



ENGROSSED 1997 ASSEMBLY BILL 342

November 6, 1997 - Printed by direction of ASSEMBLY CHIEF CLERK.

1 **AN ACT to repeal** 950.04 (6), 950.04 (10), 950.045, 950.05 (title), 950.05 (1)
2 (intro.), 950.05 (2), 950.06 (1), 950.06 (2m) and 972.14 (1) (a); **to renumber**
3 950.04 (2), 950.04 (2m), 950.04 (3), 950.04 (5), 950.04 (7) and 950.05 (1) (a) to
4 (i); **to renumber and amend** 906.15, 950.02 (4), 950.04 (intro.), 950.04 (1),
5 950.04 (4), 950.04 (8) and 950.04 (9); **to amend** 51.37 (10) (dg), 301.046 (4) (b)
6 (intro.), 301.048 (4m) (b) (intro.), 301.38 (2) (intro.), 301.46 (3) (b), 302.115 (2)
7 (intro.), 303.068 (4m) (b) (intro.), 304.06 (1) (c) (intro.), 304.063 (2) (intro.),
8 304.09 (3), 938.02 (21), 938.24 (5), 938.27 (4m), 938.273 (2), 938.31 (2), 938.315
9 (2), 938.32 (1) (b) 1., 938.32 (1) (b) 2., 938.331, 938.335 (3m) (a), 938.335 (3m)
10 (b), 938.346 (1) (d) 1., 938.346 (1m), 938.346 (3), 938.346 (4), 938.346 (5),
11 938.396 (1g), 938.396 (1t), 938.396 (2) (f), 938.396 (2) (fm), 938.51 (1) (intro.),
12 938.51 (1) (c), 938.51 (1m), 938.51 (2), 938.51 (4) (intro.), 938.51 (4) (a), 950.02
13 (1m), 950.055 (2) (intro.), 950.055 (3), 950.06 (title), 950.06 (2), 950.06 (4),
14 950.08 (title), 950.08 (3), 971.17 (4m) (b), 971.17 (6m) (b), 972.14 (3) (a), 972.14

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1 (3) (b), 972.15 (2m), 980.11 (2) (intro.), 980.11 (2) (am) (intro.) and 980.11 (2)
2 (bm); and **to create** 15.255 (2), 906.15 (2) (d), 938.02 (20m), 938.067 (6g), 938.24
3 (5m), 938.245 (1m), 938.25 (2m), 938.265, 938.296 (1) (e), 938.2965, 938.30
4 (4m), 938.312, 938.32 (1) (am), 938.32 (1) (b) 1m., 938.335 (3m) (am), 938.346
5 (1) (em), 938.346 (1) (fm), 938.346 (1) (h), 950.02 (1t), 950.02 (2m), 950.02 (3m),
6 950.02 (4) (a) 2., 3., 4. and 5., 950.02 (4) (b), 950.04 (1v), 950.04 (2w) (f), 950.06
7 (1m) (intro.), 950.08 (1) (title), 950.08 (2) (title), 950.08 (2g), (2r) and (2s),
8 950.09, 950.095, 950.10, 950.11, 967.10, 971.08 (1) (d), 971.095, 971.10 (3) (b)
9 3., 971.315, 972.14 (1) (ag) and 972.14 (2m) of the statutes; **relating to:** rights
10 of victims of crime, granting rule-making authority and providing a penalty.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1997 Assembly Bill 342 consists of the following documents adopted in the assembly on November 6, 1997: the bill as affected by Assembly Amendment 1 (as affected by Assembly Amendment 1 thereto), Assembly Amendment 2, Assembly Amendment 3, Assembly Amendment 4, Assembly Amendment 5, Assembly Amendment 9 and Assembly Amendment 10. The text also includes the June 9, October 27, and November 7, 1997, chief clerk's corrections to the bill.

Content of Engrossed 1997 Assembly Bill 342:

Currently, both the statutes and the state constitution provide various rights to victims of a crime. Currently, "crime" generally includes an act by a juvenile that would be a crime if committed by an adult. In addition, in certain cases "crime victim" includes family members of a victim who died as a result of the crime and parents or guardians of a victim who is a child.

Among the rights provided to crime victims under current statutes are the following: the right to a speedy disposition of the case in which he or she is involved as a victim; the right to have stolen or other personal property returned expeditiously once it is no longer needed as evidence; the right to information concerning financial assistance and other social services available to crime victims; the right to provide statements to the court concerning sentencing, disposition or parole; the right to seek restitution from the offender and compensation from the state crime victim compensation program; and the right to be informed of the final disposition of the case. In addition, crime victims who have requested such notification have the right to be notified about certain court proceedings that are scheduled in the case in which

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he or she is involved as a victim and about release to the community of a person who committed a crime against the victim, whether that release is to community confinement, to parole or other conditional or supervised release or at the conclusion of the person's sentence or commitment to a mental health institution.

The state constitution provides that crime victims are entitled to the rights provided under current statutes as well as to the following rights: the opportunity to attend court proceedings unless the trial court finds sequestration is necessary to a fair trial for the defendant; reasonable protection from the accused throughout the criminal justice process; and the opportunity to confer with the prosecution. The constitution also requires the legislature to provide remedies for the violation of the rights of crime victims guaranteed by the constitution.

Currently, prosecutors and, in juvenile delinquency cases, court intake workers are responsible for notifying victims of certain of their rights and providing information on how to exercise those rights. In addition, counties are encouraged but not required to enforce crime victims' rights and to provide various services to crime victims. If a county undertakes to enforce victims' rights and provide services to crime victims, the county must bear the costs of the enforcement and services, though it may be eligible to receive reimbursement from the state for providing services to crime victims. In addition, the department of justice (DOJ) must provide information about and referral to crime victim services, crisis counseling and emotional support for crime victims and assistance in securing resources and protection for crime victims. DOJ may also receive and mediate complaints regarding the treatment of crime victims by public officials, employees or agencies or crime victim assistance programs.

This bill does all of the following relating to the rights of victims of crime:

1. The bill provides that county boards do not have the primary responsibility for enforcing victims rights (though county boards will be responsible for providing some services necessary to provide victims their rights and, as under current law, counties will be eligible for reimbursement for the provision of certain services). Instead, the bill specifies that law enforcement agencies and prosecutors or their designees or, in juvenile delinquency cases, court intake workers are responsible for notifying victims of their rights and providing information on how to exercise those rights. In addition, the bill creates a crime victims rights board (board), which consists of a district attorney, a representative of local law enforcement agencies, a person employed or contracted by a county to provide services to victims and witnesses and 2 public members. At the request of one of the parties involved, the board may review a complaint made to DOJ regarding a violation of the rights of a crime victim since DOJ has completed its action on the complaint. Based on its review of the complaint, the board may do any of the following: a) issue private or public reprimands of public officials, employees or agencies that violate the rights of crime victims; b) refer violations of the rights of crime victims by judges to the judicial commission; c) seek appropriate equitable relief on behalf of a victim if such relief is necessary to protect the rights of the victim; or d) bring a civil action to assess a forfeiture of not more than \$1,000. The board may also issue reports and

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recommendations concerning the securing and provision of crime victim rights and services.

2. The bill expands the statutory definition of “crime victim” that is used for purposes of providing most rights and services to crime victims. Under the bill, “crime victim” includes, in addition to the person against whom the crime is committed, all of the following persons: a) a parent, guardian or legal custodian of the victim, if the victim is a child; b) a family member of the victim or another person designated by the victim, if the victim is physically or emotionally unable to exercise his or her rights; c) a family member of the victim or a person who resided with the victim, if the victim is deceased; and d) the guardian of the victim, if the victim has been found incompetent and had a guardian appointed for him or her by a court.

3. The bill requires prosecutors and, in juvenile delinquency cases, court intake workers to confer with a crime victim concerning the case or certain actions being taken in the case, if the victim has requested the opportunity to confer. In juvenile cases a court intake worker must confer with victims concerning deferred prosecution agreements, while a prosecutor of a juvenile delinquency case must confer with victims concerning proposed consent decrees and the possible outcomes of the delinquency proceeding. In adult criminal cases, a prosecutor must confer with victims concerning the prosecution of the case and the possible outcomes of the prosecution. The bill also specifies that the duty to confer does not limit the obligation that prosecutors and court intake workers must exercise discretion or otherwise fulfill their duties.

4. The bill requires notices to victims concerning certain actions taken in a case. Specifically, the bill requires a prosecutor in an adult criminal case to provide, to victims who have requested it, notice of the date, time and place of scheduled court proceedings in the case (other than bail hearings scheduled before the initial appearance in court of the accused). The bill also requires prosecutors and, in juvenile delinquency cases, court intake workers to notify victims if a case is being closed without a person being charged or if a case in which a person was charged is dismissed.

5. The bill specifies that any victim notification requirement that exists under current law or that is created by the bill is satisfied if the person required to provide the notification makes a reasonable attempt to provide the required notice.

6. The bill prohibits a court from excluding a victim from the courtroom during a trial or juvenile delinquency fact-finding hearing unless exclusion is necessary to provide a fair trial or fair fact-finding hearing.

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

1 **SECTION 1.** 15.255 (2) of the statutes is created to read:
2 15.255 (2) CRIME VICTIMS RIGHTS BOARD. (a) There is created a crime victims
3 rights board which is attached to the department of justice under s. 15.03.

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1 (b) The crime victims rights board shall be composed of 5 members as follows:

2 1. One district attorney holding office in this state.

3 2. One representative of local law enforcement in this state.

4 3. One person who is employed or contracted by a county board of supervisors
5 under s. 950.06 to provide services for victims and witnesses of crimes.

6 4. Two members, not employed in law enforcement, by a district attorney or as
7 specified in subd. 3., who are citizens of this state.

