

2019 DRAFTING REQUEST

Bill

For: Patrick Testin (608) 266-3123

Drafter: mjohns

By: Matt

Secondary Drafters:

Date: 10/1/2018

May Contact:

Same as LRB: -3932



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

Pre Topic:

No specific pre topic given

Topic:

Expedited proceedings when the victim is an elder person; preserving the testimony of an elder person

Instructions:

Redraft 17-5854 for 2019 session

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 10/1/2018	eweiss 10/1/2018			
/1			lparisi 10/1/2018	mbarman 8/28/2019	

FE Sent For:   
 2  
 Not  
 Needed

<END>

2019 DRAFTING REQUEST

Bill

For: Justice

Drafter: mjohns

By: Mike Austin

Secondary Drafters:

Date: 10/1/2018

May Contact:

Orig. requester

Same as LRB:

Submit via email: YES

Requester's email: austinmp@doj.state.wi.us

Carbon copy (CC) to: Melinda.Johns@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Expedited proceedings when the victim is an elder person; preserving the testimony of an elder person

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/?	mjohns 10/1/2018	eweiss 10/1/2018			
/1			lparisi 10/1/2018		

FE Sent For:

<END>

# "RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...



## DRAFTING ATTORNEYS:

PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: MLJ) (Date: 10 / 1 / 18)

*Note: BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR" (exception: companion bills)*



Please transfer the drafting file for

**2017 LRB** \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)

to the drafting file for

**2019 LRB** \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)

*Don't know*

OR



Please copy the drafting file for

<sup>17</sup>  
**2019 LRB** 5699 / P2 (include the version) (For: Rep. / Sen. DAJ)  
5700 / P3

and place it in the drafting file for

**2019 LRB** 0402/1 (For: Rep. / Sen. DAJ)



Are These "Companion Bills" ?? ... Yes

No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: \_\_\_\_\_



State of Wisconsin  
2017 - 2018 LEGISLATURE

DUE 10/1/18

0402/1  
LRB-5854/P2  
MLJ:emw&kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAV ✓  
XRC ✓  
PWF ✓

1 **AN ACT to create** 971.108 and 971.109 of the statutes; **relating to:** expediting  
2 criminal proceedings when a victim or witness is an elder person and  
3 preserving the testimony of a crime victim or witness who is an elder person.

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

This bill creates a requirement that a court expedite proceedings in criminal and delinquency cases and juvenile dispositional hearings involving a victim or witness who is an elder person. Under the bill, the court must take appropriate action to ensure a speedy trial in order to minimize the length of time the elder person must endure the stress of involvement in the proceedings.

This bill also creates a requirement that a court preserve certain testimony in criminal matters involving a victim or witness who is an elder person. Under the bill, in criminal and delinquency cases and juvenile disposition hearings involving a victim or witness who is an elder person, the prosecuting attorney may file a motion to preserve the testimony of the elder person. If the prosecuting attorney files such a motion, the court must then hold a hearing to record the testimony of the elder person within 60 days. The bill requires the defendant to be present at the hearing and the witness to be subject to cross-examination at the hearing. The recorded testimony of the elder person from the hearing is admissible at later court

proceedings in the case. Under the bill, an elder person is any person who is 60 years of age or older.

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

X  
SECTION 1. 971.108 of the statutes is created to read:

1           **971.108 Elder person victims and witnesses; duty to expedite**  
2           **proceedings.** (1) In this section, “elder person” means any individual who is 60  
3           years of age or older.  
4

5           (2) In all criminal and delinquency cases and juvenile dispositional hearings  
6           involving a victim or witness who is an elder person, the court and the district  
7           attorney shall take appropriate action to ensure a speedy trial in order to minimize  
8           the length of time the elder person must endure the stress of the elder person’s  
9           involvement in the proceeding. In ruling on any motion or other request for a delay  
10          or continuance of proceedings, the court shall consider and give weight to any  
11          adverse impact the delay or continuance may have on the well-being of a victim or  
12          witness who is an elder person.

13          SECTION 2. 971.109 of the statutes is created to read:

14          **971.109 Elder person victims and witnesses; duty to preserve**  
15          **testimony.** (1) In this section, “elder person” means any individual who is 60 years  
16          of age or older.

17          (2) In all criminal and delinquency cases and juvenile dispositional hearings  
18          involving a crime victim or witness who is an elder person, the court shall, upon the  
19          motion of a district attorney, conduct a hearing within 60 days of the date the motion  
20          was filed to preserve the testimony of the crime victim or witness. The hearing shall  
21          be before the court. The defendant shall be present at the hearing. The crime victim

1 or witness shall be sworn as a witness and shall be subject to cross-examination and  
2 rebuttal if not unduly repetitious. The witness may testify in person, or, upon a  
3 showing by the proponent of good cause under s. 807.13 (2) (c), testimony may be  
4 received into the record of the hearing by telephone or live audiovisual means. The  
5 hearing shall be recorded, and the recorded testimony of the witness shall be  
6 admissible in evidence against the defendant in any court proceeding in the case.

7

(END)

## **Johns, Melinda**

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**From:** Austin, Michael P - DOJ  
**Sent:** Wednesday, December 05, 2018 7:49 AM  
**To:** Gary, Aaron; Johns, Melinda  
**Cc:** Wimmer, Matt  
**Subject:** Bill Drafts  
**Attachments:** 19-0402\_1.pdf; 19-0386\_1.pdf; 19-0385\_1.pdf; 19-0356\_1.pdf

Hi Aaron and Melinda,

We want to transfer over the bill drafts to Senator Testin which are LRB 0402, LRB 0386, LRB 0385, and LRB 0356. I have Matt Wimmer from Senator Testin's Office copied here. Please feel free to touch base with him if you have any questions on how best to do that on their end.

Thanks and let me know if you need anything from me.

**Mike Austin**  
**Policy Director**  
**Office of Attorney General Brad Schimel**  
**Wisconsin Department of Justice**  
**Direct Phone: (608) 267-2224**  
**[austinmp@doj.state.wi.us](mailto:austinmp@doj.state.wi.us)**

**Barman, Mike**

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**From:** Gary, Aaron  
**Sent:** Wednesday, August 28, 2019 9:18 AM  
**To:** Wimmer, Matt  
**Cc:** Johns, Melinda; Barman, Mike  
**Subject:** FW: Elder Task Force Bills  
**Attachments:** 19-0356\_1.pdf; 19-0385\_1.pdf; 19-0386\_2.pdf; 19-0402\_1.pdf

Hi Matt,

If you just want these four bills jacketed for the senate, we can do that. Do you want me to have the jackets sent over?

Thanks. Aaron

Aaron R. Gary  
*Senior Attorney, Legislative Reference Bureau*  
608.504.5850 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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**From:** Wimmer, Matt <Matt.Wimmer@legis.wisconsin.gov>  
**Sent:** Wednesday, August 28, 2019 9:03 AM  
**To:** Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>  
**Subject:** RE: Elder Task Force Bills

Hi Aaron,

Would you be able to send the emails for introduction for the attached bills so I can request Senate bill jackets? I know you have sent them in the past, but I cannot find the emails.

Thanks,

Matt

***Matt Wimmer***  
*Office of Senator Patrick Testin*  
*24th Senate District*  
608-266-3123