



1997 SENATE BILL 195

May 7, 1997 – Introduced by Senators MOORE, HUELSMAN, ADELMAN, PLACHE, WELCH, C. POTTER, WIRCH, ROSENZWEIG, MOEN, GROBSCHMIDT, DRZEWIECKI and ROESSLER, cosponsored by Representatives KRUG, GREEN, RUTKOWSKI, DUFF, R. POTTER, SCHNEIDER, BRANDEMUEHL, BAUMGART, DOBYNS, BLACK, FREESE, BOYLE, HAHN, CARPENTER, HARSDFORF, COGGS, SERATTI, HANSON, SYKORA, HASENOHRL, UNDERHEIM, RYBA, WALKER, SPRINGER, TRAVIS, HUEBSCH, TURNER, VANDER LOOP, HUTCHISON, WASSERMAN, KELSO, L. YOUNG, LADWIG, ZIEGELBAUER, F. LASEE, HEBL, LAZICH, HUBER, J. LEHMAN, KREUSER, M. LEHMAN, LA FAVE, LORGE, MEYER, MUSSER, MORRIS-TATUM, OLSEN, NOTESTEIN, PLALE, OURADA, PLOUFF, PORTER, RILEY, ROBSON, ALBERS and BOCK, by request of Attorney General Jim Doyle; Crime Victims Council; Wisconsin Coalition Against Sexual Assault; Parents of Murdered Children; Mothers Against Drunk Driving; Wisconsin Chiefs of Police Association; Wisconsin Victim/Witness Professionals Association; Coalition of Wisconsin Aging Groups; Wisconsin Merchants Federation; AFSCME, Locals 3021 and 3394 (Correctional Officers).

1 **AN ACT to repeal** 950.04 (6), 950.04 (10), 950.045, 950.05 (title), 950.05 (1),
2 950.05 (2), 950.06 (1), 950.06 (2m) and 972.14 (1) (a); **to renumber** 950.04 (2),
3 950.04 (2m), 950.04 (3), 950.04 (5), 950.04 (7) and 950.05 (1) (a) to (i); **to**
4 **renumber and amend** 906.15, 950.02 (4), 950.04 (intro.), 950.04 (1), 950.04
5 (4), 950.04 (8) and 950.04 (9); **to amend** 938.02 (21), 938.24 (5), 938.27 (4m),
6 938.273 (2), 938.31 (2), 938.315 (2), 938.32 (1) (b) 1., 938.32 (1) (b) 2., 938.331,
7 938.335 (3m) (a), 938.335 (3m) (b), 938.346 (1) (d) 1., 938.346 (1m), 938.346 (3),
8 938.346 (4), 938.346 (5), 938.396 (1g), 938.396 (1t), 938.396 (2) (f), 938.396 (2)
9 (fm), 938.51 (1) (c), 938.51 (1m), 938.51 (2), 938.51 (4) (a), 950.02 (1m), 950.055
10 (2) (intro.), 950.055 (3), 950.06 (title), 950.06 (2), 950.06 (4), 950.08 (title),
11 950.08 (3), 972.14 (3) (a) and 972.14 (3) (b); and **to create** 15.255 (2), 906.15 (2)
12 (d), 938.02 (20m), 938.067 (6g), 938.24 (5m), 938.245 (1m), 938.25 (2m),
13 938.265, 938.296 (1) (e), 938.2965, 938.30 (4m), 938.312, 938.32 (1) (am), 938.32
14 (1) (b) 1m., 938.335 (3m) (am), 938.346 (1) (em), 938.346 (1) (fm), 938.346 (1) (h),

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1 950.02 (1t), 950.02 (2m), 950.02 (3m), 950.02 (4) (a) 2., 3., 4. and 5., 950.02 (4)
2 (b), 950.04 (1v), 950.04 (2w) (f), 950.06 (1m) (intro.), 950.08 (1) (title), 950.08 (2)
3 (title), 950.08 (2g), (2r) and (2s), 950.09, 950.10, 950.11, 967.10, 971.08 (1) (d),
4 971.095, 971.10 (3) (b) 3., 971.315, 972.14 (1) (ag) and 972.14 (2m) of the
5 statutes; **relating to:** rights of victims of crime, granting rule-making
6 authority and providing a penalty.

Analysis by the Legislative Reference Bureau

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 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

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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 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

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victims concerning the prosecution of the case and the possible outcomes of the prosecution.

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 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.

For further information see the *state and 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:

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.

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

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

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

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

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

11 (c) The members of the crime victims rights board specified in par. (b) 1., 2. and
12 3. and one of the members specified in par. (b) 4. shall be appointed by the attorney
13 general. One of the members specified in par. (b) 4. shall be appointed by the crime
14 victims council.

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

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

9 **SECTION 2.** 906.15 of the statutes is renumbered 906.15 (1) and amended to
10 read:

11 906.15 (1) At the request of a party, the judge or court commissioner shall order
12 witnesses excluded so that they cannot hear the testimony of other witnesses, and
13 the. The judge or court commissioner may also make the order of his or her own
14 motion. This section

15 (2) Subsection (1) does not authorize exclusion of (1) a any of the following:

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

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

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

21 (3) The judge or court commissioner may direct that all such excluded and
22 non-excluded witnesses be kept separate until called and may prevent them from
23 communicating with one another until they have been examined or the hearing is
24 ended.

