

ASSEMBLY BILL 232 (LRB -1942)

An Act to renumber 950.04 (1v) (a); and to create 950.04 (1v) (ag), 950.04 (1v) (dr) and 950.105 of the statutes; relating to: rights of crime victims and witnesses.

2011

08-29. A. Introduced by Representatives **Jacque, Bies, Bernard Schaber, Brooks, Endsley, Hintz, Kaufert, Kerkman, Kleefisch, Molepske Jr, A. Ott, Rivard, Roys, Thiesfeldt, Van Roy and Vruwink**; cosponsored by Senators **Wanggaard, Moulton, Olsen and Taylor**.

08-29. A. Read first time and referred to committee on Criminal Justice and Corrections 490

09-08. A. Public hearing held.

09-20. A. Assembly amendment 1 offered by Representative **Jacque (LRB a1509)** 520

09-21. A. Assembly amendment 2 offered by Representative **Kessler (LRB a1503)** 523

09-21. A. Assembly amendment 3 offered by Representative **Kessler (LRB a1511)** 523

09-22. A. Executive action taken.

09-28. A. Report Assembly Amendment 1 adoption recommended by committee on Criminal Justice and Corrections, Ayes 9, Noes 0 531

09-28. A. Report passage as amended recommended by committee on Criminal Justice and Corrections, Ayes 8, Noes 1 531

09-28. A. Referred to committee on Rules 531

10-18. A. Placed on calendar 10-20-2011 by committee on Rules.

10-20. A. Read a second time 591

10-20. A. **Assembly amendment 1 adopted** 591

10-20. A. Assembly amendment 4 offered by Representative **Molepske Jr (LRB a1705)** 591

10-20. A. Assembly amendment 4 laid on table, Ayes 60, Noes 36 591

10-20. A. Ordered to a third reading 591

10-20. A. Rules suspended 591

10-20. A. Read a third time and **passed** 591

10-20. A. Ordered immediately messaged 591

10-21. S. Received from Assembly 523

10-21. S. Read first time and referred to committee on Judiciary, Utilities, Commerce, and Government Operations 524

2012

02-28. S. Public hearing held.

03-08. S. Senate amendment 1 offered by Senator **Wanggaard (LRB a2568)** 780

03-12. S. Executive action taken.

03-12. S. Report adoption of Senate Amendment 1 recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 3, Noes 2 786

03-12. S. Report concurrence as amended recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 5, Noes 0 786

03-12. S. Available for scheduling.

03-12. S. Placed on calendar 3-13-2012 pursuant to Senate Rule 18(1) 789

03-13. S. Read a second time 0

03-13. S. **Senate amendment 1 adopted** 0

03-13. S. Ordered to a third reading 0

03-13. S. Rules suspended 0

03-13. S. Read a third time and **concurred in** as amended 0

03-13. S. Ordered immediately messaged 0

03-13. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) 911

03-13. A. Referred to committee on Rules 912

03-13. A. Made a special order of business at 9:03 A.M. on 3-14-2012 pursuant to Assembly Resolution 24 928

03-15. A. Senate amendment 1 **concurred in**.

03-15. A. Action ordered immediately messaged.

**2011
ENROLLED BILL**

11en AB-232

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

11-1942/2

Amendments to above (if none, write "NONE"): AA1 — a 1509/1
SA1 — a 2568/1

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

Topic Rel

3-20-12 J R Miller
Date Enrolling Drafter



2011 ASSEMBLY BILL 232

August 29, 2011 - Introduced by Representatives JACQUE, BIES, BERNARD SCHABER, BROOKS, ENDSLEY, HINTZ, KAUFERT, KERKMAN, KLEEFISCH, MOLEPSKE JR, A. OTT, RIVARD, ROYS, THIESFELDT, VAN ROY and VRUWINK, cosponsored by Senators WANGGAARD, MOULTON, OLSEN and TAYLOR. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to renumber** 950.04 (1v) (a); and **to create** 950.04 (1v) (ag), 950.04 (1v)
2 (dr) and 950.105 of the statutes; **relating to:** rights of crime victims and
3 witnesses.

Analysis by the Legislative Reference Bureau

Currently, the statutes and the state constitution provide various rights to victims of a crime. Under current law the Crime Victim Rights Board (board) has the right and duty to enforce victims' rights. The board may seek to impose a penalty against a public official, agency, or employee that violates a victim's statutory or constitutional rights, obtain equitable relief on a victim's behalf, and may issue a public or private reprimand against the public official, agency, or employee.