8 (c) The members of the crime victims rights board specified in par. (b) 2. and
9 3. shall be appointed by the attorney general. One of the members specified in par.
10 (b) 4. shall be appointed by the crime victims council and the other member shall be
11 appointed by the governor. The member specified in par. (b) 1. shall be appointed by
12 the Wisconsin District Attorneys' Association.

13 (d) The members of the crime victims rights board under par. (a) shall be
14 appointed for 4-year terms, but no member shall serve beyond the time when the
15 member ceases to hold the office or employment by reason of which the member was
16 initially eligible for appointment.

17 (e) Notwithstanding the provisions of any statute, ordinance, local law or
18 charter provision, membership on the crime victims rights board does not disqualify
19 any member from holding any other public office or employment, or cause the
20 forfeiture thereof.

21 **SECTION 2.** 51.37 (10) (dg) of the statutes is amended to read:

22 51.37 (10) (dg) If the department grants a patient an extended home visit or
23 leave under this subsection, the department shall notify do all of the following, ~~if they~~
24 ~~can be found~~, in accordance with par. (dm):

25 1. ~~The~~ Notify the office of the judge who committed the patient.

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1 2. ~~The~~ Notify the office of the district attorney who participated in the
2 commitment proceedings.

3 3. ~~The~~ Make a reasonable attempt to notify the victim of the crime committed
4 by the patient or, if the victim died as a result of the crime, an adult member of the
5 victim's family or, if the victim is younger than 18 years old, the victim's parent or
6 legal guardian, after the submission of a card under par. (dx) requesting notification.

7 **SECTION 3.** 301.046 (4) (b) (intro.) of the statutes is amended to read:

8 301.046 **(4)** (b) (intro.) Before a prisoner is confined under sub. (1) for a violation
9 of s. 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07, the
10 department shall make a reasonable ~~effort~~ attempt to notify all of the following
11 persons, if they can be found, in accordance with par. (c) and after receiving a
12 completed card under par. (d):

13 **SECTION 4.** 301.048 (4m) (b) (intro.) of the statutes is amended to read:

14 301.048 **(4m)** (b) (intro.) As soon as possible after a prisoner, probationer or
15 parolee who has violated s. 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2),
16 948.025, 948.06 or 948.07 enters the intensive sanctions program, the department
17 shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they
18 can be found, in accordance with par. (c) and after receiving a completed card under
19 par. (d):

20 **SECTION 5.** 301.38 (2) (intro.) of the statutes is amended to read:

21 301.38 **(2)** (intro.) If a prisoner escapes from a Type 1 prison, the department
22 shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they
23 can be found, in accordance with sub. (3) and after receiving a completed card under
24 sub. (4):

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1 **SECTION 6.** 301.46 (3) (b) of the statutes, as created by 1995 Wisconsin Act 440,
2 is amended to read:

3 301.46 **(3)** (b) When a person is registered under s. 301.45 (2) or when the
4 person informs the department of a change in information under s. 301.45 (4), the
5 department shall make a reasonable attempt to notify the victim or a member of the
6 victim's family who has, according to the records of the department or the
7 information provided under par. (d), requested to be notified about a person required
8 to register under s. 301.45.

9 **SECTION 7.** 302.115 (2) (intro.) of the statutes is amended to read:

10 302.115 **(2)** (intro.) Before an inmate who is in a prison serving a sentence for
11 a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
12 948.06 or 948.07 is released from imprisonment because he or she has reached the
13 expiration date of his or her sentence, the department shall make a reasonable ~~effort~~
14 attempt to notify all of the following persons, if they can be found, in accordance with
15 sub. (3) and after receiving a completed card under sub. (4):

16 **SECTION 8.** 303.068 (4m) (b) (intro.) of the statutes is amended to read:

17 303.068 **(4m)** (b) (intro.) Before an inmate who is imprisoned for a violation of
18 s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or
19 948.07 is released on leave under this section, the department shall make a
20 reasonable ~~effort~~ attempt to notify all of the following persons, if they can be found,
21 in accordance with par. (c) and after receiving a completed card under par. (d):

22 **SECTION 9.** 304.06 (1) (c) (intro.) of the statutes is amended to read:

23 304.06 **(1)** (c) (intro.) If an inmate applies for parole under this subsection, the
24 parole commission shall make a reasonable attempt to notify the following, if they
25 can be found, in accordance with par. (d):

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1 **SECTION 10.** 304.063 (2) (intro.) of the statutes is amended to read:

2 304.063 **(2)** (intro.) Before a prisoner is released on parole under s. 302.11,
3 304.02 or 304.06, if applicable, for a violation of s. 940.01, 940.03, 940.05, 940.225 (1)
4 or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07, the department shall make a
5 reasonable ~~effort~~ attempt to notify all of the following persons, if they can be found,
6 in accordance with sub. (3) and after receiving a completed card under sub. (4):

7 **SECTION 11.** 304.09 (3) of the statutes is amended to read:

8 304.09 **(3)** The notice shall inform the persons under sub. (2) of the manner in
9 which they may provide written statements or participate in any applicable hearing.
10 The applicant shall serve notice on the persons under sub. (2) (a) and (b) ~~and the at~~
11 least 3 weeks before the hearing of the application. ~~The governor shall make a~~
12 reasonable attempt to serve notice on the person under sub. (2) (c). ~~Each such notice~~
13 ~~shall be served~~ at least 3 weeks before the hearing of the application. The notice shall
14 be published at least once each week for 2 successive weeks before the hearing in a
15 newspaper of general circulation in the county where the offense was committed. If
16 there is no such newspaper, the notice shall be posted in a conspicuous place on the
17 door of the courthouse of the county for 3 weeks before the hearing and published
18 once each week for 2 consecutive weeks before the hearing in a newspaper published
19 in an adjoining county. Publication as required in this subsection shall be completed
20 by a date designated by the governor. The date shall be a reasonable time prior to
21 the hearing date.

22 **SECTION 12.** 906.15 of the statutes is renumbered 906.15 (1) and amended to
23 read:

24 906.15 **(1)** At the request of a party, the judge or court commissioner shall order
25 witnesses excluded so that they cannot hear the testimony of other witnesses, ~~and~~

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1 the. The judge or court commissioner may also make the order of his or her own
2 motion. ~~This section~~

3 **(2)** Subsection (1) does not authorize exclusion of ~~(1)~~ a any of the following:

4 (a) A party who is a natural person, ~~or (2) an.~~

5 (b) An officer or employe of a party which is not a natural person designated
6 as its representative by its attorney, ~~or (3) a.~~

7 (c) A person whose presence is shown by a party to be essential to the
8 presentation of the party's cause.

9 **(3)** The judge or court commissioner may direct that all ~~such~~ excluded and
10 non-excluded witnesses be kept separate until called and may prevent them from
11 communicating with one another until they have been examined or the hearing is
12 ended.

13 **SECTION 13.** 906.15 (2) (d) of the statutes is created to read:

14 906.15 **(2)** (d) A victim, as defined in s. 950.02 (4), in a criminal case or a victim,
15 as defined in s. 938.02 (20m), in a delinquency proceeding under ch. 938, unless the
16 judge or court commissioner finds that exclusion of the victim is necessary to provide
17 a fair trial for the defendant or a fair fact-finding hearing for the juvenile. The
18 presence of a victim during the testimony of other witnesses may not by itself be a
19 basis for a finding that exclusion of the victim is necessary to provide a fair trial for
20 the defendant or a fair fact-finding hearing for the juvenile.

21 **SECTION 14.** 938.02 (20m) of the statutes is created to read:

22 938.02 **(20m)** (a) "Victim" means any of the following:

23 1. A person against whom a delinquent act has been committed.

24 2. If the person specified in subd. 1. is a child, a parent, guardian or legal
25 custodian of the child.

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1 3. If a person specified in subd. 1. is physically or emotionally unable to exercise
2 the rights granted under this chapter, s. 950.04 or article I, section 9m, of the
3 Wisconsin constitution, a person designated by the person specified in subd. 1. or a
4 family member, as defined in s. 950.02 (3), of the person specified in subd. 1.

5 4. If a person specified in subd. 1. is deceased, any of the following:

6 a. A family member, as defined in s. 950.02 (3), of the person who is deceased.

7 b. A person who resided with the person who is deceased.

8 5. If a person specified in subd. 1. has been determined to be incompetent under
9 ch. 880, the guardian of the person appointed under ch. 880.

10 (b) "Victim" does not include a juvenile alleged to have committed the
11 delinquent act.

12 **SECTION 15.** 938.02 (21) of the statutes is amended to read:

13 938.02 (21) "Victim-witness coordinator" means a person employed or
14 contracted by the county board of supervisors under s. 950.06 ~~to enforce the rights~~
15 ~~of victims and witnesses of crimes and to provide services for those~~ the victims and
16 witnesses of crimes or a person employed or contracted by the department of justice
17 to provide the services specified in s. 950.08.

18 **SECTION 16.** 938.067 (6g) of the statutes is created to read:

19 938.067 (6g) Provide information and notices to and confer with victims as
20 required under s. 938.346 (1m).

