

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/09/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Bauer

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

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

Extra Copies: **RPN, MJL**

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Bauer -

Topic:

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

Instructions:

LFB summary: page 162, #32 - Assembly (domestic abuse training for doctors and nurses); p. 324 #5 - Assembly (civil action for domestic abuse assault); p. 325 #7 - Senate (no change in statute of limitations for sexual assault of a child); p. 326 #11 - Assembly (restitution in criminal domestic abuse cases); p. 387, #9 - Assembly (domestic abuse training for law enforcement)

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>
/1	rryan	hhagen	pgreensl	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/17/2001	07/17/2001	07/17/2001	_____	07/17/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST**Senate Amendment (SA-SSA1-SB55)**

Received: 07/09/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Bauer

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters: nelsorp1
mliefSubject: Criminal Law - domestic abuse
Criminal Law - law enforcement
Criminal Law - sentencing
Higher Education - UW System
Justice - civil

Extra Copies: RPN, MJL

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Bauer -

Topic:

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

Instructions:

LFB summary: page 162, #32 - Assembly (domestic abuse training for doctors and nurses); p. 324 #5 - Assembly (civil action for domestic abuse assault); p. 325 #7 - Senate (no change in statute of limitations for sexual assault of a child); p. 326 #11 - Assembly (restitution in criminal domestic abuse cases); p. 387, #9 - Assembly (domestic abuse training for law enforcement)

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

<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	<i>1. hmt 7/17/01</i>	<i>[Signature]</i>	<i>7/17 [Signature]</i>			

FE Sent For:

<END>

2001

Date (time) needed _____

LRB b 2034 1 1

ALL
RPN
MJC : hmb

BUDGET AMENDMENT

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT TO SENATE SUBSTITUTE AMENDMENT 1 TO 2001 SENATE BILL 55

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

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

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)



LFB:.....Bauer – Domestic abuse and sexual assault; training, civil actions,
and criminal sentencing

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE 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.”.

24 **5.** Page 1219, line 4: after that line insert:

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

2 **895.81 Civil action for domestic abuse or sexual assault.** (1) Any person
3 who suffers damages as the result of intentional conduct that is prohibited under s.
4 940.225, or as the result of domestic abuse, as defined in s. 813.12 (1) (a), has a cause
5 of action against the person who caused the damage.

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

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

11 (a) Treble damages.

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

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

16 **6.** Page 1271, line 6: after that line insert:

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

18 973.20 (1r) When imposing sentence or ordering probation for any crime, other
19 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)
20 (a) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition
21 to any other penalty authorized by law, shall order the defendant to make full or
22 partial restitution under this section to any victim of a crime considered at
23 sentencing or, if the victim is deceased, to his or her estate, unless the court finds
24 substantial reason not to do so and states the reason on the record. When imposing

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