

2005 DRAFTING REQUEST

Bill

Received: **06/29/2005**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Amy Sue Vruwink (608) 266-8366**

By/Representing: **herself**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sentencing**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vruwink@legis.state.wi.us**

Carbon copy (CC:) to: **cathlene.hanaman@legis.state.wi.us**
mike.dsida@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Presentence investigation report

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>
/?				_____			Local
/1	rryan 07/14/2005	wjackson 08/11/2005	jfrantze 08/11/2005	_____	lemery 08/11/2005	lnorthro 08/26/2005	

FE Sent For:

<END>

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/?	rryan	/1 WLj 8/11		<i>Self</i> 8/9			

FE Sent For:

<END>

Ryan, Robin

From: Rep.Vruwink
Sent: Wednesday, June 29, 2005 2:12 PM
To: Ryan, Robin
Subject: Bill Draft Request - Crime Victims view PSIs

Good Afternoon, Robin.

I ask that you draft legislation to permit victims of felonies (or their families in the case of homicides) to view the presentence investigations of the convicted person, prior to the sentencing. The victim or the victim's family would only be able to view the PSI, not copy it like is being proposed under AB 143.

Which reminds me, I would like to first try to amend AB 143 to accomplish the above. AND, I would like a separate bill drafted. The victim or victim's family who view the PSI must sign a confidentiality agreement before viewing the PSI, subject to appropriate penalties (contempt of court?)

If you have any questions, please give me a call or talk to John on my staff.

Thank you very much. I appreciate your help with this.

Amy Sue Vruwink
State Representative

266-8366

Ryan, Robin

From: Anderson, John
Sent: Tuesday, July 12, 2005 4:39 PM
To: Ryan, Robin
Subject: RE: bill request for PSI report

By sharing the contents in any way, speaking, copying, writing, etc.

jga

From: Ryan, Robin
Sent: Tuesday, July 12, 2005 4:30 PM
To: Anderson, John
Subject: bill request for PSI report

Hi John,

I have a question on Rep. Vruwink's request for a bill and amendment to allow a victim of a felony to view a presentence investigation report. The instructions are to require the person viewing the report to sign a confidentiality agreement and to include a penalty for violating the agreement. How would a person violate the agreement? by copying portions of the report or just by speaking about the contents?

Thanks,
Robin

Question to John 7/14/05
Under 785.04 (1), want to allow
jail time ~~for~~ under non summary
contempt procedure - i.e.
should 785.04 (1) (6) apply

Answer is no



State of Wisconsin 9/12
2005 - 2006 LEGISLATURE

LRB-3281/9

RLR:.....

NLj

In 7/14/05

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

Gen

1 AN ACT ...; relating to: access to a presentence investigation report.

Analysis by the Legislative Reference Bureau

Currently, a court may order the Department of Corrections (DOC) to conduct a presentence investigation of a person who has been convicted of a felony to aid the court in determining an appropriate sentence. The court must disclose the contents of a presentence investigation report to the district attorney and the defense before sentencing. After sentencing, the report must be kept confidential, except that DOC may use or release the report for the purpose of correctional programming, and the court may authorize release.

This bill provides that the victim of a crime or, if the crime is a homicide, a family member of the victim may view the presentence investigation report before sentencing if the person signs an agreement to keep the contents of the report confidential. If the victim or family member violates the agreement he or she may be penalized for contempt of court.

For further information see the *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:

2 SECTION 1. 785.01 (1) (e) of the statutes is created to read:

3 785.01 (1) (e) Violation of an agreement under under s. 972.15 (2am) to keep

4 the contents of a presentence investigation report confidential.

Basford, Sarah

From: Anderson, John
Sent: Thursday, August 25, 2005 4:03 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3281/1 Topic: Presentence investigation report

It has been requested by <Anderson, John> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3281/1 Topic: Presentence investigation report