21 **SECTION 17.** 938.24 (5) of the statutes is amended to read:

22 938.24 (5) The intake worker shall request that a petition be filed, enter into
23 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
24 of referral information. Before entering into a deferred prosecution agreement, the
25 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed

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1 or a deferred prosecution agreement is entered into, the district attorney, corporation
2 counsel or other official under s. 938.09 shall receive written notice of such action.
3 If the case is closed, the known victims of the juvenile's alleged act shall receive notice
4 as provided under sub. (5m), if applicable. In addition, if a deferred prosecution
5 agreement is entered into placing a juvenile in a youth village program as described
6 in s. 118.42, the judge or juvenile court commissioner shall receive written notice of
7 such action and, on receipt of that notice, shall enter an order requiring compliance
8 with that agreement. A notice of deferred prosecution of an alleged delinquency case
9 shall include a summary of the facts surrounding the allegation and a list of prior
10 intake referrals and dispositions. If a law enforcement officer has made a
11 recommendation concerning the juvenile, the intake worker shall forward this
12 recommendation to the district attorney under s. 938.09. Notwithstanding the
13 requirements of this section, the district attorney may initiate a delinquency petition
14 under s. 938.25 within 20 days after notice that the case has been closed or that a
15 deferred prosecution agreement has been entered into. The judge shall grant
16 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
17 which is not referred or filed within the time limits specified within this subsection.
18 Failure to object if a petition is not referred or filed within a time limit specified in
19 this subsection waives that time limit.

20 **SECTION 18.** 938.24 (5m) of the statutes is created to read:

21 938.24 (5m) If a juvenile is alleged to be delinquent under s. 938.12 or to be in
22 need of protection or services under s. 938.13 (12) and the intake worker decides to
23 close the case, the intake worker shall make a reasonable attempt to inform all of the
24 known victims of the juvenile's act that the case is being closed at that time.

25 **SECTION 19.** 938.245 (1m) of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 342**SECTION 19**

1 938.245 **(1m)** If a juvenile is alleged to be delinquent under s. 938.12 or to be
2 in need of protection or services under s. 938.13 (12), an intake worker shall, as soon
3 as practicable but in any event before entering into a deferred prosecution agreement
4 under sub. (1), offer all of the victims of the juvenile's alleged act who have requested
5 the opportunity an opportunity to confer with the intake worker concerning the
6 proposed deferred prosecution agreement. The duty to confer under this subsection
7 does not limit the obligation of the intake worker to perform his or her
8 responsibilities under this section.

9 **SECTION 20.** 938.25 (2m) of the statutes is created to read:

10 938.25 **(2m)** If a juvenile is alleged to be delinquent under s. 938.12 or to be in
11 need of protection or services under s. 938.13 (12) and the district attorney or
12 corporation counsel decides not to file a petition, the district attorney or corporation
13 counsel shall make a reasonable attempt to inform all of the known victims of the
14 juvenile's act that a petition will not be filed against the juvenile at that time.

15 **SECTION 21.** 938.265 of the statutes is created to read:

16 **938.265 Consultation with victims.** In a case in which the juvenile is alleged
17 to be delinquent under s. 938.12 or to be in need of protection or services under s.
18 938.13 (12), the district attorney or corporation counsel shall, as soon as practicable
19 but in any event before the plea hearing under s. 938.30, offer all of the victims of the
20 juvenile's alleged act who have requested the opportunity an opportunity to confer
21 with the district attorney or corporation counsel concerning the possible outcomes
22 of the proceeding against the juvenile, including potential plea agreements and
23 recommendations that the district attorney or corporation counsel may make
24 concerning dispositions under s. 938.34 or 938.345. The duty to confer under this
25 section does not limit the obligation of the district attorney or corporation counsel to

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1 exercise his or her discretion concerning the handling of the proceeding against the
2 juvenile.

3 **SECTION 22.** 938.27 (4m) of the statutes is amended to read:

4 938.27 (4m) The district attorney or corporation counsel shall make a
5 reasonable attempt to contact any known victim or alleged victim of a juvenile's act
6 or alleged act and ~~any known family member of a homicide victim or alleged homicide~~
7 ~~victim~~ to inform them of the right to receive notice of any hearing under this chapter
8 involving the juvenile. If a victim, or alleged victim ~~or family member of a homicide~~
9 ~~victim or of an alleged homicide victim~~ indicates that he or she wishes to receive
10 notice of any hearing under this chapter involving the juvenile, the district attorney
11 or corporation counsel shall make a reasonable attempt to notify, under s. 938.273,
12 that victim, or alleged victim ~~or family member~~ of any hearing under this chapter
13 involving the juvenile. Any failure to comply with this subsection is not a ground for
14 an appeal of a judgment or dispositional order or for any court to reverse or modify
15 a judgment or dispositional order.

16 **SECTION 23.** 938.273 (2) of the statutes is amended to read:

17 938.273 (2) Service of summons or notice required by this subchapter may be
18 made by any suitable person under the direction of the court. Notification of the
19 victim or alleged victim of a juvenile's act ~~or of a family member of a homicide victim~~
20 ~~or of an alleged homicide victim~~ under s. 938.27 (4m) shall be made by the district
21 attorney or corporation counsel.

22 **SECTION 24.** 938.296 (1) (e) of the statutes is created to read:

23 938.296 (1) (e) "Victim" has the meaning given in s. 938.02 (20m) (a) 1.

24 **SECTION 25.** 938.2965 of the statutes is created to read:

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1 **938.2965 Waiting area for victims and witnesses.** (1) In this section,
2 “witness” has the meaning given in s. 950.02 (5).

3 (2) If an area is available and use of the area is practical, a county shall provide
4 a waiting area for a victim or witness to use during hearings under this chapter that
5 if separate from any area used by the juvenile, the juvenile’s relatives and witnesses
6 for the juvenile. If a separate waiting area is not available or its use is not practical,
7 a county shall provide other means to minimize the contact between the victim or
8 witness and the juvenile, the juvenile’s relatives and witnesses for the juvenile
9 during hearings under this chapter.

10 **SECTION 26.** 938.30 (4m) of the statutes is created to read:

11 938.30 (4m) Before accepting a plea under sub. (4) in a proceeding in which a
12 juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or
13 services under s. 938.13 (12), the court shall inquire of the district attorney or
14 corporation counsel whether he or she has complied with s. 938.265 and whether he
15 or she has complied with s. 938.27 (4m), whether any of the known victims requested
16 notice of the date, time and place of the plea hearing and, if so, whether the district
17 attorney or corporation counsel provided to the victim notice of the date, time and
18 place of the hearing.

19 **SECTION 27.** 938.31 (2) of the statutes is amended to read:

20 938.31 (2) The hearing shall be to the court. If the hearing involves a child
21 victim, as defined in s. 938.02 (20m) (a) 1., or a child witness, as defined in s. 950.02
22 (5), the court may order the taking and allow the use of a videotaped deposition under
23 s. 967.04 (7) to (10) and, with the district attorney, shall comply with s. 971.105. At
24 the conclusion of the hearing, the court shall make a determination of the facts. If
25 the court finds that the juvenile is not within the jurisdiction of the court or the court

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1 finds that the facts alleged in the petition or citation have not been proved, the court
2 shall dismiss the petition or citation with prejudice.

3 **SECTION 28.** 938.312 of the statutes is created to read:

4 **938.312 Notice of dismissal.** If a petition alleges that a juvenile is delinquent
5 under s. 938.12 or in need of protection or services under s. 938.13 (12) and the
6 petition is dismissed or does not otherwise result in a consent decree or dispositional
7 order, the district attorney or corporation counsel shall make a reasonable attempt
8 to inform each known victim of the juvenile's alleged act that the petition has been
9 dismissed or will not result in a consent decree or dispositional order.

10 **SECTION 29.** 938.315 (2) of the statutes is amended to read:

11 938.315 (2) A continuance may be granted by the court only upon a showing
12 of good cause in open court or during a telephone conference under s. 807.13 on the
13 record and only for so long as is necessary, taking into account the request or consent
14 of the representative of the public under s. 938.09 or the parties, the interests of the
15 victims and the interest of the public in the prompt disposition of cases.

16 **SECTION 30.** 938.32 (1) (am) of the statutes is created to read:

17 938.32 (1) (am) Before entering into a consent decree in a case in which the
18 juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or
19 services under s. 938.13 (12), the district attorney or corporation counsel shall, as
20 soon as practicable but in any event before agreeing to the consent decree, offer all
21 of the victims of the juvenile's alleged act who have requested the opportunity an
22 opportunity to confer with the district attorney or corporation counsel concerning the
23 proposed consent decree. The duty to confer under this paragraph does not limit the
24 obligation of the district attorney or corporation counsel to exercise his or her
25 discretion concerning the handling of the proceeding against the juvenile.

ENGROSSED ASSEMBLY BILL 342**SECTION 31**

1 **SECTION 31.** 938.32 (1) (b) 1. of the statutes is amended to read:

2 938.32 (1) (b) 1. Before entering into a consent decree in a proceeding in which
3 a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection
4 or services under s. 938.13 (12), the court shall determine whether a victim of the
5 juvenile's act wants to make a statement to the court. If a victim wants to make a
6 statement, the court shall allow a the victim ~~or a family member of a homicide victim~~
7 to make a statement in court or to submit a written statement to be read to the court.
8 The court may allow any other person to make or submit a statement under this
9 subdivision. Any statement made under this subdivision must be relevant to the
10 consent decree.

11 **SECTION 32.** 938.32 (1) (b) 1m. of the statutes is created to read:

12 938.32 (1) (b) 1m. Before entering into a consent decree in a proceeding in
13 which a juvenile is alleged to be delinquent under s. 938.12 or to be in need of
14 protection or services under s. 938.13 (12), the court shall inquire of the district
15 attorney or corporation counsel whether he or she has complied with par. (am),
16 whether he or she has complied with subd. 2. and whether he or she has complied
17 with s. 938.27 (4m), whether any of the known victims requested notice of the date,
18 time and place of any hearing to be held on the consent decree and, if so, whether the
19 district attorney provided to the victim notice of the date, time and place of the
20 hearing.

