may attend interviews or hearings and make statements under par. (eg)
17 and shall inform persons under par. (c) 3. or 4. who are or who represented, pursuant
18 to par. (c) 4., victims, or family members of victims, of crimes specified in s. 940.01,

19 940.03, 940.05, 940.225 (1) ~~or (2)~~ ^{or (3)} 948.02 (1) or (2), 948.025, 948.06 or 948.07 of the
20 manner in which they may have direct input in the parole decision-making process
21 under par. (em). ~~The parole commission shall provide notice under this paragraph~~
22 for an inmate's first application for parole and, upon request, for subsequent
23 applications for parole or release to extended supervision x2

24 **SECTION 13.** 304.06 (1) (d) 4. of the statutes is amended to read:

as affected by 2009 Wisconsin Act 28

earned release review

BILL

SECTION 13

or release to extended supervision

1 304.06 (1) (d) 4. If the notice is for a first application for parole, the notice shall
2 inform the offices and persons under par. (c) 1. to ~~3.~~ 4. that notification of subsequent
3 applications for parole will be provided only upon request.

or release to extended supervision

4 **SECTION 14.** 304.06 (1) (e) of the statutes is amended to read: ^{was affected by}

5 304.06 (1) (e) The ^{earned release review} parole commission shall permit any office or person under ^{2009 Wisconsin Act 28A}

6 par. (c) 1. to ~~3.~~ 4. to provide written statements. The ^{earned release review} parole commission shall give

7 consideration to any written statements provided by any such office or person and

8 received on or before the date specified in the notice. This paragraph does not limit

9 the authority of the ^{earned release review} parole commission to consider other statements or information

10 that it receives in a timely fashion.

was affected by 2009 Wisconsin Act 28A

11 **SECTION 15.** 304.06 (1) (eg) of the statutes is amended to read:

12 304.06 (1) (eg) The ^{earned release review} parole commission shall permit any person under par. (c)

13 3. or 4. to attend any interview or hearing on the ^{earned release review} parole application of an applicable

14 inmate and to make a statement at that interview or hearing.

For parole or release to extended supervision

15 **SECTION 16.** 304.06 (1) (em) of the statutes is amended to read:

16 304.06 (1) (em) The ^{earned release review} parole commission shall promulgate rules that provide a

17 procedure to allow any person who is a victim, or a family member of a victim, of a

18 crime specified in s. 940.01, 940.03, 940.05, 940.225 (1) ^{or (2) or (3)} or (2), 948.02 (1) or (2),

19 948.025, 948.06 or 948.07 and to allow a person specified under par. (c) 4. to have

20 direct input in the ^{earned release review} parole decision-making process.

For parole or release to extended supervision

21 **SECTION 17.** 304.06 (1) (f) of the statutes is amended to read:

was affected by 2009 Wisconsin Act 28A

22 304.06 (1) (f) The ^{earned release review} parole commission shall design and prepare cards for persons

23 specified in par. (c) 3. and 4. to send to the commission. The cards shall have space

24 for these persons to provide their names and addresses, the name of the applicable

25 prisoner and any other information the ^{earned release review} parole commission determines is necessary.

earned release review

x2 ← plain

BILL

plain

earned release review

x2

1 The parole commission shall provide the cards, without charge, to district attorneys.

2 District attorneys shall provide the cards, without charge, to persons specified in par.

3 (c) 3. and 4. These persons may send completed cards to the parole commission. All

4 commission records or portions of records that relate to mailing addresses of these

5 persons are not subject to inspection or copying under s. 19.35 (1). Before any written

6 statement of a person specified in par. (c) 3. is made a part of the documentary record

considered in connection with a parole hearing under this section, the parole

commission shall obliterate from the statement all references to the mailing

addresses of the person. A person specified in par. (c) 3. who attends an interview

or hearing under par. (e)g may not be required to disclose at the interview or hearing

his or her mailing addresses.

SECTION 18. 304.063 (2) (c) of the statutes is created to read:

304.063 (2) (c) If the prisoner was convicted of an offense under s. 940.01,

940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law

enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on

which the officer served and the head of the collective bargaining unit, if any, for that

law enforcement agency.

