



2007 ASSEMBLY BILL 815

February 15, 2008 - Introduced by Representatives KREUSER, SMITH, SINICKI, TURNER, GUNDERSON, ZIEGELBAUER, HAHN, POPE-ROBERTS, BERCEAU, A. WILLIAMS, ALBERS and SHERIDAN, cosponsored by Senators TAYLOR, LEHMAN and LAZICH. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 51.37 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4),
2 302.105 (4), 302.113 (9g) (g) 2. and 3., 302.114 (6) (b) and (e), 303.068 (4m) (d),
3 304.06 (1) (f), 304.063 (4), 938.27 (4m), 938.51 (1) (b) 3. and (2), 971.095 (3),
4 971.17 (6m) (b) 1., 971.17 (6m) (d) and 980.11 (4) of the statutes; **relating to:**
5 crime victim notification procedures.

Analysis by the Legislative Reference Bureau

Under current law, victims of crimes may be notified of certain events, such as hearings for parole, sentence adjustments, conditional release, extended supervision, and supervised release; escapes; sentence expiration or discharge; or the granting of certain types of leave, that occur regarding the person who committed the crime. In general, to receive such notification, the victim must have completed a card provided by a district attorney or a clerk of circuit court and sent it to the Department of Corrections, the Department of Health and Family Services, or the parole commission, whichever is appropriate. Under this bill, the district attorney or clerk must provide a victim with the card and explain the purpose of the card. Then, unless the victim indicates that he or she does not want notification, the district attorney or clerk must assist the person in completing the card and send it to the appropriate recipient.

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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.** 51.37 (10) (dx) of the statutes is amended to read:

2 51.37 **(10)** (dx) The department shall design and prepare cards to be sent to the
3 department for persons specified in par. (dg) 3. ~~to send to the department.~~ The cards
4 shall have space for these persons to provide their names and addresses, the name
5 of the applicable patient, and any other information the department determines is
6 necessary. The department shall provide the cards, without charge, to district
7 attorneys. District attorneys shall provide ~~the cards~~ a card, without charge, to
8 ~~persons~~ a person specified in par. (dg) 3. ~~These persons may, explain to the person~~
9 ~~the purpose of the card, assist the person in completing the card unless the person~~
10 ~~indicates that he or she does not want any notification, and, as soon as practically~~
11 ~~possible,~~ send ~~the completed cards~~ card to the department. All departmental records
12 or portions of records that relate to mailing addresses of these persons are not subject
13 to inspection or copying under s. 19.35 (1).

14 **SECTION 2.** 301.046 (4) (d) of the statutes is amended to read:

15 301.046 **(4)** (d) The department shall design and prepare cards to be sent to the
16 department for any person specified in par. (b) ~~to send to the department.~~ The cards
17 shall have space for any such person to provide his or her name and address, the
18 name of the applicable prisoner, and any other information the department
19 determines is necessary. The department shall provide the cards, without charge,
20 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without
21 charge, to ~~persons~~ a person specified in par. (b). ~~These persons may~~ If the person is

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1 a person under par. (b) 2., he or she may send the completed card to the department.
2 If the person is a person under par. (b) 1., the district attorney shall explain to the
3 person the purpose of the card, assist the person in completing the card unless the
4 person indicates that he or she does not want any notification, and, as soon as
5 practically possible, send the completed cards card to the department. All
6 department records or portions of records that relate to mailing addresses of these
7 persons are not subject to inspection or copying under s. 19.35 (1).

8 **SECTION 3.** 301.048 (4m) (d) of the statutes is amended to read:

9 301.048 (4m) (d) The department shall design and prepare cards to be sent to
10 the department for any person specified in par. (b) ~~to send to the department~~. The
11 cards shall have space for any such person to provide his or her name and address,
12 the name of the applicable participant, and any other information the department
13 determines is necessary. The department shall provide the cards, without charge,
14 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without
15 charge, to persons a person specified in par. (b). ~~These persons may~~ If the person is
16 a person under par. (b) 2., the person may send the completed card to the department.
17 If the person is a person under par. (b) 1., the district attorney shall explain to the
18 person the purpose of the card, assist the person in completing the card unless the
19 person indicates that he or she does not want any notification, and, as soon as
20 practically possible, send the completed cards card to the department. All
21 department records or portions of records that relate to mailing addresses of these
22 persons are not subject to inspection or copying under s. 19.35 (1).

