

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: **06/22/2001**

Received By: **rryan**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus 7-4887**

By/Representing: **Hughes**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters: **mlief
nelsorp1**

Subject: **Criminal Law - domestic abuse
Criminal Law - law enforcement
Criminal Law - sentencing
Higher Education - UW System
Justice - civil**

Extra Copies: **MGD, MJL, RPN**

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Hughes - AM22,

Topic:

Domestic abuse and sexual assault; training, civil actions, and criminal sentencing

Instructions:

See Attached

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rryan 06/25/2001	hhagen 06/25/2001	pgrccnsl 06/25/2001	_____	lrb_docadmin 06/26/2001		
/2	rryan 06/27/2001	wjackson 06/27/2001	rschluct 06/27/2001	_____	lrb_docadmin 06/27/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 7-4887

By/Representing: Hughes

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters: mlief
nelsorp1

Subject: Criminal Law - domestic abuse
Criminal Law - law enforcement
Criminal Law - sentencing
Higher Education - UW System
Justice - civil

Extra Copies: MGD, MJL, RPN

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Hughes - AM22,

Topic:

Domestic abuse and sexual assault; training, civil actions, and criminal sentencing

Instructions:

See Attached

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

ETD *can't*
h *can't*
not

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/1	rryan 06/25/2001	hhagen 06/25/2001	pgreensl 06/25/2001	_____	lrb_docadmin 06/26/2001		
----	---------------------	----------------------	------------------------	-------	----------------------------	--	--

FE Sent For: 12 WLJ 6/27

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 7-4887

By/Representing: Hughes

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters: mlief
nelsorp1

Subject: Criminal Law - domestic abuse
Criminal Law - law enforcement
Criminal Law - sentencing
Higher Education - UW System
Justice - civil

Extra Copies: MGD, ~~MHL~~, ~~RPN~~

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Hughes - AM22,

Topic:

Domestic abuse and sexual assault; training, civil actions, and criminal sentencing

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			6/25 ps	6/25 attorneys			

Handwritten notes: 6/25 ps, 6/25 attorneys

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

1?	rryan	1/1 hmk 6/25/01		_____			
----	-------	--------------------	--	-------	--	--	--

FE Sent For:

<END>

Memorandum

H

To: Fred Ammerman – Fiscal Bureau
Catherine Hanaman – Reference Bureau
CC: Heather Smith – Assembly Republican Caucus
From: Paul Tessmer – Assembly Republican Caucus
Date: 06/21/01
Re: ARC Amendments – Passed 6-20-01

Please find enclosed copies of the budget amendments passed by the Assembly Republicans in Caucus on Tuesday, June 20, 2001. The amendments are provided in the following four areas:

- The Health Care Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Carolyn Hughes (ARC) at 7-4887.
- The Agriculture Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Mark Jefferson (ARC) at 7-0900.
- The Higher Education Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Jim Emerson (ARC) at 7-0904.
- Other Freestanding Amendments. Contact the ARC analyst listed on the amendment at 6-1452.

NOTE: The Working Group Package document takes precedence over its associated freestanding amendments. Please call the contact person listed above (or the ARC analyst listed on the amendment) for supporting documentation.

Hard copies of the Working Group Packages are also being sent to your office. The hard copies may contain supporting documentation not included in the Word document.

I am also available to help answer questions at 4-8587.



MGD/ RPN,
MSL
?

15. Fighting Domestic Abuse Provisions:

a) Officer Training

This proposal would have the state work with law enforcement to find ways to increase training available to officers in dealing with the emotional and psychological impacts of domestic abuse on victims.

b) Allow Civil Charges in Domestic and Sexual Abuse Cases

This proposal would change Wisconsin statutes to allow domestic and sexual abuse victims to bring civil charges against their assailants.

Currently the statutes only allow civil actions for victims of certain property-related crimes, gang-related crimes, assault, and intentional infliction of emotional distress.

Common law allows domestic and sexual abuse victims to sue in civil court but lack of statutory authority to do so means judges cannot separate attorney fees from the civil award. As a result, attorney fees must come out of the award itself, which makes attorneys less willing to take on these cases unless the potential jury award is very high.

c) Mandatory Restitution

This proposal would require that individuals convicted of domestic abuse make restitution to their victims as a condition of their sentence.

