



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa0733/1  
JEO:kaf:ijs

**ASSEMBLY AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 342**

October 28, 1997 - Offered by COMMITTEE ON JUDICIARY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 8: after that line insert:

3 **"SECTION 1b.** 51.37 (10) (dg) of the statutes is amended to read:

4 51.37 (10) (dg) If the department grants a patient an extended home visit or  
5 leave under this subsection, the department shall notify do all of the following, if they  
6 can be found, in accordance with par. (dm):

7 1. ~~The~~ Notify the office of the judge who committed the patient.

8 2. ~~The~~ Notify the office of the district attorney who participated in the  
9 commitment proceedings.

10 3. ~~The~~ Make a reasonable effort to notify the victim of the crime committed by  
11 the patient or, if the victim died as a result of the crime, an adult member of the  
12 victim's family or, if the victim is younger than 18 years old, the victim's parent or  
13 legal guardian, after the submission of a card under par. (dx) requesting notification.

1           **SECTION 1g.** 301.046 (4) (b) (intro.) of the statutes is amended to read:

2           301.046 (4) (b) (intro.) Before a prisoner is confined under sub. (1) for a violation  
3 of s. 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07, the  
4 department shall make a reasonable ~~effort~~ attempt to notify all of the following  
5 persons, if they can be found, in accordance with par. (c) and after receiving a  
6 completed card under par. (d):

7           **SECTION 1h.** 301.048 (4m) (b) (intro.) of the statutes is amended to read:

8           301.048 (4m) (b) (intro.) As soon as possible after a prisoner, probationer or  
9 parolee who has violated s. 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2),  
10 948.025, 948.06 or 948.07 enters the intensive sanctions program, the department  
11 shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they  
12 can be found, in accordance with par. (c) and after receiving a completed card under  
13 par. (d):

14           **SECTION 1i.** 301.38 (2) (intro.) of the statutes is amended to read:

15           301.38 (2) (intro.) If a prisoner escapes from a Type 1 prison, the department  
16 shall make a reasonable ~~effort~~ attempt to notify all of the following persons, if they  
17 can be found, in accordance with sub. (3) and after receiving a completed card under  
18 sub. (4):

19           **SECTION 1j.** 301.46 (3) (b) of the statutes, as created by 1995 Wisconsin Act 440,  
20 is amended to read:

21           301.46 (3) (b) When a person is registered under s. 301.45 (2) or when the  
22 person informs the department of a change in information under s. 301.45 (4), the  
23 department shall make a reasonable effort to notify the victim or a member of the  
24 victim's family who has, according to the records of the department or the

1 information provided under par. (d), requested to be notified about a person required  
2 to register under s. 301.45.

3 **SECTION 1k.** 302.115 (2) (intro.) of the statutes is amended to read:

4 302.115 (2) (intro.) Before an inmate who is in a prison serving a sentence for  
5 a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
6 948.06 or 948.07 is released from imprisonment because he or she has reached the  
7 expiration date of his or her sentence, the department shall make a reasonable effort  
8 attempt to notify all of the following persons, if they can be found, in accordance with  
9 sub. (3) and after receiving a completed card under sub. (4):

10 **SECTION 1L.** 303.068 (4m) (b) (intro.) of the statutes is amended to read:

11 303.068 (4m) (b) (intro.) Before an inmate who is imprisoned for a violation of  
12 s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or  
13 948.07 is released on leave under this section, the department shall make a  
14 reasonable effort attempt to notify all of the following persons, if they can be found,  
15 in accordance with par. (c) and after receiving a completed card under par. (d):

16 **SECTION 1m.** 304.06 (1) (c) (intro.) of the statutes is amended to read:

17 304.06 (1) (c) (intro.) If an inmate applies for parole under this subsection, the  
18 parole commission shall make a reasonable attempt to notify the following, if they  
19 can be found, in accordance with par. (d):

20 **SECTION 1n.** 304.063 (2) (intro.) of the statutes is amended to read:

21 304.063 (2) (intro.) Before a prisoner is released on parole under s. 302.11,  
22 304.02 or 304.06, if applicable, for a violation of s. 940.01, 940.03, 940.05, 940.225 (1)  
23 or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07, the department shall make a  
24 reasonable effort attempt to notify all of the following persons, if they can be found,  
25 in accordance with sub. (3) and after receiving a completed card under sub. (4):

1           **SECTION 1p.** 304.09 (3) of the statutes is amended to read:

2           304.09 (3) The notice shall inform the persons under sub. (2) of the manner in  
3 which they may provide written statements or participate in any applicable hearing.  
4 The applicant shall serve notice on the persons under sub. (2) (a) and (b) ~~and the at~~  
5 least 3 weeks before the hearing of the application. The governor shall make a  
6 reasonable attempt to serve notice on the person under sub. (2) (c). ~~Each such notice~~  
7 ~~shall be served~~ at least 3 weeks before the hearing of the application. The notice shall  
8 be published at least once each week for 2 successive weeks before the hearing in a  
9 newspaper of general circulation in the county where the offense was committed. If  
10 there is no such newspaper, the notice shall be posted in a conspicuous place on the  
11 door of the courthouse of the county for 3 weeks before the hearing and published  
12 once each week for 2 consecutive weeks before the hearing in a newspaper published  
13 in an adjoining county. Publication as required in this subsection shall be completed  
14 by a date designated by the governor. The date shall be a reasonable time prior to  
15 the hearing date.”.

16           **2.** Page 9, line 12: after “shall” insert “make a reasonable”.