21 **SECTION 33.** 938.32 (1) (b) 2. of the statutes is amended to read:

22 938.32 (1) (b) 2. Before entering into a consent decree in a proceeding in which
23 a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection
24 or services under s. 938.13 (12), the district attorney or corporation counsel shall
25 make a reasonable attempt to contact any known victim ~~or family member of a~~

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1 ~~homicide-victim~~ to inform that person of the right to make a statement under subd.
2 1. Any failure to comply with this subdivision is not a ground for discharge of the
3 juvenile, parent, guardian or legal custodian from fulfilling the terms and conditions
4 of the consent decree.

5 **SECTION 34.** 938.331 of the statutes is amended to read:

6 **938.331 Court reports; effect on victim.** If the delinquent act would
7 constitute a felony if committed by an adult, the person preparing the report under
8 s. 938.33 (1) shall attempt to determine the economic, physical and psychological
9 effect of the delinquent act on the victim, as defined in s. 938.02 (20m) (a) 1. and 4.
10 The person preparing the report may ask any appropriate person for information.
11 This section does not preclude the person who prepares the report from including any
12 information for the court concerning the impact of a delinquent act on the victim.
13 If the delinquent act would not constitute a felony but a victim, as defined in s. 938.02
14 (20m) (a) 1., has suffered bodily harm or the act involved theft or damage to property,
15 the person preparing the report is encouraged to seek the information described in
16 this section.

17 **SECTION 35.** 938.335 (3m) (a) of the statutes is amended to read:

18 938.335 **(3m)** (a) Before imposing a disposition in a proceeding in which a
19 juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of
20 protection or services under s. 938.13 (12), the court shall determine whether a
21 victim of the juvenile's act wants to make a statement to the court. If a victim wants
22 to make a statement, the court shall allow a ~~the~~ victim ~~or a family member of a~~
23 ~~homicide-victim~~ to make a statement in court or to submit a written statement to be
24 read to the court. The court may allow any other person to make or submit a

ENGROSSED ASSEMBLY BILL 342**SECTION 35**

1 statement under this paragraph. Any statement made under this paragraph must
2 be relevant to the disposition.

3 **SECTION 36.** 938.335 (3m) (am) of the statutes is created to read:

4 938.335 **(3m)** (am) Before imposing a disposition in a proceeding in which a
5 juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of
6 protection or services under s. 938.13 (12), the court shall inquire of the district
7 attorney or corporation counsel whether he or she has complied with par. (b) and
8 whether he or she has complied with s. 938.27 (4m), whether any of the known
9 victims requested notice of the date, time and place of the dispositional hearing and,
10 if so, whether the district attorney or corporation counsel provided to the victim
11 notice of the date, time and place of the hearing.

12 **SECTION 37.** 938.335 (3m) (b) of the statutes is amended to read:

13 938.335 **(3m)** (b) After a finding that a juvenile is delinquent under s. 938.12
14 or is found to be in need of protection or services under s. 938.13 (12), the district
15 attorney or corporation counsel shall make a reasonable attempt to contact any
16 known victim ~~or family member of a homicide victim~~ to inform that person of the
17 right to make a statement under par. (a). Any failure to comply with this paragraph
18 is not a ground for an appeal of a dispositional order or for any court to reverse or
19 modify a dispositional order.

20 **SECTION 38.** 938.346 (1) (d) 1. of the statutes is amended to read:

21 938.346 **(1)** (d) 1. Information regarding any decision to close a case under s.
22 938.24 (5m), any deferred prosecution agreement under s. 938.245, any decision not
23 to file a petition under s. 938.25 (2m), any consent decree under s. 938.32 or any
24 dispositional order under ss. 938.34 to 938.345. The information may not include
25 reports under s. 938.295 or 938.33 or any other information that deals with sensitive

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1 personal matters of the juvenile and the juvenile's family and that does not directly
2 relate to the act or alleged act committed against the victim. This subdivision does
3 not affect the right of a victim to attend any hearing that the victim is permitted to
4 attend under s. 938.299 (1) (am).

5 **SECTION 39.** 938.346 (1) (em) of the statutes is created to read:

6 938.346 (1) (em) The right to confer, if requested, with an intake worker
7 regarding deferred prosecution agreements under s. 938.245 (1m) or with a district
8 attorney or corporation counsel under s. 938.265 regarding the possible outcomes of
9 the proceedings and under s. 938.32 (1) (am) regarding consent decrees.

10 **SECTION 40.** 938.346 (1) (fm) of the statutes is created to read:

11 938.346 (1) (fm) All of the following:

- 12 1. The right to a separate waiting area as provided under s. 938.2965.
- 13 2. The right to have his or her interest considered concerning continuances in
14 the case under s. 938.315 (2)
- 15 3. The right to have victim impact information included in a court report under
16 s. 938.33 and to have the person preparing the court report attempt to contact the
17 victim, as provided under s. 938.331.
- 18 4. The right to employer intercession services under s. 950.04 (1v) (bm).

19 **SECTION 41.** 938.346 (1) (h) of the statutes is created to read:

20 938.346 (1) (h) All of the following:

- 21 1. The right to be accompanied by a service representative, as provided under
22 s. 895.73.
- 23 2. The right to restitution, as provided under ss. 938.245, 938.32 (1t) and 938.34
24 (5).
- 25 3. The right to compensation, as provided under ch. 949.

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1 4. The right to a speedy disposition of the case under s. 950.04 (1v) (k).

2 5. The right to have personal property returned, as provided under s. 950.04
3 (1v) (s).

4 6. The right to complain to the department of justice concerning the treatment
5 of crime victims, as provided under s. 950.08 (3), and to request review by the crime
6 victims rights board of the complaint, as provided under s. 950.09 (2).

7 **SECTION 42.** 938.346 (1m) of the statutes is amended to read:

8 938.346 **(1m)** The intake worker shall make a reasonable attempt to provide
9 notice of the information specified in sub. (1) (a), (b) ~~and~~, (c) and (h), the information
10 specified in sub. (1) (d) relating to a deferred prosecution agreement under s. 938.245,
11 the information specified in sub. (1) (em) relating to the right to confer, if requested,
12 on deferred prosecution agreements and the information specified in sub. (3) if the
13 ~~inquiry is terminated without a deferred prosecution agreement before the filing of~~
14 ~~a petition juvenile's case is closed.~~ The district attorney or corporation counsel shall
15 make a reasonable attempt to provide notice of the information specified in sub. (1)
16 (e), (f), ~~(fm)~~ and (g), the information specified in sub. (1) (d) relating to a consent
17 decree under s. 938.32 or a dispositional order under ss. 938.34 to 938.345, the
18 information specified in sub. (1) (em) relating to the right to request an opportunity
19 to confer, if requested, on amendment of petitions, consent decrees and disposition
20 recommendations and the information under sub. (3) if he or she decides not to file
21 a petition or the proceeding is terminated without a consent decree or dispositional
22 order after the filing of a petition.

23 **SECTION 43.** 938.346 (3) of the statutes is amended to read:

24 938.346 **(3)** If an inquiry ~~or proceeding~~ is closed, ~~dismissed by an intake worker~~
25 or otherwise does not result in a deferred prosecution agreement, the intake worker

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1 shall make a reasonable attempt to inform each known victim of the juvenile's
2 alleged act as provided in s. 938.24 (5m). If a district attorney or corporation counsel
3 decides not to file a petition or if, after a petition is filed, a proceeding is dismissed
4 or otherwise does not result in a consent decree or dispositional order, a district
5 attorney or corporation counsel shall make a reasonable attempt shall be made to
6 inform each known victim of the juvenile's alleged act that the inquiry or proceeding
7 has been terminated as provided in s. 938.25 (2m) or 938.312, whichever is
8 applicable.

9 **SECTION 44.** 938.346 (4) of the statutes is amended to read:

10 938.346 (4) If the victim, as defined in s. 938.02 (20m) (a) 1., is a child, the notice
11 under this section shall be given to the child's parents, guardian or legal custodian.

12 **SECTION 45.** 938.346 (5) of the statutes is amended to read:

13 938.346 (5) Chief judges and circuit judges shall establish by policy and rule
14 procedures for the implementation of this section. The Subject to subs. (1m) and (3),
15 the policies and rules shall specify when, how and by whom the notice under this
16 section shall be provided to victims and with whom victims may confer regarding
17 deferred prosecution agreements, amendment of petitions, consent decrees and
18 disposition recommendations.

19 **SECTION 46.** 938.396 (1g) of the statutes is amended to read:

20 938.396 (1g) If requested by the victim-witness coordinator, a law enforcement
21 agency shall disclose to the victim-witness coordinator any information in its records
22 relating to the enforcement of rights under the constitution, this chapter and s.
23 950.04 or the provision of services under s. ~~950.05~~ 950.06 (1m). The victim-witness
24 coordinator may use the information only for the purpose of enforcing those rights
25 and providing those services and may make that information available only as

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1 necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m),
2 receive the rights and services to which they are entitled under the constitution, this
3 chapter and ch. 950.

4 **SECTION 47.** 938.396 (1t) of the statutes is amended to read:

5 938.396 (1t) If a juvenile who has been ordered to make restitution for any
6 injury, loss or damage caused by the juvenile and if the juvenile has failed to make
7 that restitution within one year after the entry of the order, the ~~victim's~~ insurer of
8 the victim, as defined in s. 938.02 (20m) (a) 1., may request a law enforcement agency
9 to disclose to the insurer any information in its records relating to the injury, loss or
10 damage suffered by the victim, including the name and address of the juvenile and
11 the juvenile's parents, and the law enforcement agency may, subject to official agency
12 policy, disclose to the victim's insurer that information. The insurer may use and
13 further disclose the information only for the purpose of investigating a claim arising
14 out of the juvenile's act.

