



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0278/1
MLJ:amn

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 28**

February 17, 2020 - Offered by Representative HORLACHER.

1 **AN ACT** *to amend* 304.06 (1) (e), 304.10 (2), 938.32 (1) (b) 1g., 938.335 (3m) (ag),
2 950.04 (1v) (m) and 972.14 (3) (a); and *to create* 938.293 (4) and 971.23 (6r) of
3 the statutes; **relating to:** crime victim statements.

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

4 **SECTION 1.** 304.06 (1) (e) of the statutes is amended to read:
5 304.06 (1) (e) The parole commission shall permit any office or person under
6 par. (c) 1. to 3. to provide written statements. The parole commission shall give
7 consideration to any written statements provided by any such office or person and
8 received on or before the date specified in the notice. This paragraph does not limit
9 the authority of the parole commission to consider other statements or information
10 that it receives in a timely fashion. Any statement provided under this paragraph
11 by a person described in par. (c) 3. shall be kept confidential by the parole commission
12 and is not subject to further disclosure.

1 **SECTION 2.** 304.10 (2) of the statutes is amended to read:

2 304.10 (2) When a victim or member of the victim's family receives notice under
3 s. 304.09 (3), he or she may provide the governor with written statements indicating
4 his or her views regarding the application and stating any circumstances within his
5 or her knowledge in aggravation or extenuation of the applicant's guilt. Upon receipt
6 of any such statement, the governor shall place the statement with the other pardon
7 application papers. Any statement provided under this subsection shall be kept
8 confidential and is not subject to further disclosure.

9 **SECTION 3.** 938.293 (4) of the statutes is created to read:

10 938.293 (4) VICTIM STATEMENTS. If the juvenile, the juvenile's counsel, or the
11 guardian ad litem receives a victim statement provided under s. 950.04 (1v) (m), the
12 statement and its contents shall be kept confidential and may not be printed, copied,
13 or disseminated. Immediately after the conclusion of the dispositional hearing
14 where the statement is being considered, the court shall require the juvenile, the
15 juvenile's counsel, and the guardian ad litem to return any copies of the statement
16 to the court. Intentional failure to comply with this subsection may be punished as
17 contempt of court under ch. 785.

18 **SECTION 4.** 938.32 (1) (b) 1g. of the statutes is amended to read:

19 938.32 (1) (b) 1g. The court shall determine whether a victim of the juvenile's
20 act wants to make a statement to the court. If a victim wants to make a statement,
21 the court shall allow the victim to make a statement in court or to submit a written
22 statement to be read to the court. Any victim statement submitted under this
23 subdivision shall be kept confidential and sealed by the court. The court may allow
24 any other person to make or submit a statement under this subdivision. Any
25 statement made under this subdivision must be relevant to the consent decree.

1 **SECTION 5.** 938.335 (3m) (ag) of the statutes is amended to read:

2 938.335 **(3m)** (ag) The court shall determine whether a victim of the juvenile's
3 act wants to make a statement to the court. If a victim wants to make a statement,
4 the court shall allow the victim to make a statement in court or to submit a written
5 statement to be read to the court. Any victim statement submitted under this
6 paragraph shall be kept confidential and sealed by the court. The court may allow
7 any other person to make or submit a statement under this paragraph. Any
8 statement made under this paragraph must be relevant to the disposition.

9 **SECTION 6.** 950.04 (1v) (m) of the statutes is amended to read:

10 950.04 **(1v)** (m) To provide statements concerning sentencing, disposition, or
11 parole, or pardon, as provided under ss. 304.06 (1) (e), 304.10 (2), 938.32 (1) (b) 1g.,
12 938.335 (3m) (ag), and 972.14 (3) (a). Any statement provided under this paragraph
13 shall be kept confidential and is not subject to further disclosure by the court, parole
14 commission, or governor. This paragraph does not limit the obligation of the district
15 attorney from complying with any applicable discovery requirements.

16 **SECTION 7.** 971.23 (6r) of the statutes is created to read:

17 971.23 **(6r)** VICTIM STATEMENTS. If the defendant or his or her attorney receives
18 a victim statement provided under s. 950.04 (1v) (m), the statement and its contents
19 shall be kept confidential and may not be printed, copied, or disseminated.
20 Immediately after the conclusion of the sentencing hearing where the statement is
21 being considered, the court shall require the defendant or his or her attorney to
22 return any copies of the statement to the court. Intentional failure to comply with
23 this subsection may be punished as contempt of court under ch. 785.

24 **SECTION 8.** 972.14 (3) (a) of the statutes is amended to read:

