

# State of Wisconsin



1995 Senate Bill 112

Date of enactment: **November 17, 1995**

Date of publication\*: **December 4, 1995**

## 1995 WISCONSIN ACT 74

AN ACT to amend 950.045; and to create 301.38 of the statutes; relating to: notifying victims and witnesses about prisoner escapes.

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

**SECTION 1.** 301.38 of the statutes is created to read:

**301.38 Notification of victims and witnesses about prisoner escapes.** (1) In this section:

(a) "Member of the family" means spouse, child, sibling, parent or legal guardian.

(am) "Prisoner" has the meaning given in s. 301.01 (2), but does not include any person in the intensive sanctions program under s. 301.048 or any person who is imprisoned as an alternative to the revocation of probation or parole.

(b) "Victim" means a person against whom a crime has been committed.

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

(a) The victim of the crime committed by the prisoner or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian.

(b) Any witness who testified against the prisoner in any court proceeding involving the offense.

(3) The department shall make a reasonable effort to notify the person by telephone as soon as possible after the escape and after any subsequent apprehension of the prisoner.

(4) The department shall design and prepare cards for any person specified in sub. (2) to send to the department. The cards shall have space for any such person to provide his or her name, telephone number and mailing address, the name of the applicable prisoner and any other information that the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in sub. (2). These persons may send completed cards to the department. All department records or portions of records that relate to telephone numbers and mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1).

**SECTION 2.** 950.045 of the statutes is amended to read:

**950.045 (title) Victims; application for parole or pardon; releases; escapes; corrections programs.** Victims of crimes have the right to provide written statements concerning parole applications under s. 304.06 (1) (e), to have direct input in the parole decision-making process under s. 304.06 (1) (em) and to provide written

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

statements concerning pardon applications under s. 304.10 (2). Victims of crimes have the right to be notified by district attorneys under s. 971.17 (4m) regarding conditional releases under s. 971.17. Victims of crimes have the right to be notified by the department of corrections under s. 301.046 (4) regarding community residential confinements, under s. 301.048 (4m) regarding par-

ticipation in the intensive sanctions program, under s. 301.38 regarding escapes from a Type 1 prison and under s. 304.063 regarding parole releases.

**SECTION 3. Initial applicability.**

(1) This act first applies to notification provided on the effective date of this subsection, regardless of the date on which the prisoner was convicted.