23 **SECTION 4.** 301.38 (4) of the statutes is amended to read:

24 301.38 (4) The department shall design and prepare cards to be sent to the
25 department for any person specified in sub. (2) ~~to send to the department~~. The cards

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1 shall have space for any such person to provide his or her name, telephone number
2 and mailing address, the name of the applicable prisoner, and any other information
3 that the department determines is necessary. The department shall provide the
4 cards, without charge, to district attorneys. District attorneys shall provide the
5 cards a card, without charge, to persons a person specified in sub. (2). These persons
6 may If the person is a person under sub. (2) (b), the person may send the completed
7 card to the department. If the person is a person under sub. (2) (a), the district
8 attorney shall explain to the person the purpose of the card, assist the person in
9 completing the card unless the person indicates that he or she does not want any
10 notification, and, as soon as practically possible, send the completed cards card to the
11 department. All department records or portions of records that relate to telephone
12 numbers and mailing addresses of these persons are not subject to inspection or
13 copying under s. 19.35 (1).

14 **SECTION 5.** 302.105 (4) of the statutes is amended to read:

15 302.105 (4) The department shall design and prepare cards to be sent to the
16 department for any person specified in sub. (2) ~~to send to the department~~. The cards
17 shall have space for any such person to provide his or her name and address, the
18 name of the applicable inmate, and any other information the department
19 determines is necessary. The department shall provide the cards, without charge,
20 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without
21 charge, to persons a person specified in sub. (2). These persons may If the person is
22 a person under sub. (2) (b), the person may send the completed card to the
23 department. If the person is a person under sub. (2) (a), the district attorney shall
24 explain to the person the purpose of the card, assist the person in completing the card
25 unless the person indicates that he or she does not want any notification, and, as soon

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1 as practically possible, send the completed eards card to the department. All
2 department records or portions of records that relate to mailing addresses of these
3 persons are not subject to inspection or copying under s. 19.35 (1).

4 **SECTION 6.** 302.113 (9g) (g) 2. and 3. of the statutes are amended to read:

5 302.113 **(9g)** (g) 2. When a court sets a hearing date under par. (d), the clerk
6 of the circuit court shall send a notice of hearing to the victim of the crime committed
7 by the inmate, if ~~the victim has submitted a card~~ has been submitted for the victim
8 under subd. 3. requesting notification. The notice shall inform the victim that he or
9 she may appear at the hearing scheduled under par. (d) and shall inform the victim
10 of the manner in which he or she may provide a statement concerning the
11 modification of the inmate's bifurcated sentence in the manner provided in par. (f).
12 The clerk of the circuit court shall make a reasonable attempt to send the notice of
13 hearing to the last-known address of the inmate's victim, postmarked at least 10
14 days before the date of the hearing.

15 3. The director of state courts shall design and prepare cards for a victim to send
16 be sent to the clerk of the circuit court for the county in which the inmate was
17 convicted and sentenced. The cards shall have space for a victim to provide his or
18 her name and address, the name of the applicable inmate, and any other information
19 that the director of state courts determines is necessary. The director of state courts
20 shall provide the cards, without charge, to clerks of circuit court. Clerks of circuit
21 court shall provide ~~the cards~~ a card, without charge, to victims. ~~Victims may~~ a victim,
22 explain to the victim the purpose of the card, assist the victim in completing the card
23 unless the victim indicates that he or she does not want any notification, and, as soon
24 as practically possible, send the completed eards card to the clerk of the circuit court
25 for the county in which the inmate was convicted and sentenced. All court records

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1 or portions of records that relate to mailing addresses of victims are not subject to
2 inspection or copying under s. 19.35 (1).

3 **SECTION 7.** 302.114 (6) (b) and (e) of the statutes are amended to read:

4 302.114 **(6)** (b) If an inmate petitions a court under sub. (5) or (9) (bm) for
5 release to extended supervision under this section, the clerk of the circuit court in
6 which the petition is filed shall send a copy of the petition and, if a hearing is
7 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
8 ~~the victim has submitted a card~~ has been submitted for the victim under par. (e)
9 requesting notification.

10 (e) The director of state courts shall design and prepare cards for a victim to
11 ~~send~~ be sent to the clerk of the circuit court in which the inmate is convicted and
12 sentenced. The cards shall have space for a victim to provide his or her name and
13 address, the name of the applicable inmate, and any other information the director
14 of state courts determines is necessary. The director of state courts shall provide the
15 cards, without charge, to clerks of circuit court. Clerks of circuit court shall provide
16 ~~the cards~~ a card, without charge, to victims. ~~Victims may~~ a victim, explain to the
17 victim the purpose of the card, assist the victim in completing the card unless the
18 victim indicates that he or she does not want any notification, and, as soon as
19 practically possible, send the completed cards card to the clerk of the circuit court in
20 which the inmate was convicted and sentenced. All court records or portions of
21 records that relate to mailing addresses of victims are not subject to inspection or
22 copying under s. 19.35 (1).