15 **SECTION 48.** 938.396 (2) (f) of the statutes is amended to read:

16 938.396 (2) (f) Upon request of the victim-witness coordinator to review court
17 records for the purpose of enforcing rights under the constitution, this chapter and
18 s. 950.04 and providing services under s. 950.05 950.06 (1m), the court shall open for
19 inspection by the victim-witness coordinator the records of the court relating to the
20 enforcement of those rights or the provision of those services. The victim-witness
21 coordinator may use any information obtained under this paragraph only for the
22 purpose of enforcing those rights and providing those services and may make that
23 information available only as necessary to ensure that victims and witnesses of
24 crimes, as defined in s. 950.02 (1m), receive the rights and services to which they are
25 entitled under the constitution, this chapter and ch. 950.

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1 **SECTION 49.** 938.396 (2) (fm) of the statutes is amended to read:

2 938.396 (2) (fm) Upon request of a victim's an insurer of the victim, as defined
3 in s. 938.02 (20m) (a) 1., the court shall disclose to an authorized representative of
4 the requester the amount of restitution, if any, that the court has ordered a juvenile
5 to make to the victim.

6 **SECTION 50.** 938.51 (1) (intro.) of the statutes is amended to read:

7 938.51 (1) (intro.) At least 15 days prior to the date of release of a juvenile from
8 a secured correctional facility or a secured child caring institution and at least 15
9 days prior to the release of a juvenile from the supervision of the department or a
10 county department, the department or county department having supervision over
11 the juvenile shall make a reasonable attempt to do all of the following:

12 **SECTION 51.** 938.51 (1) (c) of the statutes is amended to read:

13 938.51 (1) (c) Notify, ~~if the victim died as a result of the juvenile's delinquent~~
14 ~~act and, if the criteria under par. (b) are met, an adult member of the victim's family~~
15 ~~or, if the victim is younger than 18 years old and if the criteria under par. (b) are met,~~
16 ~~the victim's parent or legal guardian of the juvenile's release.~~

17 **SECTION 52.** 938.51 (1m) of the statutes is amended to read:

18 938.51 (1m) The department or county department having supervision over a
19 juvenile shall determine the local agencies that it will notify under sub. (1) (a) based
20 on the residence of the juvenile's parents or on the juvenile's intended residence
21 specified in the juvenile's aftercare supervision plan or, if those methods do not
22 indicate the community in which the juvenile will reside following release from a
23 secured correctional facility, from a secured child caring institution or from the
24 supervision of the department or county department, the community in which the
25 juvenile states that he or she intends to reside.

ENGROSSED ASSEMBLY BILL 342**SECTION 53**

1 **SECTION 53.** 938.51 (2) of the statutes is amended to read:

2 938.51 (2) The department shall design and prepare cards for any person
3 specified in sub. (1) (b), (c) or (d) to send to the department or county department
4 having supervision over the juvenile. The cards shall have space for any such person
5 to provide his or her name, telephone number and mailing address, the name of the
6 applicable juvenile and any other information that the department determines is
7 necessary. The department shall provide the cards, without charge, to district
8 attorneys. District attorneys shall provide the cards, without charge, to persons
9 specified in sub. (1) (b) to (d). These persons may send completed cards to the
10 department or county department having supervision over the juvenile. All
11 department and county department records or portions of records that relate to
12 telephone numbers and mailing addresses of these persons are not subject to
13 inspection or copying under s. 19.35 (1).

14 **SECTION 54.** 938.51 (4) (intro.) of the statutes is amended to read:

15 938.51 (4) (intro.) If a juvenile escapes in violation of s. 946.42 (3), as soon as
16 possible after the department or county department having supervision over the
17 juvenile discovers that escape, that department or county department shall make a
18 reasonable effort attempt to notify by telephone all of the following persons:

19 **SECTION 55.** 938.51 (4) (a) of the statutes is amended to read:

20 938.51 (4) (a) Any known victim of the act for which the juvenile was found
21 delinquent, if the criteria under sub. (1) (b) are met; ~~an adult member of the victim's~~
22 ~~family, if the victim died as a result of the juvenile's delinquent act and if the criteria~~
23 ~~under sub. (1) (b) are met; or the victim's parent or guardian, if the victim is younger~~
24 ~~than 18 years old and if the criteria under sub. (1) (b) are met.~~

25 **SECTION 56.** 950.02 (1m) of the statutes is amended to read:

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1 950.02 (1m) “Crime” means an act committed in this state which, if committed
2 by a competent adult, would constitute a crime, as defined in s. 939.12, ~~or which, if~~
3 ~~committed by a responsible child, would constitute a delinquent act under ch. 938.~~

4 **SECTION 57.** 950.02 (1t) of the statutes is created to read:

5 950.02 (1t) “Custodial agency” means any person authorized to arrest or take
6 into actual physical custody an individual who is alleged to have committed a crime.
7 “Custodial agency” includes a law enforcement agency, a sheriff, superintendent or
8 other keeper of a jail and a person authorized to take custody of a juvenile under s.
9 938.19 or 938.20 (4).

10 **SECTION 58.** 950.02 (2m) of the statutes is created to read:

11 950.02 (2m) “District attorney” means any of the following:

12 (a) The district attorney or other person authorized to prosecute a criminal case
13 or a delinquency proceeding under ch. 938.

14 (b) A person designated by a person specified in par. (a) to perform the district
15 attorney’s duties under this chapter.

16 **SECTION 59.** 950.02 (3m) of the statutes is created to read:

17 950.02 (3m) “Law enforcement agency” has the meaning given in s. 165.83 (1)
18 (b).

19 **SECTION 60.** 950.02 (4) of the statutes is renumbered 950.02 (4) (a) (intro.) and
20 amended to read:

21 950.02 (4) (a) (intro.) “Victim” means a any of the following:

22 1. A person against whom a crime has been committed.

23 **SECTION 61.** 950.02 (4) (a) 2., 3., 4. and 5. of the statutes are created to read:

24 950.02 (4) (a) 2. If the person specified in subd. 1. is a child, a parent, guardian
25 or legal custodian of the child.

ENGROSSED ASSEMBLY BILL 342**SECTION 61**

1 3. If a person specified in subd. 1. is physically or emotionally unable to exercise
2 the rights granted under s. 950.04 or article I, section 9m, of the Wisconsin
3 constitution, a person designated by the person specified in subd. 1. or a family
4 member of the person specified in subd. 1.

5 4. If a person specified in subd. 1. is deceased, any of the following:

6 a. A family member of the person who is deceased.

7 b. A person who resided with the person who is deceased.

8 5. If a person specified in subd. 1. has been determined to be incompetent under
9 ch. 880, the guardian of the person appointed under ch. 880.

10 **SECTION 62.** 950.02 (4) (b) of the statutes is created to read:

11 950.02 (4) (b) "Victim" does not include the person charged with or alleged to
12 have committed the crime.

13 **SECTION 63.** 950.04 (intro.) of the statutes is renumbered 950.04 (2w) (intro.)
14 and amended to read:

15 950.04 (2w) (title) RIGHTS OF WITNESSES. (intro.) ~~Victims and witnesses~~
16 Witnesses of crimes have the following rights:

17 **SECTION 64.** 950.04 (1) of the statutes is renumbered 950.04 (2w) (a) and
18 amended to read:

19 950.04 (2w) (a) ~~To be informed by local law enforcement agencies and request~~
20 information from the district attorney of about the final disposition of the case. If the
21 ~~crime charged is a felony or is specified in ch. 940, the victim shall be notified~~
22 ~~whenever the defendant or perpetrator is released from custody. The victim shall be~~
23 ~~notified of a pardon application by the governor under s. 304.09 (3).~~

24 **SECTION 65.** 950.04 (1v) of the statutes is created to read:

25 950.04 (1v) **RIGHTS OF VICTIMS.** Victims of crimes have the following rights:

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1 (a) To have his or her interest considered when the court is deciding whether
2 to grant a continuance in the case, as provided under ss. 938.315 (2) and 971.10 (3)

3 (b) 3.

4 (b) To attend court proceedings in the case, subject to ss. 906.15 and 938.299
5 (1). The court may require the victim to exercise his or her right under this
6 paragraph using telephone or live audiovisual means, if available, if the victim is
7 under arrest, incarcerated, imprisoned or otherwise detained by any law
8 enforcement agency or is admitted or committed on an inpatient basis to a treatment
9 facility under ch. 51, 971 or 980, and the victim does not have a person specified in
10 s. 950.02 (4) (a) 3. to exercise the victim's right under this paragraph.

11 (bm) To be provided with appropriate intercession services to ensure that
12 employers of victims will cooperate with the criminal justice process and the juvenile
13 justice process in order to minimize an employe's loss of pay and other benefits
14 resulting from court appearances.

15 (c) To be accompanied by a service representative, as provided under s. 895.73.

16 (d) To request an order for, and to be given the results of, testing to determine
17 the presence of a sexually transmitted disease or of any strain of human
18 immunodeficiency virus, of antigen or nonantigen products of any strain of human
19 immunodeficiency virus, or of an antibody of any strain of human immunodeficiency
20 virus, as provided under ss. 938.296 or 968.38.

21 (e) To be provided a waiting area under ss. 938.2965 and 967.10.

22 (em) To have his or her interests considered by the court in determining
23 whether to exclude persons from a preliminary hearing, as provided under s. 970.03
24 (4).

ENGROSSED ASSEMBLY BILL 342**SECTION 65**

1 (f) To have the parole commission make a reasonable attempt to notify the
2 victim of applications for parole, as provided under s. 304.06 (1).

3 (g) To have reasonable attempts made to notify the victim of hearings or court
4 proceedings, as provided under ss. 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and
5 972.14 (3) (b).

6 (i) To have, at his or her request, the opportunity to consult with intake
7 workers, district attorneys and corporation counsel in cases under ch. 938, as
8 provided under ss. 938.245 (1m), 938.265 and 938.32 (1) (am).

