



---

---

## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

---

---

|                                       |  |
|---------------------------------------|--|
| <b>2017 Assembly Bill 1033</b>        | <b>Assembly Amendments 1 and 2</b>               |
| <i>Memo published: March 29, 2018</i> | <i>Contact: Rachel E. Snyder, Staff Attorney</i> |

### **2017 ASSEMBLY BILL 1033**

Under current law, pupil records are generally confidential unless a specific exception applies. Pupil records include any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved. [s. 118.125, Stats.]

The bill creates an exception to the general requirement that pupil records remain confidential, allowing a school board to share safety camera footage with a law enforcement agency to the extent that the school board determines that sharing the footage serves a legitimate safety interest.

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 (AA 1) requires the Department of Justice (DOJ) to do the following in conjunction with the Department of Public Instruction and the Department of Health Services:

- Enter into a contract with a public or private entity to operate a 24-hour per day hotline for receiving reports from the public regarding potential self-harm and potential harm or criminal acts directed at students in grades kindergarten through 12, school employees, or schools.
- Exercise operational and administrative oversight of the hotline.
- Ensure that hotline personnel are appropriately trained in crisis management, the resources available for providing mental health treatment and other human services, and any other topic deemed relevant by the departments for the operation of the hotline.

- Develop, notify schools and law enforcement about, and recommend the use of a source of information on the available community mental health resources and contacts.

All three departments must provide information about the hotline on their websites. DOJ must annually submit a report on the hotline to the appropriate standing committees of the Legislature.

AA 1 requires that the hotline allow for the submission of reports and information via a variety of online or wireless communication platforms. Reports and information may be submitted anonymously and must be kept confidential except in limited circumstances. Any of the three departments may review the reports and information and may direct reports and information to law enforcement, school officials, and services providers, as needed. Any information or report suggesting that a psychiatric emergency is occurring must be immediately referred to the appropriate county department. The entity that operates the hotline must maintain any report or information received for at least one year.

## **ASSEMBLY AMENDMENT 2**

Under current law, funds owed to a person accused or convicted of a serious crime pursuant to a contract for a movie, book, magazine article, or other work or form of expression relating to the serious crime must be turned over to the DOJ for deposit into an escrow account. The funds must be made available for use in the following order of priority: (1) for the legal representation of the accused or convicted person; (2) for payments to satisfy money judgments obtained by victims of the serious crime; and (3) for reimbursement to a governmental entity for the cost of the accused or convicted person's legal representation or for unpaid restitution. The DOJ must pay all remaining funds from the account to the accused or convicted person in the following circumstances:

- The charges against the person are dismissed with prejudice or the person is found not guilty of the serious crime.
- Three years have elapsed since the account was established and no civil actions seeking money judgments, unsatisfied money judgments, or claims are pending against the accused or convicted person.

[s. 949.165, Stats.]

Assembly Amendment 2 (AA 2) limits the circumstances under which a person accused or convicted of a serious crime may use or receive funds deposited into an escrow account, as discussed above. Specifically, AA 2 eliminates the provision requiring that escrow funds be used first for the accused or convicted person's legal representation, thus requiring that funds first be used to satisfy money judgments obtained by victims of the serious crime and second for reimbursement to a governmental entity for the cost of the accused or convicted person's legal representation or for unpaid restitution.

AA 2 also provides that any funds remaining in the escrow account after the first two priorities have been satisfied must be paid to the accused or convicted person **only** if the charges against the person are dismissed with prejudice or the person is found not guilty of the serious crime. If three years have elapsed since the escrow account was established and no civil actions, money judgments, or claims are pending against the accused or convicted person, the DOJ must transfer any remaining funds to an appropriation for crime victim compensation.

### **BILL HISTORY**

2017 Assembly Bill 1033 was introduced by Representative Summerfield on March 20, 2018. AA 1 and AA 2 were offered on March 22, 2018, by Representative Ballweg and Speaker Vos, respectively. On March 22, 2018, the Assembly adopted AA 1 and AA 2 and passed the bill, as amended, on voice votes.

RES:ksm