Currently, only 7% of all sentences for domestic abuse include restitution.

d) Medical and Nursing School Training

This proposal would require the state to work with our schools of nursing and our medical schools to ensure a greater emphasis on domestic abuse education.

One key to stopping domestic abuse is the ability of health care professionals to recognize the signs of abuse on their patients and intervene. Unfortunately, our state medical and nursing schools require very little domestic abuse education and training.

e) Notify Students and Parents About Sex Offenders on Campus

This proposal would require the UW to notify parents and students about convicted sex offenders who are students or employees of the university.

16. Sexual Assault of a Child – Civil Action - Technical Correction:

Modify Joint Finance language relating to SS 893.587 to read - An action *against the perpetrator* to recover damages.

2001

Date (time) needed _____

LRB b 154/1/1
RLR, RPN, MJL : hmk: _____

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

ARC:.....Carolyn Hughes – AM22, Domestic abuse and sexual assault;
training, civil actions, and criminal sentencing

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

D-Note

Inserts MJL 1, 2 & 3

Substitute amendment

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

2 1. Page 960, line 10: after that line insert:

3 "SECTION 2858p. 165.85 (4) (b) 1. of the statutes is amended to read:

4 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law

5 enforcement officer, except on a temporary or probationary basis, unless the person

6 has satisfactorily completed a preparatory program of law enforcement training

7 approved by the board and has been certified by the board as being qualified to be

8 a law enforcement or tribal law enforcement officer. The program shall include 400

9 hours of training, except the program for law enforcement officers who serve as

10 rangers for the department of natural resources includes 240 hours of training. The

1 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
2 400-hour conventional program and a 240-hour ranger program. The rule shall
3 ensure that there is an adequate amount of training for each program to enable the
4 person to deal effectively with domestic abuse incidents, including training that
5 addresses the emotional and psychological effect that domestic abuse has on victims.

6 The training under this subdivision shall include training on emergency detention
7 standards and procedures under s. 51.15, emergency protective placement
8 standards and procedures under s. 55.06 (11), and information on mental health and
9 developmental disabilities agencies and other resources that may be available to
10 assist the officer in interpreting the emergency detention and emergency protective
11 placement standards, making emergency detentions and emergency protective
12 placements, and locating appropriate facilities for the emergency detentions and
13 emergency protective placements of persons. The training under this subdivision
14 shall include training on police pursuit standards, guidelines, and driving techniques
15 established under par. (cm) 2. b. The period of temporary or probationary
16 employment established at the time of initial employment shall not be extended by
17 more than one year for an officer lacking the training qualifications required by the
18 board. The total period during which a person may serve as a law enforcement and
19 tribal law enforcement officer on a temporary or probationary basis without
20 completing a preparatory program of law enforcement training approved by the
21 board shall not exceed 2 years, except that the board shall permit part-time law
22 enforcement and tribal law enforcement officers to serve on a temporary or
23 probationary basis without completing a program of law enforcement training
24 approved by the board to a period not exceeding 3 years. For purposes of this section,
25 a part-time law enforcement or tribal law enforcement officer is a law enforcement

1 or tribal law enforcement officer who routinely works not more than one-half the
2 normal annual work hours of a full-time employee of the employing agency or unit
3 of government. Law enforcement training programs including municipal, county,
4 and state programs meeting standards of the board are acceptable as meeting these
5 training requirements.”

6 History: 1973 c. 90, 333; 1975 c. 94 s. 91 (11); 1977 c. 29, 418; 1979 c. 111; 1981 c. 20; 1983 a. 27; 1985 a. 29, 260; 1987 a. 237, 366, 394; 1989 a. 31, 291; 1991 a. 39; 1993 a. 16, 167, 213, 399, 407, 460, 482, 491; 1995 a. 201, 225, 349; 1997 a. 27, 88, 191; 1999 a. 9.

(END)

INSERT RPN

Insert# Page 515, line 23: after that line insert:

"SECTION 1351^{12a} CE; 36.11(48m)

② DOMESTIC ABUSE TRAINING.

36.11(48m) The board shall ensure that ~~that~~ training for medical ~~that~~ students and nursing students in dealing with the ^{emotional and psychological} ~~psychological~~ impact of ^{domestic} abuse on victims is increased."

Page 520, line 9: after that line insert:

"SECTION 13.70 ~~CR~~; 38.12(14)

DOMESTIC ABUSE - (CS)

38.12 (14) ³ The ~~board~~ ^{district} shall ensure that training for nursing students in dealing with the emotional and ^{psychological,} ~~psychological~~ impact of ^{domestic} ~~domestic~~ ^{abuse.} ~~abuse~~ on victims is increased."

Item #. Page 522, line 24; after that line insert:

"SECTION 13797. CR; 39.17

(B) 39.17. The medical college of Wisconsin, inc., shall

increase training of medical students in

dealing with the emotional and psychological

impact of domestic abuse on victims." ,

(B)

Medical College of Wisconsin; domestic
abuse training

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1541/?insrn
RPN.....

INSERT RPN

1 1. Page 1218, line 4: after "948.095" insert "against the person who committed
2 the act".

3 2. Page 1219, line 4: after that line insert:

4 "SECTION 3871m. 895.81 of the statutes is created to read:

5 **895.81 Civil action for domestic abuse or sexual assault.** (1) Any person
6 who suffers damages as the result of intentional conduct that is prohibited under s.
7 940.225, or as the result of domestic abuse, as defined in s. 813.12 (1) (a), has a cause
8 of action against the person who caused the damage.

9 (2) The burden of proof in a civil action under sub. (1) is with the person who
10 suffers damage or loss to prove his or her case by a preponderance of the credible
11 evidence.

12 (3) If the plaintiff prevails in a civil action under sub. (1), he or she may recover
13 all of the following:

14 (a) Treble damages.

15 (b) All costs of investigation and litigation that were reasonably incurred.

16 (4) A person may bring a civil action under sub. (1) regardless of whether there
17 has been a criminal action related to the loss or damage under sub. (1) and regardless
18 of the outcome of any such criminal action."

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1541/1dn
RLR, RPN & MJL.....

Carolyn Hughes:

This amendment contains item numbers 15a, 15b, 15c, and 15d as well as number 16 under the Assembly Republican Caucus health care package (Amendment number 22).

As I said in our phone conversation on Friday, June 22, 2001, current law already requires that judges order restitution as part of sentencing for a crime unless the court finds substantial reason not to order restitution and states the reasons on the record (s. 939.20 (1r), stats.). Therefore, I have not included any language regarding item 15c in this amendment. Please let me know if you have any further detail on this portion of the amendment request.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1541/1dn
RLR/RPN/MJL:hmh:pg

June 25, 2001

Carolyn Hughes:

This amendment contains item numbers 15a, 15b, 15c, and 15d as well as number 16 under the Assembly Republican Caucus health care package (Amendment number 22).

As I said in our phone conversation on Friday, June 22, 2001, current law already requires that judges order restitution as part of sentencing for a crime unless the court finds substantial reason not to order restitution and states the reasons on the record (s. 939.20 (1r), stats.). Therefore, I have not included any language regarding item 15c in this amendment. Please let me know if you have any further detail on this portion of the amendment request.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

6/27/01
RJ,

1541/1

Scott Jensen's office

1-9482

Restitution provision
higher std. for court
to not order restitution

if person convicted of a crime^{domestic abuse}
as defined in
968.075(1)(a) or 813.12(1)(a)

add to
973.20
(1)

-ct. to order restitution
unless ct. finds would
constitute undue hardship
on the offender or the victim

my concern: might be inviting ct.
to give more consideration to
hardship on offender and hence
lower the standard

-need to make std. for not
ordering restitution in
domestic abuse cases clearly higher

RJ: prefers the undue hardship
language

Ryan, Robin

From: Ryan, Robin

Sent: June 27, 2001 12:43 PM

To: Pirlot, R.J.; Dyke, Don

Subject: Restitution in domestic abuse cases (LRB b1541/1)

Here is my preliminary thought on this redraft. If I add a second adjective to the standard for not ordering restitution in domestic abuse cases, it will be clear that the standard for not ordering restitution in domestic abuse cases is higher than in other cases. How about requiring that the court's reason be both "substantial and compelling."

