



## 1997 SENATE BILL 171

April 16, 1997 – Introduced by Senators DARLING, ROSENZWEIG, GROBSCHMIDT, RUDE, SCHULTZ, DRZEWIECKI, FARROW, FITZGERALD, BUETTNER, WIRCH and PANZER, cosponsored by Representatives GREEN, DUFF, DOBYNS, HUEBSCH, PORTER, BLACK, MUSSER, LAZICH, GROTHMAN, ALBERS, NASS, WALKER, ZIEGELBAUER, LADWIG, GRONEMUS, M. LEHMAN, KREIBICH, GARD, STASKUNAS, HANDRICK, RILEY, VRAKAS, POWERS, OTTE, ZUKOWSKI, JENSEN, LORGE, GUNDERSON, OLSEN, FREESE, SYKORA, BOCK, KAUFERT, SERATTI, HARS DORF, SCHA FER, PLA LE and KELSO. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to amend** 19.85 (1) (d), 304.06 (1) (d) 1., 304.06 (1) (f) and 950.045; **to**  
2     **repeal and recreate** 950.045; and **to create** 304.06 (1) (d) 3g. and 304.06 (1)  
3     (eg) of the statutes; **relating to:** allowing victims to attend and make  
4     statements at parole interviews or hearings.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a person convicted of a crime is sentenced to state prison, the victim of the crime, a family member of the victim if the victim died as a result of the crime or a parent or guardian of a child victim of the crime may provide a written statement that must be considered by the parole commission when it decides whether to grant to the person release on parole. In addition, if a person was convicted of certain serious crimes, such as homicide or sexual assault, the parole commission must give the victim, family member, parent or guardian the opportunity to contact the parole commission staff to ask questions and to express concerns about how the crime has affected them and how he or she feels about the release of the person on parole.

This bill permits a victim, family member, parent or guardian to attend any applicable interview or hearing on the imprisoned person's parole application and to make a statement at the interview or hearing.

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

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

1           **SECTION 1.** 19.85 (1) (d) of the statutes is amended to read:

2           19.85 (1) (d) Except as provided in s. 304.06 (1) (eg) and by rule promulgated  
3 under s. 304.06 (1) (em), considering specific applications of probation or parole, or  
4 considering strategy for crime detection or prevention.

5           **SECTION 2.** 304.06 (1) (d) 1. of the statutes is amended to read:

6           304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons  
7 under par. (c) 1. to 3. of the manner in which they may provide written statements  
8 under this subsection, shall inform persons under par. (c) 3. of the manner in which  
9 they may attend interviews or hearings and make statements under par. (eg) and  
10 shall inform persons under par. (c) 3. who are victims, or family members of victims,  
11 of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2),  
12 948.025, 948.06 or 948.07 of the manner in which they may have direct input in the  
13 parole decision-making process under par. (em). The parole commission shall  
14 provide notice under this paragraph for an inmate's first application for parole and,  
15 upon request, for subsequent applications for parole.

16           **SECTION 3.** 304.06 (1) (d) 3g. of the statutes is created to read:

17           304.06 (1) (d) 3g. If applicable, the notice shall state the date of the interview  
18 or hearing that the person may attend.

19           **SECTION 4.** 304.06 (1) (eg) of the statutes is created to read:

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1           304.06 (1) (eg) The parole commission shall permit any person under par. (c)  
2           3. to attend any interview or hearing on the parole application of an applicable  
3           inmate and to make a statement at that interview or hearing.

