

STATE OF WISCONSIN LEGISLATIVE REFERENCE BUREAU DRAFTING HISTORY RESEARCH APPENDIX

The drafting file for $\underline{2017}$ LRB-5699/P2 (For: DOJ) has been transferred to the drafting file for $\underline{2019}$ LRB-0402 (For: DOJ)

RESEARCH APPENDIX -

PLEASE KEEP WITH THE DRAFTING FILE

Request Made By: MLJ

Date: 10/01/2018

2017 DRAFTING REQUEST

ł	}	ì	I	

For:

Justice

Drafter:

mjohns

By:

Mike Austin

Secondary Drafters:

Date:

3/15/2018

May Contact:

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 victim is an elderly person

Instructions:

Create a provision to expedite the criminal proceedings when the victim is an elder person, modeled after 971.105

Drafting History:

Vers.	Drafted	Reviewed	Submitted	<u>Jacketed</u>	Required
/?	mjohns 3/28/2018	kfollett 3/28/2018			
/P1	mjohns 5/11/2018	kfollett 5/14/2018	dwalker 3/28/2018		
/P2			dwalker 5/14/2018		

FE Sent For:

<**END>**



2

3

4

5

6

7

State of Misconsin 2017 - 2018 LEGISLATURE

DUE 3/29/18



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



AN ACT ...; relating to: expedited criminal proceedings when a victim or witness

is an elder person.

Analysis by the Legislative Reference Bureau

This bill creates a requirement that a court expedite proceedings in criminal and delinquency cases and juvenile dispositions hearings involving a victim or witness who is an elder person, which means the person is 62 years of age or older. 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.

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

Section 1. 971.108 of the statutes is created to read:

971.108 Elder person victims and witnesses; duty to expedite proceedings. In all criminal and delinquency cases and juvenile dispositional hearings involving a victim or witness who is an elder person, as defined in s. 973.017 (5) (a) 1., the court and the district attorney shall take appropriate action to ensure

2

3

4

5

6

a speedy trial in order to minimize the length of time the elder person must endure
the stress of the elder person's involvement in the proceeding. In ruling on any
motion or other request for a delay or continuance of proceedings, the court shall
consider and give weight to any adverse impact the delay or continuance may have
on the well-being of a victim or witness who is an elder person.

(END)



2

3

4

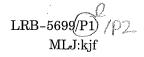
5

6

7

State of Misconsin 2017 - 2018 LEGISLATURE





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT to create 971.108 of the statutes; relating to: expedited criminal proceedings when a victim or witness is an elder person.

Analysis by the Legislative Reference Bureau

This bill creates a requirement that a court expedite proceedings in criminal and delinquency cases and juvenile dispositions hearings involving a victim or witness who is an elder person, which means the person is 62 years of age or older. 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.

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

Section 1. 971.108 of the statutes is created to read:

971.108 Elder person victims and witnesses; duty to expedite proceedings. In all criminal and delinquency cases and juvenile dispositional hearings involving a victim or witness who is an elder person, as defined in s. 973.017 (5) (a) 1., the court and the district attorney shall take appropriate action to ensure

a speedy trial in order to minimize the length of time the elder person must endure the stress of the elder person's involvement in the proceeding. In ruling on any motion or other request for a delay or continuance of proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a victim or witness who is an elder person.

6 (END)

relevence in this draft, and convent law sets the age at 62 years of age or older. To change this, s. 973.07f (5)(9)1. must be amended either in this draft or another stand-alone draft.



2

3

4

5

6

7

8

State of Misconsin 2017 - 2018 LEGISLATURE

 $\begin{array}{c} LRB-5699/P2\\ MLJ:kjf \end{array}$

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT to create 971.108 of the statutes; relating to: expedited criminal proceedings when a victim or witness is an elder person.

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.

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

Section 1. 971.108 of the statutes is created to read:

971.108 Elder person victims and witnesses; duty to expedite proceedings. In all criminal and delinquency cases and juvenile dispositional hearings involving a victim or witness who is an elder person, as defined in s. 973.017 (5) (a) 1., the court and the district attorney shall take appropriate action to ensure a speedy trial in order to minimize the length of time the elder person must endure

- the stress of the elder person's involvement in the proceeding. In ruling on any motion or other request for a delay or continuance of proceedings, the court shall
- 3 consider and give weight to any adverse impact the delay or continuance may have
- on the well-being of a victim or witness who is an elder person.

****Note: The age of an "elder person" is designated by cross-reference in this draft, and current law sets the age at 62 years of age or older. To change this, s. 973.017 (5) (a) 1. must be amended either in this draft or another stand-alone draft.

5

(END)