



2009 ASSEMBLY BILL 146

March 13, 2009 – Introduced by Representatives KESSLER, A. WILLIAMS, BERCEAU and TURNER, cosponsored by Senators RISSER, LEHMAN and GROTHMAN. Referred to Committee on Corrections and the Courts.

1 **AN ACT to amend** 950.04 (1v) (g), 950.08 (2g) (c) and 972.14 (3) (b) of the statutes;
2 **relating to:** notice to a victim of the right to make a statement at sentencing
3 or disposition.

Analysis by the Legislative Reference Bureau

Under current law, a victim of a crime of which a person is convicted or any other crime to be considered by the court at sentencing has the right to make or provide a statement before the court imposes the sentence. Current law also requires the prosecutor to make a reasonable attempt to contact any known victim to inform him or her of that right.

This bill revises the prosecutor's obligation to provide a known victim notice of his or her right to make a statement with respect to the time at which that obligation must be met. Specifically, the bill eliminates the requirement that the notice be provided after a conviction. Thus, under the bill, the prosecutor may provide the victim notice of his or her right at any time during the proceedings.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 950.04 (1v) (g) of the statutes is amended to read:

ASSEMBLY BILL 146**SECTION 1**

1 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
2 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
3 938.27 (4m) and (6), 938.273 (2), and 971.095 (3) ~~and 972.14 (3) (b)~~.

4 **SECTION 2.** 950.08 (2g) (c) of the statutes is amended to read:

5 950.08 (2g) (c) The address and telephone number of the intake worker,
6 corporation counsel, or district attorney whom the victim may contact to obtain
7 information concerning the rights of victims and to request notice of court
8 proceedings under ss. s. 938.27 (4m) ~~and~~ or (6), 938.273 (2), 938.299 (1) (am) ~~and~~
9 938.335 (3m) (b), or ss. 971.095 (3) ~~and 972.14 (3) (b)~~, whichever is applicable, and
10 to request the opportunity to confer under ss. s. 938.245 (1m), 938.265 ~~or~~, 938.32 (1)
11 (am), or s. 971.095 (2), whichever is applicable.

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

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

19

(END)