17           **3.** Page 9, line 18: after “shall” insert “make a reasonable attempt to”.

18           **4.** Page 12, line 19: delete “par. (am) and” and substitute “par. (am),”.

19           **5.** Page 12, line 20: after “subd. 2.” insert “and whether he or she has complied  
20 with s. 938.27 (4m)”.

21           **6.** Page 13, line 3: after “shall” insert “make a reasonable”.

22           **7.** Page 14, line 9: after “par. (b)” insert “and whether he or she has complied  
23 with s. 938.27 (4m)”.

24           **8.** Page 14, line 16: after “shall” insert “make a reasonable”.

- 1           **9.** Page 16, line 10: after “shall” insert “make a reasonable attempt to”.
- 2           **10.** Page 16, line 16: after “shall” insert “make a reasonable attempt to”.
- 3           **11.** Page 19, line 7: after that line insert:
- 4           “**SECTION 39t.** 938.51 (1) (intro.) of the statutes is amended to read:
- 5           938.51 (1) (intro.) At least 15 days prior to the date of release of a juvenile from
- 6           a secured correctional facility or a secured child caring institution and at least 15
- 7           days prior to the release of a juvenile from the supervision of the department or a
- 8           county department, the department or county department having supervision over
- 9           the juvenile shall make a reasonable attempt to do all of the following:”.
- 10          **12.** Page 20, line 9: after that line insert:
- 11          “**SECTION 42x.** 938.51 (4) (intro.) of the statutes is amended to read:
- 12          938.51 (4) (intro.) If a juvenile escapes in violation of s. 946.42 (3), as soon as
- 13          possible after the department or county department having supervision over the
- 14          juvenile discovers that escape, that department or county department shall make a
- 15          reasonable ~~effort~~ attempt to notify by telephone all of the following persons:”.
- 16          **13.** Page 23, line 11: delete “be notified” and substitute “have the parole
- 17          commission make a reasonable attempt to notify the victim”.
- 18          **14.** Page 23, line 12: delete “be notified” and substitute “have reasonable
- 19          attempts made to notify the victim”.
- 20          **15.** Page 23, line 23: after “applicable,” insert “make a reasonable”.
- 21          **16.** Page 24, line 9: before “attempt” insert “make a reasonable”.
- 22          **17.** Page 24, line 24: delete “notification by district attorneys” and substitute
- 23          “have district attorneys make a reasonable attempt to notify the victim”.

1           **18.** Page 25, line 1: delete “notification by the department of corrections” and  
2 substitute “have the department of corrections make a reasonable attempt to notify  
3 the victim”.

4           **19.** Page 25, line 8: delete “reasonable notification by the department of  
5 corrections” and substitute “have the department of corrections make a reasonable  
6 attempt to notify the victim”.

7           **20.** Page 25, line 10: delete “notification by the department of health and  
8 family services” and substitute “have the department of health and family services  
9 make a reasonable attempt to notify the victim”.

10           **21.** Page 25, line 13: delete “notification by the department of health and  
11 family services” and substitute “have the department of health and family services  
12 make a reasonable attempt to notify the victim”.

13           **22.** Page 25, line 16: delete “notification” and substitute “have reasonable  
14 attempts made to notify the victim”.

15           **23.** Page 25, line 18: delete “notification by the governor” and substitute “have  
16 the governor make a reasonable attempt to notify the victim”.

17           **24.** Page 25, line 19: after “(2)” insert “and (3)”.

18           **25.** Page 29, line 24: after “shall” insert “make a reasonable attempt to”.

19           **26.** Page 31, line 5: after “shall” insert “make a reasonable attempt to”.

20           **27.** Page 35, line 3: after “shall” insert “make a reasonable attempt to”.

21           **28.** Page 35, line 10: after “shall” insert “make a reasonable attempt to”.

22           **29.** Page 35, line 14: after “shall” insert “make a reasonable attempt to”.

23           **30.** Page 35, line 16: after “shall” insert “make a reasonable attempt to”.

1           **31.** Page 35, line 19: after that line insert:

2           “**SECTION 89L.** 971.17 (4m) (b) of the statutes, as affected by 1995 Wisconsin  
3 Act 440, is amended to read:

4           971.17 (**4m**) (b) If the court conditionally releases a defendant under this  
5 section, the district attorney shall ~~notify~~ do all of the following in accordance with  
6 par. (c):

7           1. The Make a reasonable attempt to notify the victim of the crime committed  
8 by the defendant or, if the victim died as a result of the crime, an adult member of  
9 the victim’s family or, if the victim is younger than 18 years old, the victim’s parent  
10 or legal guardian.

11           2. The Notify the department of corrections.

12           **SECTION 89m.** 971.17 (6m) (b) of the statutes, as affected by 1995 Wisconsin Act  
13 440, is amended to read:

14           971.17 (**6m**) (b) If the court orders that the defendant’s commitment is  
15 terminated under sub. (5) or that the defendant be discharged under sub. (6), the  
16 department of health and family services shall ~~notify~~ do all of the following in  
17 accordance with par. (c):

18           1. If the person has submitted a card under par. (d) requesting notification,  
19 make a reasonable attempt to notify the victim of the crime committed by the  
20 defendant, or, if the victim died as a result of the crime, an adult member of the  
21 victim’s family or, if the victim is younger than 18 years old, the victim’s parent or  
22 legal guardian.

23           2. The Notify the department of corrections.”.

24           **32.** Page 36, line 21: after “shall” insert “make a reasonable”.