25 **SECTION 3.** 906.15 (2) (d) of the statutes is created to read:

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1 906.15 (2) (d) A victim, as defined in s. 950.02 (4), in a criminal case or a victim,
2 as defined in s. 938.02 (20m), in a delinquency proceeding under ch. 938, unless the
3 judge or court commissioner finds that exclusion of the victim is necessary to provide
4 a fair trial for the defendant or a fair fact-finding hearing for the juvenile. The
5 presence of a victim during the testimony of other witnesses may not by itself be a
6 basis for a finding that exclusion of the victim is necessary to provide a fair trial for
7 the defendant or a fair fact-finding hearing for the juvenile.

8 **SECTION 4.** 938.02 (20m) of the statutes is created to read:

9 938.02 (20m) (a) "Victim" means any of the following:

- 10 1. A person against whom a delinquent act has been committed.
- 11 2. If the person specified in subd. 1. is a child, a parent, guardian or legal
12 custodian of the child.
- 13 3. If a person specified in subd. 1. is physically or emotionally unable to exercise
14 the rights granted under this chapter, s. 950.04 or article I, section 9m, of the
15 Wisconsin constitution, a person designated by the person specified in subd. 1. or a
16 family member, as defined in s. 950.02 (3), of the person specified in subd. 1.
- 17 4. If a person specified in subd. 1. is deceased, any of the following:
 - 18 a. A family member, as defined in s. 950.02 (3), of the person who is deceased.
 - 19 b. A person who resided with the person who is deceased.
- 20 5. If a person specified in subd. 1. has been determined to be incompetent under
21 ch. 880, the guardian of the person appointed under ch. 880.

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

24 **SECTION 5.** 938.02 (21) of the statutes is amended to read:

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1 938.02 (21) "Victim-witness coordinator" means a person employed or
2 contracted by the county board of supervisors under s. 950.06 ~~to enforce the rights~~
3 ~~of victims and witnesses of crimes and to provide services for those~~ the victims and
4 witnesses of crimes or a person employed or contracted by the department of justice
5 to provide the services specified in s. 950.08.

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

7 938.067 (6g) Provide information and notices to and confer with victims as
8 required under s. 938.346 (1m).

9 **SECTION 7.** 938.24 (5) of the statutes is amended to read:

10 938.24 (5) The intake worker shall request that a petition be filed, enter into
11 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
12 of referral information. Before entering into a deferred prosecution agreement, the
13 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
14 or a deferred prosecution agreement is entered into, the district attorney, corporation
15 counsel or other official under s. 938.09 shall receive written notice of such action.
16 If the case is closed, the known victims of the juvenile's alleged act shall receive notice
17 as provided under sub. (5m), if applicable. In addition, if a deferred prosecution
18 agreement is entered into placing a juvenile in a youth village program as described
19 in s. 118.42, the judge or juvenile court commissioner shall receive written notice of
20 such action and, on receipt of that notice, shall enter an order requiring compliance
21 with that agreement. A notice of deferred prosecution of an alleged delinquency case
22 shall include a summary of the facts surrounding the allegation and a list of prior
23 intake referrals and dispositions. If a law enforcement officer has made a
24 recommendation concerning the juvenile, the intake worker shall forward this
25 recommendation to the district attorney under s. 938.09. Notwithstanding the

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1 requirements of this section, the district attorney may initiate a delinquency petition
2 under s. 938.25 within 20 days after notice that the case has been closed or that a
3 deferred prosecution agreement has been entered into. The judge shall grant
4 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
5 which is not referred or filed within the time limits specified within this subsection.
6 Failure to object if a petition is not referred or filed within a time limit specified in
7 this subsection waives that time limit.

8 **SECTION 8.** 938.24 (5m) of the statutes is created to read:

9 938.24 (5m) If a juvenile is alleged to be delinquent under s. 938.12 or to be in
10 need of protection or services under s. 938.13 (12) and the intake worker decides to
11 close the case, the intake worker shall make a reasonable attempt to inform all of the
12 known victims of the juvenile's act that the case is being closed at that time.

13 **SECTION 9.** 938.245 (1m) of the statutes is created to read:

14 938.245 (1m) If a juvenile is alleged to be delinquent under s. 938.12 or to be
15 in need of protection or services under s. 938.13 (12), an intake worker shall, as soon
16 as practicable but in any event before entering into a deferred prosecution agreement
17 under sub. (1), offer all of the victims of the juvenile's alleged act who have requested
18 the opportunity an opportunity to confer with the intake worker concerning the
19 proposed deferred prosecution agreement.

20 **SECTION 10.** 938.25 (2m) of the statutes is created to read:

21 938.25 (2m) 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 district attorney or
23 corporation counsel decides not to file a petition, the district attorney or corporation
24 counsel shall make a reasonable attempt to inform all of the known victims of the
25 juvenile's act that a petition will not be filed against the juvenile at that time.

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1 **SECTION 11.** 938.265 of the statutes is created to read:

2 **938.265 Consultation with victims.** In a case in which the juvenile is alleged
3 to be delinquent under s. 938.12 or to be in need of protection or services under s.
4 938.13 (12), the district attorney or corporation counsel shall, as soon as practicable
5 but in any event before the plea hearing under s. 938.30, offer all of the victims of the
6 juvenile's alleged act who have requested the opportunity an opportunity to confer
7 with the district attorney or corporation counsel concerning the possible outcomes
8 of the proceeding against the juvenile, including potential plea agreements and
9 recommendations that the district attorney or corporation counsel may make
10 concerning dispositions under s. 938.34 or 938.345.