973.20 (1r) When imposing sentence or ordering probation for any crime other than a domestic abuse crime, as defined under s. 968.075 (1) (a) or 813. (12) ~~1~~ 1(a), for which the defendant was convicted, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her estate, unless the court finds substantial reason not to do so and states the reason on the record. When imposing sentence or ordering probation for a domestic abuse crime, as defined under s. 968.075 (1) (a) or 813. (12) ~~1~~ 1(a), for which the defendant was convicted, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her estate, unless the court finds a substantial and compelling reason not to do so and states the reason on the record. Restitution ordered under this section is a condition of probation, extended supervision or parole served by the defendant for a crime for which the defendant was convicted. After the termination of probation, extended supervision or parole, or if the defendant is not placed on probation, extended supervision or parole, restitution ordered under this section is enforceable in the same manner as a judgment in a civil action by the victim named in the order to receive restitution or enforced under ch. 785.

06/27/2001

Ryan, Robin

From: Pirlot, R.J.
Sent: June 27, 2001 3:06 PM
To: Ryan, Robin
Subject: FW: 973.20 (1r) from Don Dyke

Importance: High

Here it is.

R.J. Pirlot

Policy Director and Legal Counsel
Office of Assembly Speaker Scott R. Jensen

Direct: 608-261-9482

Fax: 608-266-5123

-----Original Message-----

From: Veum, Rachel
Sent: Wednesday, June 27, 2001 1:45 PM
To: Pirlot, R.J.
Cc: Dyke, Don
Subject: 973.20 (1r) from Don Dyke
Importance: High



Jensen dd

Rachel A. Veum, Support Staff

Wisconsin Legislative Council Staff
One East Main Street, Suite 401
Madison, WI 53703
(608) 266-1947
rachel.veum@legis.state.wi.us

1 973.20 (1r) When imposing sentence or ordering probation for any crime, other than
2 a crime involving conduct that constitutes domestic abuse under s. 813.12 (1) (a) or 968.075
3 (1) (a), for which the defendant was convicted, the court, in addition to any other penalty
4 authorized by law, shall order the defendant to make full or partial restitution under this section
5 to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her
6 estate, unless the court finds substantial reason not to do so and states the reason on the record.
7 When imposing sentence or ordering probation for a crime involving conduct that constitutes
8 domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a) for which the defendant was
9 convicted or that was considered at sentencing, the court, in addition to any other penalty
10 authorized by law, shall order the defendant to make full or partial restitution under this section
11 to any victim of that crime or, if the victim is deceased, to his or her estate, unless the court
12 finds that imposing full or partial restitution will create an undue hardship on the defendant
13 or victim and describes the undue hardship on the record. Restitution ordered under this
14 section is a condition of probation, extended supervision or parole served by the defendant for
15 a crime for which the defendant was convicted. After the termination of probation, extended
16 supervision or parole, or if the defendant is not placed on probation, extended supervision or
17 parole, restitution ordered under this section is enforceable in the same manner as a judgment
18 in a civil action by the victim named in the order to receive restitution or enforced under ch.
19 785.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1541/1 2
RLR/RPN/MJL:hmh:pg

PMR

ARC:.....Hughes – AM22, Domestic abuse and sexual assault; training, civil actions, and criminal sentencing

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 515, line 23: after that line insert:

3 “SECTION 1351za. 36.11 (48m) of the statutes is created to read:

4 36.11 (48m) DOMESTIC ABUSE TRAINING. The board shall ensure that training
5 for medical students and nursing students in dealing with the emotional and
6 psychological impact of domestic abuse on victims is increased.”

7 **2.** Page 520, line 9: after that line insert:

8 “SECTION 1370m. 38.12 (14) of the statutes is created to read:

1 38.12 (14) DOMESTIC ABUSE. The district board shall ensure that training for
2 nursing students in dealing with the emotional and psychological impact of domestic
3 abuse on victims is increased.”.

