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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on Judiciary, Corrections and
Privacy...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (July 2012)

Senate

Record of Committee Proceedings

Committee on Judiciary, Corrections and Privacy

Senate Bill 536

Relating to: eliminate transitional halfway house building authority.

By Senators Lazich, Darling and Plale; cosponsored by Representatives Stone, Gundrum, Nass, Strachota, Suder and Honadel.

January 31, 2006 Referred to Committee on Judiciary, Corrections and Privacy.

February 8, 2006 **PUBLIC HEARING HELD**

Present: (5) Senators Zien, Roessler, Grothman, Taylor and Risser.

Absent: (0) None.

Appearances For

- Mary Lazich — Senator
- Jeff Stone — Representative
- Kristin Kaplan Wolfe, Franklin — Citizens for a Safe Wisconsin
- Sandy Maher-Johnson, Franklin — Citizens for a Safe Wisconsin
- Tamia Priestaf, Franklin — Citizens for a Safe WI
- Ruzica Bartoshevich, Franklin
- Tom Taylor, Franklin — City of Franklin
- Shari Hanneman, Franklin — Citizens for a Safe WI
- Kim Vitrano, Franklin
- Tamara Grobschmidt, Franklin
- Pete Kosovich, Franklin
- William Simon, Franklin

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Michelle Martinez, Franklin — Citizens for a Safe Wisconsin
- Michele Lindsay, Franklin — Citizens of Franklin

- Susan Gumina, Franklin — Citizens for a Safe WI
- Tammy Hansen, Franklin
- Susan Zakszewski, Franklin
- Robert Vitrano, Franklin
- Richard Oliva, Franklin — Franklin Police Department
- Judith Roberts, Franklin
- Tom Bauer, Oak Creek — Chief, Oak Creek Police Department
- Mark Honadel — Representative, 21st Assembly District
- Brittanie Cronin, Franklin — Citizens for a Safe Wisconsin
- Kristin Cronin, Franklin — Citizens for a Safe Wisconsin
- Julie Good, Hales Corners
- Runette Burchardt, Franklin — Citizens for a Safe Wisconsin
- Scott Harry, Franklin — Citizens for a Safe Wisconsin
- Richard Burke, Franklin — Citizens for a Safe WI
- Kristen Pfister, Franklin — Citizens for a Safe WI
- Carole Donovan, Franklin
- Thomas Hanson, Franklin — Citizens for a Safe WI

Registrations Against

- Tom Winstrom, Madison — Wisconsin Coalition for Advocacy

February 14, 2006

EXECUTIVE SESSION HELD

Present: (5) Senators Zien, Roessler, Grothman, Taylor and Risser.
 Absent: (0) None.

Moved by Senator Grothman, seconded by Senator Zien that **Senate Bill 536** be recommended for passage.

Ayes: (3) Senators Zien, Roessler and Grothman.
 Noes: (2) Senators Taylor and Risser.

PASSAGE RECOMMENDED, Ayes 3, Noes 2

Brian Deschane
 Committee Clerk

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 2/14/06

Moved by: groth

Seconded by: Zien

AB _____ SB 536 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

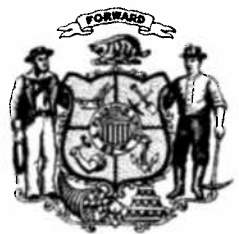
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- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lena Taylor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fred Risser	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>3</u>	<u>2</u>	_____	_____



WISCONSIN STATE LEGISLATURE



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February 3, 2006

Rep. Scott Suder
69th Assembly District
PO Box 8953
Madison, WI 53708

Dear Scott:

I am sorry that I will not be able to be in Madison on February 8th to testify in support of legislation you have proposed to help victims obtain restitution, help prosecutors prosecute child sexual assault and to have prosecutors meet and respond to expert reports of mental disease and defect in criminal cases. For one reason or another I am faced at this time with two first degree intentional homicide prosecutions as well as an attempted homicide with a car bomb and other rather complicated cases so I must ask for your understanding.

I want to offer my unqualified support for passage of the referred to legislation. With respect to the revision of Chapter 969 stats. and the posting of bail, it has always been my position that making victims whole should rise above all other concerns such as the payment of a fine or costs. Over the 28 years that I have been a prosecutor we have had any number of situations where the defendant, who has created medical costs for a victim through violence or damage to someone's property, posts a cash bail simply disappears and never does show up for the next hearing. This is particularly true of illegal aliens. Under the current wording of section 969.13(5) stats. the bail can be forfeited but the victim gets nothing. Making victims whole should be the central focus of the criminal justice system.

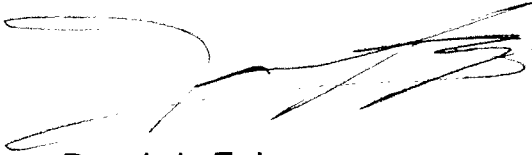
Concerning the revision of section 904.04(2) stats., I believe it would be a valuable tool in the prosecution of sexual assaults upon children in particular. I believe it would codify the "greater latitude" principle for the introduction of other acts evidence now contained in case law with respect to the assault of children.

As to the revisions of section 971.16(4) stats., perhaps the 3 days before trial provision found its way into the statute on the theory that all that would be necessary was for the district attorney to read the defense expert report and prepare cross-examination. The problem with that is that even if a district attorney wants the assistance of its own expert in developing questions only, those experts have a very busy schedule of their own and they are not always available for consultation. If, ultimately 10 days is settled on, this

still presents something of a quandary. In essence, it forces a district attorney to spend taxpayer dollars to get its own expert without knowing what the defense expert is going to say. This is so because an expert has to be lined up, make an examination and file a report. With the schedules of everyone in today's climate that is a virtual impossibility. Any "breathing room" beyond 3 days would not only insure a more orderly process, perhaps save tax dollars, but also would insure a full opportunity for the jury to hear a fully developed range of evidence on the issue of the defendant's mental state.

Thank you for this opportunity to comment on the proposed legislation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Darwin L. Zwieg', with a large, sweeping flourish extending to the left.

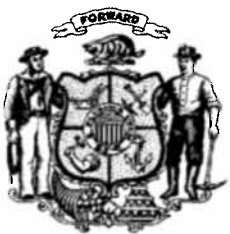
Darwin L. Zwieg
District Attorney

DLZ:ao

(sent by facsimile & mailed)



WISCONSIN STATE LEGISLATURE



no date

This legislation provides that when a sexually violent person is placed on supervised release in a county with a first class city, the sexually violent person shall be returned to the city, town, or village that the person lived at the time the crime was committed. As you know, Milwaukee is the only first class city in Wisconsin. The change I am seeking in this legislation is important because by returning the sexually violent person to the city, town, or village of origin, a single community does not unfairly become a dumping ground for these dangerous persons. Each community assumes responsibility for their own offenders. That is fair, reasonable, and appropriate.

The bills before you today are the direct result of ongoing, significant discussions with Citizens for a Safe Wisconsin. By their tireless effort, the group has performed a tremendous public service for the entire state. They are to be commended for their undying dedication and devotion toward making Wisconsin safer for everyone. Please support the bills they inspired and worked so hard to get introduced, so that we can better protect Wisconsin children and neighborhoods.