11 **SECTION 12.** 938.27 (4m) of the statutes is amended to read:

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

23 **SECTION 13.** 938.273 (2) of the statutes is amended to read:

24 **938.273 (2)** Service of summons or notice required by this subchapter may be
25 made by any suitable person under the direction of the court. Notification of the

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1 victim or alleged victim of a juvenile's act ~~or of a family member of a homicide victim~~
2 ~~or of an alleged homicide victim~~ under s. 938.27 (4m) shall be made by the district
3 attorney or corporation counsel.

4 **SECTION 14.** 938.296 (1) (e) of the statutes is created to read:

5 938.296 (1) (e) "Victim" has the meaning given in s. 938.02 (20m) (a) 1.

6 **SECTION 15.** 938.2965 of the statutes is created to read:

7 **938.2965 Waiting area for victims and witnesses.** (1) In this section,
8 "witness" has the meaning given in s. 950.02 (5).

9 (2) If an area is available and use of the area is practical, a county shall provide
10 a waiting area for a victim or witness to use during hearings under this chapter that
11 if separate from any area used by the juvenile, the juvenile's relatives and witnesses
12 for the juvenile. If a separate waiting area is not available or its use is not practical,
13 a county shall provide other means to minimize the contact between the victim or
14 witness and the juvenile, the juvenile's relatives and witnesses for the juvenile
15 during hearings under this chapter.

16 **SECTION 16.** 938.30 (4m) of the statutes is created to read:

17 938.30 (4m) Before accepting a plea under sub. (4) in a proceeding in which a
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 court shall inquire of the district attorney or
20 corporation counsel whether he or she has complied with s. 938.265 and whether he
21 or she has complied with s. 938.27 (4m), whether any of the known victims requested
22 notice of the date, time and place of the plea hearing and, if so, whether the district
23 attorney or corporation counsel provided to the victim notice of the date, time and
24 place of the hearing.

25 **SECTION 17.** 938.31 (2) of the statutes is amended to read:

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1 938.31 (2) The hearing shall be to the court. If the hearing involves a child
2 victim, as defined in s. 938.02 (20m) (a) 1., or a child witness, as defined in s. 950.02
3 (5), the court may order the taking and allow the use of a videotaped deposition under
4 s. 967.04 (7) to (10) and, with the district attorney, shall comply with s. 971.105. At
5 the conclusion of the hearing, the court shall make a determination of the facts. If
6 the court finds that the juvenile is not within the jurisdiction of the court or the court
7 finds that the facts alleged in the petition or citation have not been proved, the court
8 shall dismiss the petition or citation with prejudice.

9 **SECTION 18.** 938.312 of the statutes is created to read:

10 **938.312 Notice of dismissal.** If a petition alleges that a juvenile is delinquent
11 under s. 938.12 or in need of protection or services under s. 938.13 (12) and the
12 petition is dismissed or does not otherwise result in a consent decree or dispositional
13 order, the district attorney or corporation counsel shall make a reasonable attempt
14 to inform each known victim of the juvenile's alleged act that the petition has been
15 dismissed or will not result in a consent decree or dispositional order.

16 **SECTION 19.** 938.315 (2) of the statutes is amended to read:

17 938.315 (2) A continuance may be granted by the court only upon a showing
18 of good cause in open court or during a telephone conference under s. 807.13 on the
19 record and only for so long as is necessary, taking into account the request or consent
20 of the representative of the public under s. 938.09 or the parties, the interests of the
21 victims and the interest of the public in the prompt disposition of cases.

22 **SECTION 20.** 938.32 (1) (am) of the statutes is created to read:

23 938.32 (1) (am) Before entering into a consent decree in a case in which the
24 juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or
25 services under s. 938.13 (12), the district attorney or corporation counsel shall, as

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1 soon as practicable but in any event before agreeing to the consent decree, offer all
2 of the victims of the juvenile's alleged act who have requested the opportunity an
3 opportunity to confer with the district attorney or corporation counsel concerning the
4 proposed consent decree.

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

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

15 **SECTION 22.** 938.32 (1) (b) 1m. of the statutes is created to read:

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

24 **SECTION 23.** 938.32 (1) (b) 2. of the statutes is amended to read:

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1 938.32 (1) (b) 2. Before entering into a consent decree in a proceeding in which
2 a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection
3 or services under s. 938.13 (12), the district attorney or corporation counsel shall
4 attempt to contact any known victim ~~or family member of a homicide victim~~ to inform
5 that person of the right to make a statement under subd. 1. Any failure to comply
6 with this subdivision is not a ground for discharge of the juvenile, parent, guardian
7 or legal custodian from fulfilling the terms and conditions of the consent decree.

8 **SECTION 24.** 938.331 of the statutes is amended to read:

9 **938.331 Court reports; effect on victim.** If the delinquent act would
10 constitute a felony if committed by an adult, the person preparing the report under
11 s. 938.33 (1) shall attempt to determine the economic, physical and psychological
12 effect of the delinquent act on the victim, as defined in s. 938.02 (20m) (a) 1. and 4.
13 The person preparing the report may ask any appropriate person for information.
14 This section does not preclude the person who prepares the report from including any
15 information for the court concerning the impact of a delinquent act on the victim.
16 If the delinquent act would not constitute a felony but a victim, as defined in s. 938.02
17 (20m) (a) 1., has suffered bodily harm or the act involved theft or damage to property,
18 the person preparing the report is encouraged to seek the information described in
19 this section.

