

1999 ASSEMBLY BILL 866

March 8, 2000 – Introduced by Representatives GUNDRUM, STASKUNAS, MUSSER, PLALE, STONE, SYKORA, HUEBSCH, SPILLNER, SERATTI and BRANDEMUEHL, cosponsored by Senators ROESSLER, FARROW and HUELSMAN. Referred to Committee on Corrections and the Courts.

1 **AN ACT to create** 950.08 (2g) (dm), 950.08 (2r) (bm) and 969.03 (2r) of the
2 **statutes; relating to:** victim statements concerning conditions of release for a
3 person charged with a felony.

Analysis by the Legislative Reference Bureau

Current law provides various rights to victims of crime. The rights that a crime victim has under current law include the right to attend proceedings in a court case involving a crime of which he or she is a victim and the right to provide statements to the court concerning sentencing or disposition of the person convicted of the crime. Current law also provides that, at the request of a victim, a victim has a right to have a district attorney make a reasonable attempt to provide the victim with notice of scheduled court proceedings in a case involving a crime of which he or she is a victim. However, a victim does not have this right to notice of a proceeding to set bail or other conditions of release of a person if that proceeding occurs before the person's initial appearance in court, at which time the person is informed of and enters a plea to the criminal charges filed against him or her.

This bill provides that a judge who is setting conditions of release for a person charged with the felony offense may, in its discretion, allow a victim of the felony offense to provide the judge with an oral or written statement concerning conditions of release. Under the bill, the statement must relate to conditions of release designed to protect members of the community from serious bodily harm or prevent intimidation of witnesses and to the factors that a judge is required to consider in determining reasonable conditions of release, such as the nature and gravity of the

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alleged offense, whether the alleged offense was violent in nature, the character and reputation of the defendant, and the character and strength of the evidence that has been presented to the judge. The bill does not change current law relating to providing victims with notices of court proceedings. Thus, under the bill, as under current law, a victim does not have a right to notice of a proceeding to set conditions of release if that proceeding occurs before the person's initial appearance in court.

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.** 950.08 (2g) (dm) of the statutes is created to read:

2 950.08 **(2g)** (dm) The opportunity, subject to the discretion of the judge, to
3 provide a statement concerning conditions of release in a felony case, as provided
4 under s. 969.03 (2r) (b).

5 **SECTION 2.** 950.08 (2r) (bm) of the statutes is created to read:

6 950.08 **(2r)** (bm) The opportunity, subject to the discretion of the judge, to
7 provide a statement concerning conditions of release in a felony case, as provided
8 under s. 969.03 (2r) (b).

9 **SECTION 3.** 969.03 (2r) of the statutes is created to read:

10 969.03 **(2r)** (a) In this subsection, "victim" has the meaning given in s. 950.02
11 (4).

12 (b) When determining what conditions of release, other than monetary
13 conditions, to impose on a defendant who is charged with a felony, a judge may allow
14 a victim of the felony with which the defendant is charged to make a statement in
15 court or to submit a written statement to be read in court. Any statement made or
16 submitted by a victim under this paragraph must be relevant to the purposes for
17 which conditions of release, other than monetary conditions, may be imposed and to

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1 the considerations to be used in setting conditions of release, as provided under s.
2 969.01 (4).

3 (c) Paragraph (b) does not affect the right of a victim to have a reasonable
4 attempt made to provide the victim with notice of a hearing or proceeding to set
5 conditions of release under this chapter, as provided under s. 971.095 (3).

6 **SECTION 4. Initial applicability.**

7 (1) This act first applies to proceedings to set conditions of release under
8 chapter 969 of the statutes that occur on the effective date of this subsection.

9 (END)