4 **3.** Page 522, line 24: after that line insert:

5 “SECTION 1379t. 39.17 of the statutes is created to read:

6 **39.17 Medical College of Wisconsin; domestic abuse training.** The
7 Medical College of Wisconsin, Inc., shall increase training of medical students in
8 dealing with the emotional and psychological impact of domestic abuse on victims.”.

9 **4.** Page 960, line 10: after that line insert:

10 “SECTION 2858p. 165.85 (4) (b) 1. of the statutes is amended to read:

11 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
12 enforcement officer, except on a temporary or probationary basis, unless the person
13 has satisfactorily completed a preparatory program of law enforcement training
14 approved by the board and has been certified by the board as being qualified to be
15 a law enforcement or tribal law enforcement officer. The program shall include 400
16 hours of training, except the program for law enforcement officers who serve as
17 rangers for the department of natural resources includes 240 hours of training. The
18 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
19 400-hour conventional program and a 240-hour ranger program. The rule shall
20 ensure that there is an adequate amount of training for each program to enable the
21 person to deal effectively with domestic abuse incidents, including training that
22 addresses the emotional and psychological effect that domestic abuse has on victims.
23 The training under this subdivision shall include training on emergency detention
24 standards and procedures under s. 51.15, emergency protective placement

1 standards and procedures under s. 55.06 (11), and information on mental health and
2 developmental disabilities agencies and other resources that may be available to
3 assist the officer in interpreting the emergency detention and emergency protective
4 placement standards, making emergency detentions and emergency protective
5 placements, and locating appropriate facilities for the emergency detentions and
6 emergency protective placements of persons. The training under this subdivision
7 shall include training on police pursuit standards, guidelines, and driving
8 techniques established under par. (cm) 2. b. The period of temporary or probationary
9 employment established at the time of initial employment shall not be extended by
10 more than one year for an officer lacking the training qualifications required by the
11 board. The total period during which a person may serve as a law enforcement and
12 tribal law enforcement officer on a temporary or probationary basis without
13 completing a preparatory program of law enforcement training approved by the
14 board shall not exceed 2 years, except that the board shall permit part-time law
15 enforcement and tribal law enforcement officers to serve on a temporary or
16 probationary basis without completing a program of law enforcement training
17 approved by the board to a period not exceeding 3 years. For purposes of this section,
18 a part-time law enforcement or tribal law enforcement officer is a law enforcement
19 or tribal law enforcement officer who routinely works not more than one-half the
20 normal annual work hours of a full-time employee of the employing agency or unit
21 of government. Law enforcement training programs including municipal, county,
22 and state programs meeting standards of the board are acceptable as meeting these
23 training requirements.”

1 **5.** Page 1218, line 4: after “948.095” insert “against the person who committed
2 the act”.

3 **6.** Page 1219, line 4: after that line insert:

4 “**SECTION 3871m.** 895.81 of the statutes is created to read:

5 **895.81 Civil action for domestic abuse or sexual assault.** (1) Any person
6 who suffers damages as the result of intentional conduct that is prohibited under s.
7 940.225, or as the result of domestic abuse, as defined in s. 813.12 (1) (a), has a cause
8 of action against the person who caused the damage.

9 (2) The burden of proof in a civil action under sub. (1) is with the person who
10 suffers damage or loss to prove his or her case by a preponderance of the credible
11 evidence.

12 (3) If the plaintiff prevails in a civil action under sub. (1), he or she may recover
13 all of the following:

14 (a) Treble damages.

15 (b) All costs of investigation and litigation that were reasonably incurred.

16 (4) A person may bring a civil action under sub. (1) regardless of whether there
17 has been a criminal action related to the loss or damage under sub. (1) and regardless
18 of the outcome of any such criminal action.”.

Insert 4-18 →

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1541/2ins

RLR: /.....