20 **SECTION 25.** 938.335 (3m) (a) of the statutes is amended to read:

21 938.335 (3m) (a) Before imposing a disposition in a proceeding in which a
22 juvenile is adjudged to be delinquent under s. 938.12 or is found to be in need of
23 protection or services under s. 938.13 (12), the court shall determine whether a
24 victim of the juvenile's act wants to make a statement to the court. If a victim wants
25 to make a statement, the court shall allow a the victim ~~or a family member of a~~

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1 ~~homicide victim~~ to make a statement in court or to submit a written statement to be
2 read to the court. The court may allow any other person to make or submit a
3 statement under this paragraph. Any statement made under this paragraph must
4 be relevant to the disposition.

5 **SECTION 26.** 938.335 (3m) (am) of the statutes is created to read:

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

13 **SECTION 27.** 938.335 (3m) (b) of the statutes is amended to read:

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

21 **SECTION 28.** 938.346 (1) (d) 1. of the statutes is amended to read:

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

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1 reports under s. 938.295 or 938.33 or any other information that deals with sensitive
2 personal matters of the juvenile and the juvenile's family and that does not directly
3 relate to the act or alleged act committed against the victim. This subdivision does
4 not affect the right of a victim to attend any hearing that the victim is permitted to
5 attend under s. 938.299 (1) (am).

6 **SECTION 29.** 938.346 (1) (em) of the statutes is created to read:

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

11 **SECTION 30.** 938.346 (1) (fm) of the statutes is created to read:

12 938.346 (1) (fm) All of the following:

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

20 **SECTION 31.** 938.346 (1) (h) of the statutes is created to read:

21 938.346 (1) (h) All of the following:

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

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- 1 3. The right to compensation, as provided under ch. 949.
- 2 4. The right to a speedy disposition of the case under s. 950.04 (1v) (k).
- 3 5. The right to have personal property returned, as provided under s. 950.04
- 4 (1v) (s).
- 5 6. The right to complain to the department of justice concerning the treatment
- 6 of crime victims, as provided under s. 950.08 (3), and to request review by the crime
- 7 victims rights board of complaint mediation conducted by the department of justice,
- 8 as provided under s. 950.09 (2).

9 **SECTION 32.** 938.346 (1m) of the statutes is amended to read:

10 938.346 **(1m)** The intake worker shall provide notice of the information

11 specified in sub. (1) (a), (b) ~~and~~, (c) and (h), the information specified in sub. (1) (d)

12 relating to a deferred prosecution agreement under s. 938.245, the information

13 specified in sub. (1) (em) relating to the right to confer, if requested, on deferred

14 prosecution agreements and the information specified in sub. (3) if the ~~inquiry is~~

15 ~~terminated without a deferred prosecution agreement before the filing of a petition~~

16 juvenile's case is closed. The district attorney or corporation counsel shall provide

17 notice of the information specified in sub. (1) (e), (f), ~~(fm)~~ and (g), the information

18 specified in sub. (1) (d) relating to a consent decree under s. 938.32 or a dispositional

19 order under ss. 938.34 to 938.345, the information specified in sub. (1) (em) relating

20 to the right to request an opportunity to confer, if requested, on amendment of

21 petitions, consent decrees and disposition recommendations and the information

22 under sub. (3) if he or she decides not to file a petition or the proceeding is terminated

23 without a consent decree or dispositional order after the filing of a petition.

24 **SECTION 33.** 938.346 (3) of the statutes is amended to read:

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1 938.346 (3) If an inquiry ~~or proceeding~~ is closed, ~~dismissed by an intake worker~~
2 or otherwise does not result in a deferred prosecution agreement, the intake worker
3 shall make a reasonable attempt to inform each known victim of the juvenile's
4 alleged act as provided in s. 938.24 (5m). If a district attorney or corporation counsel
5 decides not to file a petition or if, after a petition is filed, a proceeding is dismissed
6 or otherwise does not result in a consent decree or dispositional order, a district
7 attorney or corporation counsel shall make a reasonable attempt shall be made to
8 inform each known victim of the juvenile's alleged act ~~that the inquiry or proceeding~~
9 ~~has been terminated~~ as provided in s. 938.25 (2m) or 938.312, whichever is
10 applicable.

11 **SECTION 34.** 938.346 (4) of the statutes is amended to read:

12 938.346 (4) If the victim, as defined in s. 938.02 (20m) (a) 1., is a child, the notice
13 under this section shall be given to the child's parents, guardian or legal custodian.

14 **SECTION 35.** 938.346 (5) of the statutes is amended to read:

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

21 **SECTION 36.** 938.396 (1g) of the statutes is amended to read:

22 938.396 (1g) If requested by the victim-witness coordinator, a law enforcement
23 agency shall disclose to the victim-witness coordinator any information in its records
24 relating to the enforcement of rights under the constitution, this chapter and s.
25 950.04 or the provision of services under s. ~~950.05~~ 950.06 (1m). The victim-witness

SENATE BILL 195**SECTION 36**

1 coordinator may use the information only for the purpose of enforcing those rights
2 and providing those services and may make that information available only as
3 necessary to ensure that victims and witnesses of crimes, as defined in s. 950.02 (1m),
4 receive the rights and services to which they are entitled under the constitution, this
5 chapter and ch. 950.