9 (j) To have, at his or her request, the opportunity to consult with the prosecution
10 in a case brought in a court of criminal jurisdiction, as provided under s. 971.095 (2).

11 (k) To a speedy disposition of the case in which they are involved as a victim
12 in order to minimize the length of time they must endure the stress of their
13 responsibilities in connection with the matter.

14 (L) To have the district attorney or corporation counsel, whichever is
15 applicable, make a reasonable attempt to contact the victim concerning the victim's
16 right to make a statement, as provided under ss. 938.32 (1) (b) 2., 938.335 (3m) (b)
17 and 972.14 (3) (b).

18 (m) To provide statements concerning sentencing, disposition or parole, as
19 provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1., 938.335 (3m) (a) and 972.14 (3) (a).

20 (n) To have direct input in the parole decision-making process, as provided by
21 the rules promulgated under s. 304.06 (1) (em).

22 (o) To have information concerning the impact of a delinquent act on the victim
23 included in a court report under s. 938.33 and to have the person preparing the court
24 report attempt to contact the victim, as provided under s. 938.331.

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1 (p) To have the person preparing a presentence investigation under s. 972.15
2 make a reasonable attempt to contact the victim, as provided in s. 972.15 (2m).

3 (q) To restitution, as provided under ss. 938.245 (2) (a) 5., 938.32 (1t), 938.34
4 (5), 938.345, 943.212, 943.23 (6), 943.245, 943.51 and 973.20.

5 (r) To a judgment for unpaid restitution, as provided under ss. 895.035 (2m) and
6 973.09 (3) (b).

7 (rm) To compensation, as provided under ch. 949.

8 (s) To have any stolen or other personal property expeditiously returned by law
9 enforcement agencies when no longer needed as evidence. If feasible, all such
10 property, except weapons, currency, contraband, property subject to evidentiary
11 analysis and property the ownership of which is disputed, shall be returned to the
12 person within 10 days of being taken.

13 (t) To receive information from law enforcement agencies, as provided under
14 s. 950.08 (2g).

15 (u) To receive information from district attorneys, as provided under s. 950.08
16 (2r).

17 (um) To have district attorneys make a reasonable attempt to notify the victim
18 under s. 971.17 (4m) regarding conditional releases under s. 971.17.

19 (v) To have the department of corrections make a reasonable attempt to notify
20 the victim under s. 301.046 (4) regarding community residential confinements,
21 under s. 301.048 (4m) regarding participation in the intensive sanctions program,
22 under s. 301.38 regarding escapes from a Type 1 prison, under s. 301.46 (3) regarding
23 persons registered under s. 301.45, under s. 302.115 regarding release upon
24 expiration of certain sentences, under s. 304.063 regarding parole releases, and
25 under s. 938.51 regarding release or escape of a juvenile from correctional custody.

ENGROSSED ASSEMBLY BILL 342**SECTION 65**

1 (w) To have the department of corrections make a reasonable attempt to notify
2 the victim under s. 303.068 (4m) regarding leave granted to qualified inmates under
3 303.068.

4 (x) To have the department of health and family services make a reasonable
5 attempt to notify the victim under s. 971.17 (6m) regarding termination or discharge
6 under s. 971.17 and under s. 51.37 (10) regarding home visits under s. 51.37 (10).

7 (xm) To have the department of health and family services make a reasonable
8 attempt to notify the victim under s. 980.11 regarding supervised release under s.
9 980.06 and discharge under s. 980.09 or 980.10.

10 (y) To have reasonable attempts made to notify the victim concerning actions
11 taken in a juvenile proceeding, as provided under ss. 938.24 (5m), 938.25 (2m),
12 938.312 and 938.346.

13 (ym) To have the governor make a reasonable attempt to notify the victim of
14 a pardon application, as provided under s. 304.09 (2) and (3).

15 (z) To make a written statement concerning pardon applications, as provided
16 under s. 304.10 (2).

17 (zm) To request information from a district attorney concerning the disposition
18 of a case involving a crime of which he or she was a victim, as provided under s.
19 971.095 (6).

20 (zx) To complain to the department of justice concerning the treatment of crime
21 victims, as provided under s. 950.08 (3), and to request review by the crime victims
22 rights board of the complaint, as provided under s. 950.09 (2).

23 **SECTION 66.** 950.04 (2) of the statutes is renumbered 950.04 (2w) (b).

24 **SECTION 67.** 950.04 (2m) of the statutes is renumbered 950.04 (1v) (pm).

25 **SECTION 68.** 950.04 (2w) (f) of the statutes is created to read:

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1 950.04 (2w) (f) To be provided a waiting area under ss. 938.2965 and 967.10.

2 **SECTION 69.** 950.04 (3) of the statutes is renumbered 950.04 (2w) (c).

3 **SECTION 70.** 950.04 (4) of the statutes is renumbered 950.04 (2w) (d) and
4 amended to read:

5 950.04 (2w) (d) To be informed of financial assistance and other social services
6 available as a result of being a witness ~~or a victim~~ of a crime, including information
7 on how to apply for the assistance and services.

8 **SECTION 71.** 950.04 (5) of the statutes is renumbered 950.04 (2w) (e).

9 **SECTION 72.** 950.04 (6) of the statutes is repealed.

10 **SECTION 73.** 950.04 (7) of the statutes is renumbered 950.04 (2w) (fm).

11 **SECTION 74.** 950.04 (8) of the statutes is renumbered 950.04 (2w) (g) and
12 amended to read:

13 950.04 (2w) (g) To be provided with appropriate intercession services to ensure
14 that employers of ~~victims~~ and witnesses will cooperate with the criminal justice
15 process and the juvenile justice process in order to minimize an employe's loss of pay
16 and other benefits resulting from court appearances.

17 **SECTION 75.** 950.04 (9) of the statutes is renumbered 950.04 (2w) (h) and
18 amended to read:

19 950.04 (2w) (h) To be entitled to a speedy disposition of the case in which they
20 are involved as a ~~victim~~ or witness in order to minimize the length of time they must
21 endure the stress of their responsibilities in connection with the matter.

22 **SECTION 76.** 950.04 (10) of the statutes is repealed.

23 **SECTION 77.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 440, is
24 repealed.

25 **SECTION 78.** 950.05 (title) of the statutes is repealed.

ENGROSSED ASSEMBLY BILL 342**SECTION 79**

1 **SECTION 79.** 950.05 (1) (intro.) of the statutes is repealed.

2 **SECTION 80.** 950.05 (1) (a) to (i) of the statutes are renumbered 950.06 (1m) (a)
3 to (i).

4 **SECTION 81.** 950.05 (2) of the statutes is repealed.

5 **SECTION 82.** 950.055 (2) (intro.) of the statutes is amended to read:

6 950.055 (2) **ADDITIONAL SERVICES.** (intro.) In addition to all rights afforded to
7 victims and witnesses under s. 950.04 and services provided under s. ~~950.05~~ 950.06
8 (1m), counties are encouraged to provide the following additional services on behalf
9 of children who are involved in criminal or delinquency proceedings as victims or
10 witnesses:

11 **SECTION 83.** 950.055 (3) of the statutes is amended to read:

12 950.055 (3) **PROGRAM RESPONSIBILITY.** In each county, the county board is
13 responsible for ~~the enforcement of rights and~~ the provision of services under this
14 section. A county may seek reimbursement for services provided under this section
15 as part of its program plan submitted to the department under s. 950.06. To the
16 extent possible, counties shall utilize volunteers and existing public resources for the
17 provision of these services.

18 **SECTION 84.** 950.06 (title) of the statutes is amended to read:

19 **950.06** (title) **Responsibility Reimbursement for rights and services.**

20 **SECTION 85.** 950.06 (1) of the statutes is repealed.

21 **SECTION 86.** 950.06 (1m) (intro.) of the statutes is created to read:

22 950.06 (1m) (intro.) To be eligible for reimbursement under this section for the
23 provision of services to victims and witnesses, a county shall provide all of the
24 following services to victims and witnesses:

25 **SECTION 87.** 950.06 (2) of the statutes is amended to read:

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1 950.06 (2) The costs of ~~enforcing rights under s. 950.04~~ and providing services
2 under s. ~~950.05 sub. (1m)~~ shall be paid for by the county, but the county is eligible
3 to receive reimbursement from the state for not more than 90% of the costs incurred
4 in providing those services under s. 950.05. ~~For costs incurred on or after January~~
5 ~~1, 1982, the county is eligible to receive funding from the state for not more than 90%~~
6 ~~of the costs incurred in providing services under s. 950.05.~~ The department shall
7 determine the level of services for which a county may be reimbursed. The county
8 board shall file a claim for reimbursement with the department. The department
9 shall reimburse the counties from the appropriations under s. 20.455 (5) (c) and (g)
10 on a semiannual basis for services provided. ~~If a county has a program plan approved~~
11 ~~after July 2, 1983, the department may reimburse the county only for services~~
12 ~~provided on or after January 1, 1984.~~

13 **SECTION 88.** 950.06 (2m) of the statutes is repealed.

14 **SECTION 89.** 950.06 (4) of the statutes is amended to read:

15 950.06 (4) If the county seeks reimbursement under sub. (2), the county board
16 shall submit a program plan to the department for its approval. The county is eligible
17 for reimbursement under sub. (2) only if the department has approved the plan. The
18 program plan shall describe the level of services to victims and witnesses that the
19 county intends to provide; the personnel or agencies responsible for related
20 administrative programs and individual services; proposed staffing for the program;
21 proposed education, training and experience requirements for program staff and the
22 staff of agencies providing related administrative programs and individual services;
23 the county's budget for implementing the program and other information the
24 department determines to be necessary for its review. The plan shall provide that
25 the district attorney, local law enforcement agencies and the courts shall make

ENGROSSED ASSEMBLY BILL 342**SECTION 89**

1 available to the person or agency responsible for administering the program all
2 reports or files, except reports or files which are required by statute to be kept
3 confidential, if the reports or files are required by the person or agency to carry out
4 program responsibilities. Each year, the county board shall submit a report to the
5 department on the operation of the plan, including the enforcement of rights under
6 ~~s. 950.04~~ and the provision of services under ~~s. 950.05~~ sub. (1m).