23 **SECTION 8.** 303.068 (4m) (d) of the statutes is amended to read:

24 303.068 **(4m)** (d) The department shall design and prepare cards to be sent to
25 the department for any person specified in par. (b) ~~to send to the department~~. The

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1 cards shall have space for any such person to provide his or her name and address,
2 the name of the applicable inmate, and any other information the department
3 determines is necessary. The department shall provide the cards, without charge,
4 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without
5 charge, to ~~persons~~ a person specified in par. (b). ~~These persons may~~ If the person is
6 a person under par. (b) 2., the person may send the completed card to the department.
7 If the person is a person under par. (b) 1., the district attorney shall explain to the
8 person the purpose of the card, assist the person in completing the card unless the
9 person indicates that he or she does not want any notification, and, as soon as
10 practically possible, send the completed cards card to the department. All
11 department records or portions of records that relate to mailing addresses of these
12 persons are not subject to inspection or copying under s. 19.35 (1).

13 **SECTION 9.** 304.06 (1) (f) of the statutes is amended to read:

14 304.06 (1) (f) The parole commission shall design and prepare cards to be sent
15 to the commission for persons specified in par. (c) 3. ~~to send to the commission.~~ The
16 cards shall have space for these persons to provide their names and addresses, the
17 name of the applicable prisoner, and any other information the parole commission
18 determines is necessary. The parole commission shall provide the cards, without
19 charge, to district attorneys. District attorneys shall provide ~~the cards~~ a card,
20 without charge, to ~~persons~~ a person specified in par. (c) 3. ~~These persons may, explain~~
21 to the person the purpose of the card, assist the person in completing the card unless
22 the person indicates that he or she does not want any notification, and, as soon as
23 practically possible, send the completed cards card to the parole commission. All
24 commission records or portions of records that relate to mailing addresses of these
25 persons are not subject to inspection or copying under s. 19.35 (1). Before any written

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1 statement of a person specified in par. (c) 3. is made a part of the documentary record
2 considered in connection with a parole hearing under this section, the parole
3 commission shall obliterate from the statement all references to the mailing
4 addresses of the person. A person specified in par. (c) 3. who attends an interview
5 or hearing under par. (eg) may not be required to disclose at the interview or hearing
6 his or her mailing addresses.

7 **SECTION 10.** 304.063 (4) of the statutes is amended to read:

8 304.063 (4) The department shall design and prepare cards to be sent to the
9 department for any person specified in sub. (2) ~~to send to the department~~. The cards
10 shall have space for any such person to provide his or her name and address, the
11 name of the applicable prisoner, and any other information the department
12 determines is necessary. The department shall provide the cards, without charge,
13 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without
14 charge, to ~~persons~~ a person specified in sub. (2). ~~These persons may~~ If the person is
15 a person under sub. (2) (b), the person may send the completed card to the
16 department. If the person is a person under sub. (2) (a), the district attorney shall
17 explain to the person the purpose of the card, assist the person in completing the card
18 unless the person indicates that he or she does not want any notification, and, as soon
19 as practically possible, send the completed cards card to the department. All
20 department records or portions of records that relate to mailing addresses of these
21 persons are not subject to inspection or copying under s. 19.35 (1).

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

23 938.27 (4m) NOTICE TO VICTIMS. The district attorney or corporation counsel
24 shall make a reasonable attempt to contact any known victim or alleged victim of a
25 juvenile's act or alleged act to inform them of the right to receive notice of any hearing

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1 under this chapter involving the juvenile. If Unless a victim or alleged victim
2 indicates that he or she wishes not to receive that notice, the district attorney or
3 corporation counsel shall make a reasonable attempt to notify, under s. 938.273, that
4 victim or alleged victim of any hearing under this chapter involving the juvenile.
5 Failure to comply with this subsection is not a ground for an appeal of a judgment
6 or dispositional order or for any court to reverse or modify a judgment or dispositional
7 order.

8 **SECTION 12.** 938.51 (1) (b) 3. and (2) of the statutes are amended to read:

9 938.51 (1) (b) 3. ~~The victim has sent in a~~ A request card has been sent in for
10 the victim under sub. (2) or, if the victim was under 18 years of age when ~~his or her~~
11 ~~parent~~ the request card was sent in ~~a request card~~ under sub. (2), the parent or
12 guardian authorized on the request card direct notification of the victim after the
13 victim attains 18 years of age.

14 **(2) NOTIFICATION REQUEST CARDS.** The department shall design and prepare
15 cards for any person specified in sub. (1) (b), (c), (cm), or (d) to ~~send~~ be sent to the
16 department or county department having supervision over a juvenile described in
17 sub. (1), (1d), or (1g). The cards shall have space for the person's name, telephone
18 number and mailing address, the name of the applicable juvenile, and any other
19 information that the department determines is necessary. The cards shall advise a
20 victim who is under 18 years of age that he or she may complete a card requesting
21 notification under sub. (1) (b), (1d), or (1g) if the notification occurs after the victim
22 attains 18 years of age and advising the parent or guardian of a victim who is under
23 18 years of age that the parent or guardian may authorize on the card direct
24 notification of the victim under sub. (1) (b), (1d), or (1g) if the notification occurs after
25 the victim attains 18 years of age. The department shall provide the cards, without