6 **SECTION 37.** 938.396 (1t) of the statutes is amended to read:

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

17 **SECTION 38.** 938.396 (2) (f) of the statutes is amended to read:

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

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

3 **SECTION 39.** 938.396 (2) (fm) of the statutes is amended to read:

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

8 **SECTION 40.** 938.51 (1) (c) of the statutes is amended to read:

9 938.51 (1) (c) Notify, ~~if the victim died as a result of the juvenile's delinquent~~
10 ~~act and, if the criteria under par. (b) are met, an adult member of the victim's family~~
11 ~~or, if the victim is younger than 18 years old and if the criteria under par. (b) are met,~~
12 ~~the victim's parent or legal guardian of the juvenile's release.~~

13 **SECTION 41.** 938.51 (1m) of the statutes is amended to read:

14 938.51 (1m) The department or county department having supervision over a
15 juvenile shall determine the local agencies that it will notify under sub. (1) (a) based
16 on the residence of the juvenile's parents or on the juvenile's intended residence
17 specified in the juvenile's aftercare supervision plan or, if those methods do not
18 indicate the community in which the juvenile will reside following release from a
19 secured correctional facility, from a secured child caring institution or from the
20 supervision of the department or county department, the community in which the
21 juvenile states that he or she intends to reside.

22 **SECTION 42.** 938.51 (2) of the statutes is amended to read:

23 938.51 (2) The department shall design and prepare cards for any person
24 specified in sub. (1) (b), (c) or (d) to send to the department or county department
25 having supervision over the juvenile. The cards shall have space for any such person

SENATE BILL 195**SECTION 42**

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

10 **SECTION 43.** 938.51 (4) (a) of the statutes is amended to read:

11 938.51 (4) (a) Any known victim of the act for which the juvenile was found
12 delinquent, if the criteria under sub. (1) (b) are met; ~~an adult member of the victim's~~
13 ~~family, if the victim died as a result of the juvenile's delinquent act and if the criteria~~
14 ~~under sub. (1) (b) are met; or the victim's parent or guardian, if the victim is younger~~
15 ~~than 18 years old and if the criteria under sub. (1) (b) are met.~~

16 **SECTION 44.** 950.02 (1m) of the statutes is amended to read:

17 950.02 (1m) "Crime" means an act committed in this state which, if committed
18 by a competent adult, would constitute a crime, as defined in s. 939.12, ~~or which, if~~
19 ~~committed by a responsible child, would constitute a delinquent act under ch. 938.~~

20 **SECTION 45.** 950.02 (1t) of the statutes is created to read:

21 950.02 (1t) "Custodial agency" means any person authorized to arrest or take
22 into actual physical custody an individual who is alleged to have committed a crime.
23 "Custodial agency" includes a law enforcement agency, a sheriff, superintendent or
24 other keeper of a jail and a person authorized to take custody of a juvenile under s.
25 938.19 or 938.20 (4).

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1 **SECTION 46.** 950.02 (2m) of the statutes is created to read:

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

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

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

7 **SECTION 47.** 950.02 (3m) of the statutes is created to read:

8 950.02 (**3m**) “Law enforcement agency” has the meaning given in s. 165.83 (1)

9 (b).

10 **SECTION 48.** 950.02 (4) of the statutes is renumbered 950.02 (4) (a) (intro.) and
11 amended to read:

12 950.02 (**4**) (a) (intro.) “Victim” means a any of the following:

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

14 **SECTION 49.** 950.02 (4) (a) 2., 3., 4. and 5. of the statutes are created to read:

15 950.02 (**4**) (a) 2. If the person specified in subd. 1. is a child, a parent, guardian
16 or legal custodian of the child.

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

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

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

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

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

SENATE BILL 195**SECTION 50**

1 **SECTION 50.** 950.02 (4) (b) of the statutes is created to read:

2 950.02 (4) (b) "Victim" does not include the person charged with or alleged to
3 have committed the crime.

4 **SECTION 51.** 950.04 (intro.) of the statutes is renumbered 950.04 (2w) (intro.)
5 and amended to read:

6 950.04 (2w) (title) RIGHTS OF WITNESSES. (intro.) ~~Victims and witnesses~~
7 Witnesses of crimes have the following rights:

8 **SECTION 52.** 950.04 (1) of the statutes is renumbered 950.04 (2w) (a) and
9 amended to read:

10 950.04 (2w) (a) ~~To be informed by local law enforcement agencies and request~~
11 information from the district attorney of about the final disposition of the case. ~~If the~~
12 ~~crime charged is a felony or is specified in ch. 940, the victim shall be notified~~
13 ~~whenever the defendant or perpetrator is released from custody. The victim shall be~~
14 ~~notified of a pardon application by the governor under s. 304.09 (3).~~

15 **SECTION 53.** 950.04 (1v) of the statutes is created to read:

16 950.04 (1v) **RIGHTS OF VICTIMS.** Victims of crimes have the following rights:

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

19 (b) 3.

20 (b) To attend court proceedings in the case, subject to ss. 906.15 and 938.299
21 (1).

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

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- 1 (c) To be accompanied by a service representative, as provided under s. 895.73.
- 2 (d) To request an order for, and to be given the results of, testing to determine
3 the presence of a sexually transmitted disease or of any strain of human
4 immunodeficiency virus, of antigen or nonantigen products of any strain of human
5 immunodeficiency virus, or of an antibody of any strain of human immunodeficiency
6 virus, as provided under ss. 938.296 or 968.38.
- 7 (e) To be provided a waiting area under ss. 938.2965 and 967.10.
- 8 (em) To have his or her interests considered by the court in determining
9 whether to exclude persons from a preliminary hearing, as provided under s. 970.03
10 (4).
- 11 (f) To be notified of applications for parole, as provided under s. 304.06 (1).
- 12 (g) To be notified of hearings or court proceedings, as provided under ss. 938.27
13 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).
- 14 (i) To have, at his or her request, the opportunity to consult with intake
15 workers, district attorneys and corporation counsel in cases under ch. 938, as
16 provided under ss. 938.245 (1m), 938.265 and 938.32 (1) (am).
- 17 (j) To have, at his or her request, the opportunity to consult with the prosecution
18 in a case brought in a court of criminal jurisdiction, as provided under s. 971.095 (2).
- 19 (k) To a speedy disposition of the case in which they are involved as a victim
20 in order to minimize the length of time they must endure the stress of their
21 responsibilities in connection with the matter.
- 22 (L) To have the district attorney or corporation counsel, whichever is
23 applicable, attempt to contact the victim concerning the victim's right to make a
24 statement, as provided under ss. 938.32 (1) (b) 2., 938.335 (3m) (b) and 972.14 (3) (b).