WJ

1 **Insert 4-18:**

2 * ~~1~~. Page 1271, line 6: after that line insert:

3 "SECTION 4028g. 973.20 (1r) of the statutes is amended to read:

4 973.20 (1r) When imposing sentence or ordering probation for any crime, ~~other~~^{g g}
5 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)

6 (a) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition
7 to any other penalty authorized by law, shall order the defendant to make full or

8 partial restitution under ^Mthis section to any victim of a crime considered at
9 sentencing or, if the victim is deceased, to his or her estate, unless the court finds

10 substantial reason not to do so and states the reason on the record. When imposing
11 sentence or ordering probation for a crime involving conduct that constitutes

12 domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a) for which the defendant was
13 convicted or that was considered at sentencing, the court, in addition to any other

14 penalty authorized by law, shall order the defendant to make full or partial
15 restitution under this section to any victim of a crime or, if the victim is deceased, to

16 his or her estate, unless the court finds that imposing full or partial restitution will
17 create an undue hardship on the defendant or victim and describes the undue

18 hardship on the record. Restitution ordered under this section is a condition of
19 probation, extended supervision or parole served by the defendant for a crime for

20 which the defendant was convicted. After the termination of probation, extended
21 supervision or parole, or if the defendant is not placed on probation, extended

22 supervision or parole, restitution ordered under this section is enforceable in the

1 same manner as a judgment in a civil action by the victim named in the order to
2 receive restitution or enforced under ch. 785.”.

History: 1987 a. 398 ss. 39 to 41, 43; 1989 a. 31, 188; 1991 a. 39, 269; 1993 a. 213; 1995 a. 141, 161; 1997 a. 283.

Ryan, Robin

From: Ryan, Robin

Sent: June 26, 2001 9:34 AM

To: Hughes, Carolyn

Subject: Statutory citation in drafter's note to LRB b1541/1

Please note that I provided an incorrect reference in my drafter's note to the statutory section that governs restitution in criminal cases. The reference should be 973.20 (1r), stats., not 939.20 (1r), stats. I apologize for any inconvenience this may have caused.

06/26/2001



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1541/2
RLR/RPN/MJL:hmh:cmh

ARC:.....Hughes – AM22, Domestic abuse and sexual assault; training, civil actions, and criminal sentencing

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 515, line 23: after that line insert:

3 **“SECTION 1351za.** 36.11 (48m) of the statutes is created to read:

4 36.11 (48m) DOMESTIC ABUSE TRAINING. The board shall ensure that training
5 for medical students and nursing students in dealing with the emotional and
6 psychological impact of domestic abuse on victims is increased.”.

7 **2.** Page 520, line 9: after that line insert:

8 **“SECTION 1370m.** 38.12 (14) of the statutes is created to read:

1 38.12 (14) DOMESTIC ABUSE. The district board shall ensure that training for
2 nursing students in dealing with the emotional and psychological impact of domestic
3 abuse on victims is increased.”.

4 **3.** Page 522, line 24: after that line insert:

5 “**SECTION 1379t.** 39.17 of the statutes is created to read:

6 **39.17 Medical College of Wisconsin; domestic abuse training.** The
7 Medical College of Wisconsin, Inc., shall increase training of medical students in
8 dealing with the emotional and psychological impact of domestic abuse on victims.”.

9 **4.** Page 960, line 10: after that line insert:

10 “**SECTION 2858p.** 165.85 (4) (b) 1. of the statutes is amended to read:

11 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
12 enforcement officer, except on a temporary or probationary basis, unless the person
13 has satisfactorily completed a preparatory program of law enforcement training
14 approved by the board and has been certified by the board as being qualified to be
15 a law enforcement or tribal law enforcement officer. The program shall include 400
16 hours of training, except the program for law enforcement officers who serve as
17 rangers for the department of natural resources includes 240 hours of training. The
18 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
19 400-hour conventional program and a 240-hour ranger program. The rule shall
20 ensure that there is an adequate amount of training for each program to enable the
21 person to deal effectively with domestic abuse incidents, including training that
22 addresses the emotional and psychological effect that domestic abuse has on victims.
23 The training under this subdivision shall include training on emergency detention
24 standards and procedures under s. 51.15, emergency protective placement