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1 charge, to district attorneys. District attorneys shall provide ~~the cards~~ a card,
2 without charge, to ~~persons~~ a person specified in sub. (1) (b) to (d). ~~These persons may~~
3 If the person is a person under sub. (1) (d), the person may send the completed card
4 to the department or county department having supervision over the juvenile.
5 Otherwise, the district attorney shall explain to the person the purpose of the card,
6 assist the person in completing the card unless the person indicates that he or she
7 does not want any notification, and, as soon as practically possible, send the
8 completed cards card to the department or county department having supervision
9 over the juvenile. Department and county department records or portions of records
10 that relate to telephone numbers and mailing addresses of these persons are not
11 subject to inspection or copying under s. 19.35 (1).

12 **SECTION 13.** 971.095 (3) of the statutes is amended to read:

13 971.095 (3) ~~At the request of a~~ Unless the victim requests not to be notified,
14 a district attorney shall make a reasonable attempt to provide ~~the~~ a victim with
15 notice of the date, time, and place of scheduled court proceedings in a case involving
16 the prosecution of a crime of which he or she is a victim and any changes in the date,
17 time, or place of a scheduled court proceeding for which the victim has received
18 notice. This subsection does not apply to a proceeding held before the initial
19 appearance to set conditions of release under ch. 969.

20 **SECTION 14.** 971.17 (6m) (b) 1. of the statutes is amended to read:

21 971.17 (6m) (b) 1. ~~If the person has submitted a card~~ has been submitted for
22 a person under par. (d) requesting notification, make a reasonable attempt to notify
23 the victim of the crime committed by the defendant, or, if the victim died as a result
24 of the crime, an adult member of the victim's family, or, if the victim is younger than
25 18 years old, the victim's parent or legal guardian.

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1 **SECTION 15.** 971.17 (6m) (d) of the statutes, as affected by 2007 Wisconsin Act
2 20, section 9121 (6) (a), is amended to read:

3 971.17 **(6m)** (d) The department of health services shall design and prepare
4 cards for persons specified in par. (b) 1. ~~to send~~ be sent to the department. The cards
5 shall have space for these persons to provide their names and addresses, the name
6 of the applicable defendant, and any other information the department determines
7 is necessary. The department shall provide the cards, without charge, to district
8 attorneys. District attorneys shall provide ~~the cards~~ a card, without charge, to
9 persons a person specified in par. (b) 1. ~~These persons may, explain to the person the~~
10 purpose of the card, assist the person in completing the card unless the person
11 indicates that he or she does not want any notification, and, as soon as practically
12 possible, send the completed cards card to the department. All departmental records
13 or portions of records that relate to mailing addresses of these persons are not subject
14 to inspection or copying under s. 19.35 (1), except as needed to comply with a request
15 under sub. (4m) (d) or s. 301.46 (3) (d).

16 **SECTION 16.** 980.11 (4) of the statutes, as affected by 2007 Wisconsin Act 20,
17 section 9121 (6) (a), is amended to read:

18 980.11 **(4)** The department shall design and prepare cards to be sent to the
19 department for persons specified in sub. (2) (am) ~~to send to the department~~. The
20 cards shall have space for these persons to provide their names and addresses, the
21 name of the person committed under this chapter, and any other information the
22 department determines is necessary. The department shall provide the cards,
23 without charge, to the department of justice and district attorneys. The department
24 of justice and district attorneys shall provide ~~the cards~~ a card, without charge, to
25 persons a person specified in sub. (2) (am). ~~These persons may, explain to the person~~

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1 the purpose of the card, assist the person in completing the card unless the person
2 indicates that he or she does not want any notification, and, as soon as practically
3 possible, send completed cards to the department of health services. All records or
4 portions of records of the department of health services that relate to mailing
5 addresses of these persons are not subject to inspection or copying under s. 19.35 (1),
6 except as needed to comply with a request by the department of corrections under s.
7 301.46 (3) (d).

SECTION 17. Initial applicability.

8
9 (1) The treatment of sections 51.37 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d),
10 301.38 (4), 302.105 (4), 302.113 (9g) (g) 3., 302.114 (6) (e), 303.068 (4m) (d), 304.06
11 (1) (f), 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4) of the statutes first
12 applies to notification cards provided on the effective date of this subsection.

13 (2) The treatment of section 938.27 (4m) of the statutes first applies to victims
14 informed of their right to receive notice on the effective date of this subsection.

15 (3) The treatment of section 971.095 (3) of the statutes first applies to a notice
16 to be given on the effective date of this subsection.

SECTION 18. Effective date.

17
18 (1) This act takes effect on the first day of the 4th month beginning after
19 publication.

20 (END)