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

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

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

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

10 (q) To restitution, as provided under ss. 938.245 (2) (a) 5., 938.32 (1t), 938.34
11 (5), 938.345, 943.212, 943.23 (6), 943.245, 943.51 and 973.20.

12 (r) To a judgment for unpaid restitution, as provided under ss. 895.035 (2m) and
13 973.09 (3) (b).

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

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

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

22 (u) To receive information from district attorneys, as provided under s. 950.08
23 (2r).

24 (um) To notification by district attorneys under s. 971.17 (4m) regarding
25 conditional releases under s. 971.17.

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1 (v) To notification by the department of corrections under s. 301.046 (4)
2 regarding community residential confinements, under s. 301.048 (4m) regarding
3 participation in the intensive sanctions program, under s. 301.38 regarding escapes
4 from a Type 1 prison, under s. 301.46 (3) regarding persons registered under s.
5 301.45, under s. 302.115 regarding release upon expiration of certain sentences,
6 under s. 304.063 regarding parole releases, and under s. 938.51 regarding release or
7 escape of a juvenile from correctional custody.

8 (w) To reasonable notification by the department of corrections under s.
9 303.068 (4m) regarding leave granted to qualified inmates under 303.068.

10 (x) To notification by the department of health and family services under s.
11 971.17 (6m) regarding termination or discharge under s. 971.17 and under s. 51.37
12 (10) regarding home visits under s. 51.37 (10).

13 (xm) To notification by the department of health and family services under s.
14 980.11 regarding supervised release under s. 980.06 and discharge under s. 980.09
15 or 980.10.

16 (y) To notification concerning actions taken in a juvenile proceeding, as
17 provided under ss. 938.24 (5m), 938.25 (2m), 938.312 and 938.346.

18 (ym) To notification by the governor of a pardon application, as provided under
19 s. 304.09 (2).

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

22 (zm) To request information from a district attorney concerning the disposition
23 of a case involving a crime of which he or she was a victim, as provided under s.
24 971.095 (6).

SENATE BILL 195**SECTION 53**

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

5 **SECTION 54.** 950.04 (2) of the statutes is renumbered 950.04 (2w) (b).

6 **SECTION 55.** 950.04 (2m) of the statutes is renumbered 950.04 (1v) (pm).

7 **SECTION 56.** 950.04 (2w) (f) of the statutes is created to read:

8 950.04 (2w) (f) To be provided a waiting area under ss. 938.2965 and 967.10.

9 **SECTION 57.** 950.04 (3) of the statutes is renumbered 950.04 (2w) (c).

10 **SECTION 58.** 950.04 (4) of the statutes is renumbered 950.04 (2w) (d) and
11 amended to read:

12 950.04 (2w) (d) To be informed of financial assistance and other social services
13 available as a result of being a witness ~~or a victim~~ of a crime, including information
14 on how to apply for the assistance and services.

15 **SECTION 59.** 950.04 (5) of the statutes is renumbered 950.04 (2w) (e).

16 **SECTION 60.** 950.04 (6) of the statutes is repealed.

17 **SECTION 61.** 950.04 (7) of the statutes is renumbered 950.04 (2w) (fm).

18 **SECTION 62.** 950.04 (8) of the statutes is renumbered 950.04 (2w) (g) and
19 amended to read:

20 950.04 (2w) (g) To be provided with appropriate employer intercession services
21 to ensure that employers of ~~victims and witnesses~~ will cooperate with the criminal
22 justice process and the juvenile justice process in order to minimize an employe's loss
23 of pay and other benefits resulting from court appearances.

24 **SECTION 63.** 950.04 (9) of the statutes is renumbered 950.04 (2w) (h) and
25 amended to read:

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1 950.04 (2w) (h) To be entitled to a speedy disposition of the case in which they
2 are involved as a ~~victim or~~ witness in order to minimize the length of time they must
3 endure the stress of their responsibilities in connection with the matter.

4 **SECTION 64.** 950.04 (10) of the statutes is repealed.

5 **SECTION 65.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 440, is
6 repealed.

7 **SECTION 66.** 950.05 (title) of the statutes is repealed.

8 **SECTION 67.** 950.05 (1) of the statutes is repealed.

9 **SECTION 68.** 950.05 (1) (a) to (i) of the statutes are renumbered 950.06 (1m) (a)
10 to (i).

11 **SECTION 69.** 950.05 (2) of the statutes is repealed.

