

2013 DRAFTING REQUEST

Bill

Received: 10/18/2013 Received By: phurley  
 Wanted: As time permits Same as LRB: -2568  
 For: Julie Lassa (608) 266-3123 By/Representing:  
 May Contact: Drafter: phurley  
 Subject: Criminal Law - crimes agnst kids Addl. Drafters:  
 Criminal Law - victims Extra Copies:

Submit via email: YES  
 Requester's email: Sen.Lassa@legis.wisconsin.gov  
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Extend time limit for minor victims of sex crimes to seek compensation

Instructions:

See attached

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 10/23/2013	evinz 10/18/2013	rschluet 10/18/2013	_____	rose 10/18/2013		State
/2		evinz 10/23/2013	jfrantze 10/23/2013	_____	rose 10/23/2013	mbarman 11/4/2013	State

FE Sent For:

<END>

At Intro.

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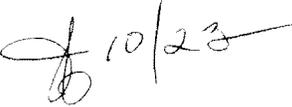
See attached

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12 eev  
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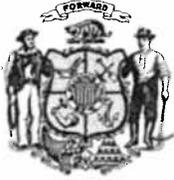
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/1	phurley	1 epv 10/18/13		_____	_____		State

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<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-25684N  
PJH:eev:rs

2013 BILL

10-18

3467//  
comp. law

repeal

1 AN ACT *to amend* 949.08 (1); and *to create* 949.01 (4d), 949.06 (1) (am), 949.08  
2 (1m) and 949.175 of the statutes; **relating to:** awards for the victims of crimes  
3 and making an appropriation.

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

Under current law, a person who is the victim of a crime or a close relative of a victim of a crime may receive compensation for certain losses he or she suffers as a result of the crime, including payment for medical treatment, replacement of lost or damaged property, and certain economic losses, including loss of income that occurs as a result of the crime. Under current law, a person may apply, within one year after the crime occurs, to the Department of Justice (DOJ) for an award if the person reported the crime to law enforcement within five days after the crime occurred. Current law allows DOJ to grant an award after the one-year deadline for application has passed in the interest of justice.

Under current law, DOJ may award up to \$40,000 per injury or death and generally makes the payment in one lump sum. However, DOJ may make periodic payments in the case of a death or protracted disability.

Under this bill, a person who is a victim of certain sexual assault crimes, including sexual assault against a child and human trafficking, may apply for an award for compensation from DOJ for the payment of mental health services for as long as the crime committed against him or her is prosecutable under the applicable statutes of limitation.

Under the bill, DOJ may close its accounts relating to any victim to whom DOJ has granted a compensation award if four years have passed since the time DOJ

**BILL**

made a payment to or on behalf of the victim and DOJ determines, after consulting with the victim, that no further payments or services are warranted.

For further information see the *state* 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:***

1           **SECTION 1.** 949.01 (4d) of the statutes is created to read:

2           949.01 (4d) "Mental health treatment" includes mental health services,  
3 emotional therapy and psychotherapy services, and psychiatric and psychological  
4 services. Mental health treatment includes inpatient and outpatient care.

5           **SECTION 2.** 949.06 (1) (am) of the statutes is created to read:

6           949.06 (1) (am) Mental health treatment.

7           **SECTION 3.** 949.08 (1) of the statutes is amended to read:

8           949.08 (1) No Except as provided in sub. (1m), no order for the payment of an  
9 award may be made unless the application was made within 1 year after the date of  
10 the personal injury or death, and the personal injury or death was the result of an  
11 incident or offense which had been reported to the police within 5 days of its  
12 occurrence or, if the incident or offense could not reasonably have been reported  
13 within such period, within 5 days of the time when a report could reasonably have  
14 been made. The department may waive the one-year requirement under this  
15 subsection in the interest of justice.

16           **SECTION 4.** 949.08 (1m) of the statutes is created to read:

17           949.08 (1m) The department may grant an award for mental health treatment  
18 related to a personal injury or death that results from the commission or the attempt  
19 to commit any crime specified in s. 940.225, 940.302 (2), 948.02, 948.025, 948.05,  
20 948.051, 948.06, 948.085, 948.09, or 948.095 if the department receives the

**BILL**

1 application for an award at any time during which the crime may be prosecuted  
2 pursuant to s. 939.74.

3 **SECTION 5.** 949.175 of the statutes is created to read:

4 **949.175 Closing accounts.** The department may close any account relating  
5 to an award granted to or on behalf of a victim under this subchapter if all of the  
6 following apply:

7 (1) Four years have passed from the date on which the department last made  
8 a payment to or on behalf of the victim.

9 (2) The department has given written notice to the victim that it intends to  
10 close the account and allows the victim an opportunity to object.

11 (3) The department determines that all appropriate payments have been  
12 made. Whenever possible, the department shall confer with the victim before making  
13 this determination.

14 **SECTION 6. Fiscal changes.**

15 (1) VICTIM SERVICES. In the schedule under section 20.005 (3) of the statutes for  
16 the appropriation to the department of justice under section 20.455 (5) (b) of the  
17 statutes, as affected by the acts of 2013, the dollar amount is increased by \$50,000  
18 for the first fiscal year of the fiscal biennium in which this subsection takes effect to  
19 provide compensation for mental health services to victims of sexual assault or  
20 human trafficking. In the schedule under section 20.005 (3) of the statutes for the  
21 appropriation to the department of justice under section 20.455 (5) (b) of the statutes,  
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2  
/mr

## 2013 BILL

by  
noon

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25 human trafficking.



**Barman, Mike**

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**From:** . Hurley, Peggy  
**Sent:** Monday, November 04, 2013 4:49 PM  
**To:** Barman, Mike  
**Subject:** jacketing  
**Attachments:** 13-3467/2.pdf

Can you please have this draft jacketed for Senator Lassa?

Peggy Hurley  
Legislative Reference Bureau  
608 266 8906