SECTION 19. 304.09 (2) (d) of the statutes is created to read:

304.09 (2) (d) If the convict was convicted of an offense under s. 940.01, 940.02,

940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law

enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on

which the officer served and the head of the collective bargaining unit, if any, for that

law enforcement agency.

SECTION 20. 304.09 (3) of the statutes is amended to read:

earned release review

plain

or 40 ← score

for parole or release to

extend superviso

or 42 ← score

plain

BILL**SECTION 20**

1 304.09 (3) The notice shall inform the persons under sub. (2) of the manner in
2 which they may provide written statements or participate in any applicable hearing.
3 The applicant shall serve notice on the persons under sub. (2) (a) and (b) at least 3
4 weeks before the hearing of the application. The governor shall make a reasonable
5 attempt to serve notice on the ~~person~~ persons under sub. (2) (c) and (d) at least 3
6 weeks before the hearing of the application. The notice shall be published at least
7 once each week for 2 successive weeks before the hearing in a newspaper of general
8 circulation in the county where the offense was committed. If there is no such
9 newspaper, the notice shall be posted in a conspicuous place on the door of the
10 courthouse of the county for 3 weeks before the hearing and published once each
11 week for 2 consecutive weeks before the hearing in a newspaper published in an
12 adjoining county. Publication as required in this subsection shall be completed by
13 a date designated by the governor. The date shall be a reasonable time prior to the
14 hearing date.

15 **SECTION 21.** 304.10 (2) of the statutes is amended to read:

16 304.10 (2) When a victim ~~or~~ member of the victim's family, or person specified
17 in s. 304.09 (2) (d) receives notice under s. 304.09 (3), he or she may provide the
18 governor with written statements indicating his or her views regarding the
19 application and stating any circumstances within his or her knowledge in
20 aggravation or extenuation of the applicant's guilt. Upon receipt of any such
21 statement, the governor shall place the statement with the other pardon application
22 papers.

23 **SECTION 22.** 971.17 (4m) (b) 3. of the statutes is created to read:

24 971.17 (4m) (b) 3. If the defendant was charged with an offense under s. 940.01,
25 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law

BILL

1 enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency
2 on which the officer served and the head of the collective bargaining unit, if any, for
3 that law enforcement agency.

4 **SECTION 23.** 971.17 (4m) (c) of the statutes is amended to read:

5 971.17 (4m) (c) The notice under par. (b) shall inform the department of
6 corrections and the ~~person~~ persons under par. (b) 1. and 3. of the defendant's name
7 and conditional release date. The district attorney shall send the notice, postmarked
8 no later than 7 days after the court orders the conditional release under this section,
9 to the department of corrections and to the last-known ~~address~~ addresses of the
10 ~~person~~ persons under par. (b) 1. and 3.

11 **SECTION 24.** 971.17 (6m) (b) 3. of the statutes is created to read:

12 971.17 (6m) (b) 3. If the defendant was charged with an offense under s. 940.01,
13 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
14 enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency
15 on which the officer served and the head of the collective bargaining unit, if any, for
16 that law enforcement agency.

17 **SECTION 25.** 971.17 (6m) (c) of the statutes is amended to read:

18 971.17 (6m) (c) The notice under par. (b) shall inform the department of
19 corrections and the ~~person~~ persons under par. (b) 1. and 3. of the defendant's name
20 and termination or discharge date. The department of health services shall send the
21 notice, postmarked at least 7 days before the defendant's termination or discharge
22 date, to the department of corrections and to the last-known ~~address~~ addresses of
23 the ~~person~~ persons under par. (b) 1. and 3.

24 **SECTION 26.** 971.17 (6m) (d) of the statutes is amended to read:

Duerst, Christina

From: Kelly, Tom
Sent: Friday, October 23, 2009 4:27 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2321/2 Topic: Notification of release

Please Jacket LRB 09-2321/2 for the ASSEMBLY.