12 **SECTION 70.** 950.055 (2) (intro.) of the statutes is amended to read:

13 950.055 (2) **ADDITIONAL SERVICES.** (intro.) In addition to all rights afforded to
14 victims and witnesses under s. 950.04 and services provided under s. ~~950.05~~ 950.06
15 (1m), counties are encouraged to provide the following additional services on behalf
16 of children who are involved in criminal or delinquency proceedings as victims or
17 witnesses:

18 **SECTION 71.** 950.055 (3) of the statutes is amended to read:

19 950.055 (3) **PROGRAM RESPONSIBILITY.** In each county, the county board is
20 responsible for ~~the enforcement of rights and~~ the provision of services under this
21 section. A county may seek reimbursement for services provided under this section
22 as part of its program plan submitted to the department under s. 950.06. To the
23 extent possible, counties shall utilize volunteers and existing public resources for the
24 provision of these services.

25 **SECTION 72.** 950.06 (title) of the statutes is amended to read:

SENATE BILL 195**SECTION 72**

1 **950.06** (title) **Responsibility Reimbursement for rights and services.**

2 **SECTION 73.** 950.06 (1) of the statutes is repealed:

3 **SECTION 74.** 950.06 (1m) (intro.) of the statutes is created to read:

4 950.06 **(1m)** (intro.) To be eligible for reimbursement under this section for the
5 provision of services to victims and witnesses, a county shall provide all of the
6 following services to victims and witnesses:

7 **SECTION 75.** 950.06 (2) of the statutes is amended to read:

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

20 **SECTION 76.** 950.06 (2m) of the statutes is repealed.

21 **SECTION 77.** 950.06 (4) of the statutes is amended to read:

22 950.06 **(4)** If the county seeks reimbursement under sub. (2), the county board
23 shall submit a program plan to the department for its approval. The county is eligible
24 for reimbursement under sub. (2) only if the department has approved the plan. The
25 program plan shall describe the level of services to victims and witnesses that the

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1 county intends to provide; the personnel or agencies responsible for related
2 administrative programs and individual services; proposed staffing for the program;
3 proposed education, training and experience requirements for program staff and the
4 staff of agencies providing related administrative programs and individual services;
5 the county's budget for implementing the program and other information the
6 department determines to be necessary for its review. The plan shall provide that
7 the district attorney, local law enforcement agencies and the courts shall make
8 available to the person or agency responsible for administering the program all
9 reports or files, except reports or files which are required by statute to be kept
10 confidential, if the reports or files are required by the person or agency to carry out
11 program responsibilities. Each year, the county board shall submit a report to the
12 department on the operation of the plan, including the enforcement of rights under
13 ~~s. 950.04~~ and the provision of services under ~~s. 950.05~~ sub. (1m).

14 **SECTION 78.** 950.08 (title) of the statutes is amended to read:

15 **950.08** (title) **Hotline, information Information and mediation services.**

16 **SECTION 79.** 950.08 (1) (title) of the statutes is created to read:

17 950.08 (1) (title) DUTIES OF DEPARTMENT; TOLL-FREE TELEPHONE NUMBER.

18 **SECTION 80.** 950.08 (2) (title) of the statutes is created to read:

19 950.08 (2) (title) DUTIES OF DEPARTMENT; GENERAL INFORMATIONAL PROGRAM.

20 **SECTION 81.** 950.08 (2g), (2r) and (2s) of the statutes are created to read:

21 950.08 (2g) INFORMATION TO BE PROVIDED BY LAW ENFORCEMENT AGENCIES. No
22 later than 24 hours after a law enforcement agency has initial contact with a victim
23 of a crime that the law enforcement agency is responsible for investigating, the law
24 enforcement agency shall provide to the victim written information on all of the
25 following:

SENATE BILL 195**SECTION 81**

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

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

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

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

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

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

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

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1 **(2r)** INFORMATION TO BE PROVIDED BY A DISTRICT ATTORNEY IN CRIMINAL CASES. As
2 soon as practicable, but in no event later than 10 days after the initial appearance
3 under s. 970.01 or 24 hours before a preliminary examination under s. 970.03,
4 whichever is earlier, of a person charged with a crime in a court of criminal
5 jurisdiction, a district attorney shall provide to each victim of the crime written
6 information on all of the following:

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

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

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

12 (d) The availability of compensation under ch. 949, including information
13 concerning eligibility for compensation and the procedure for applying for
14 compensation.

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

17 **(2s)** INFORMATION CONCERNING JUVENILE CASES. Notification of a victim of an act
18 committed by a juvenile concerning the rights of victims under ch. 938 shall be
19 provided as specified in s. 938.346.

20 **SECTION 82.** 950.08 (3) of the statutes is amended to read:

21 950.08 **(3)** (title) DUTIES OF DEPARTMENT; MEDIATION. The department may
22 receive complaints, seek to mediate complaints and, with the consent of the involved
23 parties, actually mediate complaints regarding the treatment of crime victims and
24 witnesses by public officials, employes or agencies or under crime victim and witness
25 assistance programs. The department may act as a liaison between crime victims

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1 or witnesses and others when seeking to mediate these complaints and may request
2 a written response regarding the complaint from the subject of a complaint. If asked
3 by the department to provide a written response regarding a complaint, the subject
4 of a complaint shall respond to the department's request within a reasonable time.

5 **SECTION 83.** 950.09 of the statutes is created to read:

6 **950.09 Crime victims rights board.** (1) In this section, "board" means the
7 crime victims rights board.