7 **SECTION 90.** 950.08 (title) of the statutes is amended to read:

8 **950.08** (title) **~~Hotline, information~~ Information and mediation services.**

9 **SECTION 91.** 950.08 (1) (title) of the statutes is created to read:

10 950.08 (1) (title) DUTIES OF DEPARTMENT; TOLL-FREE TELEPHONE NUMBER.

11 **SECTION 92.** 950.08 (2) (title) of the statutes is created to read:

12 950.08 (2) (title) DUTIES OF DEPARTMENT; GENERAL INFORMATIONAL PROGRAM.

13 **SECTION 93.** 950.08 (2g), (2r) and (2s) of the statutes are created to read:

14 950.08 (2g) INFORMATION TO BE PROVIDED BY LAW ENFORCEMENT AGENCIES. No
15 later than 24 hours after a law enforcement agency has initial contact with a victim
16 of a crime that the law enforcement agency is responsible for investigating, the law
17 enforcement agency shall make a reasonable attempt to provide to the victim written
18 information on all of the following:

19 (a) A list of the rights of victims under s. 950.04 (1v).

20 (b) The availability of compensation under ch. 949 and the address and
21 telephone number at which to contact the department for information concerning
22 compensation under ch. 949.

23 (c) The address and telephone number of the intake worker, corporation
24 counsel or district attorney whom the victim may contact to obtain information
25 concerning the rights of victims and to request notice of court proceedings under ss.

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1 938.27 (4m) and (6), 938.273 (2), 938.299 (1) (am) and 938.335 (3m) (b) or ss. 971.095
2 (3) and 972.14 (3) (b), whichever is applicable, and to request the opportunity to
3 confer under ss. 938.245 (1m), 938.265 or 938.32 (1) (am) or s. 971.095 (2), whichever
4 is applicable.

5 (d) The address and telephone number of the custodial agency that the victim
6 may contact to obtain information concerning the taking into custody or arrest of a
7 suspect in connection with the crime of which he or she is a victim.

8 (e) The address and telephone number of the custodial agency that the victim
9 may contact for information concerning release under s. 938.20 or 938.21 or ch. 969,
10 whichever is appropriate, of a person arrested or taken into custody for the crime of
11 which he or she is a victim.

12 (f) Suggested procedures for the victim to follow if he or she is subject to threats
13 or intimidation arising out of his or her cooperation with law enforcement and
14 prosecution efforts relating to a crime of which he or she is a victim.

15 (g) The address and telephone number at which the victim may contact the
16 department or any local agency that provides victim assistance in order to obtain
17 further information about services available for victims, including medical services.

18 **(2r)** INFORMATION TO BE PROVIDED BY A DISTRICT ATTORNEY IN CRIMINAL CASES. As
19 soon as practicable, but in no event later than 10 days after the initial appearance
20 under s. 970.01 or 24 hours before a preliminary examination under s. 970.03,
21 whichever is earlier, of a person charged with a crime in a court of criminal
22 jurisdiction, a district attorney shall make a reasonable attempt to provide to each
23 victim of the crime written information on all of the following:

24 (a) A brief statement of the procedure for prosecuting a crime.

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1 (b) A list of the rights of victims under s. 950.04 (1v) and information about how
2 to exercise those rights.

3 (c) The person or agency to notify if the victim changes his or her address and
4 wants to continue to receive notices and services under s. 950.04 or 971.095 (3).

5 (d) The availability of compensation under ch. 949, including information
6 concerning eligibility for compensation and the procedure for applying for
7 compensation.

8 (e) The person to contact for further information about a case involving the
9 prosecution of a crime of which he or she is a victim.

10 **(2s)** INFORMATION CONCERNING JUVENILE CASES. Notification of a victim of an act
11 committed by a juvenile concerning the rights of victims under ch. 938 shall be
12 provided as specified in s. 938.346.

13 **SECTION 94.** 950.08 (3) of the statutes is amended to read:

14 950.08 (3) (title) DUTIES OF DEPARTMENT; MEDIATION. The department may
15 receive complaints, seek to mediate complaints and, with the consent of the involved
16 parties, actually mediate complaints regarding the treatment of crime victims and
17 witnesses by public officials, employes or agencies or under crime victim and witness
18 assistance programs. The department may act as a liaison between crime victims
19 or witnesses and others when seeking to mediate these complaints and may request
20 a written response regarding the complaint from the subject of a complaint. If asked
21 by the department to provide a written response regarding a complaint, the subject
22 of a complaint shall respond to the department's request within a reasonable time.

23 **SECTION 95.** 950.09 of the statutes is created to read:

24 **950.09 Crime victims rights board.** (1) In this section, "board" means the
25 crime victims rights board.

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1 (2) At the request of one of the involved parties, the board may review a
2 complaint made to the department under s. 950.08 (3) regarding a violation of the
3 rights of a crime victim. A party may not request the board to review a complaint
4 under this subsection until the department has completed its action on the complaint
5 under s. 950.08 (3). In reviewing a complaint under this subsection, the board may
6 not begin any investigation or take any action specified in pars. (a) to (d) until the
7 board first determines that there is probable cause to believe that the subject of the
8 complaint violated the rights of a crime victim. Based on its review of a complaint
9 under this subsection, the board may do any of the following:

10 (a) Issue private and public reprimands of public officials, employees or agencies
11 that violate the rights of crime victims provided under this chapter, ch. 938 and
12 article I, section 9m, of the Wisconsin constitution.

13 (b) Refer to the judicial commission a violation or alleged violation by a judge
14 of the rights of crime victims provided under this chapter, ch. 938 and article I,
15 section 9m, of the Wisconsin constitution.

16 (c) Seek appropriate equitable relief on behalf of a victim if such relief is
17 necessary to protect the rights of the victim. The board may not seek to appeal,
18 reverse or modify a judgment of conviction or a sentence in a criminal case.

19 (d) Bring civil actions to assess a forfeiture under s. 950.11. Notwithstanding
20 s. 778.06, an action or proposed action authorized under this paragraph may be
21 settled for such sum as may be agreed upon between the parties. In settling actions
22 or proposed actions, the board shall treat comparable situations in a comparable
23 manner and shall assure that any settlement bears a reasonable relationship to the
24 severity of the offense or alleged offense. Forfeiture actions brought by the board

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1 shall be brought in the circuit court for the county in which the violation is alleged
2 to have occurred.

3 (3) In addition to its powers under sub. (2), the board may issue reports and
4 recommendations concerning the securing and provision of crime victims rights and
5 services.

6 (4) Actions of the board are not subject to approval or review by the attorney
7 general.

8 (5) The board shall promulgate rules establishing procedures for the exercise
9 of its powers under this section.

10 **SECTION 96.** 950.095 of the statutes is created to read:

11 **950.095 Confidentiality of complaints.** (1) (a) The records of the
12 department relating to a complaint made under s. 950.08 (3) are confidential unless
13 the subject of the complaint waives the right to confidentiality in writing to the
14 department.

15 (am) Before a finding of probable cause under s. 950.09 (2), a complaint referred
16 to the crime victims rights board under s. 950.09 (2) is confidential unless the subject
17 of the complaint waives the right to confidentiality in writing to the crime victims
18 rights board.

19 (b) If a complaint becomes known to the public before the completion of action
20 by the department under s. 950.08 (3) or a finding of probable cause by the crime
21 victims rights board under s. 950.09 (2), the department or the crime victims rights
22 board, whichever is applicable, may issue statements in order to confirm that a
23 complaint has been made or is being reviewed, to clarify the procedural aspects of
24 actions taken under ss. 950.08 (3) and 950.09 (2), to explain the right of the subject
25 of the complaint to respond to the complaint, to state that the subject of the complaint

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1 denies the allegations, if applicable, to state that action under ss. 950.08 (3) and
2 950.09 (2) has been completed and no basis for the complaint was found or to correct
3 public misinformation.

4 **(1m)** In investigating a complaint made under s. 950.08 (3) or being reviewed
5 under s. 950.09 (2), the department or the crime victims rights board, whichever is
6 applicable, shall do all of the following:

7 (a) Act to avoid unnecessary embarrassment to and publicity for the subject of
8 the complaint.

9 (b) Request any person contacted for information not to disclose that an
10 investigation is being conducted or the nature of any inquiries made by the
11 department or the crime victims rights board.

12 **(2)** This section does not preclude the department or the crime victims rights
13 board from doing any of the following:

14 (a) Informing the person who made the complaint of the outcome of any action
15 by the department or review by the crime victims rights board.

16 (b) Referring to the judicial commission information relating to alleged
17 misconduct by or an alleged disability of a judge or court commissioner.

18 (c) Referring to an appropriate law enforcement authority information relating
19 to possible criminal conduct or otherwise cooperating with a law enforcement
20 authority in matters of mutual interest.

21 (d) Referring to an attorney disciplinary agency information relating to the
22 possible misconduct or incapacity of an attorney or otherwise cooperating with an
23 attorney disciplinary agency in matters of mutual interest.

24 (e) Disclosing to the chief justice or director of state courts information relating
25 to matters affecting the administration of the courts.