1 standards and procedures under s. 55.06 (11), and information on mental health and
2 developmental disabilities agencies and other resources that may be available to
3 assist the officer in interpreting the emergency detention and emergency protective
4 placement standards, making emergency detentions and emergency protective
5 placements, and locating appropriate facilities for the emergency detentions and
6 emergency protective placements of persons. The training under this subdivision
7 shall include training on police pursuit standards, guidelines, and driving
8 techniques established under par. (cm) 2. b. The period of temporary or probationary
9 employment established at the time of initial employment shall not be extended by
10 more than one year for an officer lacking the training qualifications required by the
11 board. The total period during which a person may serve as a law enforcement and
12 tribal law enforcement officer on a temporary or probationary basis without
13 completing a preparatory program of law enforcement training approved by the
14 board shall not exceed 2 years, except that the board shall permit part-time law
15 enforcement and tribal law enforcement officers to serve on a temporary or
16 probationary basis without completing a program of law enforcement training
17 approved by the board to a period not exceeding 3 years. For purposes of this section,
18 a part-time law enforcement or tribal law enforcement officer is a law enforcement
19 or tribal law enforcement officer who routinely works not more than one-half the
20 normal annual work hours of a full-time employee of the employing agency or unit
21 of government. Law enforcement training programs including municipal, county,
22 and state programs meeting standards of the board are acceptable as meeting these
23 training requirements.”

1 **5.** Page 1218, line 4: after “948.095” insert “against the person who committed
2 the act”.

3 **6.** Page 1219, line 4: after that line insert:

4 “**SECTION 3871m.** 895.81 of the statutes is created to read:

5 **895.81 Civil action for domestic abuse or sexual assault.** (1) Any person
6 who suffers damages as the result of intentional conduct that is prohibited under s.
7 940.225, or as the result of domestic abuse, as defined in s. 813.12 (1) (a), has a cause
8 of action against the person who caused the damage.

9 (2) The burden of proof in a civil action under sub. (1) is with the person who
10 suffers damage or loss to prove his or her case by a preponderance of the credible
11 evidence.

12 (3) If the plaintiff prevails in a civil action under sub. (1), he or she may recover
13 all of the following:

14 (a) Treble damages.

15 (b) All costs of investigation and litigation that were reasonably incurred.

16 (4) A person may bring a civil action under sub. (1) regardless of whether there
17 has been a criminal action related to the loss or damage under sub. (1) and regardless
18 of the outcome of any such criminal action.”.

19 **7.** Page 1271, line 6: after that line insert:

20 “**SECTION 4028g.** 973.20 (1r) of the statutes is amended to read:

21 973.20 (1r) When imposing sentence or ordering probation for any crime, other
22 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)
23 (a) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition
24 to any other penalty authorized by law, shall order the defendant to make full or

1 partial restitution under this section to any victim of a crime considered at
2 sentencing or, if the victim is deceased, to his or her estate, unless the court finds
3 substantial reason not to do so and states the reason on the record. When imposing
4 sentence or ordering probation for a crime involving conduct that constitutes
5 domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a) for which the defendant was
6 convicted or that was considered at sentencing, the court, in addition to any other
7 penalty authorized by law, shall order the defendant to make full or partial
8 restitution under this section to any victim of a crime or, if the victim is deceased, to
9 his or her estate, unless the court finds that imposing full or partial restitution will
10 create an undue hardship on the defendant or victim and describes the undue
11 hardship on the record. Restitution ordered under this section is a condition of
12 probation, extended supervision or parole served by the defendant for a crime for
13 which the defendant was convicted. After the termination of probation, extended
14 supervision or parole, or if the defendant is not placed on probation, extended
15 supervision or parole, restitution ordered under this section is enforceable in the
16 same manner as a judgment in a civil action by the victim named in the order to
17 receive restitution or enforced under ch. 785.”

18 (END)

Basford, Sarah

From: Basford, Sarah

Sent: Thursday, August 02, 2001 10:51 AM

To: Rep.Lippert

Subject: LRB b1541/2034

Mary: There is no drafter's not for b2034. I did find one for b1541. If you have any questions feel free to call back 6-3561.

Sarah Basford

Program Assistant
Legislative Reference Bureau

8/2/2001