8 (2) At the request of one of the involved parties, the board may review a
9 complaint made to the department under s. 950.08 (3) regarding a violation of the
10 rights of a crime victim. A party may not request the board to review a complaint
11 under this subsection until the department has completed its action on the complaint
12 under s. 950.08 (3). Based on its review of a complaint under this subsection, the
13 board may do any of the following:

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

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

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

23 (d) Bring civil actions to assess a forfeiture under s. 950.11. Notwithstanding
24 s. 778.06, an action or proposed action authorized under this paragraph may be
25 settled for such sum as may be agreed upon between the parties. In settling actions

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1 or proposed actions, the board shall treat comparable situations in a comparable
2 manner and shall assure that any settlement bears a reasonable relationship to the
3 severity of the offense or alleged offense. Forfeiture actions brought by the board
4 shall be brought in the circuit court for the county in which the violation is alleged
5 to have occurred.

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

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

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

13 **SECTION 84.** 950.10 of the statutes is created to read:

14 **950.10 Limitation on liability; grounds for appeal.** (1) No cause of action
15 for money damages may arise against the state, any political subdivision of the state
16 or any employe or agent of the state or a political subdivision of the state for any act
17 or omission in the performance of any power or duty under this chapter or ch. 938
18 or under article I, section 9m, of the Wisconsin constitution.

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

23 **SECTION 85.** 950.11 of the statutes is created to read:

SENATE BILL 195**SECTION 85**

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

4 **SECTION 86.** 967.10 of the statutes is created to read:

5 **967.10 Waiting area for victims and witnesses. (1)** In this section:

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

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

8 **(2)** If an area is available and use of the area is practical, a county shall provide
9 a waiting area for a victim or witness to use during court proceedings that is separate
10 from any area used by the defendant, the defendant's relatives and defense
11 witnesses. If a separate waiting area is not available or its use is not practical, a
12 county shall provide other means to minimize the contact between the victim or
13 witness and the defendant, the defendant's relatives and defense witnesses during
14 court proceedings.

15 **SECTION 87.** 971.08 (1) (d) of the statutes is created to read:

16 971.08 **(1)** (d) Inquire of the district attorney whether he or she has complied
17 with s. 971.095 (2).

18 **SECTION 88.** 971.095 of the statutes is created to read:

19 **971.095 Consultation with and notices to victim. (1)** In this section:

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

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

22 **(2)** In any case in which a defendant has been charged with a crime, the district
23 attorney shall, as soon as practicable, offer all of the victims in the case who have
24 requested the opportunity an opportunity to confer with the district attorney

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1 concerning the prosecution of the case and the possible outcomes of the prosecution,
2 including potential plea agreements and sentencing recommendations.

3 **(3)** At the request of a victim, a district attorney shall provide the victim with
4 notice of the date, time and place of scheduled court proceedings in a case involving
5 the prosecution of a crime of which he or she is a victim and any changes in the date,
6 time or place of a scheduled court proceeding for which the victim has received notice.
7 This subsection does not apply to a proceeding held before the initial appearance to
8 set conditions of release under ch. 969.

9 **(4)** If a person is arrested for a crime but the district attorney decides not to
10 charge the person with a crime, the district attorney shall inform all of the victims
11 of the act for which the person was arrested that the person will not be charged with
12 a crime at that time.

13 **(5)** If a person is charged with committing a crime and the charge against the
14 person is subsequently dismissed, the district attorney shall inform all of the victims
15 of the crime with which the person was charged that the charge has been dismissed.

16 **(6)** A district attorney shall provide information concerning the disposition of
17 a case involving a crime to any victim of the crime who requests the information.

18 **SECTION 89.** 971.10 (3) (b) 3. of the statutes is created to read:

19 971.10 **(3)** (b) 3. The interests of the victim, as defined in s. 950.02 (4).

20 **SECTION 90.** 971.315 of the statutes is created to read:

21 **971.315 Inquiry upon dismissal.** Before a court dismisses a criminal charge
22 against a person, the court shall inquire of the district attorney whether he or she
23 has complied with s. 971.095 (2).

24 **SECTION 91.** 972.14 (1) (a) of the statutes is repealed.

25 **SECTION 92.** 972.14 (1) (ag) of the statutes is created to read:

SENATE BILL 195**SECTION 92**

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

3 **SECTION 93.** 972.14 (2m) of the statutes is created to read:

4 972.14 (2m) Before pronouncing sentence, the court shall inquire of the district
5 attorney whether he or she has complied with s. 971.095 (2) and with sub. (3) (b),
6 whether any of the victims of a crime considered at sentencing requested notice of
7 the date, time and place of the sentencing hearing and, if so, whether the district
8 attorney provided to the victim notice of the date, time and place of the sentencing
9 hearing.

10 **SECTION 94.** 972.14 (3) (a) of the statutes is amended to read:

11 972.14 (3) (a) Before pronouncing sentence, the court shall also determine
12 whether a victim of a crime considered at sentencing wants to make a statement to
13 the court. If a victim wants to make a statement, the court shall allow a the victim
14 or family member of a homicide victim to make a statement in court or to submit a
15 written statement to be read in court. The court may allow any other person to make
16 or submit a statement under this paragraph. Any statement under this paragraph
17 must be relevant to the sentence.

18 **SECTION 95.** 972.14 (3) (b) of the statutes is amended to read:

19 972.14 (3) (b) After a conviction, if the district attorney knows of a victim ~~or~~
20 ~~family member of a homicide or felony murder victim~~ of a crime to be considered at
21 sentencing, the district attorney shall attempt to contact that person to inform him
22 or her of the right to make or provide a statement under par. (a). Any failure to
23 comply with this paragraph is not a ground for an appeal of a judgment of conviction
24 or for any court to reverse or modify a judgment of conviction.

25 **SECTION 96. Nonstatutory provisions.**