This bill confers upon victims the right to be treated with fairness, dignity, and respect for privacy by public officials, employees, or agencies, the right to be free from intimidation, harassment, discrimination, or abuse by public officials, employees, or agencies, and the right not to have their personally identifying information used by any public official, employee, or agency for the purpose of attempting to obtain a personal benefit or financial gain by the official, employee, or agency. Under the bill, a victim has the right, if his or her rights are violated, to seek relief on his or her own behalf, or may request a district attorney to seek relief, at the district attorney's discretion, on his or her behalf.

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

ASSEMBLY BILL 232

INS. SAI-1

INS. SAI-2

1 SECTION 1. 950.04 (1v) (a) of the statutes is renumbered 950.04 (1v) (ar).

2 SECTION 2. 950.04 (1v) (ag) of the statutes is created to read:

3 950.04 (1v) (ag) To be treated with fairness, dignity, and respect for his or her

4 privacy by public officials, employees, or agencies, and to be free from intimidation,

INS. SAI-3

5 harassment, discrimination, or abuse by public officials, employees, or agencies.

6 This paragraph does not impair the right or duty of a public official or employee to

7 conduct his or her official duties in a reasonable and proper manner, including the

8 right and duty for a district attorney to determine whether to file criminal charges

9 in a particular case.

INS. SAI-5

10 SECTION 3. 950.04 (1v) (dr) of the statutes is created to read:

11 950.04 (1v) (dr) To not have his or her personal identifying information used
12 by a public official, employee, or agency for the purpose of attempting to obtain a
13 personal benefit or financial gain by the official, employee, or agency.

14 SECTION 4. 950.105 of the statutes is created to read:

15 **950.105 Enforcement; standing.** A crime victim has a right, independent
16 of the rights and duties of the crime victims rights board under s. 950.09, to exercise
17 and assert in any court his or her rights as a crime victim under the statutes or under
18 article I, section 9m of the Wisconsin constitution. A crime victim, a victim's legal
19 representative, or upon a victim's request, a district attorney may represent the
20 victim's interests in a proceeding or motion brought under this section. A district
21 attorney may, in his or her discretion, decline to represent a victim under this section.

22

(END)

INS. AAI-1



**ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 232**

September 20, 2011 - Offered by Representative JACQUE.

AA1-1

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

2 1. Page 2, line 10: delete lines 10 to 21 and substitute:

3 **SECTION 2d.** 950.04 (1v) (dr) of the statutes is created to read:

4 950.04 (1v) (dr) To not have his or her personal identifiers, as defined in s.
5 85.103 (1) and including an electronic mail address, used or disclosed by a public
6 official, employee, or agency for a purpose that is unrelated to the official
7 responsibilities of the official, employee, or agency.

8 **SECTION 2m.** 950.04 (2w) (dm) of the statutes is created to read:

9 950.04 (2w) (dm) To not have his or her personal identifiers, as defined in s.
10 85.103 (1) and including an electronic mail address, used or disclosed by a public
11 official, employee, or agency for a purpose that is unrelated to the official
12 responsibilities of the official, employee, or agency.

13 **SECTION 2r.** 950.105 of the statutes is created to read:

1 **950.105 Standing.** A crime victim has a right to assert, in a court in the county
2 in which the alleged violation occurred, his or her rights as a crime victim under the
3 statutes or under article I, section 9m, of the Wisconsin Constitution. This section
4 does not preclude a district attorney from asserting a victim's statutory or
5 constitutional crime victim's rights in a criminal case or in a proceeding or motion
6 brought under this section."

7

(END)



**SENATE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 232**

March 8, 2012 – Offered by Senator WANGGAARD.

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

2 1. Page 2, line 1: before that line insert:

3 “SECTION 1g. 950.01 of the statutes is amended to read:

4 **950.01 Legislative intent.** In recognition of the civic and moral duty of
5 victims and witnesses of crime to fully and voluntarily cooperate with law
6 enforcement and prosecutorial agencies, and in further recognition of the continuing
7 importance of such citizen cooperation to state and local law enforcement efforts and
8 the general effectiveness and well-being of the criminal justice system of this state,
9 the legislature declares its intent, in this chapter, to ensure that all victims and
10 witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and
11 that the rights extended in this chapter to victims and witnesses of crime are honored
12 and protected by law enforcement agencies, prosecutors and judges in a manner no

SA1-1

1 less vigorous than the protections afforded criminal defendants. Nothing in this
2 chapter shall be construed to impair the exercise of prosecutorial discretion.

3 2. Page 2, line 1: delete "1" and substitute (1m).

SAI-2

SAI-3

4 3. Page 2, line 4: delete ", and to be free from intimidation," and substitute "0".

5 4. Page 2, line 5: delete that line.

6 5. Page 2, line 7: delete the material beginning with "in a reasonable" and
7 ending with "particular case" on line 9 and substitute "reasonably and in good faith".

8 (END)

SAI-5