ENGROSSED ASSEMBLY BILL 342**SECTION 97**

1 **SECTION 97.** 950.10 of the statutes is created to read:

2 **950.10 Limitation on liability; grounds for appeal.** (1) No cause of action
3 for money damages may arise against the state, any political subdivision of the state
4 or any employe or agent of the state or a political subdivision of the state for any act
5 or omission in the performance of any power or duty under this chapter or under
6 article I, section 9m, of the Wisconsin constitution or for any act or omission in the
7 performance of any power or duty under ch. 938 relating to the rights of, services for
8 or notices to victims.

9 (2) A failure to provide a right, service or notice to a victim under this chapter
10 or ch. 938 or under article I, section 9m, of the Wisconsin constitution is not a ground
11 for an appeal of a judgment of conviction or sentence and is not grounds for any court
12 to reverse or modify a judgment of conviction or sentence.

13 **SECTION 98.** 950.11 of the statutes is created to read:

14 **950.11 Penalties.** A public official, employe or agency that intentionally fails
15 to provide a right specified under s. 950.04 (1v) to a victim of a crime may be subject
16 to a forfeiture of not more than \$1,000.

17 **SECTION 99.** 967.10 of the statutes is created to read:

18 **967.10 Waiting area for victims and witnesses.** (1) In this section:

19 (a) "Victim" has the meaning given in s. 950.02 (4).

20 (b) "Witness" has the meaning given in s. 950.02 (5).

21 (2) If an area is available and use of the area is practical, a county shall provide
22 a waiting area for a victim or witness to use during court proceedings that is separate
23 from any area used by the defendant, the defendant's relatives and defense
24 witnesses. If a separate waiting area is not available or its use is not practical, a
25 county shall provide other means to minimize the contact between the victim or

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1 witness and the defendant, the defendant's relatives and defense witnesses during
2 court proceedings.

3 **SECTION 100.** 971.08 (1) (d) of the statutes is created to read:

4 971.08 (1) (d) Inquire of the district attorney whether he or she has complied
5 with s. 971.095 (2).

6 **SECTION 101.** 971.095 of the statutes is created to read:

7 **971.095 Consultation with and notices to victim. (1)** In this section:

8 (a) "District attorney" has the meaning given in s. 950.02 (2m).

9 (b) "Victim" has the meaning given in s. 950.02 (4).

10 **(2)** In any case in which a defendant has been charged with a crime, the district
11 attorney shall, as soon as practicable, offer all of the victims in the case who have
12 requested the opportunity an opportunity to confer with the district attorney
13 concerning the prosecution of the case and the possible outcomes of the prosecution,
14 including potential plea agreements and sentencing recommendations. The duty to
15 confer under this subsection does not limit the obligation of the district attorney to
16 exercise his or her discretion concerning the handling of any criminal charge against
17 the defendant.

18 **(3)** At the request of a victim, a district attorney shall make a reasonable
19 attempt to provide the victim with notice of the date, time and place of scheduled
20 court proceedings in a case involving the prosecution of a crime of which he or she
21 is a victim and any changes in the date, time or place of a scheduled court proceeding
22 for which the victim has received notice. This subsection does not apply to a
23 proceeding held before the initial appearance to set conditions of release under ch.
24 969.

ENGROSSED ASSEMBLY BILL 342**SECTION 101**

1 (4) If a person is arrested for a crime but the district attorney decides not to
2 charge the person with a crime, the district attorney shall make a reasonable attempt
3 to inform all of the victims of the act for which the person was arrested that the
4 person will not be charged with a crime at that time.

5 (5) If a person is charged with committing a crime and the charge against the
6 person is subsequently dismissed, the district attorney shall make a reasonable
7 attempt to inform all of the victims of the crime with which the person was charged
8 that the charge has been dismissed.

9 (6) A district attorney shall make a reasonable attempt to provide information
10 concerning the disposition of a case involving a crime to any victim of the crime who
11 requests the information.

12 **SECTION 102.** 971.10 (3) (b) 3. of the statutes is created to read:

13 971.10 (3) (b) 3. The interests of the victim, as defined in s. 950.02 (4).

14 **SECTION 103.** 971.17 (4m) (b) of the statutes, as affected by 1995 Wisconsin Act
15 440, is amended to read:

16 971.17 (4m) (b) If the court conditionally releases a defendant under this
17 section, the district attorney shall ~~notify~~ do all of the following in accordance with
18 par. (c):

19 1. ~~The~~ Make a reasonable attempt to notify the victim of the crime committed
20 by the defendant or, if the victim died as a result of the crime, an adult member of
21 the victim's family or, if the victim is younger than 18 years old, the victim's parent
22 or legal guardian.

23 2. ~~The~~ Notify the department of corrections.

24 **SECTION 104.** 971.17 (6m) (b) of the statutes, as affected by 1995 Wisconsin Act
25 440, is amended to read:

ENGROSSED ASSEMBLY BILL 342**SECTION 104**

1 971.17 **(6m)** (b) If the court orders that the defendant's commitment is
2 terminated under sub. (5) or that the defendant be discharged under sub. (6), the
3 department of health and family services shall ~~notify~~ do all of the following in
4 accordance with par. (c):

5 1. If the person has submitted a card under par. (d) requesting notification,
6 make a reasonable attempt to notify the victim of the crime committed by the
7 defendant, or, if the victim died as a result of the crime, an adult member of the
8 victim's family or, if the victim is younger than 18 years old, the victim's parent or
9 legal guardian.

10 2. ~~The~~ Notify the department of corrections.

11 **SECTION 105.** 971.315 of the statutes is created to read:

12 **971.315 Inquiry upon dismissal.** Before a court dismisses a criminal charge
13 against a person, the court shall inquire of the district attorney whether he or she
14 has complied with s. 971.095 (2).

15 **SECTION 106.** 972.14 (1) (a) of the statutes is repealed.

16 **SECTION 107.** 972.14 (1) (ag) of the statutes is created to read:

17 972.14 **(1)** (ag) "Crime considered at sentencing" means any crime for which
18 the defendant was convicted and any read-in crime, as defined in s. 973.20 (1g) (b).

19 **SECTION 108.** 972.14 (2m) of the statutes is created to read:

20 972.14 **(2m)** Before pronouncing sentence, the court shall inquire of the district
21 attorney whether he or she has complied with s. 971.095 (2) and with sub. (3) (b),
22 whether any of the victims of a crime considered at sentencing requested notice of
23 the date, time and place of the sentencing hearing and, if so, whether the district
24 attorney provided to the victim notice of the date, time and place of the sentencing
25 hearing.

ENGROSSED ASSEMBLY BILL 342**SECTION 109**

1 **SECTION 109.** 972.14 (3) (a) of the statutes is amended to read:

2 972.14 (3) (a) Before pronouncing sentence, the court shall also determine
3 whether a victim of a crime considered at sentencing wants to make a statement to
4 the court. If a victim wants to make a statement, the court shall allow a the victim
5 ~~or family member of a homicide victim~~ to make a statement in court or to submit a
6 written statement to be read in court. The court may allow any other person to make
7 or submit a statement under this paragraph. Any statement under this paragraph
8 must be relevant to the sentence.

9 **SECTION 110.** 972.14 (3) (b) of the statutes is amended to read:

10 972.14 (3) (b) After a conviction, if the district attorney knows of a victim ~~or~~
11 ~~family member of a homicide or felony murder victim~~ of a crime to be considered at
12 sentencing, the district attorney shall make a reasonable attempt to contact that
13 person to inform him or her of the right to make or provide a statement under par.
14 (a). Any failure to comply with this paragraph is not a ground for an appeal of a
15 judgment of conviction or for any court to reverse or modify a judgment of conviction.

16 **SECTION 111.** 972.15 (2m) of the statutes is amended to read:

17 972.15 (2m) The person preparing the presentence investigation report shall
18 make a reasonable attempt to contact the victim to determine the economic, physical
19 and psychological effect of the crime on the victim. The person preparing the report
20 may ask any appropriate person for information. This subsection does not preclude
21 the person who prepares the report from including any information for the court
22 concerning the impact of a crime on the victim.

23 **SECTION 112.** 980.11 (2) (intro.) of the statutes, as affected by 1995 Wisconsin
24 Act 440, is amended to read:

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1 980.11 (2) (intro.) If the court places a person on supervised release under s.
2 980.06 or discharges a person under s. 980.09 or 980.10, the department shall ~~notify~~
3 do all of the following:

4 **SECTION 113.** 980.11 (2) (am) (intro.) of the statutes, as affected by 1995
5 Wisconsin Act 440, is amended to read:

6 980.11 (2) (am) (intro.) ~~Whichever~~ Make a reasonable attempt to notify
7 whichever of the following persons is appropriate, if he or she can be found, in
8 accordance with sub. (3):

9 **SECTION 114.** 980.11 (2) (bm) of the statutes, as created by 1995 Wisconsin Act
10 440, is amended to read:

11 980.11 (2) (bm) ~~The~~ Notify the department of corrections.

12 **SECTION 115. Nonstatutory provisions.**

13 (1) INITIAL APPOINTMENTS TO THE CRIME VICTIMS RIGHTS BOARD. Notwithstanding
14 section 15.255 (2) of the statutes, as created by this act, the initial members of the
15 crime victims rights board shall be appointed by the first day of the 4th month
16 beginning after the effective date of this subsection for the following terms:

17 (a) The district attorney, the representative of local law enforcement and the
18 member specified under section 15.255 (2) (b) 4. of the statutes, as created by this act,
19 who is appointed by the crime victims council, for terms expiring on May 1, 2001.

20 (b) The member specified under section 15.255 (2) (b) 4. of the statutes, as
21 created by this act, who is appointed by the governor and the person who is employed
22 or contracted by a county board of supervisors, for terms expiring on May 1, 2003.

23 **SECTION 116. Effective date.**

