



## 1997 ASSEMBLY BILL 880

March 5, 1998 - Introduced by Representatives SYKORA, HAHN, SPILLNER, SCHAFER, PORTER, AINSWORTH, MUSSER and GREEN, cosponsored by Senators ZIEN and HUELSMAN. Referred to Committee on Judiciary.

1     **AN ACT to amend** 20.410 (1) (gf) and 950.045; and **to create** 301.375 of the  
2             statutes; **relating to:** notification of victims of a probationer's or parolee's  
3             change in address and making an appropriation.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, the department of corrections (DOC) must under some circumstances notify victims of crimes (or, in certain cases, family members of victims) who have requested such notification about changes in the status of the prisoner who committed the crime. For instance, DOC must notify a victim of a crime when the prisoner who committed the crime has applied for parole or has escaped from prison. In addition, DOC must notify a victim of certain serious crimes (including homicides and serious sex crimes) if the prisoner who committed the crime is being placed in the community residential confinement program or the intensive sanctions program or if the prisoner is being released from prison on parole or because his or her sentence is expiring.

DOC must also provide notice to a victim who has requested such notification that a person required to register as a sex offender has in fact registered. If the person required to register as a sex offender changes any information in the sex offender registry (such as his or her address or place of employment), DOC must then notify the victim of the new information.

This bill requires DOC to notify the victim of a crime that the probationer or parolee who committed the crime has changed his or her address, except that DOC must notify the victim's parent or legal guardian if the victim was under the age of

**ASSEMBLY BILL 880**

18 or an adult member of the victim's family if the victim died as a result of the crime. The notification provided by DOC must be in writing and must contain both the new and old address of the applicable probationer or parolee. A victim or, if applicable, a victim's parent, legal guardian or family member must inform DOC that he or she wants to receive notification under the bill by completing and sending to DOC a card containing the information DOC needs to provide the appropriate notification. The bill also provides that DOC is not required to provide notification of a change of address of a probationer or parolee if the probationer or parolee is required to register as a sex offender and DOC is currently required to provide to the victim notification of changes that the person makes in information in the sex offender registry.

Finally, under current law DOC may charge probationers and parolees a supervision fee to cover the cost of probation and parole supervision. This bill provides that DOC may charge probationers and parolees a fee to cover the cost of providing victims with notification of probationer and parolee address changes.

For further information see the *state* 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.** 20.410 (1) (gf) of the statutes is amended to read:

2           20.410 (1) (gf) *Probation and parole.* The amounts in the schedule for probation  
3 and parole. All moneys received under s. ss. 301.375 (5) and 304.074 (2) shall be  
4 credited to this appropriation account.

5           **SECTION 2.** 301.375 of the statutes is created to read:

6           **301.375 Notification of victims of probationer or parolee change of**  
7 **address. (1)** In this section:

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

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

11           **(2)** (a) Except as provided in par. (b), when a probationer or parolee informs the  
12 department of a change in the address of his or her residence, the department shall

**ASSEMBLY BILL 880**

1 notify whichever of the following persons is appropriate, if they can be found, in  
2 accordance with sub. (3) and after receiving a completed card under sub. (4):

3 1. The victim of the crime committed by the probationer or parolee.

4 2. If the victim died as a result of the crime, an adult member of the victim's  
5 family.

6 3. If the victim is younger than 18 years old, the victim's parent or legal  
7 guardian.

8 (b) The department is not required to provide notice to a victim under par. (a)  
9 if the probationer or parolee is required to register under s. 301.45 and the victim  
10 receives notice of the change in address under s. 301.46 (3) (b).

11 (3) The notification under sub. (2) (a) shall be in writing and shall state the  
12 name of the probationer or parolee and both the old and new address of the  
13 probationer or parolee.

14 (4) The department shall design and prepare cards for any person specified in  
15 sub. (2) (a) 1. to 3. to send to the department. The cards shall have space for any such  
16 person to provide his or her name, telephone number and mailing address, the name  
17 of the applicable probationer or parolee and any other information that the  
18 department determines is necessary. The department shall provide the cards,  
19 without charge, to district attorneys. District attorneys shall provide the cards,  
20 without charge, to persons specified in sub. (2) (a) 1. to 3. These persons may send  
21 completed cards to the department. All department records or portions of records  
22 that relate to telephone numbers and mailing addresses of these persons are not  
23 subject to inspection or copying under s. 19.35 (1).

24 (5) The department may charge a fee to probationers and parolees to partially  
25 reimburse the department for the costs of providing notification to victims under this

**ASSEMBLY BILL 880****SECTION 2**

1 section. The department shall collect moneys for the fees charged under this  
2 subsection and credit those moneys to the appropriation account under s. 20.410 (1)  
3 (gf).

4 (6) The department may promulgate rules necessary to administer this  
5 section.

6 **SECTION 3.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 440, is  
7 amended to read:

8 **950.045 Victims; application for parole or pardon; releases; escapes;**  
9 **corrections programs.** Victims of crimes have the right to provide written  
10 statements concerning parole applications under s. 304.06 (1) (e), to have direct input  
11 in the parole decision-making process under s. 304.06 (1) (em) and to provide written  
12 statements concerning pardon applications under s. 304.10 (2). Victims of crimes  
13 have the right to be notified by district attorneys under s. 971.17 (4m) regarding  
14 conditional releases under s. 971.17. Victims of crimes have the right to be notified  
15 by the department of health and family services under s. 971.17 (6m) regarding  
16 terminations or discharges under s. 971.17. Victims of crimes have the right to be  
17 notified by the department of corrections under s. 301.046 (4) regarding community  
18 residential confinements, under s. 301.048 (4m) regarding participation in the  
19 intensive sanctions program, under s. 301.375 regarding probationer and parolee  
20 address changes, under s. 301.38 regarding escapes from a Type 1 prison, under s.  
21 302.115 regarding the expiration of sentences and under s. 304.063 regarding parole  
22 releases. Victims of acts of sexual violence have the right to be notified by the  
23 department of health and family services under s. 980.11 regarding supervised  
24 releases under s. 980.06 and discharges under s. 980.09 or 980.10. Victims have the

**ASSEMBLY BILL 880**

1 right to be notified of the registration of a person and the update of information  
2 regarding that person under s. 301.46.

3 (END)