4           **SECTION 5.** 304.06 (1) (f) of the statutes is amended to read:

5           304.06 (1) (f) The parole commission shall design and prepare cards for persons  
6           specified in par. (c) 3. to send to the commission. The cards shall have space for these  
7           persons to provide their names and addresses, the name of the applicable prisoner  
8           and any other information the parole commission determines is necessary. The  
9           parole commission shall provide the cards, without charge, to district attorneys.  
10          District attorneys shall provide the cards, without charge, to persons specified in par.  
11          (c) 3. These persons may send completed cards to the parole commission. All  
12          commission records or portions of records that relate to mailing addresses of these  
13          persons are not subject to inspection or copying under s. 19.35 (1). Before any written  
14          statement of a person specified in par. (c) 3. is made a part of the documentary record  
15          considered in connection with a parole hearing under this section, the parole  
16          commission shall obliterate from the statement all references to the mailing  
17          addresses of the person. A person specified in par. (c) 3. who attends an interview  
18          or hearing under par. (eg) may not be required to disclose at the interview or hearing  
19          his or her mailing addresses.

20          **SECTION 6.** 950.045 of the statutes is amended to read:

21          **950.045 Victims; application for parole or pardon; releases; escapes;**  
22          **corrections programs.** Victims of crimes have the right to provide written  
23          statements concerning parole applications under s. 304.06 (1) (e), to attend  
24          interviews or hearings and make statements under s. 304.06 (1) (eg), to have direct  
25          input in the parole decision-making process under s. 304.06 (1) (em) and to provide

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1 written statements concerning pardon applications under s. 304.10 (2). Victims of  
2 crimes have the right to be notified by district attorneys under s. 971.17 (4m)  
3 regarding conditional releases under s. 971.17. Victims of crimes have the right to  
4 be notified by the department of health and family services under s. 971.17 (6m)  
5 regarding terminations or discharges under s. 971.17. Victims of crimes have the  
6 right to be notified by the department of corrections under s. 301.046 (4) regarding  
7 community residential confinements, under s. 301.048 (4m) regarding participation  
8 in the intensive sanctions program, under s. 301.38 regarding escapes from a Type 1  
9 prison, under s. 302.115 regarding the expiration of sentences and under s. 304.063  
10 regarding parole releases. Victims of acts of sexual violence have the right to be  
11 notified by district attorneys or the department of justice under s. 980.11 regarding  
12 supervised releases under s. 980.06 and discharges under s. 980.09 or 980.10.

13 **SECTION 7.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 440 and  
14 1997 Wisconsin Act .... (this act), section 88, is repealed and recreated to read:

15 **950.045 Victims; application for parole or pardon; releases; escapes;**  
16 **corrections programs.** Victims of crimes have the right to provide written  
17 statements concerning parole applications under s. 304.06 (1) (e), to attend  
18 interviews or hearings and make statements under s. 304.06 (1) (eg), to have direct  
19 input in the parole decision-making process under s. 304.06 (1) (em) and to provide  
20 written statements concerning pardon applications under s. 304.10 (2). Victims of  
21 crimes have the right to be notified by district attorneys under s. 971.17 (4m)  
22 regarding conditional releases under s. 971.17. Victims of crimes have the right to  
23 be notified by the department of health and family services under s. 971.17 (6m)  
24 regarding terminations or discharges under s. 971.17. Victims of crimes have the  
25 right to be notified by the department of corrections under s. 301.046 (4) regarding

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1 community residential confinements, under s. 301.048 (4m) regarding participation  
2 in the intensive sanctions program, under s. 301.38 regarding escapes from a Type 1  
3 prison, under s. 302.115 regarding the expiration of sentences and under s. 304.063  
4 regarding parole releases. Victims of acts of sexual violence have the right to be  
5 notified by the department of health and family services under s. 980.11 regarding  
6 supervised releases under s. 980.06 and discharges under s. 980.09 or 980.10.  
7 Victims have the right to be notified of the registration of a person and the update  
8 of information regarding that person under s. 301.46.

9 **SECTION 8. Initial applicability.**

10 (1) This act first applies to parole applications made on the effective date of this  
11 subsection.

12 **SECTION 9. Effective dates.** This act takes effect on the day after publication,  
13 except as follows:

14 (1) The repeal and recreation of section 950.045 of the statutes takes effect on  
15 June 